

## US MUST JOIN UN RIGHTS COUNCIL AND CHANGE DETENTION POLICIES

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*The following editorial by Iain Guest, Director of The Advocacy Project, was published in the International Herald Tribune on March 23:*

March 27, 2006, Washington, DC: The biggest questions hanging over the UN Human Rights Commission, which is currently meeting in Geneva, are not even on the agenda. Which governments will be voted on to the new UN Human Rights Council, when elections take place on May 9? Will the United States seek a seat? If so, will it be elected?

U.S. participation is not a foregone conclusion after the United States cast one of only four votes against the council. The Bush administration has also campaigned long and noisily to link membership of the council to human rights performance. This could now backfire.

Seven Western governments will be elected to the 47-member council, and many will recall how the United States received less votes than Sweden, France and Austria when it failed to win a seat on the commission in 2001.

Five years later, the Bush administration would seem even more vulnerable, partly because of the new rules and partly because of its own human rights record. All 191 members of the General Assembly will vote in a secret ballot, and many will be only too pleased to punish the United States for Iraq. That apart, how would America rate against other countries if the vote were based strictly on merit?

There are no agreed criteria for judging a country's human-rights record, but if there were they would probably start with genocide, closely followed by such "core" rights as freedom from torture. Here all eyes would be on Guantánamo Bay, where the Bush administration has weakened the UN Convention Against Torture, thrown away the key on detainees and refused to allow UN monitors (known as "rapporteurs") to interview the detainees in private - a standard requirement for human rights monitoring.

Guantánamo also earned the United States an extraordinary rebuke from five UN rapporteurs, who concluded that the interrogation and detention policies were at odds with most key human rights safeguards, and that force-feeding hunger strikers amounts to torture under the convention.

A second requirement, at least for the non-Western world, would be a minimal commitment to economic, social and cultural rights. Although these are solidly enshrined in international human rights law, American conservatives have long dismissed them as goals, not legal entitlements. At last year's commission, the United States was the only one of the 53 governments to vote against the rights of the child, the right to food, the right to development and the right to health. America also opposed indigenous rights.

Yet it was President Franklin Roosevelt who prepared the UN for economic and social rights with his addresses to the U.S. Congress in 1941 and 1944 (including, most famously, his "freedom from want.") The basic idea is that governments have an obligation to prevent illiteracy, homelessness, hunger and ill- health - and that citizens can call them to account for failure. This vision of social justice is taken for granted in much of Europe.

A third criterion, for many, would be respect for UN human rights conventions. Here again the United States would be vulnerable. Together with Somalia, the United States is the only government not to have ratified the UN Convention on the Rights of the Child, which has attracted so many adherents precisely because it is so innocuous. The United States has also spurned the American Convention on Human Rights, the UN convention on discrimination against women and, of course, the treaty establishing an International Criminal Court.

A fourth criterion, surely, is a minimum of respect for the UN's procedures. The hapless commission certainly does not deserve the abuse that has been heaped on it by Americans (and, bizarrely, by Kofi Annan). It's important to set the record straight, because the new council will inevitably fail to live up to expectations.

Last year's commission passed 118 resolutions, of which 61 were accepted without a vote. That was 61 times that the United States sided with Cuba, Zimbabwe and Sudan. The commission also took up some important new issues, including corporate responsibility and reparations for victims of abuse.

The Bush administration even won the day on several highly political issues. The commission beat back a resolution by Cuba on detainees in Guantánamo Bay- not because the commission approved of U.S. policy but because Cuba's motivation was palpably political. The United States and its allies also won important votes on Belarus and North Korea, and extended a UN inquiry into Cuba itself, which angered the Cubans.

The fact is that the commission has served the United States well through much of its existence, particularly during the Cold War. The council could also be a U.S. ally - if the Bush administration treats it like one. But that would mean standing for election, foregoing the rhetoric, opening the U.S. human rights record to scrutiny and accepting the UN's recommendations- particularly on detention and torture.

Is President George W. Bush prepared to take the gamble? He could be pleasantly surprised by the result.