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Human Rights Abusers, the Human Rights Council, and the UN

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Abstract

The predecessor to the Human Rights Council, the Commission on Human Rights, had several notable failings. These included double standards in the selection of which states were to be subject to scrutiny, membership of the Commission by states notable for their egregious human rights records, and the shielding of the P5 members of the Security Council and their allies from criticism. The Human Rights Council, it was hoped, would avoid these flaws and, in doing so, push human rights further up the UN agenda. For instance, the General Assembly Resolution A/RES/60/251, which set up the Council, claimed that the Council's work "shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights".

Keywords

Human rights, United Nations, United Nations Human Rights Council, Membership, Process, Review

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Human Rights Abusers, the Human Rights Council, and the UN

by James Pattison

The predecessor to the Human Rights Council, the Commission on Human Rights, had several notable failings. These included double standards in the selection of which states were to be subject to scrutiny, membership of the Commission by states notable for their egregious human rights records, and the shielding of the P5 members of the Security Council and their allies from criticism. The Human Rights Council, it was hoped, would avoid these flaws and, in doing so, push human rights further up the UN agenda. For instance, the General Assembly Resolution [A/RES/60/251](#), which set up the Council, claimed that the Council's work "shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights".

It is clear that the Human Rights Council does not live up to the heady ambitions that some had at its formation. As the articles by Anne Applebaum and Edith Lederer show, the Council, like its predecessor, is still subject to allegations of double standards and of allowing membership by human rights-violating states (such as the recent election of Libya to the Council). Indeed, the Council has been heavily [criticized](#) for largely ignoring several major international crises. It has also been rebuked by both Amnesty International (in its recent annual report, [The State of the World's Human Rights](#)) and [Human Rights Watch](#) for its paralysis over the situation in Sri Lanka.

However, the Council was probably never likely to overcome fully the problems that beset the Commission. This is because the worries over double standards, membership by states with poor human rights records, and the influence of the major powers run much deeper. They are at the center of the whole project of the UN, which is founded on inclusiveness: the UN brings together virtually all the states in the world, allowing and encouraging debate, diplomacy, and exchange between widely differing regimes. It also brings in the major powers (a notable failing, of course, of the UN's predecessor, the League of Nations), allowing them membership on the Security Council. This inclusiveness comes at a cost: frequent selectivity in decision-making and dominance by power politics.

Put in this context, the achievements that the Human Rights Council has made since its establishment in 2006 to address the problems faced by the Commission seem much greater. In regard to membership, some of the worst violators of human rights, such as Belarus and Iran, have been denied seats on the Council. In regard to double standards, the Council has been holding states to account with its [Universal Periodic Review](#) mechanism. Under this scheme, the human rights records of all 192 member states, from Albania through to Zimbabwe, are reviewed every four years by members of the Council, including the most powerful states that have previously been shielded from (or blocked) criticism by UN institutions.

The peer review of the UK's human rights record by, among others, Algeria, Egypt, Russia, and Sri Lanka—hardly states well known for their human rights advocacy—was, I think, surprisingly fair. The review hardly hit the headlines in the United Kingdom, and there is little likelihood that the UK's failure to live up to the particular recommendations of the Council will be followed up

with measures to pressurize the UK into meeting these recommendations. However, the very fact that states are engaged in such a procedure at least gets them thinking and talking in human rights terms, and, more generally, the mechanism is remarkable in its universal scope. Moreover, if the various International Relations scholars who highlight the importance to states of being perceived as good international citizens are indeed correct, this peer review mechanism may have, in fact, some impact on states. As individuals, we never like to be criticized by our peers; some of us will inevitably deny or ignore such criticism, but others may be influenced to take what has been said into account. If the same is also true of states, then the Human Rights Council may, in the end, have a significant impact on the promotion of human rights worldwide.

Dr James Pattison is a Lecturer in Politics at the University of Manchester. His research interests concern the moral issues raised when using military force abroad, including humanitarian intervention, the responsibility to protect, and the increased use of private military companies. His PhD on humanitarian intervention was awarded the Sir Ernest Barker Prize for Best Dissertation in Political Theory by the Political Studies Association in 2008. He has recently completed the book, [Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene?](#), which has just been published by Oxford University Press (Spring 2010). He has also published various articles on the ethics of force, including for [Ethics and International Affairs](#), [International Theory](#), the [Journal of Military Ethics](#), the [Critical Review of International Social and Political Philosophy](#), the [Journal of International Political Theory](#), the [International Journal of Human Rights](#), and the [Journal of Social Philosophy](#). Before joining Manchester, he was a Senior Lecturer in International Relations at the University of the West of England, Bristol (from Sept 07-09). He has also spent time as a Research Affiliate at New York University and he was a temporary lecturer in the School of Geography, Politics, and Sociology at Newcastle University.