

Assessing the Impact of the United States Withdrawal from the United Nations Human Rights Council

Prepared for
Rob Berschinski
Scott Johnston
at
Human Rights First

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for a Master's Degree Capstone Project at the
Humphrey School of Public Affairs
University of Minnesota

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HUMPHREY SCHOOL
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human rights *first*

American ideals. Universal values.

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Executive Summary

This report describes the impact to date of the United States presence and withdrawal from the United Nations Human Rights Council while outlining the U.S. political contexts as relevant to the research, the global opinions regarding the U.S.'s decision to withdrawal, and the outcomes that were achieved for human rights when the U.S. was a Council member. This context can be used as a proxy to understand future outcomes if the U.S. chooses to re-engage with the Council.

To contribute to the advocacy effort to initiate U.S. re-engagement at the Council, we recommend Human Rights First to:

1. Continuously advocate to U.S. policy makers for U.S. re-engagement with the Council
2. Develop an advocacy strategy to integrate policies and priorities of both Human Rights First and the U.S. government into other member states' agenda at the Council
3. Participate in conversations on Council reform in Geneva and elsewhere
4. Continue to track any changes of operations, priorities, and political dynamics within the Council and its effect on advancing human rights beyond the Council

Introduction

Background

The United States has had a varied relationship with the UN Human Rights Council (“HRC” or “The Council”). The Council was created on March 15, 2006 after its predecessor, the UN Commission on Human Rights was widely discredited for poor membership and excessive politicization. With an overwhelming vote to approve the establishment of the Human Rights Council, The United States was one of only four countries to vote against enactment of the Council along with Israel, Marshall Islands, and Palau (UN Meetings Coverage and Press Releases, 2014).

Under the George W. Bush Administration, the U.S. distanced itself from the Council, publicly asserting it will continue to champion the cause of human rights by maintaining funding for the Council, as well as campaigning on behalf of candidates dedicated to the promotion of human rights and campaigning against states that routinely commit human rights abuses (U.S. Department of State Archive, 2006). While the U.S. under Bush’s leadership maintained it may run for a seat on the Council, it was not until the Obama Administration in 2009 that this course of action was undertaken.

At the 2006 General Assembly vote, United States Ambassador John Bolton cited membership of the Council as a point of disappointment for the United States and a key reason for U.S. opposition to the Council. He stated that while the U.S. appreciated a proposal put forward by the Secretary General that the new Council be elected by a two-thirds majority of the General Assembly with exclusive criteria proposed by the U.S. to keep the most egregious violators off the Council, this text was not included in the final resolution and therefore there was insufficient evidence the new body would be more effective than the previous (UN Meetings Coverage and Press Releases, 2014).

After the election of President Obama in 2008, there was a swift change of course in the U.S. diplomatic strategy, placing new priority and emphasis on engaging with the Council as a direct means to pursue U.S. human rights priorities. On March 31, 2009, the U.S. Department of State released a statement announcing the U.S. would pursue a seat on the council. U.S.

permanent representative to the UN Ambassador Susan Rice stated, “The U.S. is seeking election to the Council because we believe that working from within, we can make the council a more effective forum to promote and protect human rights. We hope to work in partnership with many countries to achieve a more effective Council.” (UN Meetings Coverage and Press Releases, 2014).

Current U.S. political context

The U.S. ran for and served two consecutive terms on the Council, from September 2009 until the end of 2015, under the Obama administration. After taking an obligatory year off in 2016, the U.S. was elected for its third term on the Council in 2017.

On June 19, 2018, less than a year and a half into its third term, Secretary of State Mike Pompeo and U.S. Permanent Representative to the United Nations, Nikki Haley, announced that the U.S. would be officially withdrawing from the Human Rights Council stating that the Council had been a “protector of human rights abusers and a cesspool of political bias.” (U.S. Department of State, 2018). Haley cited membership as a decisive reason for leaving, with the world's worst human rights violators able to obtain a seat on the Council while continuing to commit egregious acts against their own people. Though prior to the withdrawal, Haley's team met with over 125 member states, who behind closed doors, agreed the Council has fundamental flaws that require systemic changes, no country would stand with the U.S. in pushing forward with this change (U.S. Department of State, 2018).

Bias against Israel was the second reason cited for the U.S. withdrawal from the Council. Ongoing existence of agenda item seven on Israel, the only agenda item to single out a single country for scrutiny, continues to perpetuate what Haley described as the Council's motivation of political bias rather than protection of human rights (U.S. Department of State, 2018).

In the absence of reform on these two critical issues, membership and agenda item 7, the U.S. under the Trump Administration has maintained that it will refrain from engaging with the Council through a membership seat.

Project Focus and Design

Focus

The goal of this project is to determine ways in which Human Rights First (HRF) can continue to track the impact that U.S. engagement on and off the Council has in furthering human rights protections.

Research Question

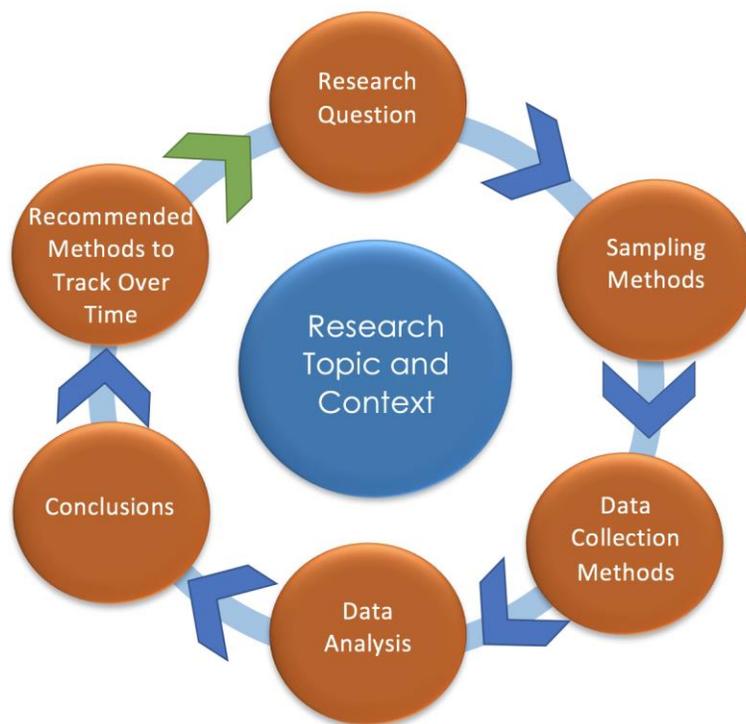
Should the United States re-engage or remain disengaged from the UNHRC in an effort to advance U.S. priorities on human rights?

Research Design

To answer our research question, we employed a qualitative research methodology. We chose to utilize a qualitative research methodology for many reasons. First, our research question is highly dependent on the political context within the U.S., meaning the nature of the research will not be generalizable but rather specific to the point in time in which the research is conducted. Second, gathering individuals' responses and experiences in the human rights field offers specific contextual and experiential information that otherwise would not be known. Lastly, qualitative research allows for deeper understanding of specific issues that are of interest to Human Rights First.

As shown in Figure 1, the methodology process began by gathering information on the U.S. withdrawal from the Council through conducting an extensive literature review comprising of news reports, opinion editorials, official Office of the United Nations High Commissioner for Human Rights (OHCHR) documents, and other media. Utilizing the foundational understanding gathered from the literature, a research question was designed with the objective to understand the impact of U.S. engagement both on and off the Council and served as the basis for determining appropriate sampling and data collection methods. Following data collection, data analysis was conducted to develop conclusions and inform key recommendations for HRF.

Figure 1. Research Design



A mixed methods approach was taken to address the research question of “Should the United States re-engage or remain disengaged from the UNHRC in an effort to advance U.S. priorities on human rights?”. Two primary data collection methods were used: interviews that were supplemented by document and media analysis. By utilizing these two data methods, both quantitative and qualitative data was collected.

Methodology

Data Collection

A. Literature and Document Review

Human Rights First provided the team with a literature review kit that included some of the most important and relevant pieces of work that are related to the nature of this project¹. The literature included in the kit represented the work of both advocates for U.S. re-engagement and advocates for continued U.S. disengagement from the Council. The range of arguments and positions taken by human rights experts and political figures allowed the team to establish a comprehensive understanding of the context and nature of the research topic. The literature review was used in our research to (1) help the team develop a well-rounded understanding of the current issue and (2) to inform other appropriate data collection methods.

Second, an extensive Office of the High Commissioner of Human Rights (OHCHR) document review was performed. The team reviewed OHCHR session reports that spanned from 2006-2018 and other relevant documentation from the 40th session in 2019, as the session report was yet to be made available by the time of drafting this report. The purpose of the OHCHR document review was to gather data on what human rights issues the Council focused on over time and how those issues have changed since the Council's inception. Additionally, the document review was used to collect information on what issues the U.S. was advancing during its years on the Council. This information allowed the team to deepen its understanding of Council-specific operations, as well as conceptualize how the U.S.'s engagement was expressed at its different levels of involvement between 2006 and 2019, moving from an observer to a member state, and finally since withdrawing its seat.

B. Interviews

Interviews were chosen as a primary form of data collection to provide individualized and experiential data that is critical in forming a response to the research question. All interviews

¹ See References for the full list of literature

were semi-structured and each interview protocol was written to maximize on the expertise of the interviewee.

Our sampling method was based solely on the accessibility of interviewees within our network. Due to the political and high-profile nature of human rights professionals and their work, we relied on Human Rights First and personal connections to facilitate interview introductions. Five interviews were completed and included a former U.S. representative to the Council, a current HRC representative, and representatives from human rights advocacy organizations. Because our accessibility to interviewees was limited, our sample is not representative of any particular population nor is generalizable.

Additionally, because the nature of our research question involves polarized opinions regarding the U.S.'s involvement with the Council, effort was made to include interviewees who agree with the U.S. withdrawal and those who disagree with the withdrawal, taking into account both perspectives. The inclusion of perspectives of both sides allowed us to deepen our understanding of the issue, while also reaffirming that there is no single solution regarding the issue of U.S. engagement with the Council.

Protocols for performing interviews were established and followed by the team, and an interview guide was developed for each interview. Interview guides individually written to account for each interviewee's position and experience within the human rights field. For example, an interview guide for an elite political official was different from an interview guide for a professional at an advocacy organization, allowing the team to gather the most pertinent data from each interview based on their specific and varying experiences. Although the interview guides varied, the general themes of the questions remained the same across all interviews, ensuring that we collected data relevant to our research question.

C. Media Review

The ProQuest Global Newstream database was utilized for the media search, with key search terms including, "Human Rights Council" and "U.S. Withdrawal" or "U.S. Withdrew". The results yielded 176 media reporting pieces that met the search criteria and each was reviewed to ensure their relevance to the subject. Of this review, 35 out of the 176 documents were directly related to the U.S. withdrawal from the Council and published in the post-

withdrawal period. These 35 documents included official statements, opinion pieces, academic articles, and interviews, released between July, 2018 and April, 2019.

Data Analysis

A. Literature and Document Review

The literature review provided a guide in identifying key U.S. priority human rights issues. We selected five high U.S. priorities, four thematic issues and one country-specific concern, for the document review to demonstrate a robust representation of U.S. engagement at the Council. The issues selected included: Freedom of Expression, Freedom of Religion, Women's Rights, LGBTQ+ Rights and Council agenda item 7 or bias against Israel. The review process highlighted U.S. engagements of various levels with each one of these issues, ranging from introducing resolutions, sponsoring and co-sponsoring resolutions, making comments on resolutions and agenda items, and voting in favor or against resolutions. Freedom of Expression was a persistent U.S. priority issue on which the U.S. consistently introduced resolutions during its member terms. Issues on women's rights, which encompassed many different topics at the Council, including violence against women, discrimination against women, trafficking of women and children and the effort to eliminate female genital mutilation (FGM), all had high level of U.S. support through sponsorship and co-sponsorship of other countries' initiatives. The U.S. also showed consistent support for resolutions on Freedom of Religion or Belief led by EU states as well as resolutions on the rights of LGBTQ+ persons led by Latin American member states. Regarding the Council agenda item 7, the U.S. consistently demonstrated strong opposition to the discussion and proposal of resolutions on the situation in Israel and Palestine by making statements and voting against resolutions.

B. Interviews

Our interview data was coded and analyzed based on two criteria: (1) opportunities for U.S. engagement both on and off the Council, and (2) outcomes while the U.S. has been on and off the Council. As our research aimed to understand whether or not the U.S. should remain disengaged from the Council or re-engage, the team determined that opportunities and outcomes are two indicators that could inform a decision to this question. Specifically, opportunities and

outcomes can be understood as the following: (1) what are the opportunities to advance human rights that come with sitting on and off the Council, and (2) what have been the outcomes of such opportunities. By looking at opportunities and outcomes, we are able to realize some of the successes - in the eyes of the U.S. - that were a result of being engaged with the Council, as well as some of the drawbacks.

Moreover, our category of ‘outcomes’ was further separated into identifying positive and negative outcomes. In an effort to acknowledge the perspectives of both advocates for and against re-engagement, and to fully incorporate our interview data into our analysis, it was necessary to identify both the positive and negative outcomes that arose while the U.S. was sitting on the Council and since the U.S. withdrawal. Upon the data being coded into ‘opportunities’ and ‘outcomes,’ the ‘outcomes’ data were further coded into ‘positive’ and ‘negative’. Through the coding structure, the team was able to analyze the data for opportunities, outcomes, positive outcomes, and negative outcomes.

C. Media Analysis

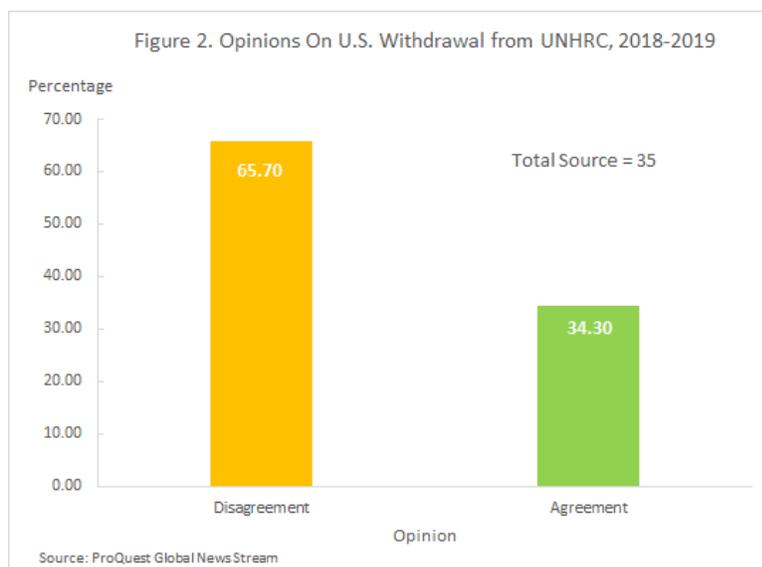
The relevant media search results were analyzed along agreement or disagreement with the U.S. action to withdraw from the Council in order to demonstrate the opinions on the withdrawal. The sources of these opinions were examined to better understand the voices of different groups, which included U.S. representatives, representatives of other countries, UN personnel, non-governmental organizations (NGOs), Jewish lobbyist groups, and academic and opinion pieces. Academic pieces and opinion pieces were combined into the category of ‘Other’ in the final findings due to the limited number of generated results.

Findings and Discussion

Media Findings

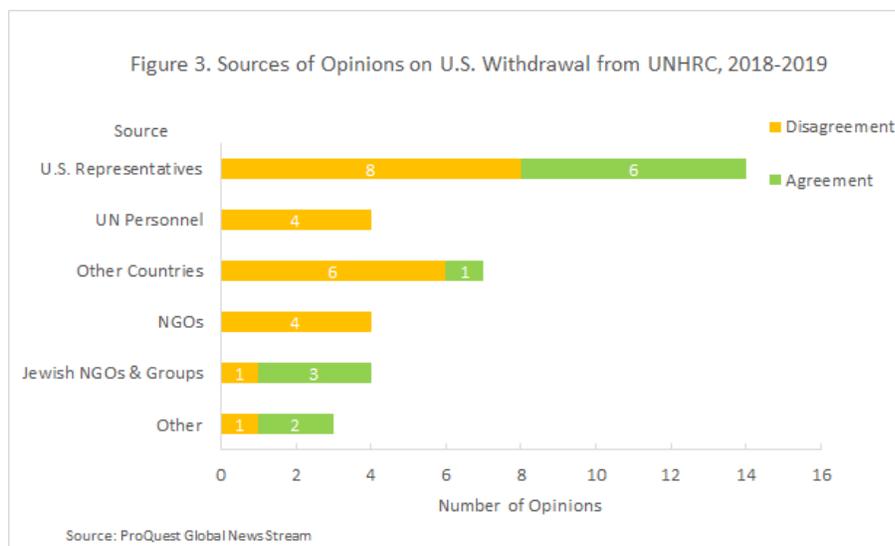
Of the 35 media reporting documents analyzed, 23 sources, or 65.7%, suggested that the withdrawal would have a negative impact while only 12 sources, or 34.3%, stated that the withdrawal would have a positive impact on the advancement of global human rights issues (Figure 2).

Figure 2. Media Opinions of the U.S. Withdrawal from the UNHRC



Further, after breaking down the sources of the analyzed media pieces (Figure 3), all of the UN personnel and the non-governmental organizations included in the search result disagreed with the U.S. exit from the Council. The majority of representatives from the U.S. and other countries also showed disapproval of the U.S. action. On the other hand, most of the Jewish lobbyist organizations and academic pieces voiced agreement with the U.S. withdrawal.

Figure 3. Sources of Opinions of U.S. Withdrawal



By analyzing the sources of opinion, it is possible to identify which individuals and organizations are interested in the U.S. withdrawal from the Council, allowing HRF to target its advocacy efforts to specific stakeholders. See Appendix A for a breakdown of individuals and organizations by agreement or disagreement with the U.S. withdrawal from the Council.

Benefits and opportunities for the U.S. through withdrawing

Those who agreed with the U.S. withdrawal from the Council claimed that the U.S. would gain the following opportunities by leaving the Council:

- The U.S. will not waste taxpayers money in an ineffective Council
- The U.S. may repair its image as the Human Rights leader in the world by disengaging itself from an illegitimate body
- The U.S. may be able to discredit and highlight the flaws of the Council

Opportunities the U.S. misses by withdrawing

Those who did not agree with the U.S. withdrawal from the Council claimed that the U.S. would miss the following opportunities by leaving the Council:

- U.S. may lose its influence on agenda-setting at the Council
- U.S. may not be able to protect its allies from disproportionate condemnation at the Council
- U.S. may lessen its role in potential future reform to the Council operations
- U.S. may weaken its image as a moral leader in defending human rights at a time when global human rights are retreating

Impact of the U.S. withdrawal from the Council

Although those who agreed with the withdrawal did not project any level of impact that the withdrawal may cause, those who had negative opinions on the withdrawal projected potential symbolic and political impacts that could result from the U.S. exit.

Symbolic impacts

UN personnel, human rights NGOs, and other states' representatives are more concerned with the following global symbolic impact of the U.S. withdrawal:

- U.S. withdrawal could discourage cooperation and multilateralism in the world
- U.S. withdrawal could create a vacuum in global moral leadership

- U.S. withdrawal could shift the human rights norm formation

Political impacts

U.S. Congressional representatives are more concerned with the following political impact of the U.S. withdrawal from the Council:

- Autocratic regimes may enjoy more leeway to repress with impunity in the absence of U.S. at the Council
- U.S. allies may be more vulnerable to being targeted with U.S. absence from the Council
- Other states may take advantage of the U.S. absence to influence Council operations and agenda
- Other states may take over U.S. roles and U.S. influences

The purpose of analyzing the opinions on the withdrawal is to provide Human Rights First with insight into the discourse around the U.S. departure from the Council. The findings on potential missed opportunities for the U.S. and their impact can serve as the reasoning to support U.S. re-engagement with the Council and provide a foundation for Human Rights First's advocacy strategy.

Interview Findings

The interview findings were representative of each interviewee's personal experiences and opinions regarding the project focus. The interview data provided a nuanced understanding of Council operations, specifics about past U.S. actions within the Council, and how human rights organizations continue their work in the post-withdrawal period. This data is important for answering the research question because it allows for deeper understanding of the global context and situation of human rights and the role the U.S. has played. It also offers diverse perspectives and opinions on our research subject that can be used to help inform HRF's future actions and the ways in which they choose to engage with other organizations and individuals who are concerned with the issue.

Opportunities

Table 1 outlines the number of times the interviewees commented on the opportunities available to the U.S. to advance human rights as a member of the Council. Table 2 outlines the number of times that interviewees spoke to the opportunities available to the U.S. to advance human rights as a non-Council member. Each table also provides specific details relevant to the different opportunities discussed in the interviews.

Table 1. Opportunities within Council Mentioned by Interviewees

Opportunities within the Council	Number of Times Mentioned	Details
Agenda Setting	10	The U.S. was able to influence and lead on their priority human rights issues. This meant having influence over what was on the agenda and what were the top priorities.
Assert Influence	8	The U.S. holds strong diplomatic powers that enable them to have stronger leverage and voice over issues and decisions at the Council. They were also able to build coalitions with other member states that improved their influence in Council decision-making.
Norm-Creation	4	The U.S. presence on the Council allows it to have norm-forming power and influence as a leader and an example to others.
Resolution Drafting/Editing	2	The U.S.'s ability to propose resolutions that are of interest in their human rights priorities, as well as have the power to tweak the writing and language in resolutions at the Council to reflect the U.S. position.

Table 2. Opportunities outside Council Mentioned by Interviewees

Opportunities outside Council	Number of Times Mentioned	Details
Other ‘change making’ avenues	17	The U.S. has alternative avenues to pursue their human rights agenda aside from the Council.
Stronger ability to reform	2	The U.S. may have a better ability to reform Council operations and standards (particularly surrounding Membership Criteria) if they are not Council members who agree to the flaws of the Council.

Analysis of the data that informs the opportunities represented in Table 1 and Table 2 provides a few general themes. First, U.S.’s ability to influence and lead discussions and decisions on human rights priorities is limited when they are not a member of the Council, and therefore, the U.S. does indeed maintain greater power and influence over human rights when they are part of Council operations and participate in the opportunities available to them on the Council. This finding is supported by our interviewees’ comments relating to the U.S.’s ability to influence the Council agenda and prioritization, influence their peer member states, to lead by example and participate in norm-creation, and to draft and edit resolutions to uphold U.S. interests and priorities. One interviewee mentioned that when the U.S. was engaged at the Council:

“The U.S. joined with European states to criticize China, which is an example of an issue that would never become a resolution, but it was a huge deal for all of the countries to get on the same page to make a joint statement on China.”

Due to the presence of the U.S. on the Council during this time, the U.S. was afforded the opportunity to build and be part of a coalition that jointly scrutinized the unjust actions of China, a human rights offender. Further, the U.S.’s seat on the Council allowed them to “lead human

rights conversations,” “strengthen global alliances,” and “build coalitions across regional groups” that otherwise would not have happened had the U.S. not been a member.

Supporters of the U.S. disengagement focused largely on opportunities the U.S. has to exert influence over human rights outside of the Council, as indicated in table 2. Direct avenues to pursue human rights were primarily focused on using the UN General Assembly, the Third Committee, and the Security Council to raise issues of interest. While these avenues have been highlighted as the preferred route for the U.S. to pursue its human rights priorities, to date little action has been taken to fully capitalize on potential opportunities to use these alternative routes. Advocates for re-engagement with the Council criticize this course as the preferred means, stating that the unique benefit of the Council is that it is the only entity focusing solely on human rights, compared to the Third Committee and the Security Council, which may have overlap with human rights issues, but it is not the central focus of the agenda. Additional routes cited as options for the U.S.’s human rights agenda included using sanctions against human rights violator states and directing foreign aid to states that comply with U.S. standards, though these avenues are accessible to the U.S. regardless of its status on the Council. Also of interest, when the U.S. withdrew from its member seat, it also discontinued all participation with additional functions of the Council, with participation with the UPR process being a notable exception. Our interview data indicated that the U.S. just recently shifted course, choosing to participate in side events at the around the time of 40th Council Session in February-March, 2019 for the first time since its withdrawal, indicating a thawing of its initial hard line drawn, though re-engagement in this way is still in the preliminary stages at the time of this writing.

Council reform is another factor of significant importance, particularly to supporters of the U.S. withdrawal. When the Trump administration withdrew, structural reform along membership and agenda item 7 were cited as required action needed for the U.S. to consider re-engagement with the Council. Interview data indicated preliminary steps have been taken to address structural reform, with the Council having begun engaging in an “long-term efficiency planning,” with membership and item 7 being the two issues that are slated to be discussed as part of this broader planning process.

Outcomes

As indicated in Table 3, U.S. presence on the Council led to multiple positive outcomes on U.S. priority issues. Regarding the concern of the Council bias against Israel, U.S. leadership while a member of the Council contributed to a decrease in special sessions on Israel coinciding with an increase in country-specific scrutiny of violator states. The U.S. was also able to assert influence over resolution language, enabling resolutions passed on the thematic issues of Freedom of Expression and Freedom of Religion to reflect U.S. values. The U.S. had a strong influence with ally countries, building coalitions to lead work that the U.S. valued as important. One notable example of this was U.S. leadership in building a coalition of Latin American countries to advocate for LGBTQ+ rights, which led to an increase in countries legalizing same-sex marriage.

While the U.S. presence on the Council resulted in the advancement of many U.S. priority issues, the U.S. was not able to advance all issues of priority. Structural issues embedded in the Council persist, and U.S. effort to enact change was unsuccessful. An example of U.S. effort is in membership elections, where while a Council member, the U.S. attempted to shift the norm from states running on a clean slate to competitive elections without success. It is notable that while the U.S. attempted to change the election process, the U.S. itself ran on a clean slate ballot.

Table 3. General Outcomes of Council when U.S. was a Member

Outcomes while a member of the Council	Number of Times Mentioned	Details
Resolutions supported by the U.S. are passed.	6	Key issues: Freedom of Expression, Freedom of Religion, LGBT rights
Country-specific scrutiny is increased and special sessions on Israel decrease.	6	U.S. facilitated an increase in country-specific scrutiny outside of Israel; U.S. joined European countries to criticize China; special sessions on Israel decreased.

Structural issues persist	6	Reform advocated for by the U.S. failed to pass; U.S. participation on the HRC equivalent to approval to Council flaws
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Table 4 outlines outcomes that have occurred while the U.S. was not a member of the HRC, with the most relevant information occurring since the U.S. withdrawal. It is notable that while there was an expressed fear of how human rights protections may erode with U.S. absence from the Council, more frequently expressed were positive outcomes from the U.S. withdrawal. The expressed fear was specifically in regards to thematic and country-specific issues the U.S. displayed strong leadership in during its time on the Council, though the erosion on these issues have not been experienced to date; however, it has also been observed that leadership from Washington to Geneva since withdrawal is lacking on LGBTQ+ and women's rights issues. Considering the emphasis placed on the Third Committee as the preferred route to pursue human rights, it is noteworthy that the first draft of a resolution on assembly and association put forward by the U.S. was reported to be unprofessional and to not be reflective of the work that has been done on this issue in the last decade.

Considering the fear reaction that many human rights experts experienced when the U.S. withdrew, it is imperative to report the positive outcomes that have occurred since the U.S. left. First, it was widely recognized in the data that the functioning of the Council held steady after the U.S. departed. Where there was a fear that human rights protections would erode, it has been observed that U.S. ally countries have stepped up to take on a leadership role that had formerly been held by the U.S. Prominent examples include Australia voting as the U.S. would vote on issues pertaining to Israel and Sweden stepping in to lead on the Freedom of Expression. Perhaps the most remarkable outcome with U.S. withdrawal is the efficiency planning that has been initiated, with membership and item seven both slated for discussion, though work on these issues has not begun at the time of this writing. Considering these are issues of concern for advocates both for and against re-engagement, development of this work will be a key issue to watch.

Additionally, advocates against re-engagement concluded that the Council is ultimately an ineffective body, where resolutions are passed but have little to no impact on the ground. Our

data reflected some examples where this is the case, such as the HRC struggling to establish anything “with teeth” with Myanmar, and both the Obama and Trump Administrations struggling to define rights of privacy. However, if impacting people’s lives for the better is the ultimate test of whether the Council is effective or not, this argument did not hold true across the board, with data also reflecting that U.S. leadership on LGBTQ+ rights led to an increase in countries legalizing same-sex marriage, one example of U.S. leadership that resulted in state-level policy changes bettering people’s lives.

Table 4. Specific Outcomes of Council when U.S. was not a Member

Outcomes while not a member of the Council	Number of Times Mentioned	Details
U.S. leadership since withdrawal	2	No Sr. leadership specifically on issues of LGBT and women’s rights, 1st draft of Resolution on Assembly & Association in 3rd Committee poorly executed
Some U.S. priorities are eroding with U.S. absence	4	Decrease of country-specific scrutiny; China has a louder voice
Missed opportunities	4	U.S. no longer a champion for human rights, no longer building coalitions amongst ally states, Istanbul process has been weakened, no longer able to shape language of the products the HRC produces, U.S. no longer setting an example
Feared outcomes	6	U.S. led initiative on Sri Lanka may be lost; may see erosion on Freedom of Expression/Assembly/Religion
Positive effects of U.S. withdrawal	11	Recognition the system did not fall apart; ally countries filling in U.S. shoes; HRC is more cohesive in U.S. absence; U.S. continues to participate in UPR; Long-term efficiency planning initiated

Conclusion

Our results were drawn from analyses of various data sources - literature, interviews, and the media. Taken together, there are some conclusions we can draw at this point in time about the role the U.S. played on the HRC and what can be expected in the near future with U.S. absence.

First, there is a fundamental difference in the value system for advocates for engagement with the Council and supporters of disengagement. Supporters of disengagement highlight flaws within the Council, namely the ability of human rights violators to seek and gain membership on the Council and unprecedented bias towards Israel as indicators that the Council values political ideology over protecting human rights. Only with structural reform of the Council would supporters of the withdrawal feel re-engagement was appropriate. Advocates for engagement also acknowledge that these structural flaws exist but express an opinion that working within the Council and using U.S. influence to set the agenda and contribute to norm-formation will incrementally move the dial forward on human rights protections. Supporters of engagement believe the strength of the U.S.'s leadership and ability to influence human rights for the better outweigh the structural flaws embedded in the Council.

Secondly, both sides of the argument stated that there were positive and negative outcomes both while the U.S. was a member and since the U.S. withdrawal. How the outcomes are valued determines whether the U.S. presence on the Council is considered overall positive or negative in terms of advancement of human rights. For example, while the U.S. was holding its member seat, country-specific scrutiny outside of Israel increased, essentially evening out the disproportionate amount of scrutiny that was placed solely on Israel in the past, even if focus on Israel itself wasn't lessened. Advocates for U.S. engagement viewed this as a step forward towards calling out egregious human rights violators while proponents for disengagement dismissed this not enough to warrant continued U.S. presence on the Council.

Both advocates for and against the U.S. withdrawal voiced opinions that U.S. ally states filling the role the U.S. had played while on the Council was a positive outcome. Given the strong leadership roles being undertaken in the absence of the U.S., it can be predicted that this trend will continue and human rights protections will be maintained in the near future.

Considering the influence the U.S. was able to assert while on the Council, withdrawal from its member seat and disengaging with most aspects of the Council will naturally result in a decreased ability to have influence over the agenda and assure that U.S. values are maintained within the work of the Council. Recent re-engagement with side events is a positive sign that the U.S. is recognizing some inherent value in participating in Council activity.

Ultimately, determining the impact of U.S. presence on the Council and subsequent withdrawal is situational and context-dependent. Historical analysis of U.S. participation shows some U.S. priorities remain consistent across administration changes while other priorities shift with changes in the White House. Freedom of Expression, Freedom of Religion and addressing bias towards Israel have been consistent priorities for the U.S. Other thematic issues, such as LGBTQ+ and women's rights appear to be Administration-specific. The Obama Administration championed these issues and made strides during its time on the Council. These issues rank lower on the Trump Administration's priority list, with some findings reflecting that it may be better for the U.S. to not engage on these issues at this time, even if the same respondent would advocate in favor of U.S. participation on the Council. In this way, numerous factors must be weighed when attempting to answer the research question and the answer may change over time as the political and global context changes. With this in mind, our recommendations below reflect a long-term approach to assessing a position on U.S. engagement with the Council and advocacy efforts to support that position.

Limitations

A main limitation of our project was the short amount of time that had passed since the withdrawal. Changes in human rights take time, and thus it was difficult to evaluate the impacts and to draw conclusions about U.S. departure from the Human Rights Council after less than a year. In addition, U.S. human rights and policy priorities vary greatly depending on the administration in office. As a result, it also made it hard to determine the impact of the withdrawal on global human rights since the views and interests of the U.S. government regarding human rights as well as global multilateralism have shifted since the last administration.

Moreover, due to the political nature of the subject and our restricted access to personnel who are familiar with the Council, U.S. policies on the Council and past U.S. involvement in Geneva, our interview sample size was very small. Although the interviewee pool was well-reflective of different opinions on the withdrawal - disagreements, agreements, and neutral opinions, a larger sample size would help us obtain stronger data and reach data saturation for our qualitative research. Finally, with regard to the media search, we were only able to examine the opinions and sources of opinions on the withdrawal based on the media data available in ProQuest Global News Stream database. In other words, there could have been other media reporting on the U.S. exit from the Council that we did not have access to, which were consequently not included in the presentation of our media search data.

Recommendations

The main policy priority of Human Rights First is to advocate for the U.S. government to rejoin the UN Human Rights Council in order to advance human rights protections globally. While the current U.S. Administration is unlikely to re-engage with the Council, we recommend that Human Rights First pursue four actionable plans to advance its advocacy efforts in pursuing human rights:

1. Continuously advocate to U.S. policy makers for U.S. re-engagement with the Council
2. Develop an advocacy strategy to integrate policies and priorities of both Human Rights First and the U.S. government into other member states' agenda at the Council
3. Participate in conversations on Council reform in Geneva and elsewhere
4. Continue to track any changes of operations, priorities, and political dynamics within the Council and its effect on advancing human rights beyond the Council

Tactical recommendations for four action plans

To continuously advocate to U.S. policy makers for U.S. re-engagement with the Council, Human Rights First should:

- Map U.S. policy makers and other policy stakeholders who believe in the role of U.S. Council membership in creating global human rights initiatives (See Appendix A)

- Reach out to U.S. Congressional representatives and policy stakeholders to advocate for U.S. re-engagement with the Council and stress the importance of symbolic and political impacts the U.S. would have on human rights at, and beyond the Council
- Urge the U.S. government to remain engaged with Council activities through ways such as sending observers to future Council sessions, participating in UPR sessions, and cooperating with special rapporteurs

To develop an advocacy strategy to integrate policies and priorities of both Human Rights First and the U.S. government into other member states' agenda at the Council, Human Rights First should:

- Map other Council member states who believe in the role of U.S Council membership in creating global human rights initiatives (See Appendix A and Interview Data Analysis)
- Advocate for these states to urge the U.S. to become re-engaged at the Council and stress the importance of U.S. participation would have on Council's work
- Create advocacy channels for these member states to set Council agenda that aligns with the policies and priorities of Human Rights First and the U.S. government

To participate in conversations on Council reform in Geneva and elsewhere, Human Rights First should:

- Develop its vision and mission plan to engage with the Council on potential structural changes in effective and meaningful ways
- Start conversations with different stakeholders on what Council reform would look like
- Encourage and convene a platform to include global and local civil society organizations interested in Council reform

To continue to track any changes of operations, priorities, and political dynamics within the Council and its effect on advancing human rights beyond the Council, Human Rights First should:

- Continue to watch closely the activities at future Council sessions for changes in other countries' engagement on U.S. priority thematic issues, in particular the following, Freedom of Expression, Women's Rights, LGBTQ+ Rights, and Freedom of Religion
- Continue to observe changes in other countries' engagement on U.S. priority country-specific issues at future Council sessions, in particular regarding the Council agenda item

7, but to also include situations in human rights violator states that are relevant to U.S. interests and priorities

- Monitor conversations and progress made regarding Council reform in Geneva, in particular on Council membership and the elimination of agenda item 7

Appendix A

Table 5. Sources of Opinions on U.S. Withdrawal from UNHRC

Table 5. Sources of Opinions on U.S. Withdrawal from UNHRC, 2018-2019		
	Disagreement	Agreement
U.S. Representatives	(D-MA) Ed J. Markey	(R-SC) Joe Wilson
	(D-NY) Nita Lowey	(R-PA) Lou Barletta
	(D-IL) Tammy Duckworth	(R-TX) Rep. Ted Cruz
	(D-DE) Christopher Coons	(D-FL) Ileana Ros-Lehtinen
	(D-RI) David N. Cicilline	(R-UT) Mike Lee
	(D-NY) Eliot L. Engel	(R-FL) Marco Rubio
	(D-NY) Gregory W. Meeks	
UN Personnel	António Guterres	
	Zeid Ra'ad Al Hussein (2 pieces)	N/A
	Group of UN advisers	
Other Countries' Representatives	Australia	
	Portugal	
	South Africa	Israel
	Russia (Valentina Matviyenko)	
	Russia (Gennady Gatilov)	
NGOs	Access Now	
	The Center for Reproductive Rights	N/A
	Save the Children	
	The U.S. Council for International Business	
Jewish NGOs/Lobbyist Groups		B'nai B'rith International
	Jewish World Service	The Republican Jewish Coalition Ben Cohen (Jewish Advocate)
Other		Tom Rogan
	Anonymous	The Blast

Source: ProQuest Global News Stream

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