

File: Human Rights

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UN Commission on Human Rights

International Human Rights Standards: The UN Charter stipulates that member states have a legal responsibility to promote and protect human rights and fundamental freedoms. As a result, the UN over the years has agreed on a broad range of international standards of human rights and fundamental freedoms. The Universal Declaration of Human Rights, International Covenant on Civil and Political Rights (adopted by the General Assembly in 1966; ratified by the United States), and International Covenant on Economic, Social, and Cultural Rights (adopted by the GA in 1966; not ratified by the United States) are essential components of international human rights law, and make up what is often referred to as the "international bill of rights." Other international covenants, such as the conventions on genocide, torture, racism, women, and right of the child provide additional standards. Common standards of human rights and fundamental freedoms embodied in international law have proven to be important tools for advancing human rights.

International Community's Actions on Human Rights: The UN must work towards increased member state compliance with the agreed human rights principles by empowering UN mechanisms to promote, encourage, and monitor respect for human rights and fundamental freedoms; strengthening existing international human rights laws rather than by negotiating new covenants; and encouraging member states to reaffirm their commitment to uphold basic civil and political rights.

The Vienna Declaration and Program of Action emerged from the 1993 Vienna World Conference on Human Rights. The VDPA reflects U.S. objectives, including reaffirming that international human rights standards are universal; reiterating that the promotion and protection of human rights is a legitimate concern of the international community; emphasizing the importance of nongovernmental organizations (NGOs) in promoting human rights; and stressing that the human rights of women should be an integral part of UN human rights activities. Each year a report is presented to the UNGA outlining progress towards implementing the VDPA.

Key human rights monitoring mechanisms include the Commission on Human Rights Commission (UNHRC), the Office of the High Commissioner for Human Rights, the Center for Human Rights which has been incorporated into the High Commissioner's office, and the various treaty monitoring bodies. The UNHRC, an ECOSOC subsidiary, is the pre-eminent body addressing allegations of human rights violations. UNHRC mechanisms for promoting and protecting human rights include working groups, special rapporteurs, and experts investigating and reporting on allegations of violations. Their focus can be either country-specific (ex., the former Yugoslavia) or thematic (torture).

The High Commissioner for Human Rights has a crucial role in shaping the UN's ability to advance human rights worldwide. The United States spearheaded the effort to generate support for establishing the post of High Commissioner. In 1993 the UNGA established the position and defined its responsibilities. Mary Robinson, formerly President of Ireland, became the second High Commissioner this fall. She has committed herself to advancing international human rights norms through moral persuasion and practical methods which produce clear benefits. The United States will work towards strengthening the High Commissioner's office through more efficient management and increased funding from the UN regular budget, so that it has the necessary staff and funds to be effective. We favor the UN being more fiscally responsive, even in these times of financial restraint.

1998 UNHRC: The 54th session of the UN Commission on Human Rights (UNHRC) took place from March 16 - April 24, 1998. The UNHRC is composed of fifty-three member states, elected by the Economic and Social Council (ECOSOC) for three-year terms (see Tab for list of current members). The UNHRC Chairmanship rotates each year among the regional groups. This year the Africa group held the chair. Vice-Chairs were from the Latin American, Asian, and Western European groups. The Eastern Europe Group served as Rapporteur. Ambassador Nancy Rubin headed the USG delegation.

A crucial U.S. objective was to mobilize support from other nations to act decisively on political killings, torture, imprisonment on political grounds, religious repression, deprivation of democratic rights, the human rights of women. We encourage the UNHRC to adopt a balanced approach which advocates the universal enjoyment of human rights, but also gives attention to serious violations no matter where they occur. U.S. priorities were to highlight human rights violations in Burma, the Congo, Cuba, Iran, Iraq, Nigeria, Rwanda, Sudan, and the former Yugoslavia. We also worked to strengthen support for the UN's system of country-specific and thematic rapporteurs.

This year the USDEL took the lead on resolutions on Cuba, Sudan, and the former Yugoslavia. Also of importance were the country resolutions concerning Afghanistan, Burma (Myanmar), Burundi, Cambodia, the DROC, Iran, Iraq, Nigeria, and Rwanda; and the thematic resolutions on violence against women, the right to development, torture, thematic mechanisms, rights of the child, religious intolerance, executions, terrorism, and racism.

Specific 1998 UNHRC Actions

- **UNHRC Agenda Reform.** UNHRC member states aimed to reduce the number of redundant agenda items and thereby cut the number of speeches and resolutions for each item; biennialize resolutions; and create more omnibus resolutions. This year a resolution passed which restructured the agenda for the 1999 UNHRC.

- East Timor: A Chairman's statement on East Timor resulted, which highlighted the importance member states place on improving the situation in that country.
- Algeria. The Algerian delegation blocked efforts to achieve a resolution or Chairman's statement. Nevertheless, the United States and the EU continue to press for greater access to Algeria for journalists, parliamentary groups, and other NGOs; and for the Special Rapporteur on Summary, Extra-Judicial, and Arbitrary Executions to visit Algeria.
- China. The Commission decided not to pursue a resolution on China this year. The United States chose for policy reasons not to pursue a China resolution at the Commission, and no other country chose to sponsor one.
- Cuba. In a significant setback for our efforts to gain support for a resolution on human rights in Cuba, the U.S.-sponsored resolution on Cuba was defeated. In previous years, the UNHRC had passed resolutions on Cuba. We are convinced that it is important for the UNHRC to highlight the continued human rights abuses in Cuba, including regime efforts to block peaceful democratic change, and failure to abide by Commission resolutions and to allow the Special Rapporteur on Cuba to visit. We continue to work hard to promote progress on human rights in Cuba.
- Resources for the High Commissioner's Office. The UNHRC passed a resolution calling for increased resources from the UN regular budget for Mary Robinson's office. We must wait and see what concrete actions will result from this.
- Women's Rights. A gender perspective was mainstreamed into many of this year's UNHRC resolutions. There is now a separate agenda item on women's issues, largely because the UNHRC Chairman pursued this. We will watch closely to ensure that this does not prevent mainstreaming of the gender issue throughout all UNHRC resolutions.
- Slavery. Senegal, supported by Cuba, introduced a resolution on slavery and the slave trade. The United States found it unacceptable for several reasons. First, it laid the groundwork for a financial claim for reparations on countries which benefitted from slavery. Second, it was historically inaccurate because it focussed on the trans-Atlantic slave trade while ignoring the slave trade of the Middle East, Europe, Asia, and Africa itself. Last, it characterized the trans-Atlantic slave trade as a "crime against humanity." It is questionable whether this term, coined in 1946, can be used to characterize events occurring nearly two centuries ago. At the behest of the United States and other countries, consideration of a resolution on slavery was deferred until the 1999 Commission. In the interim, the United States will work with others towards a resolution which is consistent with the statements that the President made on his recent trip to Africa.

S/S 9806702: Hillary Clinton to Geneva.

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CLEARED: IO: PNLyman

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DRL/MLA: KJMcIsaac ok

L/HRR: DStewart ok

D: MSullivan ok

P: PMoon ok

L/UNA: JArbogast (info)

S/P: PFromuth (info)

G: KClements (info)