

CHRI 2016

# Easier Said Than Done

Pursuing promises at the United Nations Human Rights Council

Botswana



**CHRI**  
Commonwealth Human Rights Initiative

Working for the practical realisation of human rights  
in the countries of the Commonwealth

## COMMONWEALTH HUMAN RIGHTS INITIATIVE

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the *practical* realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI. They believed that while the Commonwealth provided member countries a shared set of values and legal principles from which to work and provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

CHRI's objectives are to promote awareness of and adherence to the Commonwealth Harare Principles, the Universal Declaration of Human Rights and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights in Commonwealth Member States.

Through its reports and periodic investigations, CHRI continually draws attention to progress and setbacks to human rights in Commonwealth countries. In advocating for approaches and measures to prevent human rights abuses, CHRI addresses the Commonwealth Secretariat, Member Governments and civil society associations. Through its public education programmes, policy dialogues, comparative research, advocacy and networking, CHRI's approach throughout is to act as a catalyst around its priority issues.

CHRI is based in New Delhi, India, and has offices in London, UK and Accra, Ghana.

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## INTRODUCTION

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### WHAT IS THE *EASIER SAID THAN DONE* SERIES OF REPORTS?

The Commonwealth Human Rights Initiative (CHRI) has been monitoring the behaviour of Commonwealth countries at the United Nations Human Rights Council (UNHRC) since the Council's inception in 2006. CHRI has used the *Easier Said than Done (ESTD)* series to report on the performance of Commonwealth members of the UN Human Rights Council, in the context of their domestic and international human rights obligations.

The benchmark for countries' behaviour is their own pre-election pledges, made while standing for election to the Council. These pledges frequently include commitments to promote and protect human rights internationally, domestically and, specifically, at the Council. *ESTD* uses voting records, statements, and information on engagement with the UNHRC special procedures and compliance with the UN treaty bodies to document the extent to which Commonwealth members of the Council comply with these pre-election pledges.

The *ESTD* reports are principally published for an audience of diplomats, government officials, civil society organisations and international policymakers. They are designed to be of use in formulating policy and advocating for greater respect for human rights, both domestically and internationally.

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### WHY DO THE *EASIER SAID THAN DONE* REPORTS FOCUS ON COMMONWEALTH COUNTRIES?

The Commonwealth as a block is an under-assessed component of the Council. During any particular year, about a quarter of the UN Human Rights Council is comprised of Commonwealth States. The Commonwealth has a diverse membership which spans the entire globe. All Commonwealth Members have made a commitment to fundamental principles of human rights on numerous occasions through a variety of organisational documents and communiqués. Most notably, this commitment was demonstrated in 2013 with the signing of the Commonwealth Charter. The Charter makes a specific commitment to the protection and promotion of human rights:

“We are committed to the Universal Declaration of Human Rights and other relevant human rights covenants and international instruments. We are committed to equality and respect for the

protection and promotion of civil, political, economic, social and cultural rights, including the right to development, for all without discrimination on any grounds as the foundations of peaceful, just and stable societies.

We note that these rights are universal, indivisible, interdependent and interrelated and cannot be implemented selectively. We are implacably opposed to all forms of discrimination, whether rooted in gender, race, colour, creed, political belief or other grounds.”

With this foundation, the Commonwealth should be a force to further the mandate of the UN Human Rights Council. However, taken as a whole, the Commonwealth block often fails to live up to these principles. Failure to comply with this fundamental organisational commitment jeopardises the integrity of the Commonwealth and has the potential to negatively impact the work of the UN Human Rights Council.

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#### HOW IS THIS REPORT STRUCTURED?

Each report begins with an examination of the Commonwealth’s performance as an intergovernmental body and as a grouping within the Council.

Pages 19-22 present data on three important measures of a country’s involvement in the UN human rights system: ratification of the core UN human rights treaties, compliance with treaty reporting obligations, and cooperation with the UN Human Rights Council’s special procedure mandate holders. These metrics are presented for all Commonwealth countries present on the Council during the reporting period.

Pages 23-51 detail the country’s performance and voting patterns at all the Council sessions that occurred during the reporting period. It also compares the performance of each State with its pre-election pledges regarding engagement with the Council, special procedures and treaty bodies. This section may also mention a domestic pledge if it is highly specific (e.g. a pledge to pass a particular law or create an institution).

The reports also have two annexes. One lists the links to the countries’ pledges, while the other is a table that sets out Commonwealth voting patterns during the review period.

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## WHAT IS THE REPORTING PERIOD AND WHICH COUNTRIES ARE UNDER CONSIDERATION?

Each report in the 2016 series focuses on one Commonwealth Member of the Council during the 2014, 2015, and January 2016 sessions (Session 25-Session 31). Though usually an annual production, no *ESTD* reports were published in 2015, necessitating a longer reporting period.

The five countries this edition of *ESTD* focuses on are Botswana, India, Namibia, Pakistan, and Sierra Leone. These countries were selected because they share many traits common to Commonwealth countries: they are in Asia and Africa (home to the preponderance of Commonwealth countries), they are developing countries whose foreign and domestic policies are often necessarily shaped by resource and capacity constraints and global inequities, and they are electoral democracies whose constitutional principles are to greater or lesser degrees in tension with on-going issues with inequality, corruption and rule of law. On the other hand, these countries often differ in key ways—including, as will be seen in these reports, in their orientation towards the Council and international human rights generally.

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## WHAT SOURCES OF INFORMATION WERE USED TO COMPILE THESE REPORTS?

These reports use research based exclusively on secondary sources. All the information regarding Council statements, voting activity, engagement with the Special Procedures, treaty ratification and reporting obligation compliance came from the Office of the High Commissioner of Human Rights (OHCHR) and is publicly available on its website (access to statements to the Council requires registering an account with the Council's extranet). Pledge documents, as mentioned above, are linked in the annex, and are quoted at length in the pre-election pledge section (pages 19-20).



# THE COMMONWEALTH AND THE UNITED NATIONS HUMAN RIGHTS COUNCIL

## Q & A ON THE UNITED NATIONS HUMAN RIGHTS COUNCIL

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### WHAT IS THE UNITED NATIONS HUMAN RIGHTS COUNCIL?

The United Nations Human Rights Council (UNHRC or the Council) is an intergovernmental body within the UN system comprising 47 elected Member States. The Council was established in June 2006 to replace the former UN Commission on Human Rights. The Council has the primary responsibility for the promotion and protection of human rights at the UN. The Council holds three regular sessions annually and special sessions as required by human rights situations that require urgent attention. Unlike its predecessor, which was a subsidiary body to the Economic and Social Council, the Human Rights Council is a subsidiary organ of the UN General Assembly. The Council has absorbed mechanisms of the former Commission, such as the Special Procedures and Complaints Procedure, while including new mechanisms: the Universal Periodic Review (UPR) and the Advisory Committee. In another departure from the practices of its predecessor, the Council has a re-formulated regional division of seats that provides for greater representation of Southern States. Its election process is also different; states may release pre-election pledges and then must secure an absolute majority of votes in the General Assembly (held by secret ballot) to be elected.

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### WHY WAS THE COUNCIL ESTABLISHED?

The Council was established to replace the discontinued and largely discredited United Nations Commission on Human Rights (the Commission) that was established in 1946. Despite several contributions and decades of setting international standards on human rights, the Commission was criticised for being an overly political and selective body. Numerous states with poor human rights records were able to sit on the Commission and, once there, work to block meaningful action on serious human rights abuses.

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### HOW ARE COUNTRIES ELECTED TO THE COUNCIL?

The Council's 47 seats are allocated by regional grouping (13 for Asian States, 13 for African States, six for Eastern European States, eight for Latin American and Caribbean States and seven for

Western European and Other States) for three-year terms. Every year new countries vie for seats within each regional grouping – the number of seats available depends on the number of countries from each grouping departing the Council. Countries may only run for two consecutive terms. A country must obtain an absolute majority of votes from the UN General Assembly to be elected to the Council. If no country within a regional grouping receives an absolute majority of votes, then a second round of voting takes place between high-scoring candidates. Recently, however, there has been a trend of regional groupings running closed slates – with the number of countries running matching the number of open seats – to avoid embarrassing countries that lose out to other countries from the same region.

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### WHAT IS A PLEDGE AND WHAT DOES A PLEDGE USUALLY ENTAIL?

A country running for election to the Council can submit pre-election pledges while presenting their candidature. Ideally, the pledge document is intended to be used by voting countries to determine which candidate best fits the criteria for election to the Council, i.e. which country has made the greatest contribution to the promotion and protection of human rights and is willing and capable of playing an effective role at the Council. Pledges usually list a country's past contributions to the promotion and protection of human rights, and future voluntary commitments towards the same. The commitments made in each country's pre-election pledge are also intended to be used as a partial basis for that country's Universal Period Review. For reference, electronic links to these pledges can be found in Annex 1 of this report.

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### IS THE PLEDGE-MAKING PROCESS REGULATED?

The Office of the High Commissioner for Human Rights (OHCHR) has published a document that outlines suggested elements for voluntary pledges and commitments, but these guidelines are not binding; nor are they exhaustive. The suggested elements include national and international human rights contributions, pledges and commitments.<sup>1</sup> Because the pledge-making process is neither regulated nor standardised, there is little consistency between countries, although pledges to support the work of the Council and its subsidiary mechanisms are common, as are pledges to uphold the highest standards of human rights domestically. Unfortunately, pledges also tend to be vague and unquantifiable, making the measurement of achievements and benchmarking especially difficult.

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<sup>1</sup> United Nations Office of the High Commissioner for Human Rights, "Suggested Elements for Voluntary Pledges and Commitments for Candidates for Election to the Human Rights Council," n.d., <http://www.ohchr.org/Documents/HRBodies/HRCouncil/Pledges.pdf>.



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## ARE COUNTRIES BOUND BY THEIR PRE-ELECTION PLEDGES?

There is currently no accountability mechanism to ensure compliance with pre-election pledges. That being said, the General Assembly does have the ability to suspend Council Members who have seriously and consistently breached their international human rights obligations. Libya was suspended from the Council in March 2011 as a result of a violent crackdown on anti-government protestors; however Libya had not made any specific pledges regarding its domestic human rights situation before its election to the Council. There is therefore no example of a State's membership of the Council being affected as a direct result of violating an election pledge.

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## WHAT IS THE POSITION OF THE COMMONWEALTH AT THE COUNCIL?

Since the establishment of the Council in 2006, the share of sitting members who are also Commonwealth states has generally been 20-25% in any given year. The Commonwealth, through its Secretariat, has undertaken several initiatives with respect to technical assistance on the UPR. The Commonwealth has also established a "Small States" office in Geneva in order to provide subsidized office space to its smaller Members who do not have a permanent presence in Geneva, thereby facilitating their participation at the Council.

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## IS THE COUNCIL AN EFFECTIVE MECHANISM TO PROMOTE RESPECT FOR HUMAN RIGHTS AND TO ADDRESS MAJOR ABUSES?

To date, the Council appears to be battling issues similar to the ones that plagued the Commission. During a speech at the celebrations for the sixtieth anniversary of the Universal Declaration of Human Rights in December 2008, UN Secretary-General Ban Ki Moon urged the Council to "rise above partisan posturing and regional divides" and to "address human rights abuses wherever they occur". For the most part, this plea has not been borne out. Many members continue to vote on the basis of regional groupings and/or political alliances. Major human rights abusers still sit on the Council, and the responses to several serious abuses have been undermined by politicization. Though many Commonwealth countries voluntarily pledged to promote and work positively to support the Council before their election, Commonwealth Members tend to be a part of the negative patterns identified above.

Voting on controversial country-specific and thematic resolutions continues to be divided along regional voting lines and/or dictated by political alliances. A number of Commonwealth countries are openly opposed to country-specific scrutiny at the Council and frequently either abstain or

vote no when such resolutions come to a vote

Despite these issues, the Council has achieved a degree of success in providing a forum for debate on global human rights issues. It has facilitated significant engagement of civil society in its processes. It has also managed to unite its Members around several key concerns, passing resolutions calling for action or expressing commitment to a range of issues from the protection of human rights defenders to holding perpetrators to account for human rights abuses.

## THE COMMONWEALTH AT THE HUMAN RIGHTS COUNCIL: AN ANALYSIS OF COUNTRY BEHAVIOUR

This round of reports, which cover 2014 and 2015 as well as the first session of 2016, continue to demonstrate the discouraging picture highlighted by their predecessors regarding the performance of Commonwealth members as a whole at the Council. The potential for Commonwealth countries to actively contribute to the promotion, protection and realisation of human rights, both at home and at the Council has still not been fulfilled. At the same time, a more mixed picture emerges when the record is examined on a country-by-country basis, with some delegations acting more constructively than others.

These reports demonstrate the following important patterns in the behaviour of Commonwealth countries at the Council:

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### SHARP DIVISIONS ON COUNTRY-SPECIFIC SITUATIONS

It was evident that several Commonwealth countries remained reluctant to take positions on individual country situations. This approach significantly impeded the Council from effectively responding to the most egregious human rights violations.

Of particular concern was the position taken by the Commonwealth bloc when the situation of one of its Members came under the scrutiny of the Council. In March, 2014, Resolution 25/01, “Promoting reconciliation, accountability and human rights in Sri Lanka,” was supported by only three Commonwealth countries; Botswana, Sierra Leone and the United Kingdom. India, Namibia and South Africa abstained from the vote, while Kenya, Maldives and Pakistan voted no. This voting pattern mirrored the Commonwealth’s unwillingness to aggressively speak out on the dire human rights situation in the country, emblemized by the Secretariat’s decision to hold the 2013 CHOGM in Sri Lanka despite widespread outcry and the boycott of several Heads of Government.

Commonwealth members consistently rendered split decisions voting on other countries as well. In Session 31 alone, Commonwealth countries disagreed significantly on resolutions concerning Syria (31/17; 4 yes, 6 abstentions), Iran (31/19; 2 yes, 4 no, 4 abstentions), and Palestine (31/34; 8 yes, 2 abstentions). In addition to further splits on other votes concerning these three countries of perennial concern, in the prior year (2015) Commonwealth members also failed to find consensus on Belarus (29/17; 4 yes, 1 no, 7 abstentions), Ukraine (29/23; 6 yes, 6 abstentions), and North Korea (28/22; 5 yes, 7 abstentions).

In oral statements, several Commonwealth countries also called for the Council to diminish or end its focus on individual countries and raised concerns about the use of the forum for “particular agendas,” which could be construed as an attempt to block scrutiny of politically sensitive human rights situations.

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#### LACK OF CONSENSUS ON FUNDAMENTAL HUMAN RIGHTS AND CIVIL LIBERTIES

Among the more disturbing patterns in the behaviour of Commonwealth countries was a failure to achieve unanimity on the most basic human rights and civil liberties issues. Resolution 25/38, “The promotion and protection of human rights in the context of peaceful protests,” garnered no votes from Kenya, India, South Africa and Pakistan, as well as an abstention from Namibia. Two countries (Nigeria and South Africa) abstained from voting on Resolution 28/14, “Human rights, democracy and the rule of law.” Resolution 31/32, “Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights,” earned a no vote from Nigeria and abstentions from Kenya and Namibia.

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#### CONTINUING CONTROVERSY OVER THE DEATH PENALTY AND LGBT RIGHTS

Two major policy divisions in the Commonwealth that were visible at the Council were over the death penalty and LGBT rights. During the period covered in these reports, two votes were held on the “The question of the death penalty,” (26/02 and 30/05) and each produced split results (4 yes, 3 no, 2 abstentions on the former; 4 yes, 5 no, 3 abstentions on the latter).

In terms of LGBT rights, Resolution 27/32, “Human rights, sexual orientation and gender identity,” divided Commonwealth members (2 yes, 4 no, 3 abstentions). Two “Protection of the Family” resolutions, which could be construed as exclusionary to LGBT persons, earned significant support (26/11; 8 yes, 1 no) (29/22; 10 yes, 2 no).

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## EMPHASIS ON THE NEEDS OF DEVELOPING COUNTRIES AND THE RIGHT TO DEVELOPMENT

Many Commonwealth countries were active in advocating for a greater focus on the right to development and the interrelation between civil, political, social, economic and cultural rights. While the attention to development appears at times to be an attempt to distract from the more politically sensitive political and civil rights issues, it also adds an important, holistic human rights perspective from the developing world. Commonwealth countries also repeatedly raised points about the need for greater financial contributions to the Council and continued support for its technical assistance efforts.

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## PARTICIPATION

Commonwealth countries have room to improve when it comes to participation in Council activities. Universal Rights Group recorded the following level of participation, defined as the proportion of meetings to which a country submitted an individual or joint statement, for the five countries covered in this report series during Sessions 23-31 (June 2013-March 2016)<sup>2</sup>:

<b>Country</b>	<b>Panels</b>	<b>Interactive Dialogues</b>	<b>General Debates</b>	<b>Average</b>
Botswana	7%	37%	26%	23%
India	42%	24%	44%	37%
Namibia	41%	15%	16%	24%
Pakistan	36%	14%	26%	25%
Sierra Leone	56%	40%	32%	43%

It is difficult to set a benchmark for what constitutes a “good” level of participation, given the wide variance in resources among the Council members. However, it is worth noting that of these five countries it was Sierra Leone, by far the poorest in terms of GDP/capita, that sustained the highest level of participation. The Council would benefit if members sought to participate more in its proceedings, even given current constraints of time, personnel and finances.

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## A LACK OF COMMITMENT TO PROMOTING COMMONWEALTH VALUES AT THE COUNCIL

The Commonwealth Charter, signed in 2013, sets out the values of the association, committing its members to the principles of peace, democracy, justice, development, equality, human rights and

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<sup>2</sup> Entries for each country can be found at <http://yourhrc.org/interactive-map/>.

inclusivity. Unfortunately, the record suggests their actions are sometimes dictated more by political expediency and indifference to or unwillingness to deal with human rights abuses than a thorough commitment to these values. It exemplifies the need for the Secretariat to work proactively to ensure adherence to the Charter, rather than acquiesce to members' lack of regard for the Commonwealth's fundamental ideals.

## THE ROLE OF THE OFFICIAL COMMONWEALTH AT THE UN HUMAN RIGHTS COUNCIL

### ENGAGEMENT

The Commonwealth mandate to engage with the Council was initiated at the 2007 Commonwealth Heads of Government Meeting (CHOGM). As a result of lobbying by the Commonwealth Human Rights Forum, a meeting of civil society groups, the Heads of Government decided that the Commonwealth Secretariat could, through the Council, play a facilitating role in strengthening dialogue on, and raising awareness of, human rights in Commonwealth countries. Since the Human Rights Council began operating in 2006, CHRI has urged the Commonwealth and its members to actively support the Council in the fulfilment of its mandate. The earlier reports in the *Easier Said Than Done* series have noted that the Council should be considered one of the most important global fora for the Commonwealth, and to this end identified two important avenues through which the Commonwealth could make a serious impact at the Council:

1. By providing technical assistance to Commonwealth countries that wish to engage with the Council and its mechanisms.
2. By building consensus among like-minded countries during deliberations at the Council.

To date, Commonwealth engagement with the Council has largely focused on the first avenue, with a predominant emphasis on providing technical assistance to Commonwealth countries as they engage with the Universal Periodic Review mechanism. Since early 2008, the Human Rights Unit of the Commonwealth Secretariat has run several UPR capacity-building training sessions across the Commonwealth for governments, parliamentarians, national human rights institutions and civil society. These meetings have primarily been a forum to share best practices and experiences. Best practices taken from a selection of these meetings were compiled into two volumes by the Human Rights Unit: *Universal Periodic Review of Human Rights: Towards Best Practice*, which shared early experiences with the UPR; and *Universal Periodic Review: Lessons, Hopes and Expectations*, which provided an update half-way through the first cycle.

Work to further contribute to the UPR continued during the second cycle of reviews. Notably, the Mahé Declaration of 2014, the Pipitea Declaration of 2015 and the Kotte Declaration of 2016 expressed the commitment of Commonwealth parliamentarians in Africa, the Pacific, and Asia, respectively, to increase engagement with the UPR and other international human rights mechanisms.<sup>3</sup> The most recent capacity-building workshop to this end was held in January 2016 in Sri Lanka for Commonwealth parliamentarians in Asia.<sup>4</sup>

The level of commitment by the Heads of Government to Commonwealth engagement with the international human rights mechanisms and the Council, particularly the UPR, has fluctuated somewhat. The Heads at the 2009 CHOGM in Trinidad and Tobago reaffirmed support for the capacity-building work of the Human Rights Unit.<sup>5</sup> However, at the 2011 CHOGM in Australia, the Heads merely noted that Commonwealth Members should share best practices and lessons learned from the Universal Periodic Review Process, without establishing a way forward for the Commonwealth to deliver further technical assistance.<sup>6</sup> The trend of diminishing focus in the CHOGM communiqué continued in 2013, where no reference to the Council or the UPR was made. The UN human rights mechanisms only received a sweeping mention wherein Members were encouraged to accelerate efforts towards the ratification of all major international human rights instruments to strengthen the implementation of rights and freedoms as enshrined in the Universal Declaration of Human Rights.<sup>7</sup> The 2015 CHOGM communiqué briefly noted the UPR as one source of best practices. It also ventured only mildly towards encouraging involvement in other international instruments, inviting States who “wished to do so” to ratify the Arms Trade Treaty and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.<sup>8</sup>

The Commonwealth Secretary-General traditionally makes a speech during the opening of the

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<sup>3</sup> Commonwealth Secretariat, “Commonwealth Asia MPs Join Forces on Human Rights,” February 4, 2016, <http://thecommonwealth.org/media/news/commonwealth-asia-mps-join-forces-human-rights>.

<sup>4</sup> Commonwealth Secretariat, “Sri Lanka Hosts Commonwealth Regional Human Rights Seminar for Parliamentarians,” January 29, 2016, <http://thecommonwealth.org/media/press-release/sri-lanka-hosts-commonwealth-regional-human-rights-seminar-parliamentarians#sthash.dG7OqD6a.dpuf>.

<sup>5</sup> Commonwealth Heads of Government, “Commonwealth Heads of Government Meeting Communiqué, Trinidad and Tobago 2009,” November 29, 2009, <http://thecommonwealth.org/sites/default/files/news-items/documents/TrinidadandTobagoCHOGMCommuniqué2009.pdf>.

<sup>6</sup> Commonwealth Heads of Government, “Commonwealth Heads of Government Meeting Communiqué, Australia 2011,” October 30, 2011, <http://thecommonwealth.org/media/news/commonwealth-leaders-release-chogm-2011-communiqué%3%A9>.

<sup>7</sup> Commonwealth Heads of Government, “Commonwealth Heads of Government Meeting Communiqué, Sri Lanka 2013,” November 17, 2013, [http://thecommonwealth.org/sites/default/files/events/documents/CHOGM%202013%20Communiqué\\_0.pdf](http://thecommonwealth.org/sites/default/files/events/documents/CHOGM%202013%20Communiqué_0.pdf).

<sup>8</sup> Commonwealth Heads of Government, “Commonwealth Heads of Government Meeting Communiqué, Malta 2015,” November 29, 2015, <http://thecommonwealth.org/sites/default/files/news-items/documents/CHOGM%202015%20Communiqué.pdf>.



Council, which can serve as a window onto the Secretariat's approach to engagement with that body. The Secretary-General in office from 2008 to early 2016, Kamalesh Sharma, delivered speeches that—while they at times defended fundamental human rights and liberties—differed markedly from those of his predecessor in their view of the proper role of the Council. Whereas Secretary-General Don McKinnon noted in his 2007 address that if the Council “shields just one jurisdiction which displays a blatant abuse of human rights, it will discredit itself forever”<sup>9</sup>, Secretary-General Sharma's speeches seem to suggest that naming and shaming rights-abusive regimes should be avoided. In 2010, for example, he said that there was “greater value in raising a helping hand, than in raising a wagging finger”<sup>10</sup>; in 2012, he stated that the “Commonwealth approach is not to chide or rebuke, but to agree to shared goals”<sup>11</sup>. In 2015, in a welcome move, his speech noted the Secretariat's concern over the safety of human rights defenders and threats to freedom of association and assembly.<sup>12</sup> His farewell speech to the Council, in 2016, focused heavily on networking and capacity-building efforts by the Commonwealth, but largely avoided sensitive civil and political rights issues and omitted mention of specific countries.<sup>13</sup> These statements largely mirrored the non-confrontational approach taken by the Secretariat in responding to human rights violations within member states. A notable exception to this pattern was in the Secretary-General's frequent call to end discrimination on the basis of gender identity or sexual orientation, a laudable action given that the majority of Commonwealth countries continue to criminalise homosexuality.

Beyond these speeches, the institutional contacts between the Commonwealth and the Human Rights Council are relatively shallow—which should be a cause for concern. The Commonwealth considers itself a values-based organisation, defined by the principles of democracy, human rights, peace, tolerance and respect for the rule of law. If Commonwealth countries do not uphold these values, domestically or during their international engagements, the Commonwealth should be aware of this and take appropriate action. It is therefore essential that the Commonwealth monitor action at the Council and work towards increasing the positive impact made by Commonwealth States at the Council. A significant initial move in that direction was completed in

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<sup>9</sup> Don McKinnon, “Statement by the Commonwealth Secretary-General Rt Hon Don McKinnon to the High Level Segment of the UN Human Rights Council,” March 14, 2007, <http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session4/HLS/Commonwealth.pdf>.

<sup>10</sup> COMSEC/PACNEWS, “Commonwealth Secretary-General Addresses UN Human Rights Council,” February 3, 2010, <http://www.pina.com.fj/print.php?print=news&o=15361361914b8c7dcf54906a3a8e6a>.

<sup>11</sup> Kamalesh Sharma, “Commonwealth Secretary-General Speech to UN Human Rights Council – High Level Segment,” February 29, 2012, <http://thecommonwealth.org/media/news/commonwealth-secretary-general-speech-un-human-rights-council-%E2%80%93-high-level-segment>.

<sup>12</sup> Kamalesh Sharma, “Secretary-General Addresses UN Human Rights Council,” March 3, 2015, <http://thecommonwealth.org/media/news/secretary-general-un-human-rights-council>.

<sup>13</sup> Kamalesh Sharma, “Secretary-General to Address High-Level Segment of UN Human Rights Council,” March 2, 2016, <http://thecommonwealth.org/media/news/secretary-general-address-high-level-segment-un-human-rights-council#sthash.5uO1TB4d.dpuf>.

January 2011, when the Commonwealth opened an office in Geneva that offers space and a business centre at subsidised rates for Commonwealth missions and visiting delegations that participate in international deliberations, including at the Council.

In 2013, the Commonwealth took the step of contributing to a specific thematic panel discussion held at the Council on the role of parliamentarians in the work of the Council. Moreover, the staff of the Commonwealth contributed to specific thematic reports prepared by the Office of the High Commissioner for Human Rights (OHCHR). The reports, to which the Commonwealth contributed, included the policing of peaceful protests; strengthening judicial systems and the administration of justice; the right to development; and the protection of journalists. The Secretary-General in his 2016 statement underlined the association's on-going objective of assisting Commonwealth States participation in the UPR process and furthering the goals of the Council; however, the only specific pledge made in terms of direct participation at the Council was for Commonwealth involvement in a forthcoming panel on the contribution of parliaments to the work of the Council during the 32<sup>nd</sup> Session.<sup>14</sup>

There have been no visible moves by the Commonwealth, or any of its members, to work towards building a consensus among Commonwealth countries at the Council on interventions designed to advance human rights objectives. It is, of course, questionable whether a "Commonwealth consensus" at the Council could be achieved, given the wide variance in the human rights situations and political commitments of its members. Yet given the pro-human rights values at the heart of the Commonwealth, and the significant share of seats on the Council held by Commonwealth countries, working towards greater coordination would have significant potential benefits. An active Commonwealth group at the Council could both promote the Commonwealth's principles and help give it a higher international profile.

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<sup>14</sup> Kamallesh Sharma, "Secretary-General to Address High-Level Segment of UN Human Rights Council," March 2, 2016, <http://thecommonwealth.org/media/news/secretary-general-address-high-level-segment-un-human-rights-council#sthash.5uO1TB4d.dpuf>.

## THE COMMONWEALTH MEMBERS OF THE HUMAN RIGHTS COUNCIL AND THE UNITED NATIONS HUMAN RIGHTS MECHANISMS

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### DO COMMONWEALTH MEMBERS OF THE HRC COMPLY WITH MAJOR UN HUMAN RIGHTS INSTRUMENTS?

The tables below are designed to illustrate the extent to which the Commonwealth Members who sat on the Human Rights Council during the reporting period comply with core UN human rights instruments, mechanisms and processes. The tables focus on the ratification status of international human rights treaties (Table I); compliance with respect to reporting obligations under the UN human rights treaties (Table II); and engagement with the special procedures (Table III). Adherence to such instruments and mechanisms varies, demonstrating that the international framework established for the promotion and protection of human rights is not uniformly implemented across the Commonwealth Members of the Human Rights Council.

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### LIST OF CORE UN HUMAN RIGHTS TREATIES

The core UN human rights treaties and their optional protocols that this section covers are:

- CERD - International Convention on the Elimination of All Forms of Racial Discrimination
- CCPR - International Covenant on Civil and Political Rights
- CCPR-OP1 - Optional Protocol to the International Covenant on Civil and Political Rights
- CCPR-OP2-DP - Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty.
- CESCR - International Covenant on Economic, Social and Cultural Rights
- CESCR-OP - Optional protocol to the International Covenant on Economic, Social and Cultural Rights
- CEDAW - Convention on the Elimination of All Forms of Discrimination against Women
- CEDAW-OP - Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
- CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment
- CAT-OP - Optional Protocol of the Convention against Torture
- CRC - Convention on the Rights of the Child

- CRC-OP-AC - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
- CRC-OP-SC - Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography
- CRC-OP-CP- Optional Protocol to the Convention on the Rights of the Child on a communications procedure
- CMW - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- CED - Convention for the Protection of All Persons from Enforced Disappearance
- CRPD - Convention on the Rights of Persons with Disabilities
- CRPD-OP - Optional protocol to the Convention on the Rights of Persons with Disabilities

TABLE 1: ADHERENCE OF COMMONWEALTH COUNTRIES TO THE UN HUMAN RIGHTS TREATIES (RATIFICATION STATUS)

	Bangladesh	Botswana	Ghana	India	Kenya	Maldives	Namibia	Nigeria	Pakistan	Sierra Leone	South Africa	United Kingdom
CERD	P	P	P	P	P	P	P	P	P	P	P	P
CCPR	P	P	P	P	P	P	P	P	P	P	P	P
CCPR-OP1	-	-	P	-	-	P	P	-	-	P	P	-
CCPR-OP2	-	-	-	-	-	-	P	-	-	-	P	P
CESCR	P	-	P	P	P	P	P	P	P	P	P	P
CESCR-OP	-	-	S	-	-	S	-	-	-	-	-	-
CEDAW	P	P	P	P	P	P	P	P	P	P	P	P
CEDAW-OP	P	P	P	-	-	P	P	P	-	S	P	P
CAT	P	P	P	S	P	P	P	P	P	P	P	P
CAT-OP	-	-	S	-	-	P	-	P	-	S	S	P
CRC	P	P	P	P	P	P	P	P	P	P	P	P
CRC-AC	P	P	P	P	P	P	P	P	S	P	P	P
CRC-SC	P	P	S	P	S	P	P	P	P	P	P	P
CRC-CP	-	-	S	-	-	S	-	-	-	-	-	-
CMW	P	-	P	-	-	-	-	P	-	S	-	-
CED	-	-	S	S	S	S	-	P	-	S	-	-
CRPD	P	-	P	P	P	P	P	P	P	P	P	P
CRPD-OP	P	-	P	-	-	-	P	P	-	-	P	P

KEY  
 P State Party  
 S Signatory  
 - No action

TABLE 2: COMPLIANCE OF COMMONWEALTH COUNTRIES WITH REPORTING OBLIGATIONS UNDER THE UN HUMAN RIGHTS TREATIES

	Bangladesh	Botswana	Ghana	India	Kenya	Maldives	Namibia	Nigeria	Pakistan	Sierra Leone	South Africa	United Kingdom
CERD	OD (2002)	OD (2009)	OD (2006)	OD (2010)	UTD	UTD	UTD	OD (2008)	UTD	OD (2006)	UTD	UTD
CCPR	UTD	OD (2012)	UTD	OD (2001)	OD (2015)	OD (2015)	UTD	OD (1999)	UTD	UTD	UTD	UTD
CESCR	OD (2000)	-	OD (2003)	OD (2011)	UTD	OD (2008)	UTD	OD (2000)	UTD	OD (1998)	-	UTD
CEDAW	UTD	OD (2014)	UTD	UTD	UTD	UTD	UTD	UTD	UTD	UTD	OD (2015)	UTD
CAT	OD (1999)	OD (2001)	OD (2015)	-	UTD	OD (2005)	UTD	OD (2002)	UTD	UTD	OD (2009)	UTD
CRC	UTD	OD (2007)	UTD	UTD	UTD	UTD	UTD	UTD	UTD	UTD	UTD	UTD
CRC-AC	UTD	OD (2006)	-	UTD	OD (2004)	UTD	OD (2004)	OD (2014)	-	UTD	OD (2011)	UTD
CRC-SC	UTD	OD (2005)	-	UTD	-	UTD	OD (2004)	OD (2012)	OD (2013)	UTD	UTD	UTD
CMW	UTD	-	UTD	-	-	-	-	UTD	-	-	-	-
CED	-	-	-	-	-	-	-	OD (2013)	-	-	-	-
CRPD	OD (2010)	-	OD (2014)	UTD	UTD	OD (2012)	OD (2010)	OD (2012)	OD (2013)	OD (2012)	UTD	UTD

KEY UTD Up to date  
 OD (2002) Overdue (report due date)  
 - N/A

TABLE 3: SPECIAL PROCEDURES: STANDING INVITATIONS, VISITS AND PENDING REQUESTS

	Bangladesh	Botswana	Ghana	India	Kenya	Maldives	Namibia	Nigeria	Pakistan	Sierra Leone	South Africa	United Kingdom
Standing invitation?	NO	NO	YES	YES	YES	YES	NO	YES	NO	YES	YES	YES
Visits, 2014-mtd-2016	Freedom of Religion	Cultural rights Water and sanitation	Torture	NONE	Internally displaced persons Water and sanitation	NONE	NONE	Minority issues	NONE	NONE	Violence against women	Violence against women Eritrea Promotion of truth, justice and guarantees of non-recurrence
Pending requests	Minority issues	Racism	Migrants	Torture	Human rights defenders	Human rights defenders	Transnational corporations	Freedom of assembly and association	Human rights defenders	Internally displaced persons	Extrajudicial executions	NONE
	Extrajudicial executions		Education	Racism	Promotion of truth, justice, reparation and guarantees of non-recurrence		Human rights defenders	Counter terrorism	Extrajudicial executions	Arbitrary detention	Racism	
	Independence of judges and lawyers		Housing	Enforced disappearances	Extreme poverty			Water and sanitation	Racism	Freedom of expression	Environment	
	Contemporary forms of slavery			Indigenous people	Minority issues			Violence against women	Freedom of religion		Water and sanitation	
	Racism			Water and sanitation	Torture			Gender terrorism	Housing		Hazardous substances and waste	Extreme poverty
	Internally displaced persons			Extrajudicial executions	Enforced disappearances				Torture			
	International arbitrariness			Independence of judges and lawyers	Hazardous substances and waste				Food			
	Migrants			Trafficking					Internally displaced persons			
	Freedom of assembly and association			Freedom of assembly and association								
	Freedom of expression			Sale of children					Freedom of assembly and association			
	Hazardous substances and waste			People of African descent					Minority issues			
				Hazardous substances and waste					Discrimination against women			
				Extreme poverty					Contemporary forms of slavery			
				Contemporary forms of slavery					Cultural rights			
				Cultural rights								



# BOTSWANA AT THE HUMAN RIGHTS COUNCIL

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## ELECTION TO THE UN HUMAN RIGHTS COUNCIL

Botswana was one of five Africa states that contested the November 2011 elections for the four seats vacant among the 13 seats reserved for Africa. It won a seat for the 2011 to the 2014 term. It

## BACKGROUND

stood for re-election in 2014 and won a seat for the 2015-2017 term.

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## PRE-ELECTION PLEDGES

Prior to its election in 2015, Botswana made both general and country specific pledges. Its pledges included:

- “Botswana undertakes to work constructively with other members of the international community in ensuring the efficiency and effectiveness of the Human Rights Council.
- Botswana is fully committed to the innovative initiative of the universal periodic review within the Human Rights Council, and will continue to engage constructively and objectively in its work.
- Botswana fully supports the system of special procedures of the United Nations human rights system and is committed to cooperating with the respective special mechanisms...
- Botswana will continue to enhance its efforts to ensure that all the existing national mechanisms for the promotion and protection of human rights and fundamental freedoms are strengthened.
- Botswana remains committed to the creation of an umbrella national human rights institution, in line with the Paris Principles, in accordance with its pledges made under the universal periodic review mechanism.
- Botswana will continue to fully implement its human rights obligations and commitments, including those emanating from its universal periodic review recommendations.
- Botswana will continue to promote genuine and active dialogue with civil society in the area of promotion and protection of human rights.



- Botswana will continue to cooperate fully with all treaty bodies, including through meeting its reporting obligations to such bodies.
- Botswana is committed to continuing its on-going domestic legislative reform, as well as harmonizing national legislation with international commitments.
- In pursuit of its National Vision 2016 and the United Nations Millennium Development Goals, Botswana will continue to implement programmes and initiatives intended to advance the promotion and protection of human rights for its citizens.
- Botswana will continue to fully implement its policies and programmes on gender mainstreaming through, inter alia, the national gender action plan, developed in line with the Beijing Declaration and Platform for Action.
- Botswana will continue its efforts to advance the rights and empowerment of women, particularly within the framework of the national policy on women in development and UN-Women.”

## COMPLIANCE

### COMPLIANCE WITH PRE-ELECTION PLEDGES

Botswana did not provide a set of pre-election pledges in its 2014 re-election run for a Council seat, but did set down commitments during its initial run in 2011-2014 term. In that pledge document, Botswana pledged to be a constructive and positive presence on the Council, to combat human rights violations, impunity and crimes against humanity, and to continue to improve its domestic human rights situation.

Botswana was not the most active member of the Council. Among the focus countries of this series, Botswana had the lowest average level of participation as measured by the Universal Rights Group during Sessions 23-31. It was, in particular, nearly absent from panel discussions during its tenure.

On the other hand, Botswana demonstrated a generally strong commitment to human rights in its voting record. It particularly stood out on the matter of country-specific resolutions. Although it abstained on a number of votes related to Israel/Palestine, it was one of a minority of Commonwealth countries willing to vote in favour of resolutions concerning human rights in other countries, including Iran, Syria, North Korea, Ukraine, Sri Lanka and Belarus. It also voted in favour of fundamental human rights numerous times, registering yes votes on resolutions concerning the right to peaceful protest and protecting human rights defenders, and voiced support in its statements for the work of human rights defenders and the inclusion of civil society in policy

deliberations. It was less clear on its stance on freedom of speech in regards to matters of religion, saying in several statements that limits could be imposed on expression when religious sentiments were involved.

Botswana defended the death penalty at the Council, voting against multiple resolutions on the subject. It also made a statement to the Council on 4 March 2015 claiming it was a domestic political issue and questioning the need to have a panel on it. Botswana voted against a resolution concerning the rights of LGBT persons and for two resolutions on the “protection of the family” that were not LGBT-inclusive.

In its pledge, Botswana underlined its history as a leader in the struggle against apartheid, and it honoured this heritage with its strong stance against racism and xenophobia at the Council. In numerous statements, it helpfully outlined constructive steps that could be taken by the OHCHR to share best practices, and by States to domesticate international mechanisms and strengthen domestic protections.

Botswana voiced complete commitment to the UPR mechanism, and made constructive comments about the UPRs of several countries during the reporting period, including encouraging the ratification of international instruments. It also displayed sensitivity to the particular implementation challenges faced by developing countries and regularly called for the international community to offer support and assistance to countries with institutional development and the resolution of conflict situations.

Botswana promised to engage with the Treaty Bodies and other international mechanisms. Unfortunately, it has one of the worst records on treaty reporting among Commonwealth members of the Council, and was behind on reporting for every single major treaty as of publication. It also is one of a minority of Commonwealth members of the Council that has not extended a standing invitation to the Special Procedures mandate holders.

Botswana continues to work towards its pledge of creating an umbrella National Human Rights Institution, which can benefit the promotion and protection of rights if properly instituted and empowered. However, the reported lack of engagement with civil society in this process is concerning, and contradicts the country’s commitment to active and genuine dialogue with the sector<sup>15</sup>.

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## RATIFICATION

Botswana is a party to the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD),

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<sup>15</sup> UPR Concerned about Botswana’s Actions,” *Mmegi*, March 22, 2016

Convention on the Rights of the Child (CRC), Optional Protocol to the CRC on the involvement of children in armed conflict and the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography.

Botswana has not signed the Optional Protocol to CAT, the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty, the Convention for the Protection of All Persons from Enforced Disappearance (CPED), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), and the Convention on the Rights of Persons with Disabilities (CRPD).

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## REPORTING OBLIGATIONS

Botswana has failed to fulfill all of its most recent report obligations. The first round of reporting under CAT is overdue from 2001, while the second round of reporting under ICCPR is overdue since 2012. Botswana has failed to submit the seventh round of reporting under CERD, which is overdue since 2009 and the fourth round of reporting under CEDAW, which is overdue since the beginning of 2014.

The second round of reporting under the CRC has been overdue since 2007. Furthermore, Botswana has failed to submit the first round of reporting under both the Optional Protocol to the CRC on the rights of children in armed conflict and the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography, which have been overdue since 2006 and 2005 respectively.

## VOTING PATTERNS AND PERFORMANCE AT THE COUNCIL

### 25<sup>TH</sup> REGULAR SESSION (3<sup>RD</sup> MARCH – 28<sup>TH</sup> MARCH 2014)

On 4 March 2014, in a statement not delivered due to lack of time on the **High-level dialogue with relevant United Nations entities on the promotion of preventive approaches within the UN system**, Botswana emphasised the importance of human rights education as a tool for preventing human rights violations. Botswana noted that some issues, such as sexual orientation, do not cut across cultures and consequently, syllabi on human rights education will necessarily have specificities as well as commonalities. Botswana recognised that while certain cultural practices, such as genital mutilation and gender stereotypes, are harmful and need to be changed, it was necessary to strike a balance between this and social cohesion within communities. Botswana expressed concern that irregular migrants remained vulnerable to exploitation and coercion. On the issue of preventative mechanisms Botswana highlighted its establishment of a Police Complaint Commission to assist in the prevention of human rights violations by the police.

On 6 March 2014, during the **General Debate on the Annual Report of the High Commissioner for Human Rights** Botswana commended the work of the High Commissioner and her Office. Botswana welcomed the decision by the interim Government of Egypt to establish a regional office OHCHR for North Africa in Cairo. Botswana encouraged Myanmar to expedite a conclusion with the OHCHR for an office in that country. Botswana expressed serious concern at the humanitarian and human rights situation in Syria. It noted it was pleased that women's right and gender equality were priority areas for the High Commissioner. Botswana encouraged the High Commissioners' creation of a database on practical measures to combat racism, xenophobia and related intolerance.

On 10 March 2014, during the **Interactive Dialogue with the Special Rapporteur (SR) on torture and other cruel, inhuman or degrading treatment or punishment and with SR on the situation of human rights defenders**, Botswana welcomed the SR on torture's focus on the exclusionary rule as an important measures for upholding the prohibition on torture and other ill-treatment. Botswana supported the view that evidence, even real evidence, obtained through torture and other ill treatment should be inadmissible in any proceedings. Botswana noted that its Police Service Internal Affairs Unit and the Independent Police Complaints Commission were two safeguards intended to protect against possible police misconduct including torture and ill treatment. Botswana was concerned regarding the protection of human rights defenders in other States and that intimidation and violence was often carried out with impunity. Botswana agreed with the SR that human rights defenders needed to adhere to the highest possible ethical and professional standards.

On 12 March 2014, during the **Interactive Dialogue with the SR in the field of cultural rights**, Botswana recognized the important role played by truth and reconciliation commissions, emphasizing the need to focus on cultural and social rights as well as political rights. Botswana was keen to get feedback from the SR on the effect of memorialisation in restoring cultural rights. Regarding the **SR on the sale of children, child prostitution and child pornography** Botswana expressed concern about the vulnerability and sexual and exploitation of children, highlighting the need to develop and strengthen national legislation and supportive socio-cultural structures that protect children.

On 13 March 2014, during the **Interactive Dialogue with the Special Representative of the Secretary-General (SPSG) on violence against children and the SRSR for children and armed conflict**, Botswana stated that the Children's Act 2009 had brought about meaningful progress on children's rights in Botswana. With regard to children and armed conflict Botswana welcomed the progress made in the form of renewed commitments to end the recruitment of children into armed conflict but remained concerned that there are still reports of children involved in armed conflict and impunity for perpetrators continues. Botswana welcomed the work of the Security Council Working Group on Children and Armed Conflict.

On 17 March 2014, during **Interactive Dialogue with the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea**. Botswana thanks the Commission of Inquiry for its report and stated it was appalled by the allegations it contained. Botswana called on the Government of North Korea to comply with its legal obligation under international law and to fully cooperate with the Commission of Inquiry.

Also on 17 March 2014, during **Interactive Dialogue with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran**, Botswana noted positive development in reform of administration of justice in Iran and welcomed the release of 80 detainees but noted that there remained a number of 'political prisoners' in Iran detention facilities. Botswana was concerned about reports that detainees are held in abusive conditions and the proposed introduction of the Political Crime Bill, which if passed would further limit freedom of expression, association and assembly. Botswana was also concerned regarding the reported the lack of independence of judges and lawyers.

On 18 March 2014, during the **Interactive Dialogue with the Commission of inquiry on the Syrian Arab Republic**, Botswana supported the Commission's calls for both parties in the conflict to allow unhindered access for an independent humanitarian assessment of the needs of the country. Botswana expressed alarm at the government's continued targeting of hospitals and the execution by the opposition armed forces of boys as young as 15. Botswana welcomed the statement by the President of the Security Council condemning the human rights violations and stated that UN could do more in its efforts for finding an enduring peace in Syria, while ensuring accountability for the victims of the conflict.

On 19 March 2014, after a **Presentation of the report of the Forum on Minority Issues**, Botswana (on behalf of 47 other countries) issued a Joint Statement on the Issue of Reprisals Against

Individuals and Organizations' Cooperating or Seeking to Cooperate with the United Nations Human Rights Mechanisms. The statement said that it was essential to create a conducive environment for a free and vibrant civil society and expressed concern at reprisals against individuals and organizations cooperating with the UN. It stated that these reprisals were never acceptable and it was incumbent upon states to ensure that civil society was free to operate without intimidation. Further it stated that the prevalence of reprisals indicated that the UN's current response to the issue was inadequate and it urged the UN take a more effective and coordinated response to addressing reprisals.

On 19 March 2014, on the **consideration of Senegal**, Botswana was encouraged with the level of cooperation and dedication to the country's UPR process. It commended Senegal for legislative reforms such as amending the Nationality Code to end discrimination and the implementation of policies aimed at combating female genital mutilation.

On 20 March 2014, on the **consideration of Nigeria**, Botswana welcomed Nigeria's acceptance of many of Botswana's recommendations and was confident in their implementation. Botswana also applauded Nigeria's continued efforts in its health sector.

Also on 20 March 2014, on the **consideration of Mauritius**, Botswana called Mauritius a model for democracy in Africa and commended the efforts made and commitments to addressing domestic and gender-based violence.

Further, on 20 March 2014, on the **consideration of Malaysia**, Botswana commended Malaysia for accepting many of the recommendations and applied the legislative reforms aimed at enhancing the enjoyment of civil and political rights, such as repealing the Internal Security Act of 1960 and the promulgation of the Peaceful Assembly Act 2012.

Again, on 20 March 2014, on the **consideration of Central African Republic**, Botswana commended the CAR government's continued efforts toward restoring peace and security to the country and applauded the CAR for accepting many of the recommendations, while acknowledging the challenges of implementation for a developing country.

And, on 20 March 2014, on the **consideration of Chad**, Botswana commended Chad for accepting many of the recommendations made during their second UPR cycle, welcomed the efforts by the government of Chad to end the recruitment of child soldiers and commended the national gender policy and national strategy aimed at combating gender based violence.

On 21 March 2014, on the **consideration of Congo**, Botswana stated that the acceptance of many of the recommendations made demonstrated Congo's commitment to continue improving the promotion and protection of human rights. Botswana expressed appreciation at the measures taken in addressing human trafficking by the government of the Congo and welcomed Congo's ratification of the Rome Statute.

During this Session Botswana **voted in favour** of the following resolutions:



- Resolution on promoting reconciliation, accountability and human rights in Sri Lanka;
- Resolution on integrity of the judicial system;
- Resolution on continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic;
- Resolution on situation of human rights in the Islamic Republic of Iran;
- Resolution on impact of non-repatriation of funds of illicit origin to countries of origin;
- Resolution on situation of human rights in the Democratic People's Republic of Korea;
- Resolution on promotion and protection of human rights in the context of peaceful protests;
- Resolution on promotion of a democratic and equitable international order;
- Resolution on Independent Expert on the effects of foreign debt on the full enjoyment of all human rights;
- Resolution on Ensuring use of remotely piloted aircraft in counter-terrorism in accordance with international law;
- Resolution of the Right of the Palestinian people to self-determination;
- Resolution on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan;
- Resolution on Human rights situation in Occupied Palestinian Territory, including East Jerusalem;
- Resolution on the Follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict; and
- Resolution on Human rights in the occupied Syrian Golan.

Botswana did not **vote against** or **abstain** for any resolutions.

The following resolutions were **passed without a vote** during the session as they did not face any opposition from any member of the Council:

- Resolution on Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;
- Resolution on enhancement of international cooperation in the field of human rights;
- Resolution on Strengthening the technical cooperation and advisory services in Guinea;
- Resolution on mandate of the Independent Expert on minority issues;
- Resolution on access to justice for children;
- Resolution on protection of human rights and fundamental freedoms while countering terrorism;
- Resolution on the role of good governance in the promotion and protection of human rights;
- Resolution on ending violence against Children - A global call to make the Invisible visible;
- Resolution on the question of the realisation in all countries of economic, social and cultural rights;
- Resolution on adequate housing as a component of the right to an adequate standard of living;
- Resolution on freedom of religion or belief;
- Resolution on situation of human rights in Myanmar;
- Resolution on Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;
- Resolution on the International Decade for People of African Descent;
- Resolution on Special Rapporteur on the situation of human rights defenders;
- Resolution on Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;
- Resolution on the right to food;

- Resolution on Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity;
- Resolution on the right to education of persons with disabilities;
- Resolution on Human Rights and the environment;
- Resolution on assistance to the Republic of Mali in the field of human rights;
- Resolution on technical assistance for Libya in the field of human rights; and
- Resolution on intolerance, negative stereotyping and stigmatization, discrimination against persons based on religion or belief.

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## 26<sup>TH</sup> REGULAR SESSION (10<sup>TH</sup> – 27<sup>TH</sup> JUNE 2014)

On 10 June 2014, during the **annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General**, Botswana expressed admiration and appreciation toward the way in which the High Commissioner had discharged her duties in the past six years, welcoming in particular the global programme to increase women’s access to justice. Botswana added that the sentencing of a Sudanese woman to death for adultery last month and the kidnapping of the Nigerian school girls by Boko Haram in April 2014 highlighted that there was much more to do to end practices that underlie violence against women. Botswana called on States to protection persons against human rights violations on the basis sexual orientation and gender identity. Botswana stated it was disturbed by the human rights situation in Syria and North Korea and hoped that the Security Council would find common ground to refer the situations in both countries to the International Criminal Court. Botswana expressed concern at the situations in South Sudan and the Central African Republic and condemned reprisals against civil society organisations, stating that they played an important role in the promotion and protection of human rights.

On June 13 2014, during the **Clustered Interactive Dialogue with the Independent Expert on human rights and international solidarity and the Special Rapporteur on trafficking in persons, especially women and children**, Botswana thanked both the IE and SR for their report but limited their comment to the SR. Botswana stated it was making significant efforts to deal with trafficking in persons, including ratifying the Convention against Transnational Organised Crimes and both supporting Protocols, as well as drafting a comprehensive anti-trafficking bill planned to be tabled in Parliament by the end of 2014. The delegation stated that despite these efforts Botswana was still struggling to deal with challenges of ‘redress and reparations to victims of human trafficking’, such as victim identification, due to lack of training and capacity. Botswana stressed the importance of international cooperation and the harmonizing national regional and international measures.

On June 13 2014, during the **Clustered Interactive Dialogue with the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the human rights of migrants**, Botswana limited its comment to the SR on the independence of judges and lawyers. Botswana welcomed the focus of the SR on judicial accountability in relation to judicial independence; stating that Botswana's Constitution provides a number of measures that consciously guard against improper or unethical behaviour of judges and ensure that provisions relating to judges are not used for political ends. In response to the SR's proposal to develop an international legal framework on judicial accountability Botswana stated that it did not consider there to be legal gaps in this area necessitating the formation of a legal binding instrument and requested the SR elaborate on the proposal to develop international guidelines of the scope and application of judicial immunity.

On June 17 2014, during the **Individual Interactive Dialogue with the Commission of inquiry on the situation of human rights in the Syrian Arab Republic**, Botswana thanked the Commission for its update, stating that intentional government policies of preventing the delivery of food and medical supplies to opposition-controlled areas was worsening the humanitarian situation. Botswana hoped that the Security Council would enforce the implementation of Resolution 2139 of January 2014 demanding Syrian authorities allow humanitarian access to besieged areas. Botswana stated it regretted vetoing the May Security Council Resolution which sought to refer the Syrian situation to the ICC.

On 18 June 2014, during the **Individual Interactive Dialogue with: the Special Rapporteur on the situation of human rights in Eritrea**, Botswana welcomed the decision by the High Commissioner for Human Rights to deploy a working-level mission to Eritrea, as well as, Eritrea's efforts to eradicate female genital mutilation while noting a number of areas of concern including gender-based violence and extrajudicial killings continued unabated. Noting that the SR's report highlighted forced military service and arbitrary detention as the main reason many Eritrean's fled the country Botswana stated that the situation in Eritrea has turned into a major human rights and humanitarian concern. Botswana expressed particular concern that the report indicated that those resisting conscription may be executed on the spot, including minors. Botswana urged Eritrea to uphold its obligations under the Optional Protocol to the ICCPR, as well as highlighting the particular vulnerability women faced regarding of sexual violence during national service.

Also on 18 June 2014, during **Individual Interactive Dialogue with the SR on the situation of human rights in the Democratic People's Republic of Korea**, Botswana noted a positive development on DPRK including family reunifications in the Korean Peninsula in February 2014, the acceptance of a number of recommendations from their first UPR and the openness with which they participated in the second UPR. Botswana stated it hoped to see implementation of the accepted UPR recommendations and engagement with UN human rights mechanisms. Botswana stated the situation in DPRK was unique as it contained some of the worst crimes committed by a government against its own people, as part of state policy, in a climate of impunity and with total disregard for the countries international human rights obligations.

Botswana hoped members of the Security Council would find common group to refer the situation to the ICC.

On 19 June 2014, during the **Consideration of New Zealand**, Botswana applauded measures taken by the New Zealand government to address the high rate of domestic violence in the country and expressed confidence in the ability of New Zealand to continue to improve human rights for its citizens. On the same day during the **Consideration of Uruguay**, Botswana commended the positive way in which Uruguay engaged with the UPR working group and expressed its appreciation for the countries continued interest in the promotion and protection of children's rights.

On 20 June 2014, during the **Consideration of Comoros**, Botswana thanked Comoros for their participation at the review and acknowledged that as a developing country with many political and economic challenges Comoros had remained steadfast in their quest to promote and protect the human rights in Comoros. On the same day during **Consideration of Eritrea**, Botswana was encouraged by the efforts taken to improve child rights in Eritrea but remained concerned regarding deficits, including but not limited to, civil and political rights.

On 24 June 2014, during general debate on **racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action**, Botswana noted with concern the use of the internet and social by extremist groups and individuals to disseminate racists ideas and incite racial hatred. Botswana stressed that rights, such as freedom of expression and opinion, go with responsibilities and should not be abused, as well as acknowledging and encouraging the work of civil society groups fighting racial discrimination and intolerance. Botswana stated there was a critical need to strengthen national legislation to bring those responsible for racism and xenophobia-related violence to account. Botswana expressed preference for a method that struck the balance between deterrent measures while also providing for the right to freedom of expression, as well as highlighting the fundamental role played by education on combating intolerance.

Botswana **voted in favour** of the following resolutions:

- Resolution on the continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic;
- Resolution on the situation of human rights in Belarus;
- Resolution on the cooperation and assistance to the Ukraine in the field of human rights;
- Resolution on the mandate of the independent expert on human rights and international solidarity;

- Resolution on the protection of the family;
- Resolution on human rights and the regulation of civilian acquisition, possession and use of firearms.

Botswana **voted against** the following resolution during this Session:

- Resolution on the question of the death penalty.

Botswana **abstained** from voting on the following resolutions:

- Resolution on the promotion and protection of the human rights of peasants and other people working in rural areas; and
- Resolution on the elaboration of international legally binding instrument on TNCs and Other Business Enterprises with respect to human rights.

The following resolutions were **passed without a vote** during the Session as they did not face any opposition from any member of the Council:

- Resolution on the implementation of the International Decade for People of African Descent: draft programme of activities;
- Resolution on extreme poverty and human rights;
- Resolution on the protection of Roma;
- Resolution on the elimination of discrimination against women;
- Resolution on the Mandate of the Special Rapporteur on the independence of judges and lawyers;
- Resolution on the Mandate of the Special Rapporteur on trafficking in persons, especially women and children;
- Resolution on International Albinism Awareness Day;
- Resolution on the Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions;
- Resolution on the promotion, protection and enjoyment of human rights on the Internet;
- Resolution on human rights and arbitrary deprivation of nationality;

- Resolution on accelerating efforts to eliminate all forms of violence against women: violence against women as a barrier to women's political and economic empowerment;
- Resolution on the right to education: follow-up to Human Rights Council resolution 8/4;
- Resolution on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health: sport and healthy lifestyles as contributing factors;
- Resolution on the human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants;
- Resolution on the Special Rapporteur on the rights of persons with disabilities;
- Resolution on the promotion of the right of migrants to the enjoyment of the highest attainable standard of physical and mental health;
- Resolution on Human rights and transnational corporations and other business enterprises;
- Resolution on the situation of human rights in Eritrea;
- Resolution on human rights and climate change;
- Resolution on the Social Forum;
- Resolution on the contribution of parliaments to the work of the Human Rights Council and its universal periodic review;
- Resolution on technical and capacity-building assistance for South Sudan in the field of human rights;
- Resolution on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights.

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## 27<sup>TH</sup> REGULAR SESSION (8<sup>TH</sup> – 26<sup>TH</sup> SEPTEMBER 2014)

On 15 September 2014, during general debate on the **annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General**, Botswana expressed concern about the number of children who die before they attain the age of five due to lack of proper health care. Botswana noted that it had adopted a



comprehensive and holistic Integrated Management of Childhood Illnesses Strategy to reduce under-five mortality. It also thanked the High Commissioner for the comprehensive study on Factors that impede equal political participation and steps to overcome those challenges. Botswana stated it was committed to the idea that every citizen has the right to participate in the political and public affairs of their country.

On 16 September 2014, at a dialogue with the **Chair of the Commission of inquiry on the situation of human rights in the Syrian Arab Republic**, Botswana expressed its concern for the shocking condition experienced especially by women and children who are denied human rights. It highlighted the rise of terrorist groups such as ISIS and reports of torture and toxic gas a particularly distressing.

Also on 16 September 2014, during a general debate on the **UN Secretary General's Report on Reprisals during the 27<sup>th</sup> session of the Human Rights Council**, Botswana expressed its concerns that, as the report revealed, there continue to be many reports of reprisals following co-operation by civil society organisations with the UN, its representatives and human rights mechanisms. It condemned such reprisals.

On 18 September 2014, at the **consideration of Côte d'Ivoire**, Botswana made a statement which was not delivered due to lack of time. In its statement, Botswana encouraged the international community to support Cote d'Ivoire's efforts in the seven priority areas identified. It commended Cote d'Ivoire for taking measure to address issue of violence and discrimination.

On 19 September 2014, at the **consideration of Equatorial Guinea**, Botswana commended Equatorial Guinea for measures taken to combat trafficking of children and recruitment of soldiers. It noted the challenges faced in implementation of accepted recommendations, and specifically encouraged the government to ratify the two optional protocols to the Convention on the Rights of the Child.

Botswana **voted in favour** of the following resolutions:

- Resolution the right to development;
- Resolution on the Mandate of the Independent Expert on the promotion of a democratic and equitable international order;
- Resolution on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;
- Resolution on the continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic;
- Resolution on the promotion of the right to peace;

- Resolution on human rights and unilateral coercive measures;
- Resolution on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights: the activities of vulture funds.

Botswana **voted against** the following resolution during this Session:

- Resolution on human rights, sexual orientation and gender identity.

Botswana did not **abstain** from voting on resolutions during this session.

The following resolutions were **passed without a vote** during the Session as they did not face any opposition from any member of the Council:

- Resolution on enforced or involuntary disappearances;
- Resolution on the promotion of truth, justice, reparation and guarantees of non-recurrence;
- Resolution on local government and human rights;
- Resolution on the safety of journalists;
- Resolution on realizing the equal enjoyment of the right to education by every girl;
- Resolution on the human right to safe drinking water and sanitation;
- Resolution on promoting human rights through sport and the Olympic ideal;
- Resolution on preventable maternal mortality and morbidity and human rights;
- Resolution on the World Programme for Human Rights Education: adoption of the plan of action for the third phase;
- Resolution on human rights and indigenous peoples;
- Resolution on preventable mortality and morbidity of children under 5 years of age as a human rights concern;
- Resolution on the right of the child to engage in play and recreational activities;
- Resolution on the National institutions for the promotion and protection of human

rights;

- Resolution on technical assistance and capacity-building for Yemen in the field of human rights;
- Resolution on the enhancement of technical cooperation and capacity-building in the field of human rights;
- Resolution on intensifying global efforts and sharing good practices to effectively eliminate female genital mutilation;
- Resolution on the mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes;
- Resolution on equal participation in political and public affairs;
- Resolution on the mandate of the Working Group of Experts on People of African Descent;
- Resolution on National policies and human rights;
- Resolution on technical assistance and capacity-building for human rights in the Democratic Republic of the Congo;
- Resolution on technical assistance and capacity-building in the field of human rights in the Central African Republic;
- Resolution on technical assistance and capacity-building to improve human rights in the Sudan;
- Resolution on civil society space.

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## 28<sup>TH</sup> REGULAR SESSION (2<sup>ND</sup> – 27<sup>TH</sup> MARCH 2015)

On 4 March 2015 during the **Biennial high-level panel discussion on the question of the death penalty**, Minister of Foreign Affairs and International Cooperation Dr. Pelonomi Venson-Moitoi stated that her country believed the death penalty was a domestic criminal justice issue rather than a human rights issue, asked the Council to respect national sovereignty and questioned the utility of continuing to hold the biennial panel discussion.

On 5 March 2015 during the **Interactive Dialogue with the Commissioner for the Presentation of the Annual Report of the High Commissioner for Human Rights** Botswana condemned on-going

terrorist activities and conflicts, including in the Middle East and Nigeria, and encouraged further efforts to promote tolerance and understanding to mitigate conflict. It expressed concern over rising xenophobia and hoped the Council would be a strong voice on the issue. It also encouraged greater support for health systems in developing countries in light of the Ebola epidemic, and condemned all acts of reprisals against human rights defenders.

On 10 March 2015 during the **Interactive Dialogues with the Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment and on the situation of human rights defenders** Botswana agreed with the Rapporteur on torture's report, saying that justice systems had to be child-friendly, that sentencing should emphasize rehabilitation and that children should not be given the death penalty. Botswana supported more dialogue between the SR on HRDs and States while cautioning against SRs duplicating efforts. It supported efforts to protect HRDs while also noting they had to work within the legal systems of their States.

On 11 March 2015 during the **Interactive Dialogue with the Special Rapporteur on freedom of religion** Botswana echoed the SR's concern over violence committed in the name of religion, and asked the SR to elaborate on how a secular country with a predominant religion could equally treat all religions. It voiced support for both anti-discrimination legislation and restraint in the exercise of the freedom of expression to avoid causing religious offense.

Also on 11 March 2015 during the **Interactive Dialogues with the Special Rapporteur in the field of cultural rights and the Special Rapporteur on the sale of the children, child prostitution and child pornography** Botswana agreed that States needed to develop child protection strategies to incorporate emerging threats, including through the internet, as the country had done through domestic initiatives. It called for universal ratification of the Optional Protocol on the Sale of Children, and noted non-state actors such as the private sector also have a role to play in protecting children.

Additionally, on 11 March 2015 during the **Interactive Dialogues with the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General on Children and Armed Conflict** Botswana agreed with the SRSG on the need to ratify the Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, praised the UN's new Model Strategies for protecting children in crime prevention and criminal justice and agreed information technology was a key area of focus in protecting children. Botswana underlined work at the domestic level to protect children's rights and said international cooperation and treaty ratification were essential to ensuring those rights globally.

On 13 March 2015 during **general debate** Botswana said in reference to the Joint Inspection Unit report that more had to be done to ensure equitable geographic representation at the OHCHR, and underlined the importance of the High Commissioner's continuing independence.

On 17 March 2015 during the **Interactive Dialogue with the Independent International Commission of Inquiry on the Syrian Arab Republic** Botswana said those responsible for atrocities on both sides of the Syrian conflict should be investigated and held accountable,

supported “freeze zones” to allow humanitarian aid and encouraged the Security Council to agree on ways to address the Syria issue, including through referral to the ICC or an *ad hoc* international tribunal.

On 19 March 2015 in a statement not delivered due to lack of time regarding the **Consideration of Angola** Botswana commended Angola for its work on reducing extreme poverty, providing healthcare, and creating a legal framework for protecting human rights.

Also on March 19 2015 during the **Consideration of Madagascar** Botswana said Madagascar had cooperated with the Special Procedures and taken positive steps on rule of law, democracy, anti-trafficking, combatting violence against women and prison reform.

On 20 March 2015 during the **Consideration of Egypt** Botswana said the country had made commendable efforts to strengthen protection of human rights, including women’s equality. It urged the country to do more on freedom of expression and association.

On 23 March 2015 during the **general debate on racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action** Botswana said it supported elaborating complementary standards to the Convention on Racial Discrimination. It also believed it was necessary to address the gaps in the Convention, including through implementing the provisions of the Durban Declaration.

On 26 March 2015 during the **Consideration of Gambia** Botswana commended Gambia’s efforts to combat child sexual abuse and exploitation and FGM, and urged it to continue efforts to address child marriage, maternal and infant mortality, human trafficking and civil and political rights.

Botswana **voted in favour** of the following resolutions:

- Resolution on the continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic;
- Resolution on the situation of human rights in the Islamic Republic of Iran;
- Resolution on the situation of human rights in the Democratic People’s Republic of Korea;
- Resolution on the right of the Palestinian people to self-determination;
- Resolution on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan.

Botswana did not **vote against** any resolutions this Session.

Botswana **abstained** from voting on:

- Resolution on human rights in the occupied Syrian Golan;

- Resolution on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem.

The following resolutions were **passed without a vote** during the Session as they did not face any opposition from any member of the Council:

- Resolution on the right to work;
- Resolution on the right to privacy in the digital age;
- Resolution on freedom of religion or belief;
- Resolution on the rights of the child: towards better investment in the rights of the child;
- Resolution on the situation of human rights in Myanmar;
- Resolution on contribution of the Human Rights Council to the special session of the General Assembly on the world drug problem of 2016;
- Resolution on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief;
- Resolution on technical assistance and capacity-building to improve human rights in Libya;
- *Resolution on technical assistance and capacity-building for Mali in the field of human rights*;
- Resolution on technical assistance and capacity-building in strengthening human rights in Iraq in the light of the abuses committed by Daesh and associated terrorist groups;
- *Resolution on strengthening of technical cooperation and consultative services in Guinea*;
- Resolution on prevention of genocide.

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## 29<sup>TH</sup> REGULAR SESSION (15<sup>TH</sup> JUNE – 3<sup>RD</sup> JULY 2015)

On 15 June 2015 during the **Update by the United Nations High Commissioner for Human Rights** Botswana condemned terrorism and raised particular concern over Boko Haram. It decried the situation in Syria and expressed hope it and other conflicts would be resolved. It also expressed concern about the rights of migrants and the need to address the factors forcing them to move in the first place, and voiced support for the Council's work against racism and xenophobia. It condemned acts of reprisal against human rights defenders and supported the speedy adoption of Resolution 24/24 by the General Assembly.

On 16 June 2015 during the **Clustered Interactive Dialogue with the Working Group on the issue of human rights and transnational corporations and the Special Rapporteur on trafficking in persons** Botswana said trafficking was a multifaceted problem the country was trying to address at the domestic level and supported the SR's efforts to better coordinate States and other

stakeholders to address the issue. It also welcomed the SR's focus on the gender dimension and prioritization of prevention, applying norms and standards, sharing best practices and national, regional and international measures to fight trafficking.

On 17 June 2015 during the **Clustered Interactive Dialogue with the Special Rapporteur on violence against women and the Special Rapporteur on internally displaced persons** Botswana said it prioritized fighting violence against women and implementing the Beijing Declaration and CEDAW. It said an internationally binding legal instrument was overdue on this issue. It stated IDPs were a major human rights issue and agreed with the SR that recognizing it as a development challenge might produce long-term solutions. It also agreed IDPs should be explicitly included in the SDGs.

Also on 17 June 2015 during the **Clustered Interactive Dialogue with the Special Rapporteur on the right to freedom of expression and the Special Rapporteur on peaceful assembly and association** Botswana said encryption and anonymity tools were essential to protecting freedom of expression but States should regulate them on a case-by-case basis legally and proportionately for legitimate objectives. It also supported the SR on assembly's call to regulate the resource extraction sector to ensure it was fair, transparent and accountable. It asked the SR to elaborate on how to create synergies with other mandate holders and how to mitigate violations of freedom of assembly and association by corporations.

On 18 June 2015 during the **Clustered Interactive Dialogue with the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the right to health** Botswana said access to justice for children was essential and supported the SR's call for free legal assistance for them. It noted it had worked to provide separate a separate justice system and facilities for children. On health, it underlined the fact that many countries had limited financial resources that posed a challenge to providing healthcare, and said it was important to strengthen international cooperation in this regard. Domestically, Botswana aims to eventually provide coverage of essential health services.

On 19 June 2015 during the **Clustered Interactive Dialogue with the Special Rapporteur on summary executions and the Working Group on discrimination against women** Botswana supported the WG's call to address all forms of discrimination against women and girls, particularly through promoting a discrimination-free culture and establishing legal frameworks which recognize gender equality. It said national strategies were essential to achieving these ends. Botswana said it had made significant strides, including adopting a National Policy on Gender and Development, and underlined that States had to act as change agents at the international, regional and domestic levels to promote equality and empowerment.

On 22 June 2015 during the **Clustered Interactive Dialogue with the Special Rapporteur on extreme poverty and the Special Rapporteur on countering terrorism** Botswana supported the call for a human rights framework committing States to tackling poverty and inequality and noted poverty reduction was a major domestic priority. It condemned the human rights violations and possible war crimes in Syria and Iraq and supported referring the matter to the ICC.



Also on 22 June 2015 during **General Debate on the HC/SG thematic reports** Botswana said education, awareness campaigns, working with community and religious leaders and international cooperation were the best ways to end the practice of FGM. It condemned the actions of Boko Haram and praised multilateral efforts by African countries, the AU and the UNHCR to combat the group.

On 23 June 2015 during the **Interactive Dialogue with the Independent Commission of Inquiry on Syria** Botswana said it shared the Commission's concerns over the many human rights violations in Syria and supported the establishment of "freeze zones" to facilitate the flow of humanitarian aid. It implored the Security Council to find ways to implement Resolutions 2139 and 2165 to provide humanitarian access and protect civilians, and to find common ground to resolve the conflict including possible referral to the ICC or an ad hoc international tribunal.

On 24 June 2015 during the **Consideration of Guinea** Botswana commended the country for taking steps to address human rights violations and impunity, and for acceding to the Option Protocol of the CRC related to children in armed conflict. It urged Guinea to continue efforts to protect women and children's rights.

On 25 June 2015 during the **Consideration of Lesotho** Botswana commended Lesotho's efforts on democracy, the rule of law and reducing poverty and inequality. It said more should be done in the area of health, corruption and the enjoyment of civil and political rights.

Also on 25 June 2015 during the **Consideration of Kenya** Botswana applauded the country for adopting a new constitution which entrenched commissions on gender equality and administrative justice. It welcomed Kenya's criminalization of FGM and encouraged it to raise awareness on the issue, and praised its efforts to reform the justice sector.

Further, on 25 June 2015 during the **Consideration of Guinea-Bissau** Botswana said the country had made progress on defence, justice and security reforms. It commended the adoption of a national action plan on gender equality and equity as well as legislation on FGM, domestic violence, and human trafficking.

On 26 June 2015 during the **Consideration of Sweden** Botswana thanked the country for accepting many recommendations, including many regarding racial discrimination, xenophobia and hate speech. It commended Sweden's commitment to children's rights, including through granting residence permits to unaccompanied children seeking asylum.

Also on 26 June 2015 in a statement not delivered due to lack of time during the **Consideration of Turkey** Botswana noted Turkey's commitment to human rights and acceptance of many of the recommendations it had received. It applauded Turkey for its open door policy towards those fleeing conflict in Syria.

Further, on 26 June 2015 in a statement not delivered due to lack of time during the **Consideration of Kuwait** Botswana noted the country's efforts on women's rights, preventing domestic violence and strengthening the juvenile justice system.

On 30 June 2015 during the **Individual Interactive Dialogue with Special Rapporteur on racism** Botswana supported the SR's call to develop a framework for action against racism and xenophobia in line with the Durban Declaration. It shared the SR's concern about cyber racism and said States and other stakeholders should use technology to combat racism. It also supported efforts to prevent and counter racism in sports. It also stated it was encouraged by growing efforts at the domestic legal level, including domestication of the ICERD.

On 1 July 2015 during the **Interactive Dialogue with the Independent Expert on Côte d'Ivoire** Botswana voiced concern over continued security risks in the country, as well as reports of torture, arbitrary arrest and detention, sexual violence and violations of freedom of expression. It urged the Government to continue disarmament of ex-combatants and welcomed efforts by the international community to assist. It commended Côte d'Ivoire for ratifying seven of the nine international human rights instruments, setting up truth and reconciliation and human rights bodies domestically and creating a national protection strategy. It underlined the need for continuing international assistance for the country and urged it to strengthen the Independent Electoral Commission in advance of the 2015 elections.

Botswana **voted in favour** of the following resolutions:

- Resolution on human rights and international solidarity;
- Resolution on human rights and the regulation of civilian acquisition, possession and use of firearms;
- Resolution on the grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic;
- Resolution on the situation of human rights in Belarus;
- Resolution on protection of the family: contribution of the family to the realization of the right to an adequate standard of living for its members, particularly through its role in poverty eradication and achieving sustainable development;
- Resolution on cooperation and assistance to Ukraine in the field of human rights;
- Resolution on ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem.

Botswana did not **vote against** any resolutions this Session.

Botswana did not **abstain** from voting on resolutions during this session.

The following resolutions were **passed without a vote** during the Session as they did not face any opposition from any member of the Council:

- Resolution on the fiftieth anniversary of the adoption and the fortieth anniversary of the entry into force of the International Covenants on Human Rights;
- Resolution on the protection of the human rights of migrants: migrants in transit;
- Resolution on the elimination of discrimination against women;
- Resolution on the elimination of discrimination against persons affected by leprosy and their family members;
- Resolution on the independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers;
- Resolution on the right to education;
- Resolution on strengthening efforts to prevent and eliminate child, early and forced marriage;
- Resolution on the protection of human rights and fundamental freedoms while countering terrorism;
- Resolution on the negative impact of corruption on the enjoyment of human rights;
- Resolution on unaccompanied migrant children and adolescents and human rights;
- Resolution on the Mission by the Office of the United Nations High Commissioner for Human Rights to improve human rights, accountability and reconciliation in South Sudan;
- Resolution on accelerating efforts to eliminate all forms of violence against women: eliminating domestic violence;
- Resolution on human rights and climate change;
- Resolution on the situation of human rights in Eritrea;
- Resolution on the Social Forum;
- Resolution on the incompatibility between democracy and racism;
- Resolution on the situation of human rights of Rohingya Muslims and other minorities in Myanmar;
- Resolution on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights.

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### 30<sup>TH</sup> REGULAR SESSION (14<sup>TH</sup> SEPTEMBER TO 2<sup>ND</sup> OCTOBER 2015)

On 14 September 2015 during the **Update by the United Nations High Commissioner for Human Rights** Botswana said it was concerned about the situation in Syria and supported the Secretary General's Joint Investigative Mechanism to determine responsibility for chemical weapons use in the country. It also expressed concern over human rights abuses by Boko Haram, the conflict in South Sudan and targeted killings in Burundi. It called for finding a solution to the migrant crisis and commended the work of human rights defenders, including journalists, in promoting the rights of the vulnerable.

On 15 September 2015 during the **Clustered Interactive Dialogue with the Rapporteur of the working group on arbitrary detention and the Special Rapporteur on contemporary forms of slavery** Botswana noted with concern increasing arbitrary detention under the guise of drug control and urged states to look for more effective ways of controlling drug crime. It said States had to remedy violations including providing redress to victims of arbitrary detention. On slavery, it said States had a duty to prevent business-related human rights violations and noted its domestic efforts to fight trafficking and child labour. It said voluntary codes of conduct adopted by corporations was a welcome development and suggested all States should ratify the relevant international instruments barring slavery and slavery-like conditions.

On 16 September 2015 during the **Clustered Interactive Dialogue with the Special Rapporteur on the promotion of truth, justice, reparation & guarantees of non-recurrence and the Working Group on enforced or involuntary disappearances** Botswana agreed judicial, legal and constitutional reforms were key to ensuring non-recurrence. It also concurred civil society and culture play an important role and echoed the SR's call for State's to conceive educational reforms and cultural interventions as part of non-recurrence policies.

Also on 16 September 2015 during the **Clustered Interactive Dialogue with the Independent Expert on the rights of older persons and the Working Group on the use of mercenaries** Botswana supported the IE's call to develop national policies specific to older persons and implement the Madrid 2002 International Plan of Action on Aging. It welcomed the IE's call to ensure older persons had access to work and training to enable their participation in formulating and implementing national policies. It noted many of the recommendations seemed straightforward but could not be forgotten and underlined some of its own efforts to ensure the rights of older persons domestically.

On 21 September 2015 during the **Interactive Dialogue with the Commission of Inquiry on the Syrian Arab Republic** Botswana said all parties seemed responsible for war crimes and crimes against humanity in Syria. It condemned on-going abuses including sexual violence and violence against children. It also said it was encouraged by investigations into alleged use of chemical weapons, called for peace talks and supported referring the Syria situation to the ICC.

On 24 September 2015 during a statement not delivered due to lack of time during the **Consideration of the United States of America** Botswana noted the USA accepted a high number of recommendations and encouraged it to continue efforts to address human rights, especially civil and political rights.

Also on 24 September 2015 during the **Consideration of Malawi** Botswana said it appreciated that Malawi accepted a majority of recommendations and commended it for implementing legislation on trafficking and gender as well as judicial reform. It encouraged Malawi to finalize review of the Prisons Act and then implement it.

Further, on 24 September 2015 during the **Consideration of Maldives** Botswana said Maldives had engaged cooperatively, accepted many recommendations and ratified the Rome Statute of the

ICC. Botswana noted with appreciation Maldives' accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons and the creation of an anti-trafficking National Action Plan.

On 25 September 2015 during the **Consideration of Liberia** Botswana commended the country's adoption of policies dealing with reconciliation, economic stabilization and improvements to healthcare, education and social welfare. It also noted attempts to address gender-based violence and mistreatment of women and urged Liberia to fully implement these measures.

Also on 25 September 2015 during the **Consideration of Jamaica** Botswana applauded Jamaica's adoption of a social protection strategy, its ratification of the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography, and the amendment of the Trafficking in Persons Act.

Further, on 25 September 2015 during the **Consideration of Libya** Botswana noted Libya had accepted the large majority of recommendations, its willingness to establish human rights norms and its expressed need to rebuild state institutions. Sierra Leone urged the international community to assist Libya in establishing peace, security and stability in the country.

And, on 25 September 2015 during the **general debate** Botswana said it was convinced the UPR mechanism provided an opportunity to contribute to the promotion of human rights and said it would continue following up on its recommendations in future cycles. It urged States to pay the UPR process the attention it deserved and recommended that, resources permitting, the OHCHR do a detailed evaluation of achievements of the process.

On 29 September 2015 during the **Interactive Dialogue on the HC reports on the Democratic Republic of the Congo (DRC)** Botswana said the only way to address the human rights situation in the DRC was to assist all sides in resolving the conflict. It underlined that women and girls are often victims of the conflict and welcomed the launch of the FARDC Action Plan against sexual violence and the work of the UNHRC to provide assistance to the victims. It commended the DRC's cooperation with the SADC and ICGLR and its work fighting impunity, as well as the establishment of a National Human Rights Commission.

On 30 September 2015 during the **Interactive Dialogue with the Independent Expert on the Central African Republic** Botswana noted the positive developments in the CAR, including political reforms, the signing of a ceasefire agreement, the holding of the Bangui Forum on National Reconciliation and the adoption of the Republican Pact, which it said bade well for a return to constitutional order. It said challenges, including the presence of armed groups, remained. It added it was seriously concerned about reports of continued human rights violations. It welcomed the creation of a Special Criminal Court to investigate abuses and supported the IE's recommendation that the international community do more to support CAR in transitioning to peace, promoting reconciliation and combatting impunity.

Botswana **voted in favour** of the following resolutions:

- Resolution on human rights and unilateral coercive measures;

- Resolution on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;
- Resolution on the grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic;
- Resolution on the promotion of the right to peace;
- Resolution on the promotion and protection of the human rights of peasants and other people working in rural areas;
- Resolution on human rights and preventing and countering violent extremism;
- Resolution on From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance;
- Resolution on the Forum on people of African descent in the diaspora;
- Resolution on the right to development;
- Resolution on the promotion of a democratic and equitable international order.

Botswana **voted against** the following resolution during this Session:

- Resolution on the question of the death penalty.

Botswana did not **abstain** from voting on resolutions during this session.

The following resolutions were **passed without a vote** during the Session as they did not face any opposition from any member of the Council:

- Resolution on promoting reconciliation, accountability and human rights in Sri Lanka;
- Resolution on regional arrangements for the promotion and protection of human rights;
- Resolution on human rights and indigenous peoples;
- Resolution on human rights in the administration of justice, including juvenile justice;
- Resolution on the contribution of the Human Rights Council to the high-level meeting on HIV/AIDS in 2016;
- Resolution on equal participation in political and public affairs;
- Resolution on the review of the mandate of the Expert Mechanism on the Rights of Indigenous Peoples;
- Resolution on the contribution of parliaments to the work of the Human Rights Council and its Universal Periodic Review;
- Resolution on technical assistance and capacity-building for Yemen in the field of human rights;
- Resolution on technical assistance and capacity-building in the field of human rights in the Central African Republic;
- Resolution on assistance to Somalia in the field of human rights;
- Resolution on enhancement of technical cooperation and capacity-building in the field of human rights;
- Resolution on technical assistance and capacity-building to improve human rights in the Sudan;
- Resolution on advisory services and technical assistance for Cambodia;
- Resolution on national policies and human rights;

- Resolution on promoting international cooperation to support national human rights follow-up systems and processes;
- Resolution on technical assistance and capacity-building for human rights in the Democratic Republic of the Congo;
- Resolution on technical cooperation and capacity-building for Burundi in the field of human rights.

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### 31<sup>ST</sup> REGULAR SESSION (29<sup>TH</sup> FEBRUARY TO 24<sup>TH</sup> MARCH 2016)

On 29 February 2016 during the **Annual high-level panel discussion on human rights mainstreaming** Botswana noted the inclusion of human rights principles in the SDGs and expressed confidence it would integrate them into its own national development plans. It said it viewed the human rights approach as a means to realizing the rights of vulnerable groups. It stated it was committed to protecting and improving the rights of women and children, and urged other States to do the same.

On 1 March 2016 during the **High-level panel discussion on the fiftieth anniversary of the International Covenants on Human Rights** Botswana asked how it was possible to enforce both covenants in every country though they do not enjoy universal ratification. It also noted economic, social and cultural rights continued to get fewer resources and attention than civil and political rights and asked why this disparity existed and how it could be addressed. It concluded that unless Syria and other conflicts were addressed the gains under the covenants would be meaningless.

Also on 1 March 2016 during the **High-level segment** Her Excellency Ms. Pelonomi Venson-Moitoi, Minister for Foreign Affairs and International Cooperation of Botswana said it was seriously concerned about the crimes being committed in Syria, especially by terrorist groups. It commended the efforts of the Special Envoy to Syria and the Security Council for adopting Resolution 2254. It remained concerned about reported violations in North Korea, which might amount to crimes against humanity. It also expressed concern about the deteriorating situation in Burundi, where it supported AU efforts to address the crisis, and welcomed the signing of the Compromise Peace Agreement and efforts to support the peace process in South Sudan. It condemned terrorism and said the international community should support efforts to encourage tolerance. It said the migration crisis reminded us there was much to do to fight racism and xenophobia. It also said work remained to encourage gender equality and women's rights. It said sexuality and gender issues remained contentious but that this was not an excuse to condone violence. It pledged continuing commitment to its obligations as a democracy and to cooperation with the UN and paid tribute to human rights defenders. It supported the HC's view that pointing out abuses did not violate sovereignty and was necessary even when it made governments uncomfortable.

On 3 March 2016 during the **Clustered Interactive Dialogue with the Special Adviser to the Secretary-General on the prevention of genocide and the Special Rapporteur on the situation of human rights defenders** Botswana said it remained committed to Responsibility to Protect as

outlined at the 2005 UN Summit. It appreciated the SA's framework of analysis for atrocities and underlined the importance of prevention and said the SG's work to develop a preventative approach would complement this. On HRDs, it agreed fostering a culture of security could help protect defenders but added physical security was only one piece of security. It said it was important to encourage a feeling of ownership through consultations and by the State raising awareness of HRDs' work. It said it was critical for HRDs to be trained to advance both others' rights and their own and said States had to have policies in place to protect HRDs' right to expression. It added it was necessary to educate the public, decision makers and children about the importance of HRDs as well.

On 4 March 2016 during the **Clustered Interactive Dialogue with the Special Rapporteur on the rights of persons with disabilities and the Independent Expert on the enjoyment of human rights of persons with albinism** Botswana said it agreed including persons with disabilities in the decision making process was an effective tool to create inclusive societies and noted it was trying to do this domestically. On albinism it supported the IE's view that it was important to immediately investigate allegations, prosecute alleged perpetrators, provide legal representation and adequate protection to victims and witnesses and to sensitize the judiciary and law enforcement.

On 8 March 2016 during the **Clustered Interactive Dialogue with the Special Representative of the Secretary-General on violence against children and the Special Representative of the Secretary-General for children and armed conflict** Botswana agreed there had to be a "quantum leap" in national, regional, and international efforts to prevent violence against children. It said the SDGs were an opportunity to progress and that States should go beyond merely ratifying the CRC to implementing commitments into national policy. It detailed its own domestic efforts on this front and said it particularly noted the issue of cyber bullying and exploitation. On children and armed conflict, it said despite the challenges progress had been made in getting parties to conflicts to release children and prevent grave violations of their rights. However it said there had been an increase in violations of children's rights due to on-going conflict and that breaches of international law had to be condemned and perpetrators punished.

Also on 8 March 2016 during the **Clustered Interactive Dialogue with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on the sale of children, child prostitution and child pornography** Botswana said it welcomed the SR on the sale of children's focus on the demand side of the problem and said collective efforts were fundamental to ending these crimes. It encouraged countries that had received visit requests from the SR to look favourably on them and said it would assist the SR in this area. It asked the SR if there was research or studies on paedophilia and how to address it.

On 9 March 2016 during the **Clustered Interactive Dialogue with the Special Rapporteur on the right to privacy and the Special Rapporteur on freedom of religion or belief** Botswana noted its constitutional protections for freedom of religion and said there needed to be a global culture of public discourse to curb intolerance. It noted it was trying to create such a culture domestically. It



said that to balance freedom of religion and expression States had a responsibility to work together to create a global climate of tolerance, mutual understanding and respect.

Also on 9 March 2016 during the **Interactive Dialogue on the joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions** Botswana said peaceful assembly is enjoyed most when there is mutual understanding and respect for other rights holders and that proper management of assemblies requires the protection and enjoyment of a broad range of rights of all involved parties. It also said it differed with the report's recommendation that States need not respond for notification to be complete and an assembly proceed, as the permit process allows the State to perform its duty protecting the assembled and the general public.

On 10 March 2016 during the **Clustered Interactive Dialogue with the Special Rapporteur on promotion and protection of human rights while countering terrorism and the Special Rapporteur in the field of cultural rights** Botswana said it had had meaningful engagement with the SR on cultural rights during her visit to the country and said that while it was not yet party to the ICESCR it had taken domestic measures to ensure cultural rights. These included a National Policy on Culture and mandating a human rights role for the Office of the Ombudsman. It said it would take the SR's recommendations into consideration and was working to create a national human rights institution.

Also on 10 March 2016 during the **Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General** Botswana said the increasing number of individual communications was a good sign of the impact of the OHCHR on human rights awareness. It encouraged the HC to continue cross-sectional engagements highlighting the inclusive nature of human rights in policy making at the international, regional and national levels, and said it was pleased the HC had undertaken work on accountability and the rule of law.

On 14 March 2016 during the **Interactive Dialogue with the Special Rapporteur on DPR of Korea** Botswana said there was a growing consensus the human rights situation in the country was deplorable and posed a threat to international security, and urged it to allow the SR to visit without preconditions. It said appropriate action should be taken, including referral to the ICC if necessary. It stated it hoped the SR's mandate would be extended and that the Seoul office of the OHCHR had sufficient resources to address the DPRK issue.

On 16 March 2016 during the **Consideration of Mauritania** Botswana noted with appreciation that Mauritania had accepted a majority of recommendations and reiterated its call for greater technical assistance and support to their national mechanisms.

Additionally, on 16 March 2016 during the **Consideration of Rwanda** Botswana commended the country for accepting a majority of recommendations and working to improve its justice system, including ensuring accountability and redress for victims.

Further, on 16 March 2016 during the **Consideration of Nepal** Botswana said Nepal had accepted a large number of recommendations. Botswana said it was encouraged by the conclusion to the peace process and the government's commitment to the new constitution, as well as measures to criminalize gender based violence, child marriage and racial discrimination.

And, on 16 March 2016 during the **Consideration of Austria** Botswana commended Austria for accepting the majority of recommendation in its last review, successfully integrating asylum seekers and refugees and taking measures in the area of juvenile criminal responsibility.

On 17 March 2016 during the **Consideration of Australia** Botswana said it was pleased Australia had accepted a majority of recommendations at their second review and commended measures it had taken to address domestic violence, slavery, trafficking and the empowerment of persons with disabilities.

Also on 17 March 2016 during the **Consideration of Georgia** Botswana welcomed Georgia's adoption of the National Human Rights Strategy, National Human Rights Action Plan, and the Law on the Elimination of All Forms of Discrimination. It also commended its work on gender equality and combatting domestic violence.

On 22 March 2016 during the **Interactive Dialogue with the Independent Expert on the situation of human rights in the Central African Republic** Botswana noted positive developments in the CAR such as increased security in the capital and elections. It encouraged CAR to continue to pursue political stability and human rights for its people.

Also on 22 March 2016 during the **Interactive Dialogue with the Independent Expert on the situation of human rights in Cote D'Ivoire** Botswana condemned the recent terrorist attack in the country. It congratulated Cote D'Ivoire on the 2015 elections and implored the international community to continue assisting the Independent Electoral Commission and providing the country with technical assistance. It praised the country's work on reconciliation and urged it to adopt the 2015 National Strategy for this purpose. It urged the military authorities to continue work on combatting sexual assault within the armed forces.

Further, on 22 March 2016 during the **Interactive Dialogue on the report of the High Commissioner on the mission by the Office of the United Nations High Commissioner for Human Rights to improve human rights, accountability, reconciliation and capacity in South Sudan** Botswana said it was concerned by the deteriorating situation and called for an end to human rights abuses and for the address of root causes. It welcomed regional peace efforts and the peace agreement, noting that the Joint Monitoring and Evaluation Commission would be essential for implementation and ensuring stability. It said the Council could play a key role in restoring peace by complementing regional efforts and capacitating South Sudan to end atrocities by strengthening institutions.

On 23 March 2016 during the **Interactive Dialogue with the Independent Expert on the situation of human rights in Mali** Botswana noted with appreciation the improvement in human rights in the country, the June 2015 Agreement on Peace and Reconciliation, the postponement of

elections to ensure an inclusive process, and the October 2015 ceasefire agreement. It welcomed government efforts to implement the Agreement of the Peace Process but noted with concern the general security situation, shortcomings of investigations and prosecutions of the military (including in cases of sexual violence), and reports of violations of the rights of women and children. It reiterated the IE's view that the fight against impunity was crucial to accountability and rule of law. It called on all sides to respect the peace agreement and ceasefire.

Botswana **voted in favour** of the following resolutions:

- Resolution on the composition of staff of the Office of the United Nations High Commissioner for Human Rights;
- Resolution on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;
- Resolution on the human rights situation in the Syrian Arab Republic;
- Resolution on the situation of human rights in the Islamic Republic of Iran;
- Resolution on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation;
- Resolution on the effects of terrorism on the enjoyment of all human rights;
- Resolution on protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights;
- Resolution on the promotion and protection of human rights in the context of peaceful protests;
- Resolution on the commemoration of the thirtieth anniversary of the Declaration on the Right to Development.

Botswana did not **vote against** any resolutions this Session.

Botswana **abstained** from voting on the following resolutions:

- Resolution on human rights in the occupied Syrian Golan;
- Resolution on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem;
- Resolution on ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem.

The following resolutions were **passed without a vote** during the Session as they did not face any opposition from any member of the Council:

- Resolution on the right to food;
- Resolution on the promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity;
- Resolution on the rights of persons belonging to national or ethnic, religious and linguistic minorities;
- Resolution on the role of good governance in the promotion and protection of human

rights

- Resolution on the right to work;
- Resolution on the freedom of religion or belief;
- Resolution on the situation of human rights in the Democratic People's Republic of Korea;
- Resolution on the integrity of the judicial system;
- Resolution on the situation of human rights in South Sudan;
- Resolution on human rights education and training;
- Resolution on promoting Human Rights through sport and the Olympic ideal;
- Resolution on the situation of human rights in Myanmar;
- Resolution on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief
- Resolution on technical assistance and capacity-building to improve human rights in Libya;
- Resolution on technical assistance and capacity-building for Mali in the field of human rights;
- Resolution on strengthening technical cooperation and advisory services for Guinea;
- Resolution on protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;
- Resolution on torture and other cruel, inhuman or degrading treatment or punishment: safeguards to prevent torture during police custody and pretrial detention;
- Resolution on the right of the Palestinian people to self-determination;
- Resolution on the question of the realization in all countries of economic, social and cultural rights;
- Resolution on the rights of persons with disabilities in situations of risk and humanitarian emergencies
- Resolution on the rights of the child: information and communications technologies and child sexual exploitation;
- Resolution on human rights and the environment;
- Resolution on adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context.

## ANNEXES

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### LINKS TO COUNTRY PLEDGES

Botswana: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/65/732&Lang=E](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/65/732&Lang=E)

India: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/65/758&Lang=E](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/65/758&Lang=E)

Namibia: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/68/522](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/68/522)

Pakistan: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/67/486](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/67/486)

Sierra Leone: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/67/531](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/67/531)

## VOTING RECORDS OF COMMONWEALTH COUNTRIES AT THE UN HUMAN RIGHTS COUNCIL, SESSION 25-31

### 25<sup>TH</sup> REGULAR SESSION (3-28 MARCH 2014)

Resolution	Asian Group			African Group					W. Euro. Group
	India	Maldives	Pakistan	Botswana	Kenya	Namibia	Sierra Leone	South Africa	United Kingdom
Promoting reconciliation, accountability and human rights in Sri Lanka	ABST	NO	NO	YES	NO	ABST	YES	ABST	YES
Integrity of the judicial system	YES	ABST	YES	YES	ABST	YES	YES	YES	ABST
The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation	YES	YES	YES	YES	YES	YES	YES	YES	ABST
Promotion of a democratic and equitable international order	YES	YES	YES	YES	YES	YES	YES	YES	NO
Mandate of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights	YES	YES	YES	YES	YES	YES	YES	YES	NO
Ensuring use of remotely piloted aircraft or armed drones in counter-terrorism and military operations in accordance with international law, including international human rights and humanitarian law	ABST	YES	YES	YES	YES	ABST	YES	YES	NO
The continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic	ABST	YES	ABST	YES	ABST	ABST	YES	ABST	YES
Situation of human rights in the Islamic Republic of Iran	NO	-	NO	YES	ABST	ABST	ABST	ABST	YES
Situation of human rights in the Democratic People's Republic of Korea	ABST	YES	NO	YES	ABST	ABST	YES	ABST	YES
Right of the Palestinian people to self-determination	YES	YES	YES	YES	YES	YES	YES	YES	YES
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan	YES	YES	YES	YES	YES	YES	YES	YES	YES
Human rights situation in Occupied Palestinian Territory, including East Jerusalem	YES	YES	YES	YES	YES	YES	YES	YES	YES
Follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict	YES	YES	YES	YES	YES	YES	YES	YES	YES
Human rights in the occupied Syrian Golan	YES	YES	YES	YES	YES	YES	YES	YES	ABST
The promotion and protection of human rights in the context of peaceful protests	NO	YES	NO	YES	NO	ABST	YES	NO	YES



26<sup>TH</sup> REGULAR SESSION (10<sup>TH</sup>-27<sup>TH</sup> JUNE 2014)

Resolution	Asian Group			African Group					W. Euro. Group
	India	Maldives	Pakistan	Botswana	Kenya	Namibia	Sierra Leone	South Africa	United Kingdom
The question of the death penalty	NO	ABST	NO	NO	ABST	YES	YES	YES	YES
Mandate of the Independent Expert on human rights and international solidarity	YES	YES	YES	YES	YES	YES	YES	YES	NO
Elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights	YES	ABST	YES	ABST	YES	YES	ABST	YES	NO
Protection of the family	YES	YES	YES	YES	YES	YES	YES	YES	NO
Human rights and the regulation of civilian acquisition, possession and use of firearms	YES	YES	YES	YES	YES	YES	YES	YES	YES
The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic	ABST	YES	ABST	YES	-	ABST	YES	ABST	YES
Situation of human rights in Belarus	NO	YES	ABST	YES	ABST	ABST	YES	ABST	YES
Promotion and protection of the human rights of peasants and other people working in rural areas	YES	ABST	YES	ABST	YES	YES	YES	YES	NO
Cooperation and assistance to Ukraine in the field of human rights	ABST	YES	ABST	YES	ABST	ABST	YES	ABST	YES

27<sup>TH</sup> REGULAR SESSION (8<sup>TH</sup> TO 26<sup>TH</sup> SEPTEMBER 2014)

Resolution	Asian Group			African Group					W. Euro. Group
	India	Maldives	Pakistan	Botswana	Kenya	Namibia	Sierra Leone	South Africa	United Kingdom
The right to development	YES	YES	YES	YES	YES	YES	YES	YES	ABST
Mandate of the Independent Expert on the promotion of a democratic and equitable international order	YES	YES	YES	YES	YES	YES	YES	YES	NO
The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	YES	YES	YES	YES	YES	YES	YES	YES	NO
The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic	ABST	YES	ABST	YES	ABST	ABST	YES	ABST	YES
Promotion of the right to peace	YES	YES	YES	YES	YES	YES	YES	YES	NO
Human rights and unilateral coercive measures	YES	YES	YES	YES	YES	YES	YES	YES	NO
Effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights: the activities of vulture funds	YES	YES	YES	YES	YES	YES	YES	YES	NO
Human rights, sexual orientation and gender identity	ABST	NO	NO	NO	NO	ABST	ABST	YES	YES

## 28<sup>TH</sup> REGULAR SESSION (2 TO 27<sup>TH</sup> MARCH 2015)

Resolution	Asian Group				African Group							W. Euro. Group
	Bangladesh	India	Maldives	Pakistan	Botswana	Ghana	Kenya	Namibia	Nigeria	Sierra Leone	South Africa	United Kingdom
Composition of staff of the Office of the United Nations High Commissioner for Human Rights	YES	YES		YES	YES	YES	YES	YES	YES	YES	YES	NO
Ensuring use of remotely piloted aircraft or armed drones in counter-terrorism and military operations in accordance with international law, including international human rights and humanitarian law	ABST	ABST	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	ABST
Renewal of the mandate of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
Human rights, democracy and the rule of law	YES	YES	YES	YES	YES	YES	YES	YES	ABST	YES	ABST	YES
Effects of terrorism on the enjoyment of human rights	YES	YES	YES	YES	ABST	ABST	YES	ABST	YES	YES	NO	NO
The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic	ABST	ABST	YES	ABST	YES	YES	ABST	ABST	ABST	YES	ABST	YES
Situation of human rights in the Islamic Republic of Iran	NO	NO	ABST	NO	YES	ABST	ABST	ABST	ABST	ABST	ABST	YES
Situation of human rights in the Democratic People's Republic of Korea	ABST	ABST	YES	ABST	YES	YES	ABST	ABST	ABST	YES	ABST	YES
Human rights in the occupied Syrian Golan	YES	YES	YES	YES	ABST	ABST	YES	YES	YES	ABST	YES	ABST
Right of the Palestinian people to self-determination	YES	YES	YES	YES	YES	ABST	YES	YES	YES	YES	YES	YES
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Human rights situation in the Occupied Palestinian Territory, including East Jerusalem	YES	YES	YES	YES	ABST	YES	YES	YES	YES	YES	YES	YES

## 29<sup>TH</sup> REGULAR SESSION (JUNE 15<sup>TH</sup> TO 3<sup>RD</sup> JULY 2015)

Resolution	Asian Group				African Group							W. Euro. Group
	Bangladesh	India	Maldives	Pakistan	Botswana	Ghana	Kenya	Namibia	Nigeria	Sierra Leone	South Africa	United Kingdom
Human rights and international solidarity	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
Human rights and the regulation of civilian acquisition, possession and use of firearms	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	ABST
The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic	ABST	ABST	YES	ABST	YES	YES	ABST	ABST	ABST	YES	ABST	YES
Situation of human rights in Belarus	ABST	NO	YES	ABST	YES	ABST	ABST	ABST	ABST	YES	ABST	YES
Protection of the family: contribution of the family to the realization of the right to an adequate standard of living for its members, particularly through its role in poverty eradication and achieving sustainable development	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO
Cooperation and assistance to Ukraine in the field of human rights	ABST	YES	YES	YES	YES	YES	YES	YES	ABST	YES	ABST	YES
Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem	YES	ABST	YES	YES	YES	YES	ABST	YES	YES	YES	YES	YES



### 30<sup>TH</sup> REGULAR SESSION (14<sup>TH</sup> SEPTEMBER TO 2<sup>ND</sup> OCTOBER 2015)

Resolution	Asian Group				African Group							W. Euro. Group
	Bangladesh	India	Maldives	Pakistan	Botswana	Ghana	Kenya	Namibia	Nigeria	Sierra Leone	South Africa	United Kingdom
Human rights and unilateral coercive measures	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
The question of the death penalty	NO	NO	ABST	NO	NO	ABST	ABST	YES	NO	YES	YES	YES
The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic	ABST	ABST	YES	ABST	YES	YES	ABST	ABST	ABST	YES	ABST	YES
Promotion of the right to peace	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
Promotion and protection of the human rights of peasants and other people working in rural areas	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	ABST
Human rights and preventing and countering violent extremism	YES	YES	YES	ABST	YES	YES	YES	ABST	YES	YES	NO	YES
From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance	YES	YES	YES	YES	YES	YES	YES	NO*	YES	YES	YES	NO
Forum on people of African descent in the diaspora	YES	YES	ABST	YES	YES	YES	YES	YES	YES	YES	YES	NO
Right to development	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
Promotion of a democratic and equitable international order	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO

\* The delegation of Namibia subsequently stated that there had been an error in its voting and that it had intended to vote in favour of the draft text.

### 31<sup>ST</sup> REGULAR SESSION (29<sup>TH</sup> FEBRUARY TO 24<sup>TH</sup> MARCH 2016)

Resolution	Asian Group			African Group						W. Euro. Group
	Bangladesh	India	Maldives	Botswana	Ghana	Kenya	Namibia	Nigeria	South Africa	United Kingdom
Composition of staff of the Office of the United Nations High Commissioner for Human Rights	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
The human rights situation in the Syrian Arab Republic	ABST	ABST	YES	YES	YES	ABST	ABST	ABST	ABST	YES
Situation of human rights in the Islamic Republic of Iran	NO	NO	ABST	YES	ABST	NO	ABST	ABST	NO	YES
The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation	YES	YES	YES	YES	YES	YES	YES	YES	YES	ABST
Human rights in the occupied Syrian Golan	YES	YES	YES	ABST	YES	YES	YES	YES	YES	YES
Effects of terrorism on the enjoyment of all human rights	YES	YES	YES	YES	YES	YES	ABST	YES	NO	NO
Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights	YES	YES	YES	YES	YES	ABST	ABST	NO	YES	YES
Human rights situation in the Occupied Palestinian Territory, including East Jerusalem	YES	YES	YES	ABST	ABST	YES	YES	YES	YES	YES
Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem	YES	ABST	YES	ABST	ABST	YES	YES	YES	YES	YES
The promotion and protection of human rights in the context of peaceful protests	ABST	YES	YES	YES	YES	YES	ABST	ABST	ABST	YES
Commemoration of the thirty anniversary of the Declaration on the Right to Development	YES	YES	YES	YES	YES	YES	YES	YES	YES	ABST