

CHRI 2017

THE
COMMONWEALTH
AT THE
HUMAN RIGHTS
COUNCIL:

A Decade of Voting
2006-2016



CHRI

Commonwealth Human Rights Initiative
working for the *practical* realisation of human rights in
the Commonwealth

Commonwealth Human Rights Initiative

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THE COMMONWEALTH AT THE HUMAN RIGHTS COUNCIL: A Decade of Voting (2006-2016)

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List of Abbreviations

BGB: Border Guards Bangladesh
CHOGM: Commonwealth Heads of Government Meeting
CMAG: Commonwealth Ministerial Action Group
EU: European Union
HRC: Human Rights Council
HRD: Human Rights Defenders
ICCPR: The International Covenant on Civil and Political Rights
IPC: Indian Penal Code
IPOB: Indigenous People of Biafra
LDC: Least Developed Countries
LGBTI: Lesbian, Gay, Bisexual, Transgender, and Intersex
MDG: Millennium Development Goals
NGO: Non-Governmental Organizations
NHRI: National Human Rights Institution
OHCHR: The Office of the United Nations High Commissioner for Human Rights
OIC: Organisation of Islamic Cooperation
OPT: Occupied Palestinian Territory
OPTI: Occupied Palestinian Territory and Israel
OSG: Occupied Syrian Golan
RAB: Rapid Action Battalion
SIDS: Small Island Developing States
SOGI: Sexual Orientation and Gender Identity
UK: The United Kingdom
UN CAT: The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
UNCT: UN Country Team
UNGA: UN General Assembly
UNHCR: UN High Commissioner for Refugees
UPR: Universal Periodic Review
WEOC: Western European and Others Countries

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Executive Summary

The Commonwealth, an association of 52 countries, enthusiastically supported the establishment of the UN Human Rights Council (HRC) in 2006. In the first decade, 19 Commonwealth member countries from the Asia-Pacific, Western Europe and other Commonwealth (WEOC), and Africa regions served on the HRC. On average, Commonwealth countries comprise 23% of the 47 members per session. The ability to push for human rights values is potent but unrealised.

This report considers Commonwealth members' voting patterns at the HRC and provides a basis for evaluating their engagement with the HRC to determine whether their voting behaviour is consistent with: HRC pledges, repeated commitments to Commonwealth values, votes of other Commonwealth countries, and their own past votes. Commonwealth countries' voting patterns provide no indication that they take account of Commonwealth core commitments when making choices at the HRC.

The full report is structured into four sections:

- The first covers HRC elections, procedures, representation, and bloc behaviour.
- The second discusses the Commonwealth framework of declarations, statements, and the Commonwealth Charter with regards to HRC resolutions.
- The third compiles and evaluates regional and country level voting history.
- The fourth compiles the recommendations made to the Commonwealth Secretariat, Commonwealth Heads of Government Meeting (CHOGM) and to the Commonwealth countries.

1. The Human Rights Council: Elections, Representation, and Bloc Behaviour

Bloc Behaviour: Though there are occasional moments of unanimity on Commonwealth values, Commonwealth members do not behave as a bloc. Political alliances appear to remain with regional or political blocs that frequently trump commitments to the Commonwealth framework. In the first decade, Commonwealth countries voted in the same manner on 44 out of 248 resolutions in 32 regular sessions. The issues that received unanimous support include: the human rights situation in Israel and Palestine, the right to development, combating racism, foreign debt, the non-repatriation of funds, unilateral coercive measures, international solidarity, arms transfers, and mercenaries.

HRC Elections: There is a prevailing trend to have uncontested or clean-slate elections where a regional group proposes only one candidate for each available seat. Asian-Pacific regional elections were uncontested six out of ten times; African regional elections were uncontested eight out of ten times; and Western European and other regional elections were uncontested six out of ten times. UN General Assembly Resolution 60/251, that established the HRC, states that human rights pledges countries make during HRC elections should be considered when selecting members for the HRC. However, five Commonwealth countries (Nigeria, Botswana, Kenya, Uganda, and Pakistan) failed to submit pledges at least once during their HRC candidacy. In addition, no member country directly reference Commonwealth core principles when making their pledges or providing explanations for their votes.

Representation: A significant number of countries from the Commonwealth were not represented at the HRC for the period analysed. Only four of 32 Commonwealth-designated small states and small

island developing states secured seats. On the other hand, some countries served multiple terms at the HRC. Out of the ten years reviewed in the report, India was at the HRC for nine years, Pakistan eight years, the UK eight years, Nigeria eight years, South Africa seven years, and Bangladesh seven years.

2. The Commonwealth Framework: Declarations, Statements, and the Commonwealth Charter

The Commonwealth, which has been in existence for 68 years, has developed certain core beliefs and fundamental political values which have been enunciated in a succession of statements, declarations, and the Commonwealth Charter. These together, provide a Commonwealth framework. There are three broad categories that relate to issues discussed at the HRC and issues addressed by the Commonwealth framework of declarations, statements, and the Commonwealth Charter: issues that have been directly addressed, issues that have been indirectly or tangentially covered, and issues that have not been specifically discussed. There is an urgent need for official Commonwealth action to strengthen the Commonwealth framework through the interpretation and addition of statements and declarations to address contemporary Commonwealth issues.

Issues Directly Addressed: The issues that have been directly addressed include: civil society space, the right to development, financial crises, the freedom of opinion and expression, indigenous people, international order, international human rights solidarity, the judicial system, migrants and refugees, peaceful protests, racism and xenophobia, religious discrimination, repatriation of funds, the rule of law, the effect of terrorism on human rights, transitional justice, unilateral coercive measures, violent extremism, and the right to water.

Issues Indirectly or Tangentially Addressed: Issues that have been indirectly or tangentially covered include: the impact of arms transfers on human rights, defamation of religions, representative institutions, country situations, peasant's rights, and capacity-building.

Issues That Need to Be Developed: The issues that have not been specifically discussed and need to be developed include: mercenaries, reprisals, sexual orientation and gender identity, the regulation of firearms, counter-terrorism measures, torture, the death penalty, protection of the family, human rights defenders, traditional values, business and human rights, and armed drones. In addition, there is not a clear specification of Commonwealth countries' responsibilities towards non-Commonwealth countries on the issues of foreign debt, capacity-building, and country situations.

3. Commonwealth Voting History and HRC Engagement

There are significant discrepancies between the Commonwealth framework and the voting pattern of Commonwealth countries. The full report discusses the voting history and trends for each country on every issue where a country either voted against or abstained from voting on a thematic, procedural, or country-situation resolution. When aggregated there are regional trends among Commonwealth countries:

a. African Commonwealth Countries

Engagement with the HRC: Botswana, Cameroon, Ghana, Kenya, Namibia, Nigeria, Sierra Leone, South Africa, Uganda, Mauritius, and Zambia, each served at least one term on the HRC. African countries comprised more than half, or 11 out of 19 Commonwealth member countries on the HRC but only accounted for 31% of statements and interventions on average per session. Eight out of ten African

HRC elections were clean slate and uncontested. Nigeria and South Africa were the most active regional sponsors and sponsored 26 and 24 resolutions, respectively.

Voting on Thematic Issues: No African Commonwealth country ever abstained from voting on or voted against a thematic resolution on economic social and cultural rights. Sexual orientation and gender identity (SOGI) resolutions received the most abstention or against votes and all African Commonwealth countries, except for Mauritius, voted against or abstained from voting on SOGI at some point. The death penalty was the next most contested category as measured by the number of countries who abstained or voted against. Resolutions on religious discrimination and defamation of religions remained divisive. Other contested issues among African Commonwealth countries include: human rights defenders, civil society space and peaceful protests.

Voting on Country Situations: African Commonwealth countries maintain an inconsistent approach towards resolutions on country situations. Some African Commonwealth countries maintain that they will support country situation resolutions on African countries only if the concerned country consents to the resolution.

b. Asian-Pacific Commonwealth Countries

Engagement with the HRC: Bangladesh, India, the Maldives, Malaysia, Pakistan, and Sri Lanka, each served at least one term at the HRC. Asian-Pacific Commonwealth countries have the second highest representation. On average, they constituted 37.7% of Commonwealth countries per session and accounted for 51.35% of statements and interventions per session. Pakistan and the Maldives were the most active in terms of sponsoring resolutions, with 64 and 23 resolutions, respectively. The Asia-Pacific region had a total of 99 resolution sponsorships. Six out of Asian-Pacific HRC elections were clean slate and uncontested.

Voting on Thematic Issues: No Asian-Pacific Commonwealth country abstained from voting or voted against a thematic resolution on economic, social, and cultural rights. Every country, at some point, voted against or abstained from voting on resolutions concerning SOGI and on the formation of a high-level panel to discuss the death penalty or on the question of the death penalty, except for Sri Lanka. Other contested issues in the Asia-Pacific on which Commonwealth countries remain divisive include reprisals resolutions, religious discrimination, defamation of religions, torture and peaceful protests.

Voting on Country Situations: Sri Lanka was the only Commonwealth country discussed at the HRC, and Asian-Pacific Commonwealth countries supported the resolution when Sri Lanka was a sponsor. All Asia-Pacific Commonwealth countries supported some resolutions on country situations on the Occupied Palestinian Territory and Israel (OPTI), except for India which changed its stance in 2015 and 2016.

c. Western European and other Commonwealth Countries

Engagement with the HRC: The UK and Canada each served at least one term at the HRC on average per session and collectively comprised 9.73% of the Commonwealth, and accounted for 15.2% of statements and interventions. There was a total of 28 sponsorships from WEOC countries.

Voting on Thematic Issues: The UK and Canada both repeatedly voted against resolutions relating to international solidarity, foreign debt, unilateral coercive measures, promotion of the right of peoples to peace, combating defamation of religions, and multiple resolutions regarding racism. The UK and

Canada were reluctant to support resolutions concerning mercenaries, terrorism and the enjoyment of human rights, the right to peace, and counter-terrorism measures and human rights. The UK and Canada repeatedly voted in favour of resolutions concerning: SOGI, support for civil society space, condemning religious discrimination, human rights in the context of peaceful protests, and resolutions on the abolition of the death penalty, in stark contrast to the Asia-Pacific and Africa.

Voting on Country Situations: There is a trend for WEOC countries to either abstain from or vote against resolutions that condemn Israel's role in the OPT and Occupied Syrian Golan (OSG), but there is support for resolutions concerning the self-determination of the Palestinian people. Overall, WEOC countries actively participate and generally vote favourably on country situations.

4. Recommendations

Commonwealth Member Countries Must:

- Submit HRC pledges every time they stand for election and indicate specific steps they have taken or will take to uphold their voluntary pledges;
- Vote consistently to support their commitments to the Commonwealth's fundamental political values enshrined in declarations, statements, and the Commonwealth Charter
- Provide a publicly-accessible explanation or rationale for all votes;
- Take demonstrable and quantifiable steps to domestically implement commitments made at the HRC and the Commonwealth;
- Organise public consultations before voting on an issue;
- Commit to competitive HRC elections and end the practice of clean-slate elections, to make the HRC more democratic and inclusive of underrepresented countries; and
- Reference the Commonwealth's fundamental political values and Charter obligations in their pledges and explanation of votes where possible.

The Commonwealth Secretariat Must:

- Convene meetings with HRC Commonwealth countries and Commonwealth affiliated organisations to discuss the themes on the HRC agenda and encourage solidarity within the Commonwealth;
- Before each HRC session, develop technical briefing papers that interpret and apply existing declarations and statements to contentious matters put up for a vote at the HRC;
- Assist small states and requesting countries with technical expertise and guidance on HRC procedures to further their commitments to Commonwealth values;
- Document and publish members' voting at the HRC and present the findings to Commonwealth Ministerial Action Group (CMAG), relevant ministerial meetings, and at CHOGM;
- When considering countries for the Secretary-General's Good Offices or attention from CMAG, take account of the voting histories at the HRC.

Commonwealth Heads of Government Must:

- Formally review member States' voting positions at each CHOGM, to ensure maximum compliance and consistency with the Commonwealth's fundamental political values;
- Develop explicit and unambiguous positions where the Commonwealth's existing declarations, statements or Charter make only generalised ones, or make no mention of issues discussed at the HRC.

CHAPTER I

Introduction

“...all members of the Commonwealth hold certain principles in common. It is by pursuing these principles that the Commonwealth can continue to influence international society for the benefit of mankind.”-
The Singapore Declaration (1971)

In 2006, the Commonwealth strongly supported the creation of the UN Human Rights Council (HRC) mandated to protect and promote human rights, and the Secretary-General of the Commonwealth enthusiastically stated that safeguarding human rights is a guiding principle of the Commonwealth¹ Between 2006 and 2016, nineteen Commonwealth member countries served on the HRC. As the first decade of the HRC came to an end, the opportunity arose to understand the extent to which voting behaviour actualised the safeguarding of human rights by member countries in conformity with the Commonwealth’s own ideology.

This report is a technical review that enumerates when each member country abstained or voted against a resolution or decision and specifies resolutions sponsored by Commonwealth members. The itemisation of voting behaviour by theme and country is intended to provide the official Commonwealth, its civil society, researchers, and in-country media with the basis to make its own assessments of reality and rhetoric. We hope that it will be the springboard for a deeper analysis on the geo-politics that shape, improve, and obstruct international human rights. We hope too, that the study will encourage the Commonwealth and its member countries to recognise the potential that exists to enhance human rights as a collective of 52 countries.

There were three main questions that guided research on the Commonwealth at the HRC:

1. Do Commonwealth member countries vote en bloc in the HRC “to influence international society for the benefit of mankind?”
2. What does Commonwealth ideology demonstrably say regarding HRC resolutions and decisions?
3. Do Commonwealth countries at the HRC “hold certain principles in common” and promote Commonwealth ideology and human rights?

Thus, this report analyses Commonwealth member countries’ voting record at the HRC from 2006 to 2016 to determine whether the voting pattern of Commonwealth member countries is consistent with: their past votes, repeated commitments to Commonwealth values, other Commonwealth countries, HRC pledges, and their domestic human rights situations.

The second chapter provides the history of the HRC, assesses resolutions sponsored by Commonwealth member countries, and concludes by analysing the voting pattern and potential bloc behaviour of Commonwealth member countries.

The third chapter lays the foundation for Commonwealth accountability by discerning Commonwealth ideology and citing relevant passages from all Commonwealth declarations, statements, principles, and the Commonwealth Charter (2013).

The fourth, fifth, and sixth chapters aggregate Commonwealth member countries’ voting history individually and regionally when countries either abstained from or voted against a resolution or decision between 2006 and 2016. The chapters then critically evaluate the HRC voting records compared to the ideology identified

¹ Message from the Secretary-General on the creation of a Human Rights Council: 16 March 2006, Commonwealth Press Release.

in the third chapter. The analysis considers Commonwealth member countries' explanations for their voting history, pledges made to the HRC during their candidacy, and domestic human rights reports as presented by National Human Rights Institutions (NHRIs), the Universal Periodic Review (UPR), and NGOs.

The seventh chapter concludes the report and provides recommendations to Commonwealth member countries, the Commonwealth Secretariat, and the Commonwealth Heads of Government Meeting (CHOGM).

Methodology

The research is based on: HRC resolutions available at the OHCHR extranet, Universal Rights Group Portal, the UPR Info website, statements made by the countries at the HRC, explanations of votes provided by the countries, reports submitted during the UPR, and concluding observations and national reports submitted to the treaty bodies.

Commonwealth ideology is extracted on thematic issues relevant to resolutions at the HRC, from the declarations, statements, principles, and Commonwealth Charter adopted by the Commonwealth heads of government.

The main analysis documents the votes on contentious HRC resolutions or decisions, defined as any resolution or decision that received an abstention or against vote. Thus, whenever a country voted against or abstained even once on an issue we analysed all the votes on that issue even when the votes were favourable.

For analytical ease, resolutions, decisions, and President's statements were divided into three categories: thematic, country situation, and procedural. Thematic categorically refers to topics focussed on a theme, for example, civil society space or the death penalty. Country situation categorically refers to specific human rights situations in a country or capacity-building, for example, the human rights situation in Sudan or technical assistance and capacity-building to Ukraine. Procedural categorically refers to topics that primarily deal with administrative procedures in the HRC. There are some categorical outliers, for example, there is a resolution titled International Humanitarian Law that is listed as thematic but focusses exclusively on the Occupied Palestinian Territory and Israel (OPTI), thus, our report categorised the resolution with country situations.

The scope of the research was limited to publicly available information. For many HRC votes, countries' reasoning of the vote or explanation are not publicly available due to the lack of consistent documentation by countries on their positions, the lack of a standard process, and the fact that not all documented reasons are available on the HRC extranet or on the website of the respective UN mission. Therefore, it was not possible to analyse the vote rationale for every issue.

Another limitation deals with the changing composition of the HRC and the Commonwealth countries that serve. Due to term limits, no country served over the full ten-year period. Thus, this analysis attempts to compare a country's voting history despite temporal gaps.

CHAPTER II

The Human Rights Council and the Commonwealth

I. The Human Rights Council (HRC)

i. History and Structure of the HRC

The HRC was formed in March of 2006 by the United Nations General Assembly (UNGA) resolution 60/251 as a subsidiary organ of the UNGA.² Membership is open to all member countries of the UN, and seats are distributed among five regional groups with: 13 seats reserved for African countries, 13 for Asian countries, six for Eastern European countries, seven for Latin American and Caribbean countries, and eight seats for Western European and other countries. Once elected to the HRC, countries serve for a period of three years and are not eligible for immediate re-election after two consecutive terms.³

ii. Functioning of the Human Rights Council

Resolution 60/251 mandates the HRC to “address situations of violations of human rights, including gross and systematic violations, and make recommendations thereon.”⁴ The HRC performs its mandate through instruments such as resolutions, decisions and President’s statements. Resolutions are the “formal expressions of the opinion or will of the member states.”⁵ HRC resolutions are legally non-binding instruments focused on particular human rights issues and help to trigger debate among the member countries, civil societies and intergovernmental organizations. They play a crucial role in setting “standards, lines or principles of conduct; or reflect existing rules of conduct.”⁶ They generally form the basis of soft law and seek to influence the behaviour of the countries.⁷ Decisions are similar to resolutions but are usually on procedural matters and follow the same procedure as resolutions for adoption. President’s statements are consensual decisions that seek solutions to specific problems formally presented by the HRC.⁸

In response to resolutions, decisions, and President’s statements a country can vote in favour and support, join the consensus and support, abstain from voting and remain neutral (although depending on the divisiveness, an abstention can be positive or negative), or a country can vote against and oppose. Resolutions and decisions are generally written in a way where a vote in favour is progressive; nevertheless, there are certain resolutions on the topics of traditional values, defamations of religions, and protection of the family that fall outside of this structure.

2 UN General Assembly, Human Rights Council: resolution / adopted by the General Assembly, 3 April 2006, A/RES/60/251. Available at: <http://www.refworld.org/docid/4537814814.html> [accessed 5 December 2016]. These sessions take place in March (main session of four weeks), June (three weeks) and September (three weeks).

3 *Ibid.*

4 UN General Assembly Resolution 60/251. Available at http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf paragraph 3.

5 UN Documentation Overview. Available at <http://research.un.org/en/docs/meetings>.

6 Permanent Mission of Switzerland to the United Nations Office and to the other international organisations in Geneva, “Human Rights Council: A Practical Guide”, 2015. Available at https://www.eda.admin.ch/content/dam/eda/en/documents/publications/InternationaleOrganisationen/Uno/Human-rights-Council-practical-guide_en.

7 J. Klabbbers, Introduction to International Institutional Law, (Cambridge University Press, 2002), p. 201.

8 Permanent Mission of Switzerland to the United Nations Office and to the other international organisations in Geneva, “Human Rights Council: A Practical Guide”, 2015. Available at https://www.eda.admin.ch/content/dam/eda/en/documents/publications/InternationaleOrganisationen/Uno/Human-rights-Council-practical-guide_en.

The HRC meets at least three times per year for a total duration of ten weeks⁹ but can convene special sessions with support of one third of the membership. Special sessions deal with specific situations regarding gross violations of human rights, particularly country specific situations.

II. The Commonwealth

i. The Commonwealth at the HRC

In 2006, the Commonwealth, an association of 52 member countries strongly supported the creation of the HRC. The Secretary-General of the Commonwealth enthusiastically stated that safeguarding human rights for all its citizens is one of the guiding principles of the Commonwealth. Commonwealth member countries were appreciative of how the establishment of the HRC consolidates the mutually reinforcing and interlinked roles of human rights, international peace and security, and development.¹⁰

Since its inception in 2006, until 2016, nineteen Commonwealth countries have served on the HRC. On average, the Commonwealth comprises 23% of the countries at the HRC. Within this subset of Commonwealth members, on average 52.5% are from African Commonwealth countries, 37.7% are from the Asian-Pacific Commonwealth countries, and 9.73% are from the Western European and other Commonwealth countries.¹¹ In this report, the regional divisions of the Asia-Pacific, Africa, and Western Europe and others are consistent with HRC groupings.¹² There were no Commonwealth countries on the HRC from Latin America and the Caribbean or from Eastern Europe for the period analysed.

Africa	Asia-Pacific	Western Europe and Others
Botswana	Bangladesh	Canada
Cameroon	India	The United Kingdom of Great Britain and Northern Ireland
Ghana	The Maldives	
Mauritius	Malaysia	
Sierra Leone	Pakistan	
South Africa	Sri Lanka	
Nigeria		
Namibia		
Zambia		
Uganda		
Kenya		

⁹ *Ibid.*

¹⁰ Message from the Secretary-General on the creation of a Human Rights Council: 16 March 2006, Commonwealth Press Release.

¹¹ The Commonwealth Western group did not have a representation at the HRC between session 18 and 24 and thus the average is low. For a chart of the data used to calculate, please see the Appendix.

¹² The Commonwealth categorises regions differently but for this paper we abide by HRC country categories.

The Following chart lists each HRC session and the respective Commonwealth countries that served in the session:

HRC Session	Commonwealth member countries with a seat on the HRC
1st	Zambia, India, Pakistan, South Africa, Bangladesh, Mauritius, Malaysia, Sri Lanka, Canada, UK, Cameroon, Ghana, Nigeria (13)
2nd	Ghana, Nigeria, Zambia, India, Malaysia, Sri Lanka, Cameroon, Pakistan, Mauritius, South Africa, Bangladesh, Canada, UK (13)
3rd	Mauritius, South Africa, Bangladesh, Malaysia, Ghana, Nigeria, Zambia, India, Pakistan, Sri Lanka, Canada, UK, Cameroon (13)
4th	Ghana, Bangladesh, Cameroon, South Africa, Malaysia, Sri Lanka, Mauritius, Zambia, India, Pakistan, Canada, UK, Nigeria (13)
5th	Bangladesh, Cameroon, Canada, Ghana, India, Malaysia, Nigeria, Pakistan, South Africa, Sri Lanka, UK, Zambia (12)
6th	Mauritius, Zambia, Cameroon, Ghana, Nigeria, Bangladesh, Malaysia, South Africa, India, Pakistan, Sri Lanka, UK, Canada (13)
7th	Ghana, Nigeria, Bangladesh, Malaysia, South Africa, India, Pakistan, Sri Lanka, Mauritius, Zambia, Canada, Cameroon, UK (13)
8th	Nigeria, Bangladesh, Cameroon, Malaysia, South Africa, India, Pakistan, Sri Lanka, Mauritius, Zambia, Canada, UK, Ghana (13)
9th	Nigeria, Bangladesh, Cameroon, Ghana, South Africa, Malaysia, Mauritius, Zambia, India, Pakistan, Canada, UK (12)
10th	Mauritius, Zambia, India, Pakistan, Nigeria, Cameroon, Ghana, Bangladesh, South Africa, Malaysia, UK, Canada (12)
11th	Mauritius, Zambia, Nigeria, Malaysia, Cameroon, Ghana, Pakistan, South Africa, Canada, UK, India, Bangladesh (12)
12th	Mauritius, Zambia, India, Pakistan, Nigeria, Cameroon, Ghana, Bangladesh, South Africa, UK (10)
13th	Nigeria, Bangladesh, Cameroon, South Africa, Mauritius, Zambia, India, Pakistan, UK, Ghana (10)
14th	Mauritius, Zambia, India, Pakistan, Nigeria, Cameroon, Ghana, Bangladesh, South Africa, UK (10)
15th	Nigeria, Ghana, Bangladesh, Malaysia, Cameroon, Uganda, Pakistan, Mauritius, Zambia, UK, Maldives (11)
16th	Nigeria, Ghana, Malaysia, Bangladesh, Cameroon, Uganda, Maldives, Mauritius, Zambia, Pakistan, UK (11)
17th	Nigeria, Ghana, Bangladesh, Malaysia, Cameroon, Uganda, Maldives, Mauritius, Zambia, Pakistan, UK (11)
18th	Cameroon, Nigeria, India, Botswana, Uganda, Malaysia, Mauritius, Bangladesh, Maldives (9)
19th	Nigeria, Cameroon, India, Mauritius, Uganda, Bangladesh, Maldives, Botswana, Malaysia (9)
20th	Cameroon, Uganda, Malaysia, Mauritius, Bangladesh, Maldives, Botswana, Nigeria, India (9)

21st	Uganda, Malaysia, Bangladesh, Maldives, Cameroon, India, Botswana, Mauritius, Nigeria (9)
22nd	Uganda, India, Malaysia, Botswana, Maldives, Sierra Leone, Pakistan (7)
23rd	Kenya, Uganda, India, Malaysia, Botswana, Maldives, Sierra Leone, Pakistan (8)
24th	Kenya, Uganda, Pakistan, India, Botswana, Malaysia, Sierra Leone, Maldives (8)
25th	Botswana, UK, Sierra Leone, Maldives, Pakistan, Kenya, Namibia, South Africa, India (9)
26th	South Africa, UK, Namibia, Sierra Leone, Botswana, India, Pakistan, Kenya, Maldives (9)
27th	Kenya, South Africa, Botswana, Namibia, India, Maldives, Sierra Leone, Pakistan, UK (9)
28th	Namibia, Bangladesh, Botswana, Nigeria, Maldives, Ghana, Sierra Leone, India, Pakistan, Kenya, South Africa, UK (12)
29th	South Africa, Botswana, Namibia, Bangladesh, Ghana, Nigeria, Maldives, Kenya, Sierra Leone, India, Pakistan, UK (12)
30th	South Africa, Botswana, Namibia, Bangladesh, Ghana, Nigeria, Maldives, Kenya, Sierra Leone, India, Pakistan, UK (12)
31st	Botswana, Namibia, Bangladesh, Ghana, Nigeria, Maldives, Kenya, South Africa, India, UK (10)
32nd	Bangladesh, Maldives, Botswana, Nigeria, Ghana, South Africa, India, Kenya, UK (9)

ii. Performance of the Commonwealth Countries at the HRC

Some Commonwealth countries are more active than others. African Commonwealth countries collectively cast 40 against votes and 262 abstentions, Asian-Pacific Commonwealth countries collectively cast 48 against votes and 134 abstentions, and Western European and other Commonwealth countries collectively cast 129 against votes and 40 abstentions.

In the first 10 years of the HRC, Commonwealth member countries were listed as sponsors or co-sponsors on 210 resolutions. Though fewer in number, Commonwealth countries in the Asia-Pacific region were most active with 99 total sponsorships. The Africa region contributed 83 total sponsorships, and the Western European and Others region of only two countries contributed 28 total sponsorships. Pakistan was the most active country and sponsored 61 resolutions followed by Nigeria (26 resolutions), South Africa (24 resolutions), and the UK (24 resolutions). Kenya, Uganda, and Sri Lanka did not sponsor any resolution.

Although the total number of sponsorships does indicate a form of engagement, it is important to note that the content of each resolution or decision sponsored is not necessarily progressive nor does it always promote or protect human rights.

iii. Statements and Interventions by the Commonwealth Countries

During the last 10 years, out of a total of 29,676 statements and interventions made at the HRC in the regular sessions, 5,375 were made by Commonwealth member countries. Considering that on average the Commonwealth comprises 23% of the countries at the HRC, these countries contributed 18% of statements and interventions. Commonwealth regions contribute to HRC statements and interventions at disparate rates. Within Commonwealth member countries' statements and interventions, on average 31% are from African Commonwealth countries, 53.7% are from the Asian-Pacific Commonwealth countries, and 15.2% are from the Western European and other Commonwealth countries. Thus,

although on average there are more African Commonwealth countries than Asian-Pacific at the HRC, Asian-Pacific Commonwealth countries speak disproportionately more.

iv. Working Together

Over the decade since the HRC was constituted, Commonwealth member countries maintained a large presence at the HRC. On average 11 Commonwealth countries have seats every session. This gives the Commonwealth the potential to significantly influence the HRC's work as a bloc. Yet, unlike other formal and informal blocs Commonwealth countries do not vote as a bloc.¹³

During this period, all Commonwealth countries voted similarly on about 20% of all resolutions put to a vote. Out of 210 sponsored resolutions, all Commonwealth countries voted the same on the 44 resolutions listed in Table 1. Instances when all Commonwealth countries vote the same on an issue do not necessarily signify a conscious decision to vote as a bloc in accordance with Commonwealth values.

Table 1:

RESOLUTION	TITLE	YEAR
A/HRC/RES/13/6	Right of the Palestinian people to self-determination	2010
A/HRC/RES/13/7	Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan	2010
A/HRC/RES/15/25	The right to development	2010
A/HRC/DEC/16/117	The right to development	2011
A/HRC/RES/16/30	Right of the Palestinian people to self-determination	2011
A/HRC/RES/16/31	Israeli settlements in the Occupied Palestinian Territory including East Jerusalem, and in the Occupied Syrian Golan	2011
A/HRC/RES/18/5	Human rights and international solidarity	2011
A/HRC/RES/18/6	Promotion of a democratic and equitable international order	2011
A/HRC/DEC/18/120	Human rights and unilateral coercive measures	2011
A/HRC/RES/18/20	Panel on the promotion and protection of human rights in a multicultural context	2011
A/HRC/RES/18/26	The right to development	2011
A/HRC/RES/18/27	From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance	2011
A/HRC/RES/19/3	Composition of staff of the Office of the United Nations High Commissioner for Human Rights	2012
A/HRC/RES/19/15	Right of the Palestinian people to self-determination	2012
A/HRC/RES/19/32	Human rights and unilateral coercive measures	2012
A/HRC/RES/19/34	The right to development	2012
A/HRC/RES/19/36	Human rights, democracy and the rule of law	2012
A/HRC/RES/19/38	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	2012

¹³ Various formal and informal groups are active at the HRC. The major formal groups that are active include the European Union (28 members), the Non-Aligned Movement (120 members), the African Union (53 members), the League of Arab States (21 members), and the Organization of Islamic Cooperation (57 members). The most active informal groups at the HRC are Like-Minded Groups (Russia, China, Pakistan, India and South Africa), and the Group of Alpine States (Switzerland, Austria, Liechtenstein and Slovenia).

A/HRC/RES/20/10	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	2012
A/HRC/RES/21/8	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	2012
A/HRC/RES/21/9	Promotion and protection of an equitable international order	2012
A/HRC/RES/21/10	Human rights and international solidarity	2012
A/HRC/RES/21/32	The right to development	2012
A/HRC/RES/21/33	From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance	2012
A/HRC/RES/22/2	Composition of the staff of the Office of the United Nations High Commissioner for Human Rights	2013
A/HRC/RES/22/12	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	2013
A/HRC/RES/22/27	Right of the Palestinian people to self-determination	2013
A/HRC/RES/22/28	Human rights situation in the Occupied Palestinian Territory, including East Jerusalem	2013
A/HRC/RES/22/34	Education as a tool to prevent racism, racial discrimination, xenophobia and related intolerance	2013
A/HRC/RES/23/11	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	2013
A/HRC/RES/23/12	Human rights and international solidarity	2013
A/HRC/RES/23/14	Access to medicines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	2013
A/HRC/RES/24/4	The right to development	2013
A/HRC/RES/24/13	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	2013
A/HRC/RES/24/14	Human rights and unilateral coercive measures	2013
A/HRC/RES/24/26	From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance	2013
A/HRC/RES/24/35	Impact of arms transfers on human rights in armed conflict	2013
A/HRC/RES/25/9	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	
A/HRC/RES/25/15	Promotion of a democratic and equitable international order	2014
A/HRC/RES/25/27	Right of the Palestinian people to self-determination	2014
A/HRC/RES/25/28	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan	
A/HRC/RES/25/29	Human rights situation in Occupied Palestinian Territory, including East Jerusalem	2014
A/HRC/RES/25/30	Follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict	2014
A/HRC/RES/28/26	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan	2015

An analysis of the overall voting pattern indicates that Commonwealth countries do not vote consistently on issues that are in strong consonance with the fundamental political values that Commonwealth member countries repeatedly reaffirmed through statements, declarations, and the Commonwealth Charter. Resolutions sponsored by Commonwealth countries are not designed in consultation with the collective of member countries present at the HRC.

CHAPTER III

Commonwealth Framework

The Commonwealth's human rights framework is governed by the fundamental political values its countries adopted on several issues, in a succession of declarations, statements, and the Commonwealth Charter (2013), which jointly constitute the Commonwealth framework.

While almost all Commonwealth declarations and statements are relevant to the human rights issues discussed at the HRC, certain declarations are foundational to Commonwealth values. The Singapore Declaration (1971) outlined the core beliefs of the Commonwealth.¹⁴ The Harare Declaration (1991) reaffirmed the fundamental political values of the Singapore Declaration and expanded the Commonwealth's position on human rights issues. In 2011, the Commonwealth Heads of Government agreed to adopt a unifying Commonwealth Charter, which attempted to consolidate the principles contained in previous declarations into a single document, signed in 2013. The Commonwealth Charter (2013) and earlier declarations set a series of precedents that express commitment by Commonwealth member countries to human rights.¹⁵

Not every issue discussed at the HRC was addressed by statements, declarations, or the Commonwealth Charter (2013). Thus, there are three broad categories that relate to issues discussed at the HRC and issues addressed by the Commonwealth framework: issues that have been directly addressed, issues that have been indirectly or tangentially covered, and issues that have not been specifically discussed.

The issues that have been directly addressed include: civil society space, the right to development, financial crises, freedom of opinion and expression, indigenous people, international order, international human rights solidarity, the judicial system, migrants and refugees, peaceful protests, racism and xenophobia, religious discrimination, repatriation of funds, the rule of law, terrorism's effect on human rights, transitional justice, unilateral coercive measures, violent extremism, and the right to water.

Issues that have been indirectly or tangentially covered include: impact of arms transfers on human rights, defamation of religions, representative institutions, country situations, peasant's rights, and capacity-building.

The issues that have not been specifically discussed include: mercenaries, reprisals, sexual orientation and gender identity, firearms regulation, counter-terrorism measures, torture, the death penalty, protection of the family, human rights defenders, traditional values, business and human rights, and armed drones.

In addition, there is no clear specification of Commonwealth countries' responsibilities towards non-Commonwealth countries on the issues of foreign debt, capacity-building, and country situations. Some excerpts of Commonwealth positions on various issues discussed at the HRC are provided below.

Capacity-Building

The Commonwealth commits to capacity-building and in the Harare Declaration (1991),¹⁶ identifies “the capacity of the Commonwealth to respond to requests from members for assistance in entrenching the

14 The Singapore Declaration of Commonwealth Principles (1971). Available at <http://thecommonwealth.org/sites/default/files/history-items/documents/Singapore%20Declaration.pdf>.

15 Great Britain: Parliament: House of Commons: Foreign Affairs Committee “The Role and Future of the Commonwealth: Fourth Report of Session” 2012-13, p. 58.

16 Harare Commonwealth Declaration (1991).

practices of democracy, accountable administration and the rule of law” as an area of focus. Later, in the Millbrook Declaration (1995), the Commonwealth states that “the Secretariat should enhance its capacity to provide advice, training and other forms of technical assistance to governments,” including “assistance in creating and building the capacity of requisite institutions.” Finally, in the Commonwealth Charter (2013), the Commonwealth reiterates the value of “technical assistance” and capacity-building.

Civil Society Space

The Commonwealth consistently reiterates its support for civil society in multiple declarations and in the Coolum Declaration (2002), asks civil society to help “in building closer Commonwealth ‘family’ links, to [strengthen] consultation and collaboration,” and foster “better two-way communication and coordination between the official and non-governmental Commonwealth.” In the Aso Rock Declaration (2003), the Commonwealth emphasises their commitment to “productive working relationships between government and civil society organisations.”

In the Latimer House Principles¹⁷ (2004), the Commonwealth outlines roles for civil society and government and states that “Parliaments and governments should...strive for a constructive relationship with civil society to ensure that there is broader opportunity for lawful participation in the democratic process.” In the Aberdeen Agenda (2007), the Commonwealth affirms earlier civil society principles and calls for the building of a “robust relationship” between civil society and the government, and states that “civil society needs to be strengthened as a counterpart,” to “safeguard against corruption, mismanagement and the inappropriate use of resources by local government, politicians, and officials.”

In the Trinidad and Tobago Affirmation¹⁸ (2009), the Commonwealth affirms that civil society shares “responsibilities in upholding and promoting democratic culture and practices as well as accountability to the public,” and acknowledges “the important role that civil society plays in our communities and nations as partners in promoting and supporting Commonwealth values and the interests of the people.”

The Commonwealth synthesises principles from earlier declarations in the Commonwealth Charter (2013), and states that civil society shares responsibility for “upholding and promoting democratic culture and practices.” The Commonwealth acknowledges the potential contributions of the youth, and in the Magampura Commitment to Young People (2013), recognises “the valuable role of civil society, especially youth-focused and youth-led organisations and networks.” Finally, in the CHOGM Malta Statement¹⁹ (2015), the Commonwealth discusses its role “in international efforts to counter extremism, especially through civil society networks,” and “recognise[s] the valuable role that civil society organisations can play in advancing Commonwealth values and principles.”

Defamation of Religions

The Commonwealth promotes religious plurality in practice and opinion, and in the Commonwealth Charter (2013) “emphasise[s] the need to promote tolerance, respect, understanding, moderation and religious freedom which are essential to the development of free and democratic societies, and recall[s] that respect for the dignity of all human beings is critical to promoting peace and prosperity,” and “accept[s] that diversity and understanding the richness of our multiple identities are fundamental to the Commonwealth’s principles and approach.”

Financial Crises

The Commonwealth commits to economic resilience in the Aso Rock Commonwealth Declaration²⁰ (2003),

17 The Commonwealth Latimer House Principles on the Three Branches of Government (2004).

18 Trinidad and Tobago Affirmation of Commonwealth Principles (2009).

19 Commonwealth Heads of Government Leaders’ Statement in Malta (2015).

20 The Aso Rock Commonwealth Declaration on Development and Democracy: Partnership for Peace and Prosperity (2003).

and “calls on the international community...to strengthen the capacity of the international financial architecture to assist poor countries to address the impact of exogenous shocks such as a sharp deterioration in their terms of trade.” In the Declaration of Port of Spain (2009), the Commonwealth further “urge[s] a stronger role for the Commonwealth Secretariat in assisting the developing country members to access and utilise the resources available to cope with the economic crisis,” and aims to “collaborate to find ways to provide immediate help to the poorest and most vulnerable, and to develop responses to protect the people that are most at risk, particularly those in poor developing countries.”

The Commonwealth reiterates the importance of economic resilience in the Commonwealth Charter (2013), and “commit[s] to building economic resilience.” The Commonwealth addresses the ramifications and lessons from financial crises in the Colombo Declaration (2013), and shares “deep concern about the adverse impacts of the world financial and economic crises on development prospects, particularly in developing states,” and “emphasise[s] the need to act decisively to tackle the challenges confronting the global economy to ensure balanced, sustainable, inclusive and equitable global growth with full and productive employment.” The Commonwealth encourages trade in the Kotte Statement²¹ (2013), and “emphasise[s] the importance of reinigorated worldwide and intra-Commonwealth trade and investment flows in boosting and sustaining global economic recovery.”

Foreign Debt

The Commonwealth addresses the need to eliminate foreign debt burdens in the Fancourt Declaration²² (1999), and states that “urgent action is also required to tackle the unsustainable debt burden of developing countries, particularly the poorest, building on the recent initiatives agreed internationally.” In the Aso Rock Declaration (2003), the Commonwealth “recognise[s] that debt burden constitutes a major obstacle to allocating resources to key socio-economic sectors in developing member countries,” and “acknowledge[s] the need for a deeper, broader and more flexible approach to debt relief and debt cancellation for developing member countries, to achieve long-term debt sustainability and release resources, particularly for health and education.”

The Commonwealth seeks foreign debt solutions in the Declaration of Port of Spain (2009), and “call[s] on the international financial institutions to provide new and enhanced funding windows for concessionary financing for middle-income countries with serious debt burdens,” and “call[s] on donor countries to honour their bilateral commitments with respect to the promised aid levels and cancellation of debt.”

Freedom of Opinion and Expression

The Commonwealth commits to the freedom of opinion and democratic engagement in the Singapore Declaration (1971), and “believe[s] in the liberty of the individual, in equal rights for all citizens regardless of race, colour, creed or political belief, and in their inalienable right to participate by means of free and democratic political processes in framing the society in which they live.” In the Harare Declaration (1991), the Commonwealth restates the excerpt from the Singapore Declaration (1971) concerning individual liberty. The Commonwealth further acknowledges open dialogue and a free media in the Trinidad and Tobago Affirmation (2009), and emphasises “that peaceful, open dialogue and the free flow of information, including through a free, vibrant and professional media, enhance democratic traditions and strengthen democratic processes.”

Good Governance and Representative Institutions

The Commonwealth addresses good governance, inclusion, and participation in the Fancourt Declaration (1999), and “recognis[es] that good governance and economic progress are directly linked,” and “affirm[s]

²¹ The Kotte Statement on International Trade and Investment (2013).

²² Fancourt Commonwealth Declaration on Globalization and People-Centred Development (1999).

our commitment to the pursuit of greater transparency, accountability, the rule of law and the elimination of corruption in all spheres of public life and in the private sector.” The Commonwealth adds that “good governance requires inclusive and participatory processes at both national and international levels,” and “call[s] on the global community to search for inclusive processes of multilateralism which give a more effective voice in the operations of international institutions to developing countries.”

In the Latimer House Principles (2004), the Commonwealth addresses the intersection of good governance, representative institutions, and gender, and states that “Political parties in nations with proportional representation should be required to ensure an adequate gender balance on their respective lists of candidates for election,” and “where there is no proportional representation, candidate search and/or selection committees of political parties should be gender-balanced as should representation at political conventions and this should be facilitated by political parties.”

In the Marlborough House Statement²³ (2008), the Commonwealth addresses representation in global institutions and states that “the majority of independent sovereign states today are politically subordinate and inadequately represented in these institutions,” adding that “it is unacceptable, and indeed weakens these institutions.”

In the Trinidad Affirmation of Commonwealth Principles (2009) and the Commonwealth Charter (2013), the Commonwealth speaks of good governance in broad terms and “reiterate[s] our commitment to promote good governance through the rule of law, to ensure transparency and accountability and to root out, both at national and international levels, systemic and systematic corruption.”

Impact of Arms Transfers on Human Rights

The Commonwealth commits to peace and comprehensive disarmament measures in the Aso Rock Declaration²⁴ (2003) and pledges “to help mobilise international support and resources for conflict prevention, resolution and management,” and encourage “efforts to curb illicit trade in small arms and light weapons.” In the Commonwealth Charter (2013), the Commonwealth further declares support for “efforts for peace and disarmament at the United Nations and other multilateral institutions.” However, the Commonwealth does not specifically say how arms transfers can impact human rights.

Indigenous People

The Commonwealth affirms the liberty of indigenous people in the Singapore Declaration (1971), and “believe[s] in the liberty of the individual, in equal rights for all citizens regardless of race, colour, creed or political belief, and in their inalienable right to participate by means of free and democratic political processes in framing the society in which they live,” and “recognise[s] racial prejudice and intolerance as a dangerous sickness and a threat to healthy development, and racial discrimination as an unmitigated evil.”

In the Lusaka Declaration²⁵ (1979), the Commonwealth directly addresses indigenous people and “recognise[s] that the history of the Commonwealth and its diversity require that special attention should be paid to the problems of indigenous minorities,” and “agree[s] that special measures may in particular circumstances be required to advance the development of disadvantaged groups in society.” The Commonwealth further adds “that the effects of colonialism or racism in the past may make desirable special provisions for the social and economic enhancement of indigenous populations.”

In the Harare Declaration (1991), the Commonwealth reaffirms the liberty of indigenous people and “believe[s] in the liberty of the individual, in equal rights for all citizens regardless of race, colour, creed

23 The Marlborough House Statement on Reform of International Institutions (2008).

24 Aso Rock Declaration on Development and Democracy (2003).

25 The Lusaka Declaration of the Commonwealth on Racism and Racial Prejudice (1979).

or political belief, and in their inalienable right to participate by means of free and democratic political processes in framing the society in which they live.”

The Commonwealth discusses inclusive development in the Fancourt Declaration (1999), and states that “if the poor and the vulnerable are to be at the centre of development, the process must be participatory, in which they have a voice.” The Commonwealth reaffirms inclusive development in the Aberdeen Agenda (2007), and states that “decisions should be taken at the level closest to the community to which they relate. Consultation is essential to ensure the needs of the whole community are met, especially with disadvantaged groups including women, youth, minority groups and people with disabilities, whose voices are often neglected.”

In the Colombo Declaration (2013), the Commonwealth emphasises equality and “recognise[s] the importance of meaningful social protection for all, in achieving inclusive development, and also as an important tool in addressing poverty, inequality, vulnerability and social exclusion,” and “reaffirm[s] the right to development for all individuals.” In the Commonwealth Charter (2013), the Commonwealth synthesises previous principles on equality and “commit[s] 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.”

International Human Rights Solidarity

The Commonwealth addresses international solidarity through cultivating cooperation in the Singapore Declaration (1971), and “support[s] the United Nations and seek[s] to strengthen its influence for peace in the world, and its efforts to remove the causes of tension between nations,” and “believe[s] that international cooperation is essential to remove the causes of war, promote tolerance, combat injustice, and secure development among the peoples of the world.” In the Coolum Declaration (2002), the Commonwealth addresses the need for the international community to act collectively and “recognise[s] the particular vulnerabilities of small states, as well as the need for concerted action by the international community to address their special needs.”

In the Aso Rock Declaration (2003), the Commonwealth “strongly reaffirm[s] our commitment to multilateralism, [and] international cooperation.” The Commonwealth then “urge[s] greater partnership within our community,” and “commit[s] to help mobilise international support and resources for conflict prevention, resolution and management.” The Commonwealth reaffirms international cooperation and in the Marlborough Statement (2008) commits to “an effective multilateral system...that supports a more democratic global society with greater equity and fairness.”

The Commonwealth reiterates the importance of collective international action and in the Port of Spain Declaration (2009), recognises that effective solutions “require international cooperation, sustained commitment and collective action,” and “calls for the strengthening of multilateral cooperation, based on mutual respect, openness and partnership.” The Commonwealth then commits “to deepening the Commonwealth’s existing networks of cooperation and call[s] for a fresh impetus to foster new and more effective political and economic partnerships.”

In the Commonwealth Charter (2013), the Commonwealth emphasises its commitment to international cooperation and “affirm[s] that the Commonwealth way is to seek consensus through consultation and the sharing of experience, especially through practical cooperation,” and further affirm[s] that “the Commonwealth is uniquely placed to serve as a model and as a catalyst for new forms of friendship and cooperation.”

International Order

The Commonwealth discusses the essential nature of international order and in the Singapore Declaration

(1971), “believe[s] that international peace and order are essential to the security and prosperity of mankind,” and “support[s] the United Nations and seek[s] to strengthen its influence for peace in the world, and its efforts to remove the causes of tension between nations.” In the Nassau Declaration (1985), the Commonwealth states that “the conduct of relations between nations necessitates adherence to, and preservation of, certain accepted international norms and principles,” and that “a retreat from these norms and principles increases the threat to sovereignty, independence, unity and territorial integrity of states.” The Commonwealth then “commit[s] ourselves and our nations to work tirelessly in the pursuit of a world marked not by disorder and the use of competitive power but one governed by the principles of collective international cooperation and respect for the rights of all nations and peoples as the necessary foundation for lasting peace and assured economic and social development.”

In the Harare Declaration (1991), the Commonwealth reiterates its support for international order, “the United Nations and other international institutions in the world’s search for peace,” and “the promotion of international consensus on major global political, economic and social issues.” In the Marlborough Statement (2008), the Commonwealth discusses fairness as an element of international order and “commit[s] to reform that creates an effective multilateral system and that supports a more democratic global society with greater equity and fairness.”

The Right to Development

The Commonwealth affirms the right to development in the Aso Rock Declaration (2003), and aspires to “lead the international community in ensuring that the official development assistance target is achieved,” and reiterates its “collective commitment and determination to attain the Millennium Development Goals (MDGs), especially in regard to health and education.” In the Aso Rock Multilateral Trade Declaration (2003), the Commonwealth further “believe[s] that all countries have a right to full development.”

The Commonwealth aims to strengthen development and in the Malta Declaration²⁶ (2005), remains “determined to intensify [their] efforts to meet the MDGs and their associated targets, and to help one another to do so.” The Commonwealth remains focused and invites others to help in the Kampala Declaration²⁷ (2007), reiterating its “commitment to intensify...efforts to meet the MDGs and their associated targets,” and “call[s] on the international community as a whole, and in particular the donor community, to honour pledges and make concrete efforts to meet commitments made with regard to financing for development.”

In the Trinidad and Tobago Affirmation (2009), the Commonwealth states that the right to development is “for all without discrimination on any grounds,” and “stress[es] the importance of economic and social transformation to, inter alia, eliminate poverty and meet the basic needs of the vast majority of the people of the world; seeking the removal of wide disparities and unequal living standards, guided by the Millennium Development Goals.” The Commonwealth reiterates that there should not be discrimination in development and in the Colombo Declaration (2013), “reaffirm[s] the right to development for all individuals,” including “vulnerable groups, women, youth, and the differently abled.”

Judicial System

The Commonwealth addresses the need to maintain an independent judicial system in the Harare Declaration (1991), and pledges “to work with renewed vigour,” towards “democracy, democratic processes and institutions which reflect national circumstances, the rule of law and the independence of the judiciary, [and a] just and honest government.” In the Millbrook Declaration (1995), the Commonwealth aims to bolster “the rule of law and promoting the independence of the judiciary through the promotion of exchanges among, and training of, the judiciary.”

26 The Malta Declaration on Governance for Resilience (2005).

27 The Kampala Declaration on Transforming Societies to Achieve Political, Economic and Human Development (2007).

The Latimer House Principles (2004), remains the most comprehensive Commonwealth document on the judicial system wherein the Commonwealth states that in “addition to providing proper procedures for the removal of judges on grounds of incapacity or misbehaviour that are required to support the principle of independence of the judiciary, any disciplinary procedures should be fairly and objectively administered. Disciplinary proceedings which might lead to the removal of a judicial officer should include appropriate safeguards to ensure fairness.”

In the Trinidad and Tobago Affirmation (2009), the Commonwealth reiterates “that each country’s Legislature, Executive and Judiciary are the guarantors of the rule of law and emphasis[es] that access to justice and an independent judiciary are fundamental to the rule of law, enhanced by effective, transparent, ethical and accountable governance.”

The Commonwealth reaffirms its commitment to an independent judiciary and in the Commonwealth Charter (2013) “recognise[s] the importance of maintaining the integrity of the roles of the Legislature, Executive and Judiciary. These are the guarantors in their respective spheres of the rule of law, the promotion and protection of fundamental human rights and adherence to good governance.” The Commonwealth further reiterates its support for an “independent, impartial, honest and competent judiciary and recognise[s] that an independent, effective and competent legal system is integral to upholding the rule of law, engendering public confidence and dispensing justice.”

Mercenaries

In the Goa Declaration on International Security (1983), the Commonwealth commits to non-violence and states that “we cannot emphasise too strongly our belief that an ethic of non-violence must be at the heart of all efforts to ensure peace and harmony in the world.” The Commonwealth addresses the use of force in the Nassau Declaration (1985), and “categorically reject[s] the use or threat of force as a means of settling disputes,” and “appeal[s] to all governments to work to strengthen the institutions which contribute to orderly resolution of differences between nations which sustain peace.”

In the Aso Rock Declaration (2003), the Commonwealth reaffirms its commitment to help resolve violent conflict and “recognise[s] that conflict and instability erode the prospects of development,” and thus commits “to help mobilise international support and resources for conflict prevention, resolution and management.” The Commonwealth concludes by affirming that they “support prompt response in providing international assistance to conflict areas.” The Commonwealth reaffirms its commitments to peace and in the Commonwealth Charter (2013), “support[s] international efforts for peace and disarmament at the United Nations and other multilateral institutions... will contribute to the promotion of international consensus on major global political, economic and social issues,” and “will be guided by our commitment to the security, development and prosperity of every member state.”

International Assistance and Country Situations

The Commonwealth addresses international assistance and country situations broadly, and in the Goa Declaration on International Security (1983) expresses that it is “alarmed by the increasing disregard for the moral and legal principles which should govern the conduct of states; by the degree to which the ethic of peaceful settlement of disputes is being eroded and by the readiness of nations to resort to the illegal use of force,” and “pledge[s] our renewed support for the principles enshrined in the United Nations Charter.” Further, the Commonwealth states that there is an “urgent need to consider what practical steps can be taken to strengthen the United Nations system and to improve its capacity to fulfil the objectives of the Charter.”

In the Nassau Declaration (1985), the Commonwealth “categorically reject[s] the use or threat of force as a means of settling disputes,” and “appeal[s] to all governments to work to strengthen the institutions which contribute to orderly resolution of differences between nations which sustain peace.”

The Commonwealth in the Aso Rock Declaration (2003), “recognise[s] that conflict and instability erode the prospects of development,” and commits “to help mobilise international support and resources for conflict prevention, resolution and management.” The Commonwealth further commits “to support prompt response in providing international assistance to conflict areas.”

In the Humanitarian Law Declaration (2005), the Commonwealth agrees “to give a higher priority in their policy and programmes to publicising, applying and promoting respect for international humanitarian law,” and “to recall the urgency to reinforce measures aimed at guaranteeing the protection of victims of war and of medical and humanitarian personnel in all circumstances.” In the Commonwealth Charter (2013), the Commonwealth cements their support for “international efforts for peace and disarmament at the United Nations and other multilateral institutions,” and aims to “contribute to the promotion of international consensus on major global political, economic and social issues.”

Migrants and Refugees

The Commonwealth acknowledges refugees and migrants in the Lusaka Declaration (1979), and “recognise[s] that the same special attention should be paid to the problems of immigrants, immigrant workers and refugees.”

In the CHOGM Malta Statement (2015), the Commonwealth positively frames migration and states that refugees and migrants “can deliver economic and social benefits which improve the resilience and prosperity of Commonwealth member states,” the Commonwealth emphasises the need to ensure human rights for refugees and migrants and “underline[s] the importance of safe, orderly and regular migration and of ensuring full respect for human rights and the humane treatment of all migrants as well as refugees and displaced persons.” In the CHOGM Malta Statement (2015), the Commonwealth further “agree[s] to enhance national and international efforts to address the causes of irregular migration, and is “deeply concerned by the increase in flows of refugees, asylum seekers and irregular migrants which entails suffering, abuse and exploitation, particularly for children and women, and unacceptable loss of life.” The Commonwealth concludes the statement by reiterating the commitment “to [respond] decisively, guided by the principles of solidarity, partnership and shared responsibility.”

Peaceful Protests

The Commonwealth addresses the right to peaceful protest and assembly in the Singapore Declaration (1971) and the Commonwealth Charter (2013). In the former, the Commonwealth “believe[s] in the liberty of the individual, in equal rights for all citizens regardless of race, colour, creed or political belief, and in their inalienable right to participate by means of free and democratic political processes in framing the society in which they live.” In the latter, the Commonwealth “recognise[s] the important role that civil society plays in our communities and countries as partners in promoting and supporting Commonwealth values and principles, including the freedom of association and peaceful assembly.”

Peasant’s Rights

The Commonwealth addresses the need to incorporate marginalised voices in the Fancourt Declaration (1999), and states that “if the poor and the vulnerable are to be at the centre of development, the process must be participatory, in which they have a voice.” The Commonwealth reiterates its commitment to marginalised voices and in the Aberdeen Agenda (2007), states that “decisions should be taken at the level closest to the community to which they relate. Consultation is essential to ensure the needs of the whole community are met, especially with disadvantaged groups including women, youth, minority groups and people with disabilities, whose voices are often neglected.”

In the Commonwealth Charter (2013), the Commonwealth commits “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,” and “affirm[s] that the special strength of the Commonwealth lies in the combination of our diversity... and by concern for the vulnerable.” In the Colombo Declaration (2013), the Commonwealth “recognise[s] the importance of meaningful social protection for all, in achieving inclusive development, and also as an important tool in addressing poverty, inequality, vulnerability and social exclusion,” and “reaffirm[s] the right to development for all individuals, and commit[s] ourselves to eliminate disparities and focus on making growth more inclusive for all, including for vulnerable groups.”

Racism

The Commonwealth addresses racism in the Singapore Declaration (1971), and “recognise[s] racial prejudice and intolerance as a dangerous sickness and a threat to healthy development, and racial discrimination as an unmitigated evil” and “oppose[s] all forms of racial oppression.” It reiterates “equal rights for all citizens regardless of gender, race, colour, creed or political belief,” and “affirm[s] that there should be no discrimination based on race ... in the acquisition or exercise of the right to vote; in the field of civil rights or access to citizenship; or in the economic, social or cultural fields, particularly education, health, employment, occupation, housing, social security and cultural life,” and finally intends to “assist in the elimination of discrimination based on differences of race, colour or creed.”

The Commonwealth confronts racism in the entirety of the Lusaka Declaration (1979), and “desire[s] to rid the world of the evils of racism and racial prejudice,” and “declare[s] that: the peoples of the Commonwealth have the right to live freely in dignity and equality, without any distinction or exclusion based on race.” The Commonwealth adds that “everyone has the right to equality before the law and equal justice under the law; everyone has the right to effective remedies and protection against any form of discrimination based on the grounds of race.”

The Commonwealth comprehensively addresses racism and further states in the Lusaka Declaration (1979) “that everyone has the right to protection against acts of incitement to racial hatred and discrimination, whether committed by individuals, groups or other organisations,” “that those groups in societies who may be especially disadvantaged because of residual racist attitudes are entitled to the fullest protection of the law.” The Commonwealth “accept[s] the solemn duty of working together to eliminate racism and racial prejudice,” adds that “positive measures may be required to advance the elimination of racism, including assistance to those struggling to rid themselves and their environment of the practice,” and “endorse[s] the need to initiate public information and education policies designed to promote understanding, tolerance, respect and friendship among peoples and racial groups.”

In the Harare Declaration (1991), the Commonwealth reaffirms and repeats the excerpts above from the Singapore Declaration (1971). In the Fancourt Declaration (1999), the Commonwealth opposes “all forms of discrimination and other injustices based on ethnicity, gender, race and religion.” In the Commonwealth Charter (2013), the Commonwealth remains “implacably opposed to all forms of discrimination, whether rooted in gender, race, colour, creed, political belief or other grounds.”

Religious Discrimination

The Commonwealth addresses religious plurality and discrimination in the Singapore Declaration (1971), and believes that its “multi-national association can expand human understanding and understanding among nations, assist in the elimination of discrimination based on differences of race, colour or creed, maintain and strengthen personal liberty.” In both the Singapore Declaration (1971) and the Harare Declaration (1991), the Commonwealth “believe[s] in the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, colour, creed or political belief, and in the individual’s inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives.”

In the Fancourt Declaration (1999), the Commonwealth opposes “all forms of discrimination and other injustices based on ethnicity, gender, race and religion,” and “call[s] for a renewed commitment to eliminate all forms of discrimination and to take measures that promote respect for the diverse languages, cultures and beliefs, and traditions of the world, which enrich all our lives.”

In the Commonwealth Charter (2013), the Commonwealth remains committed to religious liberty and remains “implacably opposed to all forms of discrimination, whether rooted in gender, race, colour, creed, political belief or other grounds,” and “emphasise[s] the need to promote tolerance, respect, understanding, moderation and religious freedom which are essential to the development of free and democratic societies, and recall[s] that respect for the dignity of all human beings is critical to promoting peace and prosperity.” The Commonwealth further accepts that “diversity and understanding the richness of our multiple identities are fundamental to the Commonwealth’s principles and approach.”

Repatriation of Funds

The Commonwealth addresses the repatriation of funds in the Aso Rock Declaration (2003), and pledges for “maximum cooperation and assistance amongst [our] governments to recover assets of illicit origin and repatriate them to their countries of origin.”

Rule of Law

The Commonwealth addresses the importance of an independent judiciary and the rule of law in the Millbrook Declaration (1995), and declares its duty to bolster the rule of law and strengthen “the independence of the judiciary through the promotion of exchanges among, and training of, the judiciary.”

The Commonwealth recognises the importance of the rule of law and in the Kampala Declaration (2007) states that “development rests on the foundations of democratic governance, the rule of law, respect for human rights, gender equality and peace and security.” In the Trinidad and Tobago Affirmation (2009), the Commonwealth “reiterate[s] that each country’s Legislature, Executive and Judiciary are the guarantors of the rule of law,” and further emphasises “that access to justice and an independent judiciary are fundamental to the rule of law, enhanced by effective, transparent, ethical and accountable governance.”

In the Commonwealth Charter (2013), the Commonwealth affirms the rule of law as “essential to the progress and prosperity of all,” and “believe[s] in the rule of law as an essential protection for the people of the Commonwealth and as an assurance of limited and accountable government.” The Commonwealth further declares its support for “an independent, impartial, honest and competent judiciary and recognises that an independent, effective and competent legal system is integral to upholding the rule of law, engendering public confidence and dispensing justice.”

Sexual Orientation and Gender Identity (SOGI)

The Commonwealth does not address sexual orientation and gender identity but it does discuss equal rights for all identities in the Lusaka Declaration (1979), and states that it “is an institution devoted to the promotion of international understanding and world peace, and to the achievement of equal rights for all citizens regardless of race, colour, sex, creed or political belief.”

In the Kampala Declaration (2007), the Commonwealth addresses gender equality and states that “development rests on the foundations of democratic governance, the rule of law, respect for human rights, gender equality and peace and security.” In the Trinidad and Tobago Affirmation (2009), the Commonwealth recognises “that tolerance respect and understanding strengthen democracy and development” and “that respect for the dignity of all human beings is critical to promoting peace and prosperity.”

In the Commonwealth Charter (2013), the Commonwealth discusses gender equality and respect for diversity when it “recognise[s] that gender equality and women’s empowerment are essential components of human development and basic human rights,” and “recall[s] that respect for the dignity of all human beings is critical to promoting peace and prosperity.” The Commonwealth concludes with “accept[ing] that diversity and understanding the richness of our multiple identities are fundamental to the Commonwealth’s principles and approach.”

Terrorism and Human Rights

The Commonwealth directly addresses terrorism in the Commonwealth Charter (2013), and states its “condemnation of all acts of terrorism in whatever form or wherever they occur or by whomsoever perpetrated, with the consequent tragic loss of human life and severe damage to political, economic and social stability.” In the CHOGM Malta Statement (2015), the Commonwealth discusses and condemns terrorism deeming it a “worldwide threat,” that “often target[s] vulnerable groups and individuals.”

Transitional Justice

The Commonwealth addresses transitional justice efforts and in the Millbrook Declaration (1995) states that “the Secretariat should enhance its capacity to provide advice, training and other forms of technical assistance to governments in promoting the Commonwealth’s fundamental political values, including: assistance in creating and building the capacity of requisite institutions; assistance in constitutional and legal matters, including with selecting models and initiating programmes of democratisation,” and “strengthening the rule of law and promoting the independence of the judiciary through the promotion of exchanges among, and training of, the judiciary.”

In the Fancourt Declaration (1999), the Commonwealth commits to a “partnership with civil society, to promote processes that help to prevent or resolve conflicts in a peaceful manner, support measures that help to stabilise post-conflict situations.” In the Coolum Declaration (2002), the Commonwealth addresses post-conflict situations and “agree[s] to strengthen the Commonwealth’s work in...conflict prevention and resolution, and in post-conflict rebuilding, working in consultation with regional organisations as appropriate.”

Unilateral Coercive Measures

The Commonwealth indirectly addresses unilateral coercive measures in the Singapore Declaration (1971) and “reject[s] coercion as an instrument of policy.” In the Commonwealth Charter (2013), the Commonwealth aspires towards a multilateral global system and “commit[s] to an effective multilateral system based on inclusiveness, equity, justice and international law as the best foundation for achieving consensus and progress on major global challenges.”

Violent Extremism

The Commonwealth maintains the need to resist violent and radical groups in the CHOGM Malta Statement (2015), vows to “fight against radicalisation, violent extremism and terrorism, which are worldwide threats,” and “condemn[s] terrorism and violence by extremist groups, which often target vulnerable groups and individuals.” The Commonwealth importantly notes that “these threats should not be associated with any particular religion, race, nationality or ethnicity.”

In the same statement, the Commonwealth “agree[s] that such threats must be countered through strong national, regional and international action and cooperation,” renews their “commitment to implement national strategies to counter threats and to support each other,” and concludes by welcoming the Commonwealth Countering Violent Extremism Unit mandated “to advance the Commonwealth’s role in international efforts to counter extremism, especially through civil society networks and education.”

Water(Right to)

The Commonwealth addresses the right to water in the Commonwealth Charter (2013) and “recognise[s] the necessity of access to affordable health care, education, clean drinking water, sanitation and housing for all citizens,” and “emphasise[s] the importance of promoting health and well-being in combating communicable and non-communicable diseases.”

CHAPTER IV

African Commonwealth Countries

Regional Overview

Between 2006 and 2016, eleven Commonwealth member countries served at least one term on the HRC: Botswana, Cameroon, Ghana, Kenya, Namibia, Nigeria, Sierra Leone, South Africa, Uganda, Mauritius, and Zambia. This means that African countries comprised more than half, of the nineteen Commonwealth member countries on the HRC. Despite constituting over half of Commonwealth countries on average per session, African Commonwealth countries only accounted for 31% of statements and interventions on average per session. African Commonwealth countries almost always select regional representatives in uncontested elections; seven out of nine elections were clean slate. Regionally,²⁸ Nigeria and South Africa were the two most active Commonwealth members and sponsored 26 and 24 resolutions, respectively.

Country	Botswana	Cameroon	Ghana	Kenya	Mauritius	Namibia	Nigeria	Sierra Leone	South Africa	Uganda	Zambia
Resolutions Sponsored	12	4	1	0	3	2	26	6	24	0	1

The voting record of African Commonwealth countries shows that there is no uniform approach to resolutions and decisions, nor a consistent response to situations of grave human rights violations on the continent or in other parts of the world.

On thematic resolutions, two trends are identical with the ones observed within the group of Asian-Pacific countries: first, no African Commonwealth country ever abstained from voting or voted against a thematic resolution on economic, social and cultural rights. Second, sexual orientation and gender identity (SOGI) resolutions received the most abstention or against votes, with Botswana, Cameroon, Ghana, Kenya, Namibia, Nigeria, Sierra Leone, South Africa, Uganda, and Zambia either abstaining or voting against a SOGI resolution with some citing the lack of an international definition for sexual orientation and gender identity. All African Commonwealth countries, except for Mauritius, voted against or abstained from voting on SOGI at some point.²⁹

The death penalty was the next most contested category as measured by the number of countries who abstained or voted against. Botswana, Ghana, Kenya, Nigeria, Sierra Leone, and Uganda always either abstained or voted against a resolution to abolish the death penalty. Unlike the Asia-Pacific region, among African Commonwealth countries there is a recent trend to support death penalty moratorium resolutions. South Africa, Mauritius and Namibia abolished the death penalty at the national level and therefore all voted in favour of all resolutions to abolish the death penalty. Sierra Leone abstained from voting but then changed its stance and voted in favour. Commonwealth African countries remain divided on the issue of the death penalty.

African Commonwealth countries sharply contrasted with Asian-Pacific Commonwealth countries on the

28 Richard Bennett, "A vote of confidence: Enhancing UN Human Rights Council elections", International Service for Human Rights, 2 June 2016. Available at <http://www.ishr.ch/news/vote-confidence-enhancing-un-human-rights-council-elections>.

29 A/HRC/17/L.9/Rev.1, <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G11/141/94/PDF/G1114194.pdf?OpenElement>; A/HRC/27/L.27/Rev.1, <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/27thSession/Resolutions/Human%20rights,%20sexual%20orientation%20and%20gender%20identity/English.pdf>; A/HRC/32/L.2/Rev.1, <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G16/135/00/PDF/G1613500.pdf?OpenElement>.

issue of reprisals and regionally most African Commonwealth countries supported reprisals resolutions. Uganda and Kenya were the only African Commonwealth countries to vote against or abstain from voting on a reprisals resolution.

Religious defamation remained divisive in the African region. Cameroon, Ghana, Mauritius, Nigeria, and Zambia either voted against or abstained at least once on resolutions combating defamation of religions. Nigeria only abstained from voting on one defamation of religions resolution but then changed its stance and joined the consensus on similar resolutions. South Africa is the only African Commonwealth country to always vote in favour of defamation of religion resolutions. There was no defamation resolution voted on during the HRC tenure of Uganda, Sierra Leone, Namibia, and Kenya. A similar divisive pattern is also observed for religious discrimination resolutions where Cameroon, Ghana, Nigeria, South Africa, and Zambia, either abstained from vote or voted against the resolutions.

Other contested issues among African Commonwealth countries include human rights defenders, civil society space and peaceful protests.

African Commonwealth countries maintain an inconsistent approach towards resolutions on country situations. Even on Sri Lanka which is the only Commonwealth country discussed at the HRC, there were variations in voting among African Commonwealth countries. Nigeria voted in favour of all Sri Lanka resolutions while Uganda always voted against resolutions on reconciliation and accountability in Sri Lanka. South Africa, Namibia, Mauritius and Kenya had mixed records and voted against or abstained from voting at least once on similar resolutions.

On resolutions concerning the human rights situation in the OPT, African Commonwealth countries were again divided in their approach. South Africa, Namibia, Sierra Leone, Mauritius and Uganda always voted in favour. Nigeria always supported resolutions on the OPT, except for one vote in 2006. Zambia, Kenya, Ghana, Cameroon, and Botswana had a mixed record of voting on similar resolutions.

Kenya, Nigeria, and South Africa maintain that they will support country situation resolutions concerning an African country only if the concerned country agrees with the resolution.

On procedural issues, African Commonwealth countries mostly supported resolutions. Zambia is the only country which did not vote against any country situation resolution.

i. Botswana

Botswana is serving two terms on the HRC from June 2011 to December 2017.

a. Thematic Resolutions and Decisions (Civil, Political, Economic, Social, and Cultural)

Botswana abstained from voting on five resolutions concerning SOGI, the effects of terrorism on human rights, the human rights of peasants and rural workers, and business and human rights. Botswana voted against five resolutions concerning: SOGI, traditional values, and the death penalty.

Business and Human Rights: In 2011, Botswana joined the consensus to support a resolution³⁰ concerning human rights and transnational corporations, sponsored by India and Nigeria, and again in 2014, Botswana supported a resolution³¹ concerning human rights and transnational corporations, sponsored by the same two Commonwealth member countries. In 2014, however, Botswana abstained from voting on a resolution³² concerning the elaboration of an internationally binding treaty on human rights and transnational corporations of which South Africa was a main sponsor.

³⁰ Resolution 17/4 [Human rights and transnational corporations and other business enterprises](#) (2011).

³¹ Resolution 26/22 [Human rights and transnational corporations and other business enterprises](#) (2014).

³² Resolution 26/9 [Elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights](#) (2014).

Death Penalty: In 2011, Botswana voted with the consensus to support a decision,³³ reporting by the Secretary-General on the question of the death penalty. In 2013, Botswana voted against a decision³⁴ on the question of the death penalty. In 2014 and 2015, Botswana voted against a resolution³⁵ on the question of the death penalty.

Peasants' Rights: In 2012 and 2014, Botswana abstained from voting in both years on a resolution³⁶ concerning the human rights of peasants and rural workers. In 2015, Botswana then voted in favour of a resolution³⁷ on the human rights of peasants and rural workers. All resolutions on peasants' rights were sponsored by South Africa.

Sexual Orientation and Gender Identity (SOGI): In 2014, Botswana voted against a resolution³⁸ concerning SOGI. In 2015, Botswana abstained from voting on a resolution³⁹ concerning the protection from violence and discrimination based on sexual orientation and gender identity.

Terrorism and Human Rights: In 2012, 2013, and 2014, Botswana joined the consensus to adopt a resolution⁴⁰ each year concerning the protection of human rights in counter-terrorism measures. In 2015, Botswana abstained from voting on a resolution⁴¹ concerning terrorism and the enjoyment of human rights. Botswana joined the consensus in 2015 and 2016 to adopt a resolution⁴² concerning the protection of human rights in counter-terrorism measures. In 2016, Botswana voted in favour of two resolutions⁴³ concerning the protection of human rights in counter-terrorism measures.

Traditional Values: In 2012, Botswana voted against a resolution⁴⁴ concerning best practices for the preservation of traditional values.

Comments

Botswana did not provide reasoning for most of their votes. However, when Botswana voted against a death penalty resolution, they stated that the application of the death penalty was a criminal justice matter to be determined within the sovereign rights of the State.⁴⁵ Botswana asserted that the death penalty did not constitute a violation of human rights if it was imposed on the basis of the relevant prescriptions, including the International Covenant on Civil and Political Rights (ICCPR).⁴⁶ In 2011, the Human Rights Committee

33 Decision 18/117 [Reporting by the Secretary-General on the question of the death penalty](#) (2011).

34 Decision 22/117 [High-level panel discussion on the question of the death penalty](#) (2013).

35 Resolution 26/2 [The question of the death penalty](#) (2014); [Resolution 30/5 The question of the death penalty](#) (2015).

36 Resolution 21/19 [Promotion and protection of the human rights of peasants and other people working in rural areas](#) (2012); Resolution 26/26 [Promotion and protection of the human rights of peasants and other people working in rural areas](#) (2014).

37 Resolution 30/13 [Promotion and protection of the human rights of peasants and other people working in rural areas](#) (2015)

38 Resolution 27/32 [Human rights, sexual orientation and gender identity](#) (2014).

39 Resolution 32/2 [Protection against violence and discrimination based on sexual orientation and gender identity](#) (2016).

40 Resolution 19/19 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2012); Resolution 22/8 [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](#) (2013); Resolution 25/7 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2014).

41 Resolution 28/17 [Effects of terrorism on the enjoyment of human rights](#) (2015).

42 Resolution 29/9 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2015); Resolution 31/3 [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](#) (2016).

43 Resolution 31/30 [Effects of terrorism on the enjoyment of all humans](#) (2016); Resolution 33/21 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2016).

44 Resolution 21/3 [Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: Best practices](#) (2012).

45 Office of the High Commissioner of Human Rights, Display news, 26 June 2014, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14785&LangID=E>. See also UN Web TV, A/HRC/22/L.28 Vote Item: 3 - 48th Meeting 22nd Regular Session Human Rights Council, 21 March 2013. Available at <http://webtv.un.org/meetings-events/human-%20rights-council/watch/ahrc22l.28-%20vote-item3-%2048th-meeting-22nd-regular-%20session-human-%20rights-council/2241796601001#full-text>.

46 UN Web TV, A/HRC/22/L.28 Vote Item: 3 - 48th Meeting 22nd Regular Session Human Rights Council, 21 March 2013. Available at <http://webtv.un.org/meetings-events/human-%20rights-council/watch/ahrc22l.28-%20vote-item3-%2048th-meeting-22nd-regular-%20session-human-%20rights-council/2241796601001#full-text>.

during the follow up procedure expressed its regret that Botswana had not taken any measures regarding the return of bodies of executed persons to their respective families for private burial.⁴⁷ Amnesty International notes that “executions are often carried out unannounced to the public and the family members of the condemned prisoner.”⁴⁸

In one SOGI vote, Botswana abstained from voting on the resolution and noted that the terms “sexual orientation” and “gender identity” were not incorporated in international law.⁴⁹ Botswana currently criminalises homosexual behaviour.⁵⁰ Botswana further asserted that the “Independent Expert’s mandate lacked the required specificity to be carried out fairly.”⁵¹ Botswana stated that in the absence of accepted terminology, it was important to “respect local cultural, religious and historic circumstances and values.”⁵²

b. Country Resolutions and Decisions (Procedural, Situations, Capacity-Building, and Technical Assistance)

While Botswana never voted against a resolution on country situations it consistently abstained from voting on eleven resolutions concerning human rights situations in Belarus, Burundi, the OPT, and the OSG, respect for law in the OPT, accountability and justice in Sri Lanka and the OPT, and human rights cooperation with the Ukraine.

Belarus: From 2012 through 2015, Botswana voted each year in favour of a resolution⁵³ concerning human rights in Belarus. In 2016, Botswana abstained from voting on a resolution⁵⁴ concerning human rights in Belarus.

Burundi: In 2011, Botswana joined the consensus to adopt a resolution⁵⁵ for technical assistance to Burundi. In 2015, Botswana joined the consensus to adopt a resolution⁵⁶ to prevent human rights deterioration in Burundi and a resolution⁵⁷ on capacity-building for Burundi. In 2016, Botswana abstained from voting on a resolution⁵⁸ concerning the human rights situation in Burundi.

Occupied Palestinian Territories and Israel (OPTI): In 2011, Botswana joined the consensus to support a resolution⁵⁹ of which Pakistan was the main sponsor, concerning the follow-up report of the humanitarian flotilla incident. In 2012, Botswana voted in favour of a resolution⁶⁰ concerning Palestinian self-determination, a resolution⁶¹ concerning the human rights situation in the OPT, a resolution⁶² concerning Israeli settlements, and a resolution⁶³ concerning the follow-up report on the Gaza conflict.

47 UN Human Rights Council, Universal Periodic Review, Compilation Prepared by the Office of the High Commissioner for Human Rights in accordance with Paragraph 5 of the annex to Human Rights Council Resolution 16/21- Botswana, A/HRC/WG.6/15/BWA/2, 9 November 2012. Available at <http://www.refworld.org/docid/50cecb802.html>.

48 Amnesty International, Botswana Human Rights. Available at <http://www.amnestyusa.org/our-work/countries/africa/botswana>.

49 Office of the High Commissioner for Human Rights, Display news. Council establishes mandate on protection against violence and discrimination based on sexual orientation and gender identity <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20220>.

50 *Ibid.*

51 *Ibid.*

52 Office of the High Commissioner for Human Rights, Display news. Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20220#sthash.xHci0arO.dpuf>

53 Resolution 20/13 [Situation of human rights in Belarus](#) (2012); Resolution 23/15 [Situation of human rights in Belarus](#) (2013); Resolution 26/25 [Situation of human rights in Belarus](#) (2014); Resolution 29/17 [Situation of human rights in Belarus](#) (2015).

54 Resolution 32/26 [Situation of human rights in Belarus](#) (2016).

55 Resolution 18/24 [Advisory services and technical assistance for Burundi](#) (2011).

56 Resolution S-24/1 [Preventing the deterioration of the human rights situation in Burundi](#) (2015).

57 Resolution 30/27 [Technical cooperation and capacity building for Burundi in the field of human rights](#) (2015).

58 Resolution 33/24 [Human rights situation in Burundi](#) (2016).

59 Resolution 17/10 [Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla](#) (2011).

60 Resolution 19/15 [Right of the Palestinian people to self-determination](#) (2012).

61 Resolution 19/16 [Human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2012).

62 Resolution 19/17 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2012).

63 Resolution 19/18 [Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict](#) (2012).

In 2013, Botswana voted in favour of a resolution⁶⁴ on the follow-up report of the Gaza conflict, a resolution⁶⁵ concerning Israeli settlements, a resolution⁶⁶ concerning Palestinian self-determination, a resolution⁶⁷ concerning the human rights situation in the OPT, and a resolution⁶⁸ on a follow-up to the report of the Israeli settlements. All these resolutions were sponsored by Pakistan.

In 2014, Botswana abstained from voting on a resolution⁶⁹ concerning respect for the law in the OPT of which Pakistan was a main sponsor. Botswana voted in favour of the remainder of the resolutions in 2014, including: a resolution⁷⁰ concerning Palestinian self-determination, a resolution⁷¹ on Israeli settlements, a resolution⁷² concerning the human rights situation in the OPT, and a resolution⁷³ concerning the follow-up report on the Gaza conflict. All these were sponsored by Pakistan.

In 2015, Botswana abstained from voting on a resolution⁷⁴ concerning the human rights situation in the OPT but joined the consensus on all other resolutions in 2015 to support: a resolution⁷⁵ concerning Palestinian self-determination, a resolution⁷⁶ concerning Israeli settlements, and a resolution⁷⁷ concerning accountability and justice in the OPT.

In 2016, Botswana abstained from voting on a resolution⁷⁸ concerning the human rights situation in the OPT and a resolution⁷⁹ concerning accountability and justice in the OPT. Botswana then joined the consensus to support a resolution⁸⁰ concerning Palestinian self-determination and a resolution⁸¹ on Israeli settlements.

Pakistan was a main sponsor of every resolution except for four resolutions in the nineteenth session of 2012.

Occupied Syrian Golan (OSG): From 2012 through 2014, Botswana voted every year in favour of a resolution⁸² concerning human rights in the OSG, all sponsored by Pakistan. Botswana abstained from voting on resolutions⁸³ in 2015 and 2016 concerning human rights in the OSG, both of which were sponsored by Pakistan.

64 Resolution 22/25 [Follow-up to the report of the United Nations independent international Fact-Finding Mission on the Gaza Conflict](#) (2013).

65 Resolution 22/26 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2013).

66 Resolution 22/27 [Right of the Palestinian people to self-determination](#) (2013).

67 Resolution 22/28 [Human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2013).

68 Resolution 22/29 [Follow-up to the report of the independent international Fact-Finding Mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem](#) (2013).

69 Resolution S-21/1 [Ensuring respect for international law in the Occupied Palestinian Territory, including East Jerusalem](#) (2014).

70 Resolution 25/27 [Right of the Palestinian people to self-determination](#) (2014).

71 Resolution 25/28 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2014).

72 Resolution 25/29 [Human rights situation in Occupied Palestinian Territory, including East Jerusalem](#) (2014).

73 Resolution 25/30 [Follow-up to the report of the United Nations independent international Fact-Finding Mission on the Gaza Conflict](#) (2014).

74 Resolution 28/27 [Human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2015).

75 Resolution 28/25 [Right of the Palestinian people to self-determination](#) (2015).

76 Resolution 28/26 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2015).

77 Resolution 29/25 [Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem](#) (2015).

78 Resolution 31/34 [Human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2016).

79 Resolution 31/35 [Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem](#) (2016).

80 Resolution 31/33 [Right of the Palestinian people to self-determination](#) (2016).

81 Resolution 31/36 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2016).

82 Resolution 19/14 [Human rights in the occupied Syrian Golan](#) (2012); Resolution, 22/17 [Human rights in the occupied Syrian Golan](#) (2013); Resolution 25/31 [Human rights in the occupied Syrian Golan](#) (2014).

83 Resolution 28/24 [Human rights in the occupied Syrian Golan](#) (2015); Resolution 31/25 [Human rights in the occupied Syrian Golan](#) (2016).

Sri Lanka: In 2012 and 2013, Botswana abstained from voting on resolutions⁸⁴ concerning accountability and reconciliation in Sri Lanka. In 2014, Botswana voted in favour of a resolution⁸⁵ concerning accountability and reconciliation in Sri Lanka, co-sponsored by the UK and Mauritius, and then joined the consensus in 2015 to support a resolution⁸⁶ concerning accountability and reconciliation in Sri Lanka, co-sponsored by the UK.

Ukraine: In 2014 and 2015, Botswana voted in favour of resolutions⁸⁷ concerning human rights cooperation and assistance to the Ukraine. In 2016, Botswana then abstained on a resolution⁸⁸ concerning human rights cooperation and assistance to the Ukraine.

Comments

When campaigning to join the HRC, Botswana pledged to strengthen human rights institutions, promote dialogue with civil society, and help achieve global development goals.⁸⁹ However, Botswana's voting record demonstrates its reluctance to weigh in on some country human rights situations discussed at the HRC. While Botswana has not voted against any resolution concerning country situations, Botswana has abstained from voting on multiple resolutions concerning Burundi, Belarus, Ukraine, the OSG, Sri Lanka, and the OPTI.

ii. Cameroon

Cameroon served two terms on the Council from June 2006 to December 2012.

a. Thematic Resolutions and Decisions (Civil, Political, Economic, Social, and Cultural)

Cameroon abstained from voting on three resolutions concerning: religious discrimination, and defamation of religions. Cameroon voted against one resolution on SOGI.

Defamation of Religions: In 2007, 2008, and 2009, Cameroon voted each year in favour of a resolution⁹⁰ combating the defamation of religions. In 2010, Cameroon abstained from voting on a resolution⁹¹ combating the defamation of religions. These resolutions were sponsored by Pakistan.

Religious Discrimination: In 2007, Cameroon joined the consensus to support a resolution⁹² concerning the elimination of religious intolerance and discrimination. The same year, Cameroon then abstained from voting on a resolution⁹³ concerning the elimination of religious intolerance and discrimination.

In 2009, Cameroon abstained from voting on a resolution⁹⁴ concerning the impact of religious discrimination on the enjoyment of economic, social, and cultural rights. In 2010, Cameroon joined the consensus to support a resolution⁹⁵ extending the mandate of the Special Rapporteur on religious freedom or belief for three years.

84 Resolution 19/2 [Promoting reconciliation and accountability in Sri Lanka](#) (2012); Resolution 22/1 [Promoting reconciliation and accountability in Sri Lanka](#) (2013).

85 Resolution 25/1 [Promoting reconciliation, accountability and human rights in Sri Lanka](#) (2014).

86 Resolution 30/1 [Promoting reconciliation, accountability and human rights in Sri Lanka](#) (2015).

87 Resolution 26/30 [Cooperation and assistance to Ukraine in the field of human rights](#) (2014); Resolution 29/23 [Cooperation and assistance to Ukraine in the field of human rights](#) (2015).

88 Resolution 32/29 [Cooperation and assistance to Ukraine in the field of human rights](#) (2016).

89 United Nations General Assembly, Letter dated 7 January 2011 from the Permanent Representative of Botswana to the United Nations addressed to the Secretary-General, A/65/732, 15 February 2011. Available at http://www.un.org/ga/search/view_doc.asp?symbol=A/65/732&Lang=E.

90 Resolution 4/9 [Combating defamation of religions](#) (2007); Resolution 7/19 [Combating defamation of religions](#) (2008); Resolution 10/22 [Combating defamation of religions](#) (2009).

91 Resolution 13/16 [Combating defamation of religions](#) (2010).

92 Resolution 4/10 [Elimination of all forms of intolerance and of discrimination based on religion or belief](#) (2007).

93 Resolution 6/37 [Elimination of all forms of intolerance and of discrimination based on religion or belief](#) (2007).

94 Resolution 10/25 [Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights](#) (2009).

95 Resolution 14/11 [Freedom of religion or belief: Mandate of the Special Rapporteur on freedom of religion or belief](#) (2010).

In 2011, Cameroon joined the consensus to support a resolution⁹⁶ on religious freedom and another resolution⁹⁷ concerning religious intolerance, stereotyping, stigmatisation, discrimination and violence against persons of which Pakistan was the main sponsor.

In 2012, Cameroon joined the consensus to support a resolution⁹⁸ concerning religious intolerance, stereotyping, stigmatization, discrimination and violence against persons of which Pakistan was the main sponsor.

Sexual Orientation and Gender Identity (SOGI): In 2011, Cameroon voted against a resolution⁹⁹ on SOGI, sponsored by South Africa.

Comments

On the issue of SOGI, Cameroon voted against the resolution and endorsed statements by the African Group and the OIC. When joining the HRC, Cameroon affirmed the HRC's mandate to promote the "universal respect and protection of all human rights in a fair and equal manner," and sought to not establish "superior castes."¹⁰⁰ Cameroon noted that "sexual orientation and gender identity were undefined in international law."¹⁰¹ Multiple

"Requests the United Nations High Commissioner for Human Rights to commission a study, to be finalized by December 2011, documenting discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, in all regions of the world, and how international human rights law can be used to end violence and related human rights violations based on sexual orientation and gender identity."

Resolution 17/19 Human rights, sexual orientation and gender identity (2011)

incidents of the arrest of suspected gay men were reported in Cameroon.¹⁰² During UPR II, the Human Rights Committee raised its concerns over the criminalisation of consensual sexual acts between adults of the same sex and inhumane and degrading treatment of persons detained for having sexual relations with a person of the same sex.¹⁰³

b. Country Resolutions and Decisions (Procedural, Situations, Capacity-Building, and Technical Assistance)

Cameroon abstained from voting on thirty eight resolutions concerning human rights in: Belarus, Iran, Syria, the OPTI, the OSG, North Korea, and Lebanon; and voted against one resolution concerning human rights in Sudan.

Belarus: In 2011 and 2012, Cameroon abstained on resolutions¹⁰⁴ concerning human rights in Belarus.

The Islamic Republic of Iran: In 2011 and 2012, Cameroon abstained from voting on resolutions¹⁰⁵ concerning human rights in Iran. Zambia sponsored the 2011 resolution.

Lebanon: In 2006, Cameroon abstained from voting on a resolution¹⁰⁶ concerning human rights in Lebanon and Israeli military operations.

96 Resolution 16/13 [Freedom of religion or belief](#) (2011).

97 Resolution 16/18 [Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief](#) (2011).

98 Resolution 19/25 [Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief](#) (2012).

99 Resolution 17/19 [Human rights, sexual orientation and gender identity](#) (2011).

100 United Nations General Assembly, Third Committee Seventy-First Session, Intense Debate, Close Voting as Gender Identity, Sexual Orientation, Digital-age Privacy Take Centre Stage in Third Committee, 21 November 2016. Available at <https://www.un.org/press/en/2016/gashc4191.doc.htm>

101 *Ibid.*

102 UN Human Rights Council, Universal Periodic Review, Compilation Prepared by the Office of the High Commissioner for Human Rights in accordance with Paragraph 5 of the annex to Human Rights Council Resolution 16/21- Cameroon, A/HRC/WG.6/16/CMR/211, February 2013. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/108/98/PDF/G1310898.pdf?OpenElement>.

103 *Ibid.*

104 Resolution 17/24 [Situation of human rights in Belarus](#) (2011); Resolution 20/13 [Situation of human rights in Belarus](#) (2012).

105 Resolution 16/9 [Situation of human rights in the Islamic Republic of Iran](#) (2011); Resolution 19/12 [Situation of human rights in the Islamic Republic of Iran](#) (2012).

106 Resolution S-2/1 [The grave situation of human rights in Lebanon caused by Israeli military operations](#) (2006).

The Democratic People's Republic of Korea: In 2008 Cameroon abstained from voting on a resolution¹⁰⁷ concerning human rights in North Korea. In 2009, Cameroon voted in favour of a resolution¹⁰⁸ concerning human rights in North Korea. In 2010 and 2011 Cameroon abstained from voting on resolutions¹⁰⁹ concerning the human rights situation in North Korea. In 2012, Cameroon joined the consensus to adopt a resolution¹¹⁰ concerning the human rights situation in North Korea.

The Occupied Palestinian Territory and Israel (OPTI): In 2006, Cameroon abstained from voting on: a decision¹¹¹ concerning human rights in the OPT, a resolution¹¹² concerning Israeli settlements in occupied territories, and two resolutions¹¹³ concerning human rights in the OPT. Cameroon joined the consensus to support a resolution¹¹⁴ concerning human rights violations from Israeli military incursions in the OPT.

“Decides to extend the mandate of the Special Rapporteur, in accordance with Council resolution 7/15, for a period of one year.”

“Urges the Government of the Democratic People's Republic of Korea to cooperate fully with the Special Rapporteur and to permit him unrestricted access to visit the country and to provide him with all necessary information to enable him to fulfil his mandate.”

Resolution 10/16 Situation of human rights in the Democratic People's Republic of Korea (2009).

In 2007, Cameroon joined the consensus to adopt two resolutions¹¹⁵ concerning human rights in the OPT and abstained from voting on a resolution¹¹⁶ concerning religious and cultural rights in the OPT.

In 2008, Cameroon abstained from voting on three resolutions¹¹⁷ concerning human rights violations caused by Israeli military attacks in the OPT. Cameroon joined the consensus to support a resolution¹¹⁸ concerning the Palestinian people's right to self-determination and voted in favour of a resolution¹¹⁹ concerning Israeli settlements in the OPT.

In 2009, Cameroon abstained from voting on a resolution¹²⁰ concerning the Palestinian people's right to self-determination, a resolution¹²¹ concerning human rights in the OPT and two resolutions¹²² concerning human rights violations due to Israeli military attacks in the OPT. Cameroon voted in favour of a resolution¹²³ concerning Israeli settlements in the OPT.

107 Resolution 7/15 [Situation of human rights in the Democratic People's Republic of Korea](#) (2008).

108 Resolution 10/16 [Situation of human rights in the Democratic People's Republic of Korea](#) (2009).

109 Resolution 13/14 [Situation of human rights in the Democratic People's Republic of Korea](#) (2010); Resolution 16/08 [Situation of human rights in the Democratic People's Republic of Korea](#) (2011).

110 Resolution 19/13 [The situation of human rights in the Democratic People's Republic of Korea](#) (2012).

111 Decision 1/106 [Human rights situation in Palestine and other occupied Arab territories](#) (2006).

112 Resolution 2/4 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan](#) (2006).

113 S-1/1 [Human rights situation in the Occupied Palestinian Territory](#) (2006); Resolution 3/1 [Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolution S-1/1](#) (2006).

114 Resolution S-3/1 [Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory, including the recent one in northern Gaza and the assault on Beit Hanoun](#) (2006).

115 Resolution 4/2 [Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolutions S-1/1 and S-3/1](#) (2007); Resolution 6/18 [Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolutions S-1/1 and S-3/1](#) (2007).

116 Resolution 6/19 [Religious and cultural rights in the Occupied Palestinian Territory, including East Jerusalem](#) (2007).

117 Resolution 7/1 [Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian territory, particularly the recent ones in the occupied Gaza Strip](#) (2008); Resolution S-6/1 [Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip](#) (2008); Resolution 9/18 [Follow-up to Resolution S-3/1: Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory and the shelling of Beit Hanoun](#) (2008).

118 Resolution 7/17 [Right of the Palestinian people to self-determination](#) (2008).

119 Resolution 7/18 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2008).

120 Resolution 10/20 [Right of the Palestinian people to self-determination](#) (2009).

121 Resolution S-12/1 [The human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2009).

122 Resolution 10/19 [Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory](#) (2009); Resolution 10/21 [Follow-up to Council Resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip](#) (2009).

123 Resolution 10/18 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2009).

In 2010, Cameroon did not vote on a resolution¹²⁴ concerning the Palestinian people's right to self-determination and a resolution¹²⁵ concerning the Israeli military attack against the humanitarian boat convoy. Cameroon abstained from voting on a resolution¹²⁶ concerning human rights violations by Israel in the OPT, a resolution¹²⁷ concerning the independent fact-finding mission's report on the Gaza conflict, a resolution¹²⁸ concerning the follow-up to the independent fact-finding mission's report on the incident of the humanitarian flotilla, and a resolution¹²⁹ concerning the report of the Committee of Independent Experts in international humanitarian and human rights law. Cameroon voted in favour of a resolution¹³⁰ concerning Israeli settlements in the OPT, East Jerusalem, and the OSG. From 2006 to 2010, all the resolutions were sponsored by Pakistan.

In 2011, Cameroon abstained from voting on a resolution¹³¹ concerning human rights in the OPT, including East Jerusalem, a resolution¹³² concerning the report of the UN fact-finding mission on the Gaza conflict, and two resolutions¹³³ concerning the report of the international Fact-Finding mission on the incident of the humanitarian flotilla, both sponsored by Pakistan. Cameroon voted in favour of a resolution¹³⁴ concerning the Palestinian people's right to self-determination and a resolution¹³⁵ concerning Israeli settlements in the OPT, including East Jerusalem, and the OSG.

In 2012, Cameroon voted in favour of a resolution¹³⁶ concerning the Palestinian people's right to self-determination. Cameroon abstained from voting on a resolution¹³⁷ concerning human rights in the OPT, a resolution¹³⁸ concerning Israeli settlements in the OPT, including East Jerusalem and OSG and a resolution¹³⁹ concerning the UN fact-finding mission's report on the Gaza conflict. In 2014, Cameroon joined the consensus to support a resolution¹⁴⁰ concerning international law in the OPT, including East Jerusalem, sponsored by Pakistan.

The Occupied Syrian Golan (OSG): In 2006, Cameroon abstained from voting on a resolution¹⁴¹ concerning human rights in the OSG, sponsored by Pakistan. From 2008 through 2012, Cameroon abstained from voting on a resolution¹⁴² every year, concerning human rights in the OSG. All the resolutions were sponsored by Pakistan, on behalf of the OIC.

124 Resolution 13/6 [Right of the Palestinian people to self-determination](#) (2010).

125 Resolution 14/1 [The grave attacks by Israeli forces against the humanitarian boat convoy](#) (2010).

126 Resolution 13/8 [The grave human rights violations by Israel in the Occupied Palestinian Territory, including East Jerusalem](#) (2010).

127 Resolution 13/9 [Follow-up to the report of the United Nations independent international Fact-Finding Mission on the Gaza Conflict](#) (2010).

128 Resolution 15/1 [Follow-up to the report of the independent international Fact-Finding Mission on the incident of the humanitarian flotilla](#) (2010).

129 Resolution 15/6 [Follow-up to the report of the Committee of Independent Experts in international humanitarian and human rights law established pursuant to Council Resolution 13/9](#) (2010).

130 Resolution 13/7 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2010).

131 Resolution 16/29 [The human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2011).

132 Resolution 16/32 [Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict](#) (2011).

133 Resolution 16/20 [Follow-up to the report of the independent international Fact-Finding Mission on the incident of the humanitarian flotilla](#) (2011); Resolution 17/10 [Follow-up to the report of the independent international fact-finding Mission on the incident of the humanitarian flotilla](#) (2011).

134 Resolution 16/30 [Right of the Palestinian people to self-determination](#) (2011).

135 Resolution 16/31 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2011).

136 Resolution 19/15 [Right of the Palestinian people to self-determination](#) (2012).

137 Resolution 19/16 [Human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2012).

138 Resolution 19/17 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2012).

139 Resolution 19/18 [Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict](#) (2012).

140 Resolution S-21/1 [Ensuring respect for international law in the Occupied Palestinian Territory, including East Jerusalem](#) (2014).

141 Resolution 2/3 [Human rights in the occupied Syrian Golan](#) (2006).

142 Resolution 7/30 [Human rights in the occupied Syrian Golan](#) (2008), *sponsored by Pakistan*; Resolution 10/17 [Human rights in the occupied Syrian Golan](#) (2009); Resolution 13/5 [Human rights in the occupied Syrian Golan](#) (2010); Resolution 16/17 [Human rights in the occupied Syrian Golan](#) (2011); Resolution 19/14 [Human rights in the occupied Syrian Golan](#) (2012).

Sudan: In 2006, Cameroon did not vote on a decision¹⁴³ concerning Darfur. In 2007, Cameroon joined the consensus to support a resolution¹⁴⁴ concerning the HRC Group of Experts and human rights in Darfur, a resolution¹⁴⁵ concerning human rights in Darfur, and a resolution¹⁴⁶ and a decision¹⁴⁷ concerning the Special Rapporteur's mandate on human rights in Sudan. In 2008, Cameroon joined the consensus to support two resolutions¹⁴⁸ concerning human rights in Sudan.

In 2009, Cameroon voted against a resolution¹⁴⁹ concerning human rights in Sudan. In 2010, Cameroon joined the consensus to support a decision¹⁵⁰ concerning the Independent Expert's position on human rights in Sudan and then voted against a resolution¹⁵¹ concerning human rights in Sudan, sponsored by Nigeria. In 2011 and 2012, Cameroon joined the consensus to support resolutions¹⁵² concerning technical assistance to Sudan in the field of human rights.

The Syrian Arab Republic: In 2011, Cameroon abstained from voting on two resolutions¹⁵³ concerning human rights in Syria and a resolution¹⁵⁴ concerning the current situation of human rights in Syria in the context of recent events.

In 2012, Cameroon voted in favour of a resolution¹⁵⁵ concerning the deterioration of human rights in Syria and the recent killings in El-Houleh, a resolution¹⁵⁶ concerning human rights violations and the deteriorating situation in Syria, and three resolutions¹⁵⁷ concerning human rights in Syria.

Comments

In its joining pledge, Cameroon committed itself to work for civil and political rights, and to co-ordinate with regional organisations and civil societies.¹⁵⁸

Cameroon's voting record reflects a resistance to take a definitive stance towards ongoing human rights crises in countries. Overall, Cameroon has a mixed voting record on country situation resolutions. While Cameroon only voted against a resolution concerning Sudan, it consistently abstained from voting on resolutions concerning country situations in the OPTI, the OSG, Syria, Belarus, Iran, North Korea, and Lebanon.

c. Procedural

Publication of Reports by the Subcommission on the Promotion and Protection of Human Rights: In 2009, Cameroon abstained from voting on a decision¹⁵⁹ on the publication of reports completed by the

143 Decision 2/115 *Darfur* (2006).

144 Resolution 6/35 *Human Rights Council Group of Experts on the situation of human rights in Darfur* (2007).

145 Resolution 4/8 *Follow-up to decision S-4/101 of 13 December 2006 adopted by the Human Rights Council at its fourth special session entitled "Situation of Human Rights in Darfur"* (2007).

146 Resolution 6/34 *Mandate of the Special Rapporteur on the situation of human rights in the Sudan* (2007).

147 Decision 6/103 *Mandate of the Special Rapporteur on the situation of human rights in the Sudan* (2007).

148 Resolution 7/16 *Situation of human rights in the Sudan* (2008); Resolution 9/17 *Situation of human rights in the Sudan* (2008).

149 Resolution 11/10 *Situation of human rights in the Sudan* (2009).

150 Decision 14/117 *The Independent Expert on the situation of human rights in the Sudan* (2010).

151 Resolution 15/27 *Situation of human rights in the Sudan* (2010).

152 Resolution 18/16 *Technical assistance for the Sudan in the field of human rights* (2011); Resolution 21/27 *Technical assistance for the Sudan in the field of human rights* (2012).

153 Resolution S-18/1 *The human rights situation in the Syrian Arab Republic* (2011); Resolution S-17/1 *Situation of human rights in the Syrian Arab Republic* (2011).

154 Resolution S-16/1 *The current human rights situation in the Syrian Arab Republic in the context of recent events* (2011).

155 Resolution S-19/1 *The deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in El-Houleh* (2012).

156 Resolution 19/1 *The escalating grave human rights violations and deteriorating humanitarian situation in the Syrian Arab Republic* (2012).

157 Resolution 19/22 *Situation of human rights in the Syrian Arab Republic* (2012); Resolution 20/22 *Situation of human rights in the Syrian Arab Republic* (2012); Resolution 21/26 *Situation of human rights in the Syrian Arab Republic* (2012).

158 Permanent Mission of the Republic of Cameroon to the United Nations, Aide Memoire- Cameroon at the Human Rights Council, 19 April 2006. Available at <http://www.un.org/ga/60/elect/hrc/cameroun.pdf>.

159 Decision 10/117 *Publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights* (2009).

Subcommission on the Promotion and Protection of Human Rights.

iii. Ghana

Ghana served two terms at the HRC between June 2006 and June 2011 and is currently serving a third term that began in January 2015 and ends in December 2017.

a. Thematic Resolutions and Decisions (Civil, Political, Economic, Social, and Cultural)

Ghana abstained from voting on eleven resolutions concerning: mercenaries, SOGI, international order, defamation of religions, the death penalty, terrorism, religious discrimination, traditional values, indigenous peoples, and torture. Ghana voted against one resolution concerning SOGI.

Death Penalty: In 2015, Ghana abstained from voting on a resolution¹⁶⁰ concerning the question of the death penalty.

Defamation of Religions: From 2007 through 2010, Ghana abstained every year from voting on resolutions¹⁶¹ combating the defamation of religions. Except in 2007, Pakistan sponsored these resolutions.

Indigenous Peoples: In 2006, Ghana abstained from voting on a resolution¹⁶² concerning the elaboration of a draft declaration by the Working Group of the Commission on Human Rights. In 2007, Ghana joined the consensus to support a resolution¹⁶³ concerning the expert mechanism on the rights of indigenous peoples, a resolution¹⁶⁴ concerning the Working Group on indigenous populations and a resolution¹⁶⁵ concerning the mandate of the Special Rapporteur on human rights and freedoms of indigenous peoples.

From 2008 through 2010, Ghana joined the consensus each year to support resolutions¹⁶⁶ concerning human rights and indigenous peoples. In 2010, Ghana also joined the consensus to support a resolution¹⁶⁷ concerning the mandate of the Special Rapporteur on the rights of indigenous peoples.

In 2015, Ghana joined the consensus to support a resolution¹⁶⁸ concerning human rights and indigenous peoples and a resolution¹⁶⁹ concerning the review of the mandate of the expert mechanism on rights of indigenous peoples.

“Adopts the United Nations Declaration on the Rights of Indigenous Peoples, as contained in the annex to the present resolution, which was proposed by the Chairperson Rapporteur of the Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994 in annex I to the report of the working group on its eleventh session (E/CN.4/2006/79).”

Resolution 1/2 Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994 (2006)

160 Resolution 30/5 *The question of the death penalty* (2015).

161 Resolution 4/9 *Combating defamation of religions* (2007); Resolution 7/19 *Combating defamation of religions* (2008); Resolution 10/22 *Combating defamation of religions* (2009); Resolution 13/16 *Combating defamation of religions* (2010).

162 Resolution 1/2 *Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with Paragraph 5 of General Assembly Resolution 49/214 of 23 December 1994* (2006).

163 Resolution 6/36 *Expert mechanism on the rights of indigenous peoples* (2007).

164 Resolution 6/16 *Informal meeting to discuss the most appropriate mechanisms to continue the work of the Working Group on Indigenous Populations* (2007).

165 Resolution 6/12 *Human rights and indigenous peoples: Mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people* (2007).

166 Resolution 9/7 *Human rights and indigenous peoples* (2008); Resolution 12/13 *Human rights and indigenous peoples* (2009); Resolution 15/7 *Human rights and indigenous peoples* (2010).

167 Resolution 15/14 *Human rights and indigenous peoples: Mandate of the Special Rapporteur on the rights of indigenous peoples* (2010).

168 Resolution 30/4 *Human rights and indigenous peoples* (2015).

169 Resolution 30/11 *Review of the mandate of the expert mechanism on the rights of indigenous peoples* (2015).

In 2016, Ghana joined the consensus to support a resolution¹⁷⁰ concerning the expert mechanism on the rights of indigenous peoples, a resolution¹⁷¹ on human rights and indigenous peoples, and a resolution¹⁷² concerning the mandate of the Special Rapporteur on the rights of indigenous peoples.

International Order: In 2008, Ghana abstained from voting on a resolution¹⁷³ concerning the promotion of a democratic and equitable international order. In 2015 and 2016, Ghana voted in favour of resolutions¹⁷⁴ concerning the promotion of a democratic and equitable international order.

Mercenaries: In 2008, Ghana voted in favour of a resolution¹⁷⁵ concerning the mandate of the Working Group on the use of mercenaries for violating human rights and impeding the exercise of the right to self-determination. In 2009, Ghana voted in favour of a resolution¹⁷⁶ concerning the use of mercenaries for violating human rights and impeding the exercise of the right to self-determination, sponsored by Pakistan.

In 2010, Ghana voted in favour of a resolution¹⁷⁷ concerning the use of mercenaries for violating human rights and impeding the exercise of the right to self-determination and a resolution¹⁷⁸ concerning the Intergovernmental Working Group to elaborate an international framework on the regulation of activities of private military and security companies, sponsored by South Africa.

In 2015, Ghana voted in favour of a resolution¹⁷⁹ concerning the renewal of the mandate of the intergovernmental Working Group to elaborate an international framework on the regulation of activities of private military and security companies and a resolution¹⁸⁰ concerning the use of mercenaries for violating human rights and impeding the exercise of the right to self-determination. In 2016, Ghana abstained from voting on a resolution¹⁸¹ concerning the use of mercenaries for violating human rights and impeding the exercise of the right to self-determination.

Religious Discrimination: In 2009, Ghana abstained from voting on a resolution¹⁸² concerning religious discrimination and its impact on the enjoyment of economic, social and cultural rights.

“Condemns all forms of intolerance and discrimination based on religion or belief, as well as violations of the freedom of thought, conscience, religion or belief”

“Urges States to take the necessary measures, in accordance with international human rights law, to combat discrimination based on religion or belief by non-State actors, with particular regard to members of religious minorities and other persons in vulnerable situations”

Resolution 10/25 Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights (2009)

170 Resolution 33/25 [Expert Mechanism on the Rights of Indigenous Peoples](#) (2016).

171 Resolution 33/13 [Human rights and indigenous people](#) (2016).

172 Resolution 33/12 [Human rights and indigenous people: Mandate of the Special Rapporteur on the rights of indigenous people](#) (2016).

173 Resolution 8/5 [Promotion of a democratic and equitable international order](#) (2008).

174 Resolution 30/29 [Promotion of a democratic and equitable international order](#) (2015); Resolution 33/3 [Promotion of a democratic and equitable international order](#) (2016).

175 Resolution 7/21 [Mandate of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination](#) (2008).

176 Resolution 10/11 [The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination](#) (2009).

177 Resolution 15/12 [The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination](#) (2010).

178 Resolution 15/26 [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, of which South Africa was a main sponsor](#) (2010).

179 Resolution 28/7 [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](#) (2015).

180 Resolution 30/6 [The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination](#) (2015).

181 Resolution 33/4 [The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination](#) (2016).

182 Resolution 10/25 [Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights](#) (2009).

Sexual Orientation and Gender Identity (SOGI): In 2011, Ghana voted against a resolution¹⁸³ concerning human rights and SOGI, sponsored by South Africa.

In 2016, Ghana abstained from voting on a resolution¹⁸⁴ concerning protection against violence and discrimination based on SOGI.

Terrorism and Human Rights: In 2006, Ghana joined the consensus to support a decision¹⁸⁵ concerning persons deprived of liberty in counter-terrorism measures. In 2007, Ghana joined the consensus to support a resolution¹⁸⁶ concerning the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

From 2008 through 2010, Ghana joined the consensus every year to support a resolution¹⁸⁷ concerning the protection of human rights and fundamental freedoms while countering terrorism. In 2010, Ghana joined the consensus to support a resolution¹⁸⁸ concerning the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

“Urges all States to deny all forms of support for terrorist groups, including financial support, and to deny safe haven to those who incite, plan, finance, support or commit terrorist acts.”

“Calls upon States to strengthen further their national laws and mechanisms on countering terrorism.”

Resolution 28/17 Effects of terrorism on the enjoyment of human rights (2015)

In 2015, Ghana abstained from voting on a resolution¹⁸⁹ concerning the effects of terrorism on human rights. Ghana joined the consensus to support a resolution¹⁹⁰ concerning the protection of human rights and freedoms while countering terrorism.

In 2016, Ghana voted in favour of a resolution¹⁹¹ concerning the effects of terrorism on human rights and a resolution¹⁹² concerning the protection of human rights and freedoms while countering terrorism. Ghana joined the consensus to support a resolution¹⁹³ concerning the mandate of the Special Rapporteur on the protection of human rights and fundamental freedoms while countering terrorism.

Torture: In 2007, Ghana joined the consensus on a President’s statement¹⁹⁴ on the twentieth anniversary of the Convention against Torture. In 2009, Ghana abstained from voting on a resolution¹⁹⁵ concerning torture and the responsibility of medical personnel. In 2010, Ghana joined the consensus to support a resolution¹⁹⁶ concerning torture and the responsibility of judges. In 2011 and 2016, Ghana joined the consensus on a

183 Resolution 17/19 [Human rights, sexual orientation and gender identity](#) (2011).

184 Resolution 32/2 [Protection against violence and discrimination based on sexual orientation and gender identity](#) (2016).

185 Decision 2/112 [Persons deprived of liberty in the context of counter-terrorism measures](#) (2006).

186 Resolution 6/28 [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](#) (2007).

187 Resolution 7/7 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2008); Resolution 10/15 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2009); Resolution 13/26 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2010)

188 Resolution 15/15 [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](#) (2010).

189 Resolution 28/17 [Effects of terrorism on the enjoyment of human rights](#) (2015).

190 Resolution 29/9 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2015).

191 Resolution 31/30 [Effects of terrorism on the enjoyment of all human rights](#) (2016).

192 Resolution 33/21 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2016).

193 Resolution 31/3 [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](#) (2016).

194 Presidential statement 6/2 [The twentieth anniversary of the entry into force of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (2007).

195 Resolution 10/24 [Torture and other cruel, inhuman or degrading treatment or punishment: The role and responsibility of medical and other health personnel](#) (2009).

196 Resolution 13/19 [Torture and other cruel, inhuman or degrading treatment or punishment: The role and responsibility of judges, prosecutors and lawyers](#) (2010).

resolution¹⁹⁷ on torture and the mandate of the Special Rapporteur, and a resolution¹⁹⁸ on torture during police custody, respectively.

Traditional Values: In 2009, Ghana abstained from voting on a resolution¹⁹⁹ concerning the promotion of human rights and freedoms through a better understanding of traditional values. In 2011, Ghana voted in favour of a resolution²⁰⁰ concerning the promotion of human rights and freedoms through a better understanding of traditional values.

Comments

Ghana voted against a SOGI resolution in 2011 but then abstained from voting on a 2016 resolution titled “Protection Against Violence and Discrimination Based on SOGI”, noting the cultural sensitivity of the matter. Ghana stated their opposition to the persecution of individuals based on their sexual orientation, but qualified their statement by explaining that they opposed the “propagation or commercialisation” of the issue.²⁰¹ LGBTI persons are subjected to discrimination, intimidation, and harassment in Ghana.²⁰² In their report to the Human Rights Committee, Ghana stated that “same-sex sexual activity falls within the definition of unnatural carnal knowledge, under Section 104 of the Criminal Offences Act, 1960, and is considered a misdemeanour if it is between two consenting adults.”²⁰³

Ghana abstained from voting on a death penalty resolution. In 2008, Ghana stated in the General Assembly that its Constitution guaranteed that the death penalty is only to be applied in the “most serious cases” and “over the past two decades, there had been no recorded cases of executions, since superior courts had granted pardons.”²⁰⁴ In December 2011, a Constitutional Review Commission recommended abolishing the death penalty and replacing it with life imprisonment without parole. In the UPR II, Amnesty International noted that Ghana retained the death penalty in law and continues to sentence people to death.²⁰⁵ At the end of 2014, there were 135 people on death row.²⁰⁶ In 2016, the Human Rights Committee also noted that death sentences are still imposed.²⁰⁷

b. Country Resolutions and Decisions (Procedural, Situations, Capacity-Building, and Technical Assistance)

Ghana abstained from voting on fourteen resolutions concerning human rights situations in: Belarus, Iran, the OPTI, Sudan, and Lebanon. Ghana voted against one resolution concerning the human rights situation in Sudan.

197 Resolution 16/23 *Torture and other cruel, inhuman or degrading treatment or punishment: Mandate of the Special Rapporteur* (2011).

198 Resolution 31/31 *Torture and other cruel, inhuman or degrading treatment or punishment: Safeguards to prevent torture during police custody and pretrial detention* (2016).

199 Resolution 12/21 *Promoting human rights and fundamental freedom through a better understanding of traditional values of humankind* (2009).

200 Resolution 16/3 *Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind* (2011).

201 Office of the High Commissioner for Human Rights, Display news. Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20220#sthash.xHci0arO.dpuf>.

202 United Nations Human Rights Committee, Concluding observations on the initial reports of Ghana, 9 August 2016, CCPR/C/GHA/CO/1. Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGHA%2fCO%2f1&Lang=en.

203 *Ibid.*

204 United Nations Department of Public Information, General Assembly will reaffirm resolution on death penalty moratorium, under terms of draft text approved by Third Committee. GA/SHC/3939, 20 November 2008. Available at <http://www.un.org/press/en/2008/qashc3939.doc.htm>.

205 UN Human Rights Council, Universal Periodic Review, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with Paragraph 5 of the annex to Human Rights Council Resolution 16/21- Ghana, A/HRC/WG.6/14/GHA/3, 20 July 2012. Available at: <http://www.refworld.org/docid/506d61062.html>.

206 Human Rights Committee, Report submitted by Ghana, CCPR/C/GHA/1, 30 January 2015. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/014/27/PDF/G1501427.pdf?OpenElement>.

207 UN Human Rights Committee, Concluding observations on the initial reports of Ghana, CCPR/C/GHA/CO/1, August 9, 2016. Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1031&Lang=en.

Belarus: In 2011, 2015 and 2016, Ghana abstained from voting on resolutions²⁰⁸ concerning human rights in Belarus.

The Islamic Republic of Iran: In 2011, 2015 and 2016, Ghana abstained from voting on resolutions²⁰⁹ concerning human rights in Iran. The resolutions in 2011 and 2016 were sponsored by Zambia and Pakistan respectively.

Lebanon: In 2006, Ghana abstained from voting on a resolution²¹⁰ concerning the situation of human rights in Lebanon caused by Israeli military operations. Ghana joined the consensus to support a resolution²¹¹ concerning the Inquiry Commission's report on Lebanon.

The Occupied Palestinian Territory and Israel (OPTI): In 2006, Ghana abstained from voting on a decision²¹² concerning human rights in Palestine and other occupied Arab territories. Ghana voted in favour of a resolution²¹³ concerning human rights violations and Israeli military incursions in the OPT, a resolution²¹⁴ concerning Israeli settlements in the OPT, including East Jerusalem and the OSG, and two resolutions²¹⁵ concerning human rights in the OPT. In 2007, Ghana joined the consensus to support two resolutions²¹⁶ concerning human rights in the OPT. These resolutions were sponsored by Pakistan.

In 2008, Ghana voted in favour of a resolution²¹⁷ concerning Israeli settlements in the OPT, including East Jerusalem, and the OSG, and a resolution²¹⁸ concerning human rights violations emanating from Israeli military attacks and incursions in the OPT. Ghana joined the consensus to support a resolution²¹⁹ concerning the Palestinian people's right to self-determination. Ghana abstained from voting on a resolution²²⁰ concerning human rights violations emanating from Israeli military attacks in the OPT. These resolutions were sponsored by Pakistan.

In 2009, Ghana voted in favour of a resolution²²¹ concerning human rights in the OPT and East Jerusalem, a resolution²²² concerning the Palestinian people's right to self-determination, a resolution²²³ concerning Israeli

“Decides to extend the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran for a further period of one year...”

“Calls upon the Government of the Islamic Republic of Iran to cooperate fully with the Special Rapporteur and to permit access to visit the country, and to provide all information necessary to allow the fulfilment of the mandate”

Resolution 31/19 Situation of human rights in the Islamic Republic of Iran (2016)

208 Resolution 17/24 [Situation of human rights in Belarus](#) (2011); Resolution 29/17 [Situation of human rights in Belarus](#) (2015); Resolution 32/26 [Situation of human rights in Belarus](#) (2016).

209 Resolution 16/9 [Situation of human rights in the Islamic Republic of Iran](#) (2011); Resolution 28/21 [Situation of human rights in the Islamic Republic of Iran](#) (2015); Resolution 31/19 [Situation of human rights in the Islamic Republic of Iran](#) (2016).

210 Resolution S-2/1 [The grave situation of human rights in Lebanon caused by Israeli military operations](#) (2006)

211 Resolution 3/3 [Report of the Commission of Inquiry on Lebanon](#) (2006).

212 Decision 1/106 [Human rights situation in Palestine and other occupied Arab territories](#) (2006).

213 Resolution S-3/1 [Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory, including the recent one in northern Gaza and the assault on Beit Hanoun](#) (2006); Resolution 9/18 [Follow-up to Resolution S-3/1: Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory and the shelling of Beit Hanoun](#) (2008).

214 Resolution 2/4 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan](#) (2006).

215 Resolution S-1/1 [Human rights situation in the Occupied Palestinian Territory](#) (2006); Resolution 3/1 [Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council resolution S-1/1](#) (2006).

216 Resolution 4/2 [Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolutions S-1/1 and S-3/1](#) (2007); Resolution 6/18 [Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolutions S-1/1 and S-3/1](#) (2007).

217 Resolution 7/18 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2008).

218 Resolution 7/1 [Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian territory, particularly the recent ones in the occupied Gaza Strip](#) (2008).

219 Resolution 7/17 [Right of the Palestinian people to self-determination](#) (2008).

220 Resolution S-6/1 [Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip](#) (2008).

221 Resolution S-12/1 [The human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2009).

222 Resolution 10/20 [Right of the Palestinian people to self-determination](#) (2009).

223 Resolution 10/18 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2009).

settlements in the OPT, East Jerusalem and the OSG, a resolution²²⁴ concerning human rights violations due to Israeli military attacks in the OPT, and a resolution²²⁵ concerning grave human rights violations in the OPT due to Israeli military operations in the Gaza Strip. These resolutions were sponsored by Pakistan.

In 2010, Ghana voted in favour of a resolution²²⁶ concerning the Palestinian people's right to self-determination, a resolution²²⁷ concerning Israeli settlements in the OPT, East Jerusalem and the OSG, a resolution²²⁸ concerning human rights violation by Israel in the OPT and East Jerusalem, a resolution²²⁹ concerning the attack by Israeli forces on a humanitarian boat convoy, a resolution²³⁰ concerning the report of the UN fact-finding mission's report on the Gaza conflict. Ghana abstained from voting on a resolution²³¹ concerning the report of the UN fact-finding mission's report on the incident of the humanitarian flotilla. These resolutions were sponsored by Pakistan.

In 2011, Ghana voted in favour of a resolution²³² concerning the Palestinian people's right to self-determination, a resolution²³³ concerning human rights in the OPT and East Jerusalem, a resolution²³⁴ concerning Israeli settlements in the OPT, East Jerusalem and the OSG, and a resolution²³⁵ concerning the UN fact-finding mission's report on the Gaza conflict. Ghana also voted in favour of resolutions²³⁶ concerning the international fact-finding mission's report on the incident of the humanitarian flotilla.

In 2015, Ghana voted in favour of a resolution²³⁷ concerning human rights in the OPT and East Jerusalem, a resolution²³⁸ concerning Israeli settlements in the OPT, East Jerusalem and the OSG and a resolution²³⁹ concerning accountability and justice for international law violations in the OPT and East Jerusalem. Ghana abstained from voting on a resolution²⁴⁰ concerning the Palestinian people's right to self-determination. These resolutions were sponsored by Pakistan.

In 2016, Ghana abstained from voting on a resolution²⁴¹ concerning Israeli settlements in the OPT, East Jerusalem and the OSG, a resolution²⁴² concerning human rights in the OPT and East Jerusalem, and a

224 Resolution 10/19 [Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory](#) (2009).

225 Resolution S-9/1 [The Grave Violations of Human Rights in the Occupied Palestinian Territory particularly due to the recent Israeli military aggression on the occupied Gaza Strip](#) (2009); Resolution 10/21 [Follow-up to Council Resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip](#) (2009).

226 Resolution 13/6 [Right of the Palestinian people to self-determination](#) (2010).

227 Resolution 13/7 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2010).

228 Resolution 13/8 [The grave human rights violations by Israel in the Occupied Palestinian Territory, including East Jerusalem](#) (2010).

229 Resolution 14/1 [The grave attacks by Israeli forces against the humanitarian boat convoy](#) (2010).

230 Resolution 13/9 [Follow-up to the report of the United Nations independent international Fact-Finding Mission on the Gaza Conflict](#) (2010).

231 Resolution 15/1 [Follow-up to the report of the independent international Fact-Finding Mission on the incident of the humanitarian flotilla](#) (2010).

232 Resolution 16/30 [Right of the Palestinian people to self-determination](#) (2011).

233 Resolution 16/29 [The human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2011).

234 Resolution 16/31 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2011).

235 Resolution 16/32 [Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict](#) (2011).

236 Resolution 16/20 [Follow-up to the report of the independent international Fact-Finding Mission on the incident of the humanitarian flotilla](#) (2011); Resolution 17/10 [Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla](#) (2011).

237 Resolution 28/27 [Human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2015).

238 Resolution 28/26 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2015).

239 Resolution 29/25 [Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem](#) (2015).

240 2015 Resolution 28/25 [Right of the Palestinian people to self-determination](#) (2015).

241 Resolution 31/36 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2016).

242 Resolution 31/34 [Human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2016).

resolution²⁴³ concerning accountability and justice for violations of international law in the OPT and East Jerusalem. Ghana joined the consensus to support a resolution²⁴⁴ concerning the Palestinian people's right to self-determination. These resolutions were sponsored by Pakistan.

The Occupied Syrian Golan (OSG): In 2006, Ghana voted in favour of a resolution²⁴⁵ concerning human rights in the OSG. From 2008 through 2011, Ghana voted every year in favour on resolutions²⁴⁶ concerning human rights in the OSG. In 2015, Ghana abstained from voting on a resolution²⁴⁷ concerning human rights in the OSG. In 2016, Ghana voted in favour of a resolution²⁴⁸ concerning human rights in the OSG. With the exception of 2011, Pakistan was the main sponsor of all resolutions on the OSG.

Sudan: In 2006, Ghana abstained from voting on a decision²⁴⁹ concerning Darfur. In 2007, Ghana joined the consensus to support two resolutions²⁵⁰ concerning human rights in Darfur, and a decision²⁵¹ and a resolution²⁵² concerning the mandate of the Special Rapporteur on human rights in Sudan. In 2008, Ghana joined the consensus to support two resolutions²⁵³ concerning human rights in Sudan.

“Urges all parties to continue their efforts to implement the remaining obligations stipulated in the Comprehensive Peace Agreement...”

“Decides to renew for a period of one year the mandate of the independent expert on the situation of human rights in the Sudan...”

Resolution 15/27 Situation of human rights in the Sudan (2010)

In 2009, Ghana abstained from voting on a resolution²⁵⁴ concerning human rights in Sudan, sponsored by Nigeria. In 2010, Ghana voted against a resolution²⁵⁵ concerning human rights in Sudan. Ghana joined the consensus to support a decision²⁵⁶ concerning the Independent Expert on human rights in Sudan. In 2015 and 2016, Ghana joined the consensus to support resolutions²⁵⁷ concerning technical assistance and capacity-building to improve human rights in Sudan.

Comments

In its pledge to join the HRC, Ghana committed to maintaining cooperation with UN mechanisms.²⁵⁸ From 2011 onwards, Ghana has increasingly shown a consistent unwillingness to address country specific situations. Nevertheless, Ghana's voting on the OPTI is mixed with abstentions and in-favour votes. After 2016, Ghana consistently abstained from voting on all resolutions concerning the OPTI. Ghana also abstained from voting on several resolutions on Belarus, Iran, Lebanon and Sudan, but only voted against one resolution on the human rights situation in Sudan which renewed the mandate of the Independent Expert on the situation of human rights in Sudan.

c. Procedural

243 Resolution 31/35 [Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem](#) (2016)

244 Resolution 31/33 [Right of the Palestinian people to self-determination](#) (2016).

245 Resolution 2/3 [Human rights in the occupied Syrian Golan](#) (2006).

246 Resolution 7/30 [Human rights in the occupied Syrian Golan](#) (2008); Resolution 10/17 [Human rights in the occupied Syrian Golan](#) (2009); Resolution 13/5 [Human rights in the occupied Syrian Golan](#), (2010); Resolution 16/17 [Human rights in the occupied Syrian Golan](#) (2011).

247 Resolution 28/24 [Human rights in the occupied Syrian Golan](#) (2015).

248 Resolution 31/25 [Human rights in the occupied Syrian Golan](#) (2016).

249 Decision 2/115 [Darfur](#) (2006).

250 Resolution 4/8 [Follow-up to decision S-4/101 of 13 December 2006 adopted by the Human Rights Council at its fourth special session entitled “Situation of human rights in Darfur”](#) (2007); Resolution 6/35 [Human Rights Council Group of Experts on the situation of human rights in Darfur](#) (2007).

251 Decision 6/103 [Mandate of the Special Rapporteur on the situation of human rights in the Sudan](#) (2007).

252 Resolution 6/34 [Mandate of the Special Rapporteur on the situation of human rights in the Sudan](#) (2007).

253 Resolution 7/16 [Situation of human rights in the Sudan](#) (2008); Resolution 9/17 [Situation of human rights in the Sudan](#) (2008).

254 Resolution 11/10 [Situation of human rights in the Sudan](#) (2009).

255 Resolution 15/27 [Situation of human rights in the Sudan](#) (2010).

256 Decision 14/117 [The Independent Expert on the situation of human rights in the Sudan](#) (2010).

257 Resolution 30/22 [Technical assistance and capacity-building to improve human rights in the Sudan](#) (2015), sponsored by South Africa; Resolution 33/26 [Technical assistance and capacity-building to improve human rights in Sudan](#) (2016).

258 Permanent Mission of Ghana to the United Nations, Aide Memoire- Ghana's voluntary pledges and commitment, 25 April 2006. Available at <https://www.un.org/ga/60/elect/hrc/ghana.pdf>; <http://www.unelections.org/files/Ghana%20for%20HRC.pdf>.

Publication of Reports by the Subcommittee on the Promotion and Protection of Human Rights: In 2009, Ghana abstained on a decision²⁵⁹ on the publication of reports completed by the Subcommittee on the Promotion and Protection of Human Rights.

iv. Kenya

Kenya began serving at the HRC in January 2013 and ends its second term in December 2017.

a. Thematic Resolutions and Decisions (Civil, Political, Economic, Social, and Cultural)

Kenya abstained from voting on nine resolutions concerning: reprisals, the judicial system, the question of the death penalty, protecting human rights defenders, civil society space, the right to safe drinking water, and a democratic and equitable international order. Kenya voted against three resolutions concerning: SOGI, peaceful protest, and a decision on the question of the death penalty.

Civil Society Space: In 2013, Kenya joined the consensus to support a resolution²⁶⁰ concerning the creation of a safe environment for civil society, sponsored by Sierra Leone. Kenya joined the consensus to support a decision²⁶¹ concerning the establishment of a fund for the participation of civil society in forums. In 2014, Kenya joined the consensus to support a resolution²⁶² concerning civil society space, sponsored by Sierra Leone. In 2016, Kenya, abstained from voting on a resolution²⁶³ on civil society space, sponsored by Sierra Leone.

Death Penalty: In 2013, Kenya voted against a decision²⁶⁴ concerning a high-level panel discussion on the death penalty. In 2014 and 2015, Kenya abstained from voting on a resolution²⁶⁵ each year concerning the question of the death penalty.

Human Rights Defenders: In 2013, Kenya joined the consensus to support a resolution²⁶⁶ concerning the protection of human rights defenders. In 2014, Kenya joined the consensus to support a resolution²⁶⁷ concerning the mandate of the Special Rapporteur on human rights defenders. In 2016, Kenya abstained from voting on a resolution²⁶⁸ concerning the protection of human rights defenders and addressing of economic, social, and cultural rights.

International Order: In 2012, Kenya joined the consensus to support a resolution²⁶⁹ concerning the promotion of a democratic and equitable international order. In 2014, Kenya voted in favour of a

“Urges States to ensure access to justice, and accountability, and to end impunity for human rights violations and abuses against civil society actors, including by putting in place, and where necessary reviewing and amending, relevant laws, policies, institutions and mechanisms to create and maintain a safe and enabling environment in which civil society can operate free from hindrance, insecurity and reprisals.”

“Calls upon States to ensure that domestic provisions on funding to civil society actors are in compliance with their international human rights obligations and commitments and are not misused to hinder the work or endanger the safety of civil society actors, and underlines the importance of the ability to solicit, receive and utilize resources for their work.”

Resolution 32/31 Civil society space (2016)

“Calls upon all States to take all measures necessary to ensure the rights and safety of human rights defenders, including those working towards the realization of economic, social and cultural rights and who, in so doing, exercise other human rights, such as the rights to freedom of opinion, expression, peaceful assembly and association, to participate in public affairs, and to seek an effective remedy.”

Resolution 31/32 Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights (2016)

259 Decision 10/117 [Publication of reports completed by the Subcommittee on the Promotion and Protection of Human Rights](#) (2009).

260 Resolution 24/21 [Civil society space: Creating and maintaining, in law and in practice, a safe and enabling environment](#) (2013).

261 Decision 24/118 [Establishment of a special fund for the participation of civil society in the Social Forum, the Forum on Minority Issues and the Forum on Business and Human Rights](#) (2013).

262 Resolution 27/31 [Civil society space](#) (2014).

263 Resolution 32/31 [Civil society space](#) (2016).

264 Decision 22/117 [High-level panel discussion on the question of the death penalty](#) (2013).

265 Resolution 26/2 [The question of the death penalty](#) (2014); Resolution 30/05 [The question of the death penalty](#) (2015).

266 Resolution 22/6 [Protecting human rights defenders](#) (2013).

267 Resolution 25/18 [Mandate of the Special Rapporteur on the situation of human rights defenders](#) (2014).

268 Resolution 31/32 [Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights](#) (2016).

269 Resolution 21/9 [Promotion of a democratic and equitable international order](#) (2012).

resolution²⁷⁰ concerning the promotion of a democratic and equitable international order and a resolution²⁷¹ concerning the mandate of the Independent Expert on the promotion of international order.

In 2015, Kenya voted in favour of a resolution²⁷² concerning the promotion of a democratic and equitable international order. In 2016, Kenya abstained from voting on a resolution²⁷³ concerning the promotion of a democratic and equitable international order.

Judicial System: In 2013, Kenya joined the consensus to support a resolution²⁷⁴ concerning the independence and impartiality of judges and lawyers, sponsored by Australia, Botswana, and the Maldives. In 2014, Kenya abstained from voting on a resolution²⁷⁵ concerning the integrity of the judicial system.

In 2015, Kenya joined the consensus to support a resolution²⁷⁶ concerning the independence and impartiality of judges and lawyers, sponsored by Australia, Botswana, and the Maldives. In 2016, Kenya joined the consensus to support a resolution²⁷⁷ concerning the integrity of the judicial system.

Peaceful Protests: In 2013, Kenya joined the consensus to support a resolution²⁷⁸ concerning the protection of human rights in the context of peaceful protests. In 2014, Kenya voted against a resolution²⁷⁹ concerning the protection of human rights in the context of peaceful protests. In 2016, Kenya voted in favour of a resolution²⁸⁰ concerning the protection of human rights in the context of peaceful protests.

Reprisals: In 2013, Kenya abstained from voting on a resolution²⁸¹ concerning reprisals against those who cooperate with the UN and its mechanisms in the field of human rights.

Sexual Orientation and Gender Identity (SOGI): In 2014, Kenya voted against a resolution²⁸² concerning human rights and SOGI. In 2016, Kenya voted against a resolution²⁸³ concerning protection against violence and discrimination based on SOGI.

Transitional Justice: In 2012, Kenya joined the consensus to support a resolution²⁸⁴ concerning human rights and transitional justice. In 2016, Kenya abstained from voting on a resolution²⁸⁵ concerning human rights and transitional justice.

“Declares that democracy includes respect for all human rights and fundamental freedoms and is a universal value that is based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives, and reaffirms the need for universal adherence to and implementation of the rule of law at both the national and international levels.”

Resolution 33/3 Promotion of a democratic and equitable international order (2016)

“Urges States to take all appropriate measures to prevent the occurrence of intimidation or reprisals, including, where necessary, by adopting and consequently implementing specific legislation and policies and by issuing appropriate guidance to national authorities in order to effectively protect those who seek to cooperate, or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights from any act of intimidation or reprisal.”

Resolution 24/24 Cooperation with the United Nations, its representatives and mechanisms in the field of human rights

270 Resolution 25/15 [Promotion of a democratic and equitable international order](#) (2014).

271 Resolution 27/9 [Mandate of the Independent Expert on the promotion of a democratic and equitable international order](#) (2014).

272 Resolution 30/29 [Promotion of a democratic and equitable international order](#) (2015).

273 Resolution 33/3 [Promotion of a democratic and equitable international order](#) (2016).

274 Resolution 23/6 [Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers](#) (2013).

275 Resolution 25/4 [Integrity of the judicial system](#) (2014).

276 Resolution 29/6 [Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers](#) (2015).

277 Resolution 31/2 [Integrity of the judicial system](#) (2016).

278 Resolution 22/10 [The promotion and protection of human rights in the context of peaceful protests](#) (2013).

279 Resolution 25/38 [The promotion and protection of human rights in the context of peaceful protests](#) (2014).

280 Resolution 31/37 [The promotion and protection of human rights in the context of peaceful protests](#) (2016).

281 Resolution 24/24 [Cooperation with the United Nations, its representatives and mechanisms in the field of human rights](#) (2013).

282 Resolution 27/32 [Human rights, sexual orientation and gender identity](#) (2014).

283 Resolution 32/2 [Protection against violence and discrimination based on sexual orientation and gender identity](#) (2016).

284 Resolution 21/15 [Human rights and transitional justice](#) (2012).

285 Resolution 33/19 [Human rights and transitional justice](#) (2016).

Water (Right to): From 2012 through 2014, Kenya joined the consensus every year to support resolutions²⁸⁶ concerning the human right to safe drinking water and sanitation. In 2016, Kenya abstained from voting on a resolution²⁸⁷ concerning the human rights to safe drinking water and sanitation.

Comments

Kenya abstained from voting on a resolution concerning the protection of human rights defenders (HRDs) despite the constant threat HRDs face in Kenya. During the UPR I, Kenya accepted the recommendation on the protection of HRDs. During the UPR II, the OHCHR noted a CAT report stating that human rights defenders face intimidation, harassment, and ill-treatment by the police.²⁸⁸

After supporting a resolution on the human right to safe drinking water and sanitation, Kenya abstained from voting on a similar resolution in 2016, even though nationally only 30% of the Kenyan population has access to improved sanitation and in certain Kenyan counties over 80% of the population practice open defecation.²⁸⁹

Kenya voted against all resolutions on SOGI. Same-sex behaviour is criminalised in Kenya. LGBTI persons are the target of verbal and physical injury, sexual violence, censorship, social marginalisation, and are subject to imprisonment based on their sexual orientation.²⁹⁰ Moreover, two men accused of same-sex activity were forced by the Kenyan police to undergo anal examinations.²⁹¹

b. Country Resolutions and Decisions (Procedural, Situations, Capacity-Building, and Technical Assistance)

Kenya abstained from voting on 26 resolutions concerning: cooperation and assistance in Ukraine, accountability and human rights in Sri Lanka and Palestine, and the human rights situations in Syria, Burundi, Belarus, Iran, North Korea, and the OPTI. Kenya voted against a resolution concerning the human rights situation in Iran and a resolution concerning accountability and human rights in Sri Lanka.

Belarus: From 2013 through 2016, Kenya abstained every year from voting on resolutions²⁹² concerning human rights in Belarus.

Burundi: In 2015, Kenya joined the consensus the support a resolution²⁹³ concerning the deterioration of human rights in Burundi and a resolution²⁹⁴ for technical cooperation and capacity-building for Burundi. In 2016, Kenya abstained from voting on a resolution²⁹⁵ concerning human rights in Burundi.

The Islamic Republic of Iran: From 2013 through 2015, Kenya abstained every year from voting on resolutions²⁹⁶ concerning human rights in the Islamic Republic of Iran. In 2016, Kenya voted against a

286 Resolution 21/2 [The human right to safe drinking water and sanitation](#) (2012); Resolution 24/18 [The human right to safe drinking water and sanitation](#) (2013); Resolution 27/07 [The human right to safe drinking water and sanitation](#) (2014).

287 Resolution 33/10 [The human rights to safe drinking water and sanitation](#) (2016).

288 UN Human Rights Council, Universal Periodic Review, Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with Paragraph 15 (b) of the annex to Human Rights Council Resolution 5/1 and Paragraph 5 of the annex to Council Resolution 16/21- Kenya, A/HRC/WG.6/21/KEN/2, 12 November 2014. Available at https://www.upr-info.org/sites/default/files/document/kenya/session_21_-_january_2015/a_hrc_wg.6_21_ken_2_e.pdf.

289 Office of the High Commissioner for Human Rights, Kenyans have rights to safe water and sanitation on paper now it's time to make them a reality. Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14913&LangID=E>.

290 Human Rights Watch, World Report- Kenya events 2016. Available at <https://www.hrw.org/world-report/2016/country-chapters/kenya>.

291 *Ibid.*

292 Resolution 23/15 [Situation of human rights in Belarus](#) (2013); Resolution 26/25 [Situation of human rights in Belarus](#) (2014); Resolution 29/17 [Situation of human rights in Belarus](#) (2015); Resolution 32/26 [Situation of human rights in Belarus](#) (2016).

293 Resolution S-24/1 [Preventing the deterioration of the human rights situation in Burundi](#) (2015).

294 Resolution 30/27 [Technical cooperation and capacity building for Burundi in the field of human rights](#) (2015).

295 Resolution 33/24 [Human rights situation in Burundi](#) (2016).

296 Resolution 22/23 [Situation of human rights in the Islamic Republic of Iran](#) (2013); Resolution 25/24 [Situation of human rights in the Islamic Republic of Iran](#) (2014); Resolution 28/21 [Situation of human rights in the Islamic Republic of Iran](#) (2015).

resolution²⁹⁷ concerning human rights in the Islamic Republic of Iran.

The Democratic People's Republic of Korea: In 2013, Kenya joined the consensus to support a resolution²⁹⁸ concerning human rights in North Korea. In 2014 and 2015, Kenya abstained from voting on resolutions²⁹⁹ concerning human rights in North Korea. In 2016, Kenya joined the consensus to support a resolution³⁰⁰ concerning human rights in North Korea.

Occupied Palestinian Territories and Israel (OPTI): In 2013, Kenya voted in favour of a resolution³⁰¹ concerning the Palestinian people's right to self-determination, a resolution³⁰² concerning human rights in the OPT and East Jerusalem, and a resolution³⁰³ concerning the report of the international fact-finding mission on the implications of Israeli settlements on the Palestinian people's rights in the OPT and East Jerusalem. Kenya abstained from voting on a resolution³⁰⁴ concerning Israeli settlements in the OPT, East Jerusalem and the OSG, and a resolution³⁰⁵ concerning the report of the UN fact-finding mission on the Gaza conflict. All these resolutions were sponsored by Pakistan.

In 2014, Kenya voted in favour of a resolution³⁰⁶ concerning the Palestinian people's right to self-determination, a resolution³⁰⁷ concerning human rights in the OPT and East Jerusalem, a resolution³⁰⁸ concerning respect for international law in the OPT and East Jerusalem, a resolution³⁰⁹ concerning Israeli settlements in the OPT, East Jerusalem, and the OSG, and a resolution³¹⁰ concerning the report of the UN fact-finding mission on the Gaza conflict. All these resolutions were sponsored by Pakistan.

In 2015, Kenya voted in favour of a resolution³¹¹ concerning the Palestinian people's right to self-determination, a resolution³¹² concerning human rights in the OPT and East Jerusalem, a resolution³¹³ concerning Israeli settlements in the OPT, East Jerusalem, and the OSG. Kenya abstained from voting on a resolution³¹⁴ concerning accountability and justice for violations of international law in the OPT and East Jerusalem. All these resolutions were sponsored by Pakistan.

In 2016, Kenya joined the consensus to support a resolution³¹⁵ concerning the Palestinian people's right to self-determination and a resolution³¹⁶ concerning Israeli settlements in the OPT, East Jerusalem, and the

297 Resolution 31/19 [Situation of human rights in the Islamic Republic of Iran](#) (2016).

298 Resolution 22/13 [The situation of human rights in the Democratic People's Republic of Korea](#) (2013).

299 Resolution 25/25 [Situation of human rights in the Democratic People's Republic of Korea](#) (2014); Resolution 28/22 [Situation of human rights in the Democratic People's Republic of Korea](#) (2015).

300 Resolution 31/18 [Situation of human rights in the Democratic People's Republic of Korea](#) (2016).

301 Resolution 22/27 [Right of the Palestinian people to self-determination](#) (2013).

302 Resolution 22/28 [Human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2013).

303 Resolution 22/29 [Follow-up to the report of the independent international Fact-Finding Mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem](#) (2013).

304 Resolution 22/26 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem and Occupied Syrian Golan](#) (2013).

305 Resolution 22/25 [Follow-up to the report of the United Nations independent international Fact-Finding Mission on the Gaza Conflict](#) (2013).

306 Resolution 25/27 [Right of the Palestinian people to self-determination](#) (2014).

307 Resolution 25/29 [Human rights situation in Occupied Palestinian Territory, including East Jerusalem](#) (2014).

308 Resolution S-21/1 [Ensuring respect for international law in the Occupied Palestinian Territory, including East Jerusalem](#) (2014).

309 Resolution 25/28 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2014).

310 Resolution 25/30 [Follow-up to the report of the United Nations independent international Fact-Finding Mission on the Gaza Conflict](#) (2014).

311 Resolution 28/25 [Right of the Palestinian people to self-determination](#) (2015).

312 Resolution 28/27 [Human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2015).

313 Resolution 28/26 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2015).

314 Resolution 29/25 [Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory including East Jerusalem](#) (2015).

315 Resolution 31/33 [Right of the Palestinian people to self-determination](#) (2016).

316 Resolution 31/36 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2016).

OSG. Kenya voted in favour of a resolution³¹⁷ concerning human rights in the OPT and East Jerusalem and a resolution³¹⁸ concerning accountability and justice for violations of international law in the OPT and East Jerusalem. All these resolutions were sponsored by Pakistan.

Occupied Syrian Golan (OSG): In 2013, Kenya abstained from voting on a resolution³¹⁹ concerning human rights in the OSG. From 2014 through 2016, Kenya voted every year in favour of a resolution³²⁰ concerning human rights in the OSG. All these resolutions were sponsored by Pakistan.

Sri Lanka: In 2013, Kenya abstained from voting on a resolution³²¹ concerning reconciliation and accountability in Sri Lanka. In 2014, Kenya voted against a resolution³²² concerning reconciliation, accountability and human rights in Sri Lanka, sponsored by the UK and Mauritius. In 2015, Kenya joined the consensus to support a resolution³²³ concerning reconciliation, accountability, and human rights in Sri Lanka, sponsored by the UK.

The Syrian Arab Republic: In 2012, Kenya joined the consensus to support a resolution³²⁴ concerning human rights in Syria. In 2013, Kenya voted in favour of a resolution³²⁵ concerning human rights in Syria and a resolution³²⁶ concerning the human rights in Syria and the need to grant access to the Commission of Inquiry, sponsored by the UK. Kenya abstained from voting on a resolution³²⁷ concerning the deterioration of human rights in Syria and the killings in Al-Qusayr and a resolution³²⁸ concerning the grave human rights and humanitarian situation in Syria.

In 2014, Kenya abstained from voting on three resolutions³²⁹ concerning the deteriorating human rights and humanitarian situation in Syria, sponsored by the UK. In 2015, Kenya abstained from voting on resolutions³³⁰ concerning the deteriorating human rights and humanitarian situation in Syria. In 2015, Kenya abstained from voting on three resolutions³³¹ concerning human rights in Syria. These resolutions were sponsored by the UK.

Ukraine: In 2014, Kenya abstained from voting on a resolution³³² concerning cooperation and assistance for human rights to Ukraine. In 2015, Kenya voted in favour of a resolution³³³ concerning cooperation and assistance for human rights to Ukraine. In 2016, Kenya abstained from voting on a resolution³³⁴ concerning

317 Resolution 31/34 [Human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2016).

318 Resolution 31/35 [Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem](#) (2016).

319 Resolution 22/17 [Human rights in the occupied Syrian Golan](#) (2013).

320 Resolution 25/31 [Human rights in the occupied Syrian Golan](#) (2014); Resolution 28/24 [Human rights in the occupied Syrian Golan](#) (2015); Resolution 31/25 [Human rights in the occupied Syrian Golan](#) (2016).

321 Resolution 22/1 [Promoting reconciliation and accountability in Sri Lanka](#) (2013).

322 Resolution 25/1 [Promoting reconciliation, accountability and human rights in Sri Lanka](#) (2014).

323 Resolution 30/1 [Promoting reconciliation, accountability and human rights in Sri Lanka](#) (2015).

324 Resolution 21/26 [Situation of human rights in the Syrian Arab Republic](#) (2012).

325 Resolution 22/24 [Situation of human rights in the Syrian Arab Republic](#) (2013).

326 Resolution 23/26 [The deterioration of the situation of human rights in the Syrian Arab Republic, and the need to grant immediate access to the commission of inquiry](#) (2013).

327 Resolution 23/1 [The deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in Al-Qusayr](#) (2013).

328 Resolution 24/22 [The continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic](#) (2013).

329 Resolution 25/23 [The continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic](#) (2014); Resolution 26/23 [The continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic](#) (2014); Resolution 27/16 [The continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic](#) (2014).

330 Resolution 28/20 [The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic](#) (2015); Resolution 29/16 [The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic](#) (2015); Resolution 30/10 [The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic](#) (2015).

331 Resolution 31/17 [The human rights situation in the Syrian Arab Republic](#) (2016); Resolution 32/25 [The human rights situation in the Syrian Arab Republic](#) (2016); Resolution 33/23 [Human rights situation in the Syrian Arab Republic](#) (2016).

332 Resolution 26/30 [Cooperation and assistance to Ukraine in the field of human rights](#) (2014).

333 Resolution 29/23 [Cooperation and assistance to Ukraine in the field of human rights](#) (2015).

334 Resolution 32/29 [Cooperation and assistance to Ukraine in the field of human rights](#) (2016).

cooperation and assistance for human rights to Ukraine.

Comments

In its candidacy for the HRC, Kenya committed to advance human rights at the international level and stated that a “cardinal precept of its foreign policy is the diligent pursuit of the promotion and protection of human rights in both the bilateral and multilateral frameworks.”³³⁵ Kenya abstained from voting on all resolutions concerning human rights in Belarus. Since 2014, Kenya has adopted an increasingly negative stance on resolutions concerning Syria.

v. Mauritius

Mauritius served on the HRC from June 2006 to December 2012.

a. Thematic Resolutions and Decisions (Civil, Political, Economic, Social, and Cultural)

Mauritius abstained from voting on four resolutions concerning the defamation of religions, and the human rights of peasants. Mauritius voted against three resolutions concerning the promotion of rights and traditional values.

Defamation of Religions: In 2007, Mauritius voted in favour of a resolution³³⁶ to combat the defamation of religions. From 2008 through 2010, Mauritius abstained every year from voting on resolutions³³⁷ to combat the defamation of religions. These resolutions were sponsored by Pakistan.

Peasants’ Rights: In 2012, Mauritius abstained from voting on a resolution³³⁸ concerning the protection of human rights of peasants and people working in rural areas, sponsored by South Africa.

Traditional Values: In 2009, 2011, and 2012, Mauritius voted against resolutions³³⁹ concerning the promotion of human rights and freedoms through a better understanding of traditional values of humankind.

Comment

Mauritius voted against all resolutions concerning promotion of human rights and freedoms through traditional values. Mauritius further abstained from voting on resolutions concerning peasant’s rights and combating the defamation of religions.

b. Country Resolutions and Decisions (Procedural, Situations, Capacity-Building, and Technical Assistance)

Mauritius abstained from voting on one decision and five resolutions concerning the human rights situations in Sudan, Iran, North Korea, and assistance for human rights protection to Sri Lanka.

The Democratic People’s Republic of Korea: In 2008, Mauritius abstained from voting on a resolution³⁴⁰ concerning human rights in North Korea. From 2009 through 2011, Mauritius voted every year in favour of

335 United Nations General Assembly, Note verbale dated 12 October 2012 from the Permanent Mission of Kenya to the United Nations addressed to the President of the General Assembly, A/67/546, 25 October 2012. Available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/67/546

336 Resolution 4/9 *Combating defamation of religions* (2007).

337 Resolution 7/19 *Combating defamation of religions* (2008); Resolution 10/22 *Combating defamation of religions* (2009); Resolution 13/16 *Combating defamation of religions* (2010).

338 Resolution 21/19 *Promotion and protection of the human rights of peasants and other people working in rural areas* (2012).

339 Resolution 12/21 *Promoting human rights and fundamental freedom through a better understanding of traditional values of humankind* (2009); Resolution 16/03 *Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind* (2011); Resolution 21/3 *Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: Best practices* (2012).

340 Resolution 7/15 *Situation of human rights in the Democratic People’s Republic of Korea* (2008).

resolutions³⁴¹ concerning human rights in North Korea. In 2012, Mauritius joined the consensus to support a resolution³⁴² concerning human rights in North Korea.

The Islamic Republic of Iran: In 2011 and 2012, Mauritius abstained from voting on resolutions³⁴³ concerning human rights in Iran, sponsored by Zambia.

Sri Lanka: In 2009, Mauritius abstained from voting on a resolution³⁴⁴ concerning assistance for human rights protection to Sri Lanka, sponsored by Sri Lanka. In 2012, Mauritius voted in favour of a resolution³⁴⁵ concerning reconciliation and accountability in Sri Lanka.

Sudan: In 2006, Mauritius abstained from voting on a decision³⁴⁶ concerning Darfur. In 2007, Mauritius joined the consensus to support a resolution³⁴⁷ concerning human rights in Darfur, a resolution³⁴⁸ concerning HRC experts on human rights in Darfur and a decision³⁴⁹ and resolution³⁵⁰ concerning the mandate of the Special Rapporteur on human rights in Sudan. In 2008, Mauritius joined the consensus to support two resolutions³⁵¹ concerning human rights in Sudan.

In 2009, Mauritius voted in favour of a resolution³⁵² concerning human rights in Sudan. In 2010, Mauritius joined the consensus to support a decision³⁵³ concerning the Independent Expert on human rights in Sudan. Mauritius abstained from voting on a resolution³⁵⁴ concerning human rights in Sudan, sponsored by Nigeria.

In 2011 and 2012, Mauritius joined the consensus to support resolutions³⁵⁵ concerning technical assistance in the field of human rights in Sudan.

Comments

On country situations, Mauritius displayed an overall willingness to support country specific resolutions and did not, in its two terms, vote against any resolutions concerning country situations. However, Mauritius abstained from voting on a resolution concerning human rights in Sri Lanka and abstained from voting on all resolutions concerning Iran.

c. Procedural

Publication of Reports by the Subcommission on the Promotion and Protection of Human Rights: In 2009, Mauritius abstained on a decision³⁵⁶ on the publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights.

341 Resolution 10/16 *Situation of human rights in the Democratic People's Republic of Korea* (2009); Resolution 13/14 *Situation of human rights in the Democratic People's Republic of Korea* (2010); Resolution 16/8 *Situation of human rights in the Democratic People's Republic of Korea* (2012).

342 Resolution 19/13 *The situation of human rights in the Democratic People's Republic of Korea* (2012).

343 Resolution 16/9 *Situation of human rights in the Islamic Republic of Iran* (2011); Resolution 19/12 *Situation of human rights in the Islamic Republic of Iran* (2012).

344 Resolution S-11/1 *Assistance to Sri Lanka in the promotion and protection of human rights* (2009).

345 Resolution 19/2 *Promoting reconciliation and accountability in Sri Lanka* (2012).

346 Decision 2/115 *Darfur* (2006).

347 Resolution 4/8 *Follow-up to decision S-4/101 of 13 December 2006 adopted by the Human Rights Council at its fourth special session entitled "Situation of Human Rights in Darfur"* (2007).

348 Resolution 6/35 *Human Rights Council Group of Experts on the situation of human rights in Darfur* (2007).

349 Decision 6/103 *Mandate of the Special Rapporteur on the situation of human rights in the Sudan* (2007).

350 Resolution 6/34 *Mandate of the Special Rapporteur on the situation of human rights in the Sudan* (2007).

351 Resolution 7/16 *Situation of human rights in the Sudan (2008)*; Resolution 9/17 *Situation of human rights in the Sudan* (2008).

352 Resolution 11/10 *Situation of human rights in the Sudan* (2009).

353 Decision 14/117 *The Independent Expert on the situation of human rights in the Sudan* (2010).

354 Resolution 15/27 *Situation of human rights in the Sudan* (2010).

355 Resolution 18/16 *Technical assistance for the Sudan in the field of human rights* (2011); Resolution 21/27 *Technical assistance for the Sudan in the field of human rights* (2012).

356 Decision 10/117 *Publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights* (2009).

vi. Namibia

Namibia served on the HRC from January 2014 to December 2016.

a. Thematic Resolutions and Decisions (Civil, Political, Economic, Social, and Cultural)

Namibia abstained from voting on nine resolutions concerning: SOGI, the effects of terrorism on human rights, protecting human rights defenders, peaceful protest, preventing violent extremism, and the use of drones. Namibia voted against one resolution on racism.

Human Rights Defenders: In 2014, Namibia joined the consensus to support a resolution³⁵⁷ concerning the mandate of the Special Rapporteur on human rights defenders. In 2016, Namibia abstained from voting on a resolution³⁵⁸ concerning the protection of human rights defenders.

Peaceful Protests: In 2014 and 2016, Namibia abstained from voting on resolutions³⁵⁹ concerning the protection of human rights in peaceful protests.

Racism: In 2012, Namibia joined the consensus to support a resolution³⁶⁰ concerning action against racism, racial discrimination, xenophobia and related intolerance, sponsored by South Africa, and a resolution³⁶¹ concerning elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination, sponsored by South Africa.

In 2014, Namibia joined the consensus to support a resolution³⁶² concerning the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. In 2015, Namibia voted against a resolution³⁶³ concerning action against racism, racial discrimination, xenophobia and related intolerance. In 2016, Namibia joined the consensus to support a resolution³⁶⁴ combating intolerance, stereotyping, discrimination and violence based on religion, sponsored by Pakistan.

Remotely Piloted Aircraft or Armed Drones in Counter-Terrorism: In 2014, Namibia abstained from voting on a resolution³⁶⁵ concerning the use of armed drones in counter-terrorism and military operations in accordance with international law, sponsored by Pakistan. In 2015, Namibia voted in favour of a resolution³⁶⁶ concerning the use of armed drones in counter-terrorism and military operations in accordance with international law.

Sexual Orientation and Gender Identity (SOGI): In 2014, Namibia abstained from voting on a resolution³⁶⁷ concerning human rights and SOGI. In 2016, Namibia abstained from voting on a resolution³⁶⁸ concerning protection against violence and discrimination based on SOGI.

357 Resolution 25/18 [Mandate of the Special Rapporteur on the situation of human rights defenders](#) (2014).

358 Resolution 31/32 [Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights](#) (2016).

359 Resolution 25/38 [The promotion and protection of human rights in the context of peaceful protests](#) (2014); Resolution 31/37 [The promotion and protection of human rights in the context of peaceful protests](#) (2016).

360 Resolution 21/33 [From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance](#) (2012).

361 Resolution 21/30 [Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination](#) (2012).

362 Resolution 25/32 [Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance](#) (2014).

363 Resolution 30/16 [From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance](#) (2014).

364 Resolution 31/26 [Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief](#) (2016).

365 Resolution 25/22 [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](#) (2014).

366 Resolution 28/3 [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](#) (2015).

367 Resolution 27/32 [Human rights, sexual orientation and gender identity](#) (2014).

368 Resolution 32/2 [Protection against violence and discrimination based on sexual orientation and gender identity](#) (2016).

Terrorism and Human Rights: In 2014 and 2015, Namibia joined the consensus to support a resolution³⁶⁹ concerning the protection of human rights and freedoms in counter-terrorism measures. In 2015, Namibia abstained from voting on a resolution³⁷⁰ concerning the effects of terrorism on human rights.

In 2016, Namibia joined the consensus to support a resolution³⁷¹ concerning the mandate of the Special Rapporteur on the protection of human rights and freedoms in counter-terrorism measures. Namibia then abstained from voting on a resolution³⁷² concerning the effects of terrorism on human rights. Namibia later voted in favour of a resolution³⁷³ concerning human rights and freedoms in counter-terrorism measures.

Violent Extremism: In 2015, Namibia abstained from voting on a resolution³⁷⁴ concerning human rights and preventing violent extremism, sponsored by Bangladesh and Cameroon.

Comments

In its pledge to join the HRC, Namibia committed to uphold and strengthen human rights at the national level.³⁷⁵

Namibia's only vote against concerned a racism resolution, and deviates from the way the Commonwealth addresses the need to counteract institutional racism and acts of discrimination as mentioned in the racism section of Chapter 3.

On the issue of SOGI, Namibia abstained from voting and affirmed that there is no binding international human rights instrument that provides an agreed upon definition and establishes rights based on SOGI. Same-sex activity is criminalised in the Namibian penal code. NGOs report that government representatives have made demonising and disparaging comments towards LGBT people.³⁷⁶ Namibia asserted that LGBTI persons were equal and were free to participate in its government services but expressed concern over the mandate of the Independent Expert.³⁷⁷

Namibia abstained from voting on a resolution concerning the promotion and protection of human rights in the context of peaceful protest. In the explanation of the vote, Namibia stated that its Constitution allowed for and protected the freedom of expression, assembly, and association, but asserted that “reasonable restrictions were necessary to preserve public order and morality, and to avoid defamation or calling to offence.”³⁷⁸

b. Country Resolutions and Decisions (Procedural, Situations, Capacity-Building, and Technical Assistance)

Namibia abstained from voting on twenty two resolutions concerning human rights in Syria, Burundi, Belarus, Iran, North Korea, cooperation and assistance in Ukraine, and accountability and human rights in

369 Resolution 25/7 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2014); Resolution 29/9 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2015).

370 Resolution 28/17 [Effects of terrorism on the enjoyment of human rights](#) (2015).

371 Resolution 31/3 [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](#) (2016).

372 Resolution 31/30 [Effects of terrorism on the enjoyment of all human rights](#) (2016).

373 Resolution 33/21 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2016).

374 Resolution 30/15 [Human rights and preventing and countering violent extremism](#) (2015).

375 United Nations General Assembly, Note verbale dated 11 October 2013 from the Permanent Mission of Namibia to the United Nations addressed to the Secretariat, A/68/522, 14 October 2013. Available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/68/522.

376 Outright International, formerly known as the International Gay and Lesbian Human Rights Commission, Namibia: African NGOs respond to statement by Namibian Deputy Minister on gays and lesbians “betraying the fight for freedom”. Available at <https://www.outrightinternational.org/content/namibia-african-ngos-respond-statement-namibian-deputy-minister-gays-and-lesbians-betraying>.

377 Office of the High Commissioner for Human Rights, Display news. Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20220#sthash.xHciOarO.dpuf>.

378 Office of the High Commissioner for Human Rights, Display news, 24 March 2016. Available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=18535&LangID=E>.

Sri Lanka. Namibia did not vote against any country situation resolutions.

Belarus: From 2014 through 2016, Namibia abstained every year from voting on resolutions³⁷⁹ concerning human rights in Belarus.

Burundi: In 2015, Namibia joined the consensus to support a resolution³⁸⁰ concerning technical cooperation and capacity-building for Burundi in the field of human rights. In 2016, Namibia abstained from voting on a resolution³⁸¹ concerning human rights in Burundi.

The Islamic Republic of Iran: From 2014 through 2016, Namibia abstained every year from voting on resolutions³⁸² concerning human rights in Iran.

The Democratic People's Republic of Korea: In 2014 and 2015, Namibia abstained from voting on resolutions³⁸³ concerning human rights in North Korea. In 2016, Namibia joined the consensus to support a resolution³⁸⁴ concerning human rights in North Korea.

Sri Lanka: In 2014, Namibia abstained from voting on a resolution³⁸⁵ concerning reconciliation, accountability, and human rights in Sri Lanka, sponsored by the UK and Mauritius. In 2015, Namibia joined the consensus to support a resolution³⁸⁶ concerning reconciliation, accountability, and human rights in Sri Lanka, sponsored by the UK.

The Syrian Arab Republic: In 2014, Namibia abstained from voting on three resolutions³⁸⁷ concerning the deterioration of human rights in Syria, sponsored by the UK. In 2015, Namibia abstained from voting on three resolutions³⁸⁸ concerning the deterioration of human rights in Syria, sponsored by the UK. In 2016, Namibia abstained from voting on three resolutions³⁸⁹ concerning human rights in Syria, sponsored by the UK.

Ukraine: From 2014 through 2016, Namibia abstained every year from voting on resolutions³⁹⁰ concerning cooperation and assistance to Ukraine in the field of human rights.

Comments

During its HRC candidacy, Namibia committed “to the promotion and protection of human rights” as “an

379 Resolution 26/25 [Situation of human rights in Belarus](#) (2014); Resolution 29/17 [Situation of human rights in Belarus](#) (2015); Resolution 32/26 [Situation of human rights in Belarus](#) (2016).

380 Resolution 30/27 [Technical cooperation and capacity building for Burundi in the field of human rights](#) (2015)

381 Resolution 33/24 [Human rights situation in Burundi](#) (2016).

382 Resolution 25/24 [Situation of human rights in the Islamic Republic of Iran](#) (2014); Resolution 28/21 [Situation of human rights in the Islamic Republic of Iran](#) (2015); Resolution 31/19 [Situation of human rights in the Islamic Republic of Iran](#) (2016).

383 Resolution 25/25 [Situation of human rights in the Democratic People's Republic of Korea](#) (2014); Resolution 28/22 [Situation of human rights in the Democratic People's Republic of Korea](#) (2015).

384 Resolution 31/18 [Situation of human rights in the Democratic People's Republic of Korea](#) (2016).

385 Resolution 25/01 [Promoting reconciliation, accountability and human rights in Sri Lanka](#) (2014).

386 Resolution 30/01 [Promoting reconciliation, accountability and human rights in Sri Lanka](#) (2015).

387 Resolution 25/23 [The continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic](#) (2014); Resolution 26/23 [The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic](#) (2014); Resolution 27/16 [The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic](#) (2014).

388 Resolution 28/20 [The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic](#) (2015); Resolution 29/16 [The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic \(2015\); Resolution 30/10 The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic](#) (2015).

389 Resolution 31/17 [The human rights situation in the Syrian Arab Republic](#) (2016); Resolution 32/25 [The human rights situation in the Syrian Arab Republic](#) (2016); Resolution 33/23 [Human rights situation in the Syrian Arab Republic](#) (2016).

390 Resolution 26/30 [Cooperation and assistance to Ukraine in the field of human rights](#) (2014); Resolution 29/23 [Cooperation and assistance to Ukraine in the field of human rights](#) (2015); Resolution 32/29 [Cooperation and assistance to Ukraine in the field of human rights](#) (2016).

underlying principle of its foreign policy.”³⁹¹ However, Namibia’s voting pattern demonstrates a reluctance to engage and defend human rights in many country situations.

vii. Nigeria

Nigeria is serving its third term at the HRC from January 2015 to December 2017. Nigeria served two terms between June 2006 and December 2012.

a. Thematic Resolutions and Decisions (Civil, Political, Economic, Social, and Cultural)

Nigeria abstained from voting on nine resolutions concerning: the right to water, transitional justice, peaceful protest, the rule of law, the promotion of human rights and freedoms through traditional values, peasant’s rights, religious discrimination, and the defamation of religions. Nigeria voted against five resolutions concerning: SOGI, civil society space, protecting human rights defenders, and the question of the death penalty.

Civil Society Space: In 2016, Nigeria voted against a resolution³⁹² concerning civil society space, sponsored by Sierra Leone.

Death Penalty: In 2011, Nigeria joined the consensus to support a decision³⁹³ concerning reporting by the Secretary-General on the question of the death penalty. In 2015, Nigeria voted against a resolution³⁹⁴ concerning the question of the death penalty.

Defamation of Religions: In 2007, Nigeria abstained from voting on a resolution³⁹⁵ concerning the defamation of religions, sponsored by Pakistan. From 2008 through 2010, Nigeria voted every year in favour of resolutions³⁹⁶ combating the defamation of religions, sponsored by Pakistan.

Human Rights Defenders: In 2008, Nigeria joined the consensus to support a resolution³⁹⁷ concerning the mandate of the Special Rapporteur on human rights defenders. In 2010, Nigeria joined the consensus to support a resolution³⁹⁸ concerning the protection of human rights defenders. In 2011, Nigeria joined the consensus to support a resolution³⁹⁹ concerning the mandate of the Special Rapporteur on human rights defenders. In 2016, Nigeria voted against a resolution⁴⁰⁰ concerning the protection of human rights defenders.

Indigenous Peoples: In 2006, Nigeria abstained from voting on a resolution⁴⁰¹ concerning the elaboration of a draft declaration by the Working Group of the Commission on Human Rights. In 2007, Nigeria joined the consensus to support a resolution⁴⁰² concerning the mandate of the Special Rapporteur on human rights and freedoms of indigenous people, a resolution⁴⁰³ concerning the work of the Working Group on indigenous populations and a resolution⁴⁰⁴ concerning the expert mechanism on the rights of indigenous peoples.

391 United Nations General Assembly, Note verbale dated 11 October 2013 from the Permanent Mission of Namibia to the United Nations addressed to the Secretariat, A/68/522, 14 October 2013. Available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/68/522.

392 Resolution 32/31 *Civil society space* (2016).

393 Decision 18/117 *Reporting by the Secretary-General on the question of the death penalty* (2011).

394 Resolution 30/5 *The question of the death penalty* (2015).

395 Resolution 4/9 *Combating defamation of religions* (2007).

396 Resolution 7/19 *Combating defamation of religions* (2008); Resolution 10/22 *Combating defamation of religions* (2009); Resolution 13/16 *Combating defamation of religions* (2010).

397 Resolution 7/8 *Mandate of the Special Rapporteur on the situation of human rights defenders* (2008).

398 Resolution 13/13 *Protection of human rights defenders* (2010).

399 Resolution 16/5 *Mandate of the Special Rapporteur on the situation of human rights defenders* (2011).

400 Resolution 31/32 *Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights* (2016).

401 Resolution 1/2 *Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with Paragraph 5 of General Assembly Resolution 49/214 of 23 December 1994* (2006).

402 Resolution 6/12 *Human rights and indigenous peoples: Mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people* (2007).

403 Resolution 6/16 *Informal meeting to discuss the most appropriate mechanisms to continue the work of the Working Group on Indigenous Populations* (2007).

404 Resolution 6/36 *Expert mechanism on the rights of indigenous peoples* (2007).

In 2008 and 2009, Nigeria joined the consensus each year to support a resolution⁴⁰⁵ concerning human rights and indigenous peoples. In 2010, Nigeria joined the consensus to support a resolution⁴⁰⁶ concerning human rights and indigenous peoples, and a resolution⁴⁰⁷ concerning the mandate of the Special Rapporteur on indigenous peoples' rights. In 2011 and 2012, Nigeria joined the consensus to support resolutions⁴⁰⁸ concerning human rights and indigenous peoples.

In 2015, Nigeria joined the consensus to support a resolution⁴⁰⁹ concerning human rights and indigenous peoples and a resolution⁴¹⁰ concerning the mandate of the expert mechanism on indigenous peoples' rights. In 2016, Nigeria joined the consensus to support a resolution⁴¹¹ concerning the mandate of the Special Rapporteur on indigenous peoples' rights, a resolution⁴¹² concerning human rights and indigenous peoples, and a resolution⁴¹³ concerning the expert mechanism on indigenous peoples' rights.

Peaceful Protests: In 2011, Nigeria joined the consensus to support a decision⁴¹⁴ concerning the panel on the protection of human rights in peaceful protests. In 2012, Nigeria joined the consensus to support a resolution⁴¹⁵ concerning the protection of human rights in peaceful protests. In 2016, Nigeria abstained from voting on a resolution⁴¹⁶ concerning the protection of human rights in peaceful protests.

Peasants' Rights: In 2012, Nigeria abstained from voting on a resolution⁴¹⁷ concerning the protection of human rights of peasants and people working in rural areas. In 2015, Nigeria voted in favour of a resolution⁴¹⁸ concerning the protection of human rights of peasants and people working in rural areas.

Religious Discrimination: In 2007, Nigeria joined the consensus to support a resolution⁴¹⁹ concerning the elimination of religious intolerance and discrimination, and abstained from voting on a resolution⁴²⁰ concerning the elimination of religious intolerance and discrimination. In 2009, Nigeria abstained from voting on a resolution⁴²¹ concerning religious discrimination and its impact on enjoyment of rights. In 2010, Nigeria joined the consensus to support a resolution⁴²² concerning the mandate of the Special Rapporteur on the freedom of religion.

In 2011 and 2012, Nigeria joined the consensus to support resolutions⁴²³ concerning the freedom of religion and a resolution⁴²⁴ combating intolerance, stereotyping, discrimination and violence based on religion, sponsored by Pakistan. In 2015, Nigeria joined the consensus to support a resolution⁴²⁵ on combating

405 Resolution 9/7 [Human rights and indigenous peoples](#) (2008); Resolution 12/13 [Human rights and indigenous peoples](#) (2009).

406 Resolution 15/7 [Human rights and indigenous peoples](#) (2010).

407 Resolution 15/14 [Human rights and indigenous peoples: Mandate of the Special Rapporteur on the rights of indigenous peoples](#) (2010).

408 Resolution 18/8 [Human rights and indigenous peoples](#) (2011); Resolution 21/24 [Human rights and indigenous peoples](#) (2012).

409 Resolution 30/4 [Human rights and indigenous peoples](#) (2015).

410 Resolution 30/11 [Review of the mandate of the expert mechanism on the rights of indigenous peoples](#) (2015).

411 Resolution 33/12 [Human rights and indigenous people: Mandate of the Special Rapporteur on the rights of indigenous people](#) (2016).

412 Resolution 33/13 [Human rights and indigenous people](#) (2016).

413 Resolution 33/25 [Expert Mechanism on the Rights of Indigenous Peoples](#) (2016).

414 Decision 17/120 [Panel on the promotion and protection of human rights in the context of peaceful protests](#) (2011).

415 Resolution 19/35 [The promotion and protection of human rights in the context of peaceful protests](#) (2012).

416 Resolution 31/37 [The promotion and protection of human rights in the context of peaceful protests](#) (2016).

417 Resolution 21/19 [Promotion and protection of the human rights of peasants and other people working in rural areas](#) (2012).

418 Resolution 30/13 [Promotion and protection of the human rights of peasants and other people working in rural areas](#) (2015), sponsored by South Africa.

419 Resolution 4/10 [Elimination of all forms of intolerance and of discrimination based on religion or belief](#) (2007).

420 Resolution 6/37 [Elimination of all forms of intolerance and of discrimination based on religion or belief](#) (2007).

421 Resolution 10/25 [Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights](#) (2009).

422 Resolution 14/11 [Freedom of religion or belief: Mandate of the Special Rapporteur on freedom of religion or belief](#) (2010).

423 Resolution 16/13 [Freedom of religion or belief \(2011\); Resolution 19/8 Freedom of religion or belief](#) (2012).

424 Resolution 16/18 [Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief](#) (2011); Resolution 19/25 [Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief](#) (2012).

425 Resolution 28/29 [Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief](#) (2015).

intolerance, stereotyping, discrimination, and violence based on religion, sponsored by Pakistan. In 2015 and 2016, Nigeria joined the consensus to support resolutions⁴²⁶ concerning the freedom of religion.

Rule of Law: In 2012, Nigeria voted in favour of a resolution⁴²⁷ concerning human rights, democracy, and the rule of law. In 2015, Nigeria abstained from voting on a resolution⁴²⁸ concerning human rights, democracy, and the rule of law.

Sexual Orientation and Gender Identity (SOGI): In 2011, Nigeria voted against a resolution⁴²⁹ concerning SOGI, sponsored by South Africa. In 2016, Nigeria voted against a resolution⁴³⁰ concerning protection against violence and discrimination based on SOGI.

Traditional Values: In 2009 and 2011, Nigeria voted in favour of resolutions⁴³¹ concerning the promotion of human rights and freedoms through traditional values. In 2012, Nigeria abstained from voting on a resolution⁴³² concerning the best practices for promotion of human rights and freedoms through traditional values.

Transitional Justice: In 2007, Nigeria joined the consensus to support a decision⁴³³ concerning transitional justice. In 2008, 2009, and 2012, Nigeria joined the consensus to support resolutions⁴³⁴ concerning human rights and transitional justice. In 2016, Nigeria abstained from voting on a resolution⁴³⁵ concerning human rights and transitional justice.

Water (Right to): In 2006, Nigeria joined the consensus to support a decision⁴³⁶ concerning human rights and access to water. From 2007 through 2010, Nigeria joined the consensus every year to support resolutions⁴³⁷ concerning human rights and access to safe drinking water and sanitation.

In 2011 and 2012, Nigeria joined the consensus to support resolutions⁴³⁸ concerning the human right to safe drinking water and sanitation. In 2016, Nigeria abstained from a resolution⁴³⁹ concerning the human rights to safe drinking water and sanitation.

Unilateral Coercive Measures: In 2007, Nigeria abstained from voting on a decision⁴⁴⁰ concerning human rights and unilateral

“Decides to extend the mandate of the current mandate holder as Special Rapporteur on the human rights to safe drinking water and sanitation for a period of three years, and encourages the Special Rapporteur to promote the full realization of the human rights to safe drinking water and sanitation, in accordance with the mandate set out in Human Rights Council resolutions 7/22 and 16/2, and in accordance with all other relevant resolutions on this matter.”

Resolution 33/10 The human rights to safe drinking water and sanitation (2016)

426 Resolution 28/18 [Freedom of religion or belief](#) (2015); Resolution 31/16 [Freedom of religion or belief](#) (2016).

427 Resolution 19/36 [Human rights, democracy and the rule of law](#) (2012).

428 Resolution 28/14 [Human rights, democracy and the rule of law](#) (2015).

429 Resolution 17/19 [Human rights, sexual orientation and gender identity](#) (2011).

430 Resolution 32/2 [Protection against violence and discrimination based on sexual orientation and gender identity](#) (2016).

431 Resolution 12/21 [Promoting human rights and fundamental freedom through a better understanding of traditional values of humankind](#) (2009); Resolution 16/3 [Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind](#) (2011).

432 Resolution 21/3 [Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: Best practices](#) (2012).

433 Decision 4/102 [Transitional justice](#) (2007).

434 Resolution 9/10 [Human rights and transitional justice](#) (2008); Resolution 12/11 [Human rights and transitional justice](#) (2009); Resolution 21/15 [Human rights and transitional justice](#) (2012).

435 Resolution 33/19 [Human rights and transitional justice](#) (2016).

436 Decision 2/104 [Human rights and access to water](#) (2006).

437 Resolution 6/8 [Human rights and equitable access to safe drinking water and sanitation](#) (2007); Resolution 7/22 [Human rights and access to safe drinking water and sanitation](#) (2008); Resolution 12/08 [Human rights and access to safe drinking water and sanitation](#)

438 Resolution 16/2 [The human right to safe drinking water and sanitation](#) (2011); Resolution 18/1 [The human right to safe drinking water and sanitation](#) (2011); Resolution 21/2 [The human right to safe drinking water and sanitation](#) (2012).

439 Resolution 33/10 [The human rights to safe drinking water and sanitation](#) (2016).

440 Decision 4/103 [Human rights and unilateral coercive measures](#) (2007).

coercive measures, and then voted in favour of a resolution⁴⁴¹ concerning human rights and unilateral coercive measures.

From 2008 through 2012, Nigeria voted every year in favour of resolutions⁴⁴² concerning human rights and unilateral coercive measures. In 2015, Nigeria voted in favour of a resolution⁴⁴³ concerning human rights and unilateral coercive measures.

Comments

Nigeria voted against a death penalty resolution and stated that the resolution “failed to address all the ramifications of the issue.”⁴⁴⁴ Nigeria reiterated the “right of countries to choose their justice systems.”⁴⁴⁵ During the UPR I in 2009, Nigeria committed to a de facto moratorium on the death penalty but it failed to act and in 2013 four executions were reported.⁴⁴⁶

Nigeria voted against a SOGI resolution and spoke on behalf of the OIC. Nigeria opposed the resolution on account of “defects in substance and form,” citing the lack of definitions of sexual orientation and gender identity, and the attached responsibility on States in carrying out an imposed scope of human rights and freedoms. However, when Nigeria passed a domestic bill in 2014 criminalising same-sex marriage, Nigeria defined relevant SOGI categories.⁴⁴⁷ Nigeria opposed the appointment of an Independent Expert on the issue and asserted that “LGBT rights did not have the general acceptance necessary for their adoption as universally accepted rights.”⁴⁴⁸ Consensual same-sex relations are criminalised under Nigeria’s criminal penal code and are punishable by a maximum of 14 years of imprisonment. In addition, the Sharia penal code applies to Muslims in many northern states and makes same-sex relations punishable by caning, imprisonment, or death by stoning.⁴⁴⁹

Nigeria abstained from voting on a resolution to protect human rights during peaceful protests, despite joining the consensus in 2011 and 2012 to support the resolution. Amnesty International reports that between August 2015 and late 2016 “the [Nigerian] security forces have killed at least 150 members and supporters of the pro-Biafran organization IPOB (Indigenous People of Biafra) and injured hundreds during non-violent meetings, marches and other gatherings,” and that “the military openly fired on peaceful protestors.”⁴⁵⁰

b. Country Resolutions and Decisions (Procedural, Situations, Capacity-Building, and Technical Assistance)

Nigeria abstained from voting on twenty one resolutions concerning cooperation and assistance in Ukraine and human rights in Syria, Burundi, Iran, Belarus, North Korea, Lebanon, and the OPT. Nigeria voted against four resolutions concerning human rights in Belarus, Sudan, and North Korea.

441 Resolution 6/7 [Human rights and unilateral coercive measures](#) (2007).

442 Resolution 9/4 [Human rights and unilateral coercive measures](#) (2008); Resolution 12/22 [Human rights and unilateral coercive measures](#) (2009); Resolution 15/24 [Human rights and unilateral coercive measures](#) (2010); Decision 18/120 [Human rights and unilateral coercive measures](#) (2011); Resolution 19/32 [Human rights and unilateral coercive measures](#) (2012).

443 Resolution 30/2 [Human rights and unilateral coercive measures](#) (2015).

444 Office of the High Commissioner for Human Rights, Display news, 1 October 2015. Available at <http://www.ohchr.org/en/News-Events/Pages/DisplayNews.aspx?NewsID=16553&LangID=E#sthash.fKrDoWOW.dpuf>.

445 *Ibid.*

446 UN Human Rights Council, Universal Periodic Review, Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with Paragraph 15 (b) of the annex to Human Rights Council Resolution 5/1 and Paragraph 5 of the annex to Council Resolution 16/21- Nigeria, A/HRC/WG.6/17/NGA/2, 9 August 2013. Available at <http://www.refworld.org/docid/52678ce84.html>.

447 Same Sex Marriage (Prohibition) Act, 2013. Available at [http://www.placng.org/new/laws/Same%20Sex%20Marriage%20\(Prohibition\)%20Act,%202013.pdf](http://www.placng.org/new/laws/Same%20Sex%20Marriage%20(Prohibition)%20Act,%202013.pdf)

448 OHCHR, Display news. Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20220>.

449 Human Rights Watch, UPR II Submission, Nigeria, March 2013. Available at https://www.upr-info.org/sites/default/files/document/nigeria/session_17_-_october_2013/hrw_upr17_nga_e_main.pdf.

450 Amnesty International, Nigeria: ‘Bullets were raining everywhere’: Deadly repression of pro-Biafra activists, November 2016 <https://www.amnesty.org/en/documents/afr44/5211/2016/en/>.

Belarus: In 2011, Nigeria voted against a resolution⁴⁵¹ concerning human rights in Belarus. In 2012 and 2015, Nigeria abstained from voting on resolutions⁴⁵² concerning human rights in Belarus. In 2016, Nigeria voted against a resolution⁴⁵³ concerning human rights in Belarus.

Burundi: In 2007 and 2008, Nigeria joined the consensus to support resolutions⁴⁵⁴ concerning advisory services and technical assistance for Burundi. In 2011, Nigeria joined the consensus to support resolutions⁴⁵⁵ concerning advisory services and technical assistance for Burundi. In 2015, Nigeria joined the consensus to support a resolution⁴⁵⁶ concerning technical cooperation and capacity-building in human rights for Burundi. In 2016, Nigeria abstained from voting on a resolution⁴⁵⁷ concerning human rights in Burundi.

Democratic People's Republic of Korea: In 2008, Nigeria abstained from voting on a resolution⁴⁵⁸ concerning human rights in North Korea. In 2009, Nigeria voted against a resolution⁴⁵⁹ concerning human rights in North Korea. In 2010 and 2011, Nigeria abstained from voting on resolutions⁴⁶⁰ concerning human rights in North Korea.

In 2012, Nigeria joined the consensus to support a resolution⁴⁶¹ concerning human rights in North Korea. In 2015, Nigeria abstained from voting on a resolution⁴⁶² concerning human rights in North Korea. In 2016, Nigeria then joined the consensus to support a resolution⁴⁶³ concerning human rights in North Korea.

The Islamic Republic of Iran: In 2011 and 2012, Nigeria abstained from voting on resolutions⁴⁶⁴ concerning human rights in Iran. The 2011 resolution was sponsored by Zambia. In 2015 and 2016, Nigeria abstained from voting on resolutions⁴⁶⁵ concerning human rights in Iran.

Lebanon: In 2006, Nigeria joined the consensus to support a resolution⁴⁶⁶ concerning the report of the Commission of Inquiry in Lebanon, sponsored by Pakistan, and abstained from voting on a resolution⁴⁶⁷ concerning human rights in Lebanon and Israeli military operations.

Occupied Palestinian Territory and Israel (OPT): In 2006, Nigeria abstained from voting on a decision⁴⁶⁸ concerning human rights in Palestine and other occupied Arab territories and a resolution⁴⁶⁹ concerning human rights in the OPT. Nigeria also voted in favour of a resolution⁴⁷⁰ concerning human rights in the OPT,

451 Resolution 17/24 [Situation of human rights in Belarus](#) (2011).

452 Resolution 20/13 [Situation of human rights in Belarus](#) (2012);
Resolution 29/17 [Situation of human rights in Belarus](#) (2015).

453 Resolution 32/26 [Situation of human rights in Belarus](#) (2016).

454 Resolution 6/5 [Advisory services and technical assistance for Burundi](#) (2007); Resolution 9/19 [Advisory services and technical assistance for Burundi](#) (2008).

455 Resolution 16/34 [Advisory services and technical assistance for Burundi](#) (2011); Resolution 18/24 [Advisory services and technical assistance for Burundi](#) (2011).

456 Resolution 30/27 [Technical cooperation and capacity building for Burundi in the field of human rights](#) (2015).

457 Resolution 33/24 [Human rights situation in Burundi](#) (2016).

458 Resolution 7/15 [Situation of human rights in the Democratic People's Republic of Korea](#) (2008).

459 Resolution 10/16 [Situation of human rights in the Democratic People's Republic of Korea](#) (2009).

460 Resolution 13/14 [Situation of human rights in the Democratic People's Republic of Korea](#) (2010); Resolution 16/8 [Situation of human rights in the Democratic People's Republic of Korea](#) (2011).

461 Resolution 19/13 [The situation of human rights in the Democratic People's Republic of Korea](#) (2012).

462 Resolution 28/22 [Situation of human rights in the Democratic People's Republic of Korea](#) (2015).

463 Resolution 31/18 [Situation of human rights in the Democratic People's Republic of Korea](#) (2016).

464 Resolution 16/9 [Situation of human rights in the Islamic Republic of Iran](#) (2011); Resolution 19/12 [Situation of human rights in the Islamic Republic of Iran](#) (2012).

465 Resolution 28/21 [Situation of human rights in the Islamic Republic of Iran](#) (2015); Resolution 31/19 [Situation of human rights in the Islamic Republic of Iran](#) (2016).

466 Resolution 3/3 [Report of the Commission of Inquiry on Lebanon](#) (2006).

467 Resolution S-2/1 [The grave situation of human rights in Lebanon caused by Israeli military operations](#) (2006).

468 Decision 1/106 [Human rights situation in Palestine and other occupied Arab territories](#) (2006).

469 Resolution S-1/1 [Human rights situation in the Occupied Palestinian Territory](#) (2006).

470 Resolution 3/1 [Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolution S-1/1](#) (2006).

a resolution⁴⁷¹ concerning Israeli settlements in the OPT, East Jerusalem and the OSG, and a resolution⁴⁷² concerning human rights violations caused by the Israeli military in the OPT. The 2006 resolutions and decisions were sponsored by Pakistan.

In 2007, Nigeria voted in favour of a resolution⁴⁷³ concerning religious and cultural rights in the OPT and East Jerusalem, and joined the consensus to support resolutions⁴⁷⁴ concerning human rights in the OPT. These resolutions were sponsored by Pakistan.

In 2008, Nigeria voted in favour of a resolution⁴⁷⁵ concerning Israeli settlements in the OPT, East Jerusalem, and the OSG, and three resolutions⁴⁷⁶ concerning human rights violations emanating from Israeli military attacks in the OPT. Nigeria also joined the consensus to support a resolution⁴⁷⁷ concerning the Palestinian peoples' right to self-determination. These resolutions were sponsored by Pakistan.

In 2009, Nigeria voted in favour of a resolution⁴⁷⁸ concerning human rights in the OPT and East Jerusalem, a resolution⁴⁷⁹ concerning Israeli settlements in the OPT, East Jerusalem, and the OSG, and a resolution⁴⁸⁰ concerning the Palestinian peoples' right to self-determination. Nigeria also voted in favour of a resolution⁴⁸¹ concerning human rights violations emanating from Israeli military operations in the OPT and resolutions⁴⁸² concerning human rights violations in the OPT due to Israeli military attacks against the occupied Gaza Strip. These resolutions were sponsored by Pakistan.

In 2010, Nigeria voted in favour of a resolution⁴⁸³ concerning the Palestinian peoples' right to self-determination, a resolution⁴⁸⁴ concerning Israeli settlements in the OPT, East Jerusalem, and the OSG, sponsored by Pakistan, and a resolution⁴⁸⁵ concerning human rights violations in the OPT and East Jerusalem, sponsored by Pakistan. Nigeria also voted in favour of a resolution⁴⁸⁶ concerning the report of the UN fact-finding mission on the Gaza conflict, sponsored by Pakistan, a resolution⁴⁸⁷ concerning attacks by the Israeli forces against the humanitarian boat convoy, sponsored by Pakistan, and a resolution⁴⁸⁸ concerning the

471 Resolution 2/4 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan](#) (2006).

472 Resolution S-3/1 [Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory, including the recent one in northern Gaza and the assault on Beit Hanoun](#) (2006).

473 Resolution 6/19 [Religious and cultural rights in the Occupied Palestinian Territory, including East Jerusalem](#) (2007).

474 Resolution 4/2 [Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolutions S-1/1 and S-3/1](#) (2007); Resolution 6/18 [Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolutions S-1/1 and S-3/1](#) (2007).

475 Resolution 7/18 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2008).

476 Resolution 7/1 [Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian territory, particularly the recent ones in the occupied Gaza Strip](#) (2008); Resolution S-6/1 [Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip](#) (2008); Resolution 9/18 [Follow-up to Resolution S-3/1: Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory and the shelling of Beit Hanoun](#) (2008).

477 Resolution 7/17 [Right of the Palestinian people to self-determination](#) (2008).

478 Resolution S-12/1 [The human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2009).

479 Resolution 10/18 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2009).

480 Resolution 10/20 [Right of the Palestinian people to self-determination](#) (2009).

481 Resolution 10/19 [Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory](#) (2009).

482 Resolution S-9/1 [The Grave Violations of Human Rights in the Occupied Palestinian Territory particularly due to the recent Israeli military aggression on the occupied Gaza Strip](#) (2009); Resolution 10/21 [Follow-up to Council Resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip](#) (2009).

483 Resolution 13/6 [Right of the Palestinian people to self-determination](#) (2010).

484 Resolution 13/7 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2010).

485 Resolution 13/8 [The grave human rights violations by Israel in the Occupied Palestinian Territory, including East Jerusalem](#) (2010).

486 Resolution 13/9 [Follow-up to the report of the United Nations Independent international Fact-Finding Mission on the Gaza Conflict](#) (2010).

487 Resolution 14/1 [The grave attacks by Israeli forces against the humanitarian boat convoy](#) (2010).

488 Resolution 15/1 [Follow-up to the report of the independent international Fact-Finding Mission on the incident of the humanitarian flotilla](#) (2010).

report of the fact-finding mission on the incident of the humanitarian flotilla, sponsored by Pakistan.

In 2011, Nigeria voted in favour of a resolution⁴⁸⁹ concerning human rights in the OPT and East Jerusalem, a resolution⁴⁹⁰ concerning the Palestinian peoples' right to self-determination, and two resolutions,⁴⁹¹ sponsored by Pakistan concerning the report of the fact-finding mission on the incident of the humanitarian flotilla. Nigeria also voted in favour of a resolution⁴⁹² concerning Israeli settlements in the OPT, East Jerusalem, and the OSG, and a resolution⁴⁹³ concerning the report of the UN fact-finding mission on the Gaza conflict.

In 2012, Nigeria voted in favour of a resolution⁴⁹⁴ concerning the Palestinian peoples' right to self-determination, sponsored by Pakistan, a resolution⁴⁹⁵ concerning human rights in the OPT and East Jerusalem, a resolution⁴⁹⁶ concerning Israeli settlements in the OPT, East Jerusalem, and the OSG, and a resolution⁴⁹⁷ concerning the report of the UN fact-finding mission on the Gaza conflict, sponsored by Pakistan.

In 2014, Nigeria joined the consensus to support a resolution⁴⁹⁸ concerning respect for international law in the OPT and East Jerusalem. In 2015, Nigeria voted in favour of a resolution⁴⁹⁹ concerning the Palestinian peoples' right to self-determination, a resolution⁵⁰⁰ concerning Israeli settlements in the OPT, East Jerusalem, and the OSG, a resolution⁵⁰¹ concerning human rights in the OPT and East Jerusalem, and a resolution⁵⁰² concerning accountability and justice for violations of international law in the OPT and East Jerusalem. All 2014 and 2015 resolutions were sponsored by Pakistan.

In 2016, Nigeria voted in favour of a resolution⁵⁰³ concerning the Palestinian peoples' right to self-determination, a resolution⁵⁰⁴ concerning human rights in the OPT and East Jerusalem, a resolution⁵⁰⁵ concerning accountability and justice for violations of international law in the OPT and East Jerusalem, and a resolution⁵⁰⁶ concerning Israeli settlements in the OPT, East Jerusalem and the OSG. All 2016 resolutions were sponsored by Pakistan.

Sudan: In 2006, Nigeria voted in favour of a decision⁵⁰⁷ concerning Darfur. In 2007, Nigeria joined the consensus to support a resolution⁵⁰⁸ concerning human rights in Darfur, a resolution⁵⁰⁹ concerning the HRC

489 Resolution 16/29 [The human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2011).

490 Resolution 16/30 [Right of the Palestinian people to self-determination](#) (2011).

491 Resolution 16/20 [Follow-up to the report of the independent international Fact-Finding Mission on the incident of the humanitarian flotilla](#) (2011); Resolution 17/10 [Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla](#) (2011).

492 Resolution 16/31 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2011).

493 Resolution 16/32 [Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict](#) (2011).

494 Resolution 19/15 [Right of the Palestinian people to self-determination](#) (2012).

495 Resolution 19/16 [Human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2012).

496 Resolution 19/17 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2012).

497 Resolution 19/18 [Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict](#) (2012).

498 Resolution S-21/1 [Ensuring respect for international law in the Occupied Palestinian Territory, including East Jerusalem](#) (2014).

499 Resolution 28/25 [Right of the Palestinian people to self-determination](#) (2015).

500 Resolution 28/26 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2015).

501 Resolution 28/27 [Human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2015).

502 Resolution 29/25 [Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem](#) (2015).

503 Resolution 31/33 [Right of the Palestinian people to self-determination](#) (2016).

504 Resolution 31/34 [Human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2016).

505 Resolution 31/35 [Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem](#) (2016).

506 Resolution 31/36 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2016).

507 Decision 2/115 [Darfur](#) (2007).

508 Resolution 4/8 [Follow-up to decision S-4/101 of 13 December 2006 adopted by the Human Rights Council at its fourth special session entitled "Situation of human rights in Darfur"](#) (2007).

509 Resolution 6/35 [Human Rights Council Group of Experts on the situation of human rights in Darfur](#) (2007).

expert group on human rights in Darfur, and a decision⁵¹⁰ and a resolution⁵¹¹ concerning the mandate of the Special Rapporteur on human rights in Darfur. In 2008, Nigeria joined the consensus to support two resolutions⁵¹² concerning human rights in Sudan.

In 2009 and 2010, Nigeria voted against resolutions⁵¹³ concerning human rights in Sudan, sponsored by Nigeria. In 2010, Nigeria joined the consensus to support a decision⁵¹⁴ concerning the Independent Expert on human rights in Sudan. In 2011 and 2012, Nigeria joined the consensus each year to support a resolution⁵¹⁵ concerning technical assistance to Sudan in human rights. In 2015 and 2016, Nigeria joined the consensus to support resolutions⁵¹⁶ concerning technical assistance and capacity-building for human rights to Sudan. The 2016 resolution was sponsored by South Africa.

Syrian Arab Republic: In 2011, Nigeria voted in favour of two resolutions⁵¹⁷ concerning human rights in Syria. Nigeria also abstained from voting on a resolution⁵¹⁸ concerning human rights in Syria. In 2012, Nigeria voted in favour of a resolution⁵¹⁹ concerning human rights in Syria and the killings in El-Haouleh, a resolution⁵²⁰ concerning the human rights and humanitarian situation in Syria, and three resolutions⁵²¹ concerning human rights in Syria.

In 2015, Nigeria abstained from voting on resolutions⁵²² concerning the human rights and humanitarian situation in Syria, all sponsored by the UK. In 2016, Nigeria abstained from three resolutions⁵²³ concerning human rights in Syria, all sponsored by the UK.

Ukraine: In 2015, Nigeria abstained from voting on a resolution⁵²⁴ concerning cooperation and assistance to Ukraine in the field of human rights. In 2016, Nigeria then voted in favour of a resolution⁵²⁵ concerning cooperation and assistance to Ukraine in the field of human rights.

Comments

During its HRC candidacy, Nigeria pledged to: submit itself to the Universal Periodic Review (UPR), cooperate with UN mechanisms, implement measures to strengthen the right to development, and to reduce discrimination.⁵²⁶ Nigeria's voting record contradicts their pledges as evidenced by voting against or abstaining

510 Decision 6/103 [Mandate of the Special Rapporteur on the situation of human rights in the Sudan](#) (2007).

511 Resolution 6/34 [Mandate of the Special Rapporteur on the situation of human rights in the Sudan](#) (2007).

512 Resolution 7/16 [Situation of human rights in the Sudan \(2008\)](#); [Resolution 9/17 Situation of human rights in the Sudan](#) (2008).

513 Resolution 11/10 [Situation of human rights in the Sudan \(2009\)](#); [Resolution 15/27 Situation of human rights in the Sudan](#) (2010).

514 Decision 14/117 [The Independent Expert on the situation of human rights in the Sudan](#) (2010).

515 Resolution 18/16 [Technical assistance for the Sudan in the field of human rights](#) (2011); Resolution 21/27 [Technical assistance for the Sudan in the field of human rights](#) (2012).

516 Resolution 30/22 [Technical assistance and capacity-building to improve human rights in the Sudan](#) (2015); Resolution 33/26 [Technical assistance and capacity-building to improve human rights in Sudan](#) (2016).

517 Resolution S-17/1 [The human rights situation in the Syrian Arab Republic](#) (2011); Resolution S-18/1 [The human rights situation in the Syrian Arab Republic](#) (2011).

518 Resolution S-16/1 [The current human rights situation in the Syrian Arab Republic in the context of recent events](#) (2011).

519 Resolution S-19/1 [The deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in El-Houleh](#) (2012).

520 Resolution 19/1 [The escalating grave human rights violations and deteriorating humanitarian situation in the Syrian Arab Republic](#) (2012).

521 Resolution 19/22 [Situation of human rights in the Syrian Arab Republic](#) (2012); Resolution 20/22 [Situation of human rights in the Syrian Arab Republic](#) (2012); Resolution 21/26 [Situation of human rights in the Syrian Arab Republic](#) (2012).

522 Resolution 28/20 [The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic](#) (2015); Resolution 29/16 [The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic](#) (2015); Resolution 30/10 [The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic](#) (2015).

523 Resolution 31/17 [The human rights situation in the Syrian Arab Republic](#) (2016); Resolution 32/25 [The human rights situation in the Syrian Arab Republic](#) (2016); Resolution 33/23 [Human rights situation in the Syrian Arab Republic](#) (2016).

524 Resolution 29/23 [Cooperation and assistance to Ukraine in the field of human rights](#) (2015).

525 Resolution 32/29 [Cooperation and assistance to Ukraine in the field of human rights](#) (2016).

526 The Permanent Mission of the Federal Republic of Nigeria to the United Nations, Human Rights Council: Nigeria's voluntary pledges and commitment, 24 April 2006. Available at <http://www.un.org/ga/60/elect/hrc/nigeria.pdf>.

from voting on resolutions concerning Belarus, Sudan, North Korea, Syria, Burundi, Iran, Ukraine, Lebanon, and the OPT. Nigeria agreed with the African Group's position to support action only on resolutions focusing on an African country if the concerned country agrees with the resolution. Nigeria's stance ignores the fact that intransigent States are often those in which the HRC's engagement is most necessary. Furthermore, Nigeria's votes against belie the spirit behind the pledge to "cooperate with UN mechanisms."

c. Procedural

Publication of Reports by the Subcommission on the Promotion and Protection of Human Rights: In 2009, Nigeria abstained on a decision⁵²⁷ on the publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights.

viii. Sierra Leone

Sierra Leone served on the HRC from January 2013 to December 2015.

a. Thematic Resolutions and Decisions (Civil, Political, Economic, Social, and Cultural)

Sierra Leone abstained from voting on two resolutions concerning SOGI, business and human rights, and one decision concerning the question of the death penalty.

Business and Human Rights: In 2014, Sierra Leone joined the consensus to support a resolution⁵²⁸ concerning human rights, transnational corporations, and business enterprises. Sierra Leone then abstained from voting on a resolution,⁵²⁹ sponsored by South Africa concerning the elaboration of an internationally legally binding instrument on transnational corporations with respect to human rights.

Death Penalty: In 2013, Sierra Leone abstained from voting on a decision⁵³⁰ concerning the panel discussion on the question of the death penalty. In 2014 and 2015, Sierra Leone voted in favour of resolutions⁵³¹ concerning the question of the death penalty.

Sexual Orientation and Gender Identity (SOGI): In 2014, Sierra Leone abstained from voting on a resolution⁵³² concerning human rights and SOGI.

Comments

Sierra Leone abstained from voting on a SOGI resolution. Sierra Leone's Offences against the Person Act (1861) allows for a life sentence for same-sex activity⁵³³ between men. During UPR II, Sierra Leone noted the recommendation to decriminalise homosexuality. Harassment discrimination and violence against the LGBTI community in Sierra Leone persists.⁵³⁴

Sierra Leone abstained from voting on a business and human rights resolution. Some multinational corporations in Sierra Leone failed to comply with the UN Guiding Principles on Business and Human Rights

527 Decision 10/117 [Publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights](#) (2009).

528 Resolution 26/22 [Human rights and transnational corporations and other business enterprises](#) (2014).

529 Resolution 26/9 [Elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights](#) (2014).

530 Decision 22/117 [High-level panel discussion on the question of the death penalty](#) (2013).

531 Resolution 26/2 [The question of the death penalty \(2014\); Resolution 30/5 The question of the death penalty](#) (2015).

532 Resolution 27/32 [Human rights, sexual orientation and gender identity](#) (2014).

533 UN Human Rights Committee, Consideration of reports submitted by States parties under article 40 of the Covenant- Sierra Leone, CCPR/C/SR.3040, 17 March 2014. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/415/44/PDF/G1441544.pdf?OpenElement>.

534 UN Human Rights Council, Universal Periodic Review, Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with Paragraph 15 (c) of the annex to Human Rights Council Resolution 5/1 and Paragraph 5 of the annex to Council Resolution 16/21- Sierra Leone. Available at https://www.upr-info.org/sites/default/files/document/sierra_leone/session_24_-_january_2016/a-hrc-wg.6-24-sle-3-e.pdf

and violate human rights through forced acquisitions of land and inadequate compensation.⁵³⁵

Sierra Leone improved their record on the issue of the death penalty. Sierra Leone at first abstained from voting on a decision concerning the death penalty, but later voted in favour of two death penalty resolutions in 2014 and 2015. In its pledge before joining the HRC, Sierra Leone affirmed that it would implement recommendations accepted in the UPR. Sierra Leone accepted recommendations on the abolition of the death penalty in the UPR I and the UPR II but has not officially declared a moratorium on the death penalty.

b. Country Resolutions and Decisions (Procedural, Situations, Capacity-Building, and Technical Assistance)

Sierra Leone abstained from voting on six resolutions concerning the human rights situation in Iran, the OSG, and Belarus.

Belarus: In 2013, Sierra Leone abstained from voting on a resolution⁵³⁶ concerning human rights in Belarus. In 2014 and 2015, Sierra Leone voted in favour of resolutions⁵³⁷ concerning human rights in Belarus.

The Islamic Republic of Iran: In 2013, Sierra Leone voted in favour of a resolution⁵³⁸ concerning human rights in Iran. In 2014 and 2015, Sierra Leone abstained from voting on resolutions⁵³⁹ concerning human rights in Iran.

The Occupied Syrian Golan (OSG): In 2013 and 2014, Sierra Leone voted in favour of resolutions⁵⁴⁰ concerning human rights in the OSG. In 2015, Sierra Leone abstained from voting on a resolution⁵⁴¹ concerning human rights in the OSG. All resolutions were sponsored by Pakistan.

Comments

In the pledge made during its HRC candidacy, Sierra Leone committed to “international initiatives for the promotion and protection of human rights through the provision of human and technical resources.”⁵⁴² Irrespective of the pledge, Sierra Leone was reluctant to constructively engage concerns about violations and deteriorations in country situations. Nevertheless, Sierra Leone voted in favour of resolutions concerning the deterioration of human rights in Belarus and did not vote against any other country situation preferring to abstain.

ix. South Africa

South Africa served at the HRC from June 2006 to June 2010 and then from January 2014 to December 2016.

a. Thematic Resolutions and Decisions (Civil, Political, Economic, Social, and Cultural)

535 Human Rights Commission of Sierra Leone, Stakeholder Report on the State of Sierra Leone for the United Nations Human Rights Council Universal Period Review (UPR) Cycle II Review – 24th Session, Geneva, 22 June 2015. Available at https://www.upr-info.org/sites/default/files/document/sierra_leone/session_24_-_january_2016/hrcsl_upr24_sle_e_main.pdf.

536 Resolution 23/15 *Situation of human rights in Belarus* (2013).

537 Resolution 26/25 *Situation of human rights in Belarus* (2014); Resolution 29/17 *Situation of human rights in Belarus* (2015).

538 Resolution 22/23 *Situation of human rights in the Islamic Republic of Iran* (2013).

539 Resolution 25/24 *Situation of human rights in the Islamic Republic of Iran* (2014); Resolution 28/21 *Situation of human rights in the Islamic Republic of Iran* (2015).

540 Resolution 22/17 *Human rights in the occupied Syrian Golan* (2013); Resolution 25/31 *Human rights in the occupied Syrian Golan* (2014).

541 Resolution 28/24 *Human rights in the occupied Syrian Golan* (2015).

542 United Nations General Assembly, Letter dated 14 August 2012 from the Permanent Representative of Sierra Leone to the United Nations addressed to the President of the General Assembly, A/67/531, 19 October 2012. Available at http://www.un.org/ga/search/view_doc.asp?symbol=A/67/531.

South Africa abstained from voting on four resolutions concerning: SOGI, peaceful protests, the rule of law, and religious discrimination. South Africa voted against seven resolutions concerning: civil society space, the effects of terrorism on human rights, preventing violent extremism, protection of the family, peaceful protests, and religious discrimination.

Civil Society Space: In 2014, South Africa joined the consensus to support a resolution⁵⁴³ concerning civil society space. In 2016, South Africa voted against a resolution⁵⁴⁴ concerning civil society space. Both resolutions were sponsored by Sierra Leone.

Protection of the Family: In 2014, South Africa voted in favour of a resolution⁵⁴⁵ concerning protection of the family. In 2015, South Africa voted against a resolution⁵⁴⁶ on protection of the family, poverty eradication and sustainable development, co-sponsored by Namibia, Bangladesh, and Sierra Leone. In 2016, South Africa voted in favour of a resolution⁵⁴⁷ concerning protection of the family and the human rights of persons with disabilities, sponsored by Bangladesh and Uganda.

Peaceful Protests: In 2014, South Africa voted against a resolution⁵⁴⁸ concerning the protection of human rights in peaceful protests. In 2016, South Africa abstained from voting on a resolution⁵⁴⁹ concerning the protection of human rights in peaceful protests.

Religious Discrimination: In 2007, South Africa joined the consensus to support a resolution⁵⁵⁰ concerning the elimination of religious intolerance and discrimination. In the same year, South Africa later abstained from voting on a resolution⁵⁵¹ concerning the elimination of religious intolerance and discrimination. In 2009, South Africa voted against a resolution⁵⁵² concerning religious discrimination and its impact on the enjoyment of rights. In 2010, South Africa joined the consensus to support a resolution⁵⁵³ concerning the mandate of the Special Rapporteur on religious freedom. In 2014, South Africa joined the consensus to support a resolution⁵⁵⁴ concerning the freedom of religion and a resolution⁵⁵⁵ combating intolerance, stereotyping, discrimination and violence based on religion, sponsored by Pakistan.

In 2015, South Africa joined the consensus to support a resolution⁵⁵⁶ concerning the freedom of religion

“Calls upon States to ensure that domestic provisions on funding to civil society actors are in compliance with their international human rights obligations and commitments and are not misused to hinder the work or endanger the safety of civil society actors, and underlines the importance of the ability to solicit, receive and utilize resources for their work.”

Resolution 32/31 Civil society space (2016)

“Urges Member States to create a conducive environment to strengthen and support all families, recognizing that equality between women and men and respect for all the human rights and fundamental freedoms of all family members are essential to family well-being and to society at large, noting the importance of reconciliation of work and family life and recognizing the principle of shared parental responsibility for the upbringing and development of the child.”

Resolution 29/22 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 (2015)

543 Resolution 27/31 [Civil society space](#) (2014).

544 Resolution 32/31 [Civil society space](#) (2016).

545 Resolution 26/11 [Protection of the family](#) (2014).

546 Resolution 29/22 [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](#) (2015).

547 Resolution 32/23 [Protection of the family: The role of the family in supporting the protection and promotion of human rights of persons with disabilities](#) (2016).

548 Resolution 25/38 [The promotion and protection of human rights in the context of peaceful protests](#) (2014).

549 Resolution 31/37 [The promotion and protection of human rights in the context of peaceful protests](#) (2016).

550 Resolution 4/10 [Elimination of all forms of intolerance and of discrimination based on religion or belief](#) (2007).

551 Resolution 6/37 [Elimination of all forms of intolerance and of discrimination based on religion or belief](#) (2007).

552 Resolution 10/25 [Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights](#) (2009).

553 Resolution 14/11 [Freedom of religion or belief: Mandate of the Special Rapporteur on freedom of religion or belief](#) (2010).

554 Resolution 25/12 [Freedom of religion or belief](#) (2014).

555 Resolution 25/34 [Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief](#) (2014).

556 Resolution 28/18 [Freedom of religion or belief](#) (2015).

and a resolution⁵⁵⁷ on combating intolerance, stereotyping, discrimination and violence based on religion, sponsored by Pakistan. In 2016, South Africa joined the consensus to support a resolution⁵⁵⁸ concerning the freedom of religion.

Rule of Law: In 2015, South Africa abstained from voting on a resolution⁵⁵⁹ concerning human rights, democracy and the rule of law.

Sexual Orientation and Gender Identity (SOGI): In 2014, South Africa voted in favour of a resolution⁵⁶⁰ on human rights and SOGI. In 2016, South Africa abstained from voting on a resolution⁵⁶¹ concerning protection against violence and discrimination based on SOGI.

“Urges States to ensure that any measures taken to prevent and counter violent extremism comply with all their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law.”

Resolution 30/15 Human rights and preventing and countering violent extremism (2015)

Terrorism and Human Rights: In 2006, South Africa joined the consensus to support a decision⁵⁶² concerning persons deprived of liberty in counter-terrorism measures. In 2007, South Africa joined the consensus to support a resolution⁵⁶³ concerning the mandate of the Special Rapporteur on the protection of human rights and freedoms while countering terrorism. From 2008 through 2010, South Africa joined the consensus every year to support a resolution⁵⁶⁴ concerning the protection of human rights and freedoms while countering terrorism.

In 2012, South Africa joined the consensus to support a resolution⁵⁶⁵ concerning human rights related to terrorist hostage-taking. In 2014 and 2015, South Africa joined the consensus to support resolutions⁵⁶⁶ concerning the protection of human rights and freedoms while countering terrorism. In 2015, South Africa also voted against a resolution⁵⁶⁷ concerning the effects of terrorism on human rights.

In 2016, South Africa joined the consensus to support a resolution⁵⁶⁸ concerning the mandate of the Special Rapporteur on the protection of human rights and freedoms while countering terrorism, South Africa voted in favour of a resolution⁵⁶⁹ concerning the protection of human rights and freedoms while countering terrorism, and South Africa voted against a resolution⁵⁷⁰ concerning the effects of terrorism on human rights.

Violent Extremism: In 2015, South Africa voted against a resolution⁵⁷¹ on preventing and countering violent extremism, sponsored by Bangladesh and Cameroon.

Comments

557 Resolution 28/29 [Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief](#) (2015).

558 Resolution 31/16 [Freedom of religion or belief](#) (2016).

559 Resolution 28/14 [Human rights, democracy and the rule of law](#) (2015).

560 Resolution 27/32 [Human rights, sexual orientation and gender identity](#) (2014).

561 Resolution 32/2 [Protection against violence and discrimination based on sexual orientation and gender identity](#) (2016).

562 Decision 2/112 [Persons deprived of liberty in the context of counter-terrorism measures](#) (2006).

563 Resolution 6/28 [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](#) (2007).

564 Resolution 7/7 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2008); Resolution 10/15 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2009); Resolution 13/26 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2010).

565 Resolution 21/18 [Human rights and issues related to terrorist hostage-taking](#) (2012).

566 Resolution 25/07 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2014); Resolution 29/9 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2015).

567 Resolution 28/17 [Effects of terrorism on the enjoyment of human rights](#) (2015).

568 Resolution 31/3 [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](#) (2016).

569 Resolution 33/21 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2016).

570 Resolution 31/30 [Effects of terrorism on the enjoyment of all human rights](#) (2016).

571 Resolution 30/15 [Human rights and preventing and countering violent extremism](#) (2015).

From 2006 to 2014, South Africa voted against one resolution on peaceful protest and another on religious discrimination. From 2015 to 2016, South Africa voted against six resolutions, concerning civil society space, terrorism, violent extremism, peaceful protests, SOGI, the rule of law, and religious freedom. This significant increase in against votes displays a worrying trend in the rejection of Commonwealth values.

South Africa abstained from voting on a resolution concerning protection against violence and discrimination based on SOGI. South Africa affirmed that “its approach to the protection of lesbian, gay, bisexual, transgender and intersex persons was focussed on maximum unity within the Council,” and added that the issue is increasingly sensitive and they “disagree with most others on the African continent.”⁵⁷² South Africa explained that its abstention was premised in the Constitution that “years of painful struggle, black and white, ‘straight and not straight,’ South Africa had come together to bury discrimination once and for all,” and that it was “still healing from wounds caused by discrimination, and would not add fresh ones.”⁵⁷³

Thus, South Africa prioritised its interpretation of discrimination and their commitment to the dominant continental opinion over the rights of LGBTI people in South Africa. In 2016, The UN Human Rights Committee noted the “persistence of stigma against persons based on their real or perceived sexual or gender orientation, gender identity or bodily diversity, and that such persons are subject to harassment, acts of discrimination and sexual and physical violence.”⁵⁷⁴ Amnesty International reports that “hate crimes, hate speech and discrimination against LGBTI people, including killings and assaults,” continued in South Africa.⁵⁷⁵

While voting against a resolution on civil society space, South Africa asserted that the role of “civil society in post-apartheid South Africa was established in the Constitution, in a context which was clear, and with separation of powers.”⁵⁷⁶ South Africa stated that the resolution wrongfully claimed “that there was a clampdown on civil society in South Africa,” and “that the registration of civil society organizations was contrary to international law.”⁵⁷⁷ South Africa further opposed the resolution stating that it “placed obligations on States that allowed transfer of funding, provided tax incentives for donors, and allowed unregistered organizations to operate,” and “deliberately omitted the Economic and Social Council resolution governing the participation of civil society.”⁵⁷⁸

On the issue of discrimination based on religion, South Africa abstained from voting on the resolution and stated that the “resolution did not conform to the minimum requirements for a structured format in the context of the processes of review, realization and improvements of mandates.”⁵⁷⁹ South Africa stated that “the terms of reference of the mandate of the Special Rapporteur could be so silent on the issue of monitoring the role that could be played by the media in inciting religious hatred.”⁵⁸⁰ South Africa further affirmed the need to “take cognizance of the contemporary challenges that face the international human rights system in this matter.”⁵⁸¹

South Africa voted against a resolution on the effects of terrorism on the enjoyment of human rights. South Africa stated that the resolution failed to differentiate “legitimate struggles by liberation movements for

572 Office of the High Commissioner for Human Rights, Display news, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20220#sthash.xHci0arO.dpuf>.

573 United Nations General Assembly, Third Committee Seventy-First Session, Intense Debate, Close Voting as Gender Identity, Sexual Orientation, Digital-age Privacy Take Centre Stage in Third Committee, 21 November 2016. Available at <https://www.un.org/press/en/2016/gashc4191.doc.htm>.

574 UN Human Rights Committee, Concluding observations on the initial report of South Africa, CCPR/C/ZAF/CO/1, 27 April 2016. Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/ZAF/CO/1&Lang=En.

575 Amnesty International, Annual report 2016/17- South Africa. Available at <https://www.amnesty.org/en/countries/africa/south-africa/report-south-africa/>.

576 Office of the UN High Commissioner for Human Rights, Display news, 1 July 2016. Available at <http://www.ohchr.org/EN/News-Events/Pages/DisplayNews.aspx?NewsID=20225&LangID=E#sthash.OU6wuGYV.DP4zAFGY.dpuf>.

577 *Ibid.*

578 *Ibid.*

579 South Africa’s explanation of vote: Resolution on the elimination of all forms of intolerance and of discrimination based on religion of belief. Available at <http://www.humanrightsvoces.org/assets/attachments/documents/6081.pdf>

580 *Ibid.*

581 *Ibid.*

freedom, statehood and dignity” that “could not be equated with terrorism,” and “reiterated their support to the peoples of Palestine and Western Sahara.”⁵⁸² South Africa further stated that the HRC was “yet to act on the recommendations contained in the reports by Special Procedures on this matter,” and that such inaction contributed to impunity.⁵⁸³

South Africa voted against a resolution on the protection of the family, and stated that “various forms of the family were found in all parts of the world and expressed its concern that the co-sponsors refused to recognize this reality in the corresponding resolution on this matter.”⁵⁸⁴ South Africa urged the co-sponsors to reconsider the matter and asserted that the draft resolution “failed to refer to previously agreed language.”⁵⁸⁵

b. Country Resolutions and Decisions (Procedural, Situations, Capacity-Building, and Technical Assistance)

South Africa abstained from voting on twenty four resolutions concerning cooperation and assistance in Ukraine, accountability in Sri Lanka, and the human rights situations in Syria, Burundi, Belarus, Iran, and North Korea. South Africa voted against one resolution concerning human rights in Iran.

Belarus: From 2014 through 2016, South Africa abstained every year from voting on resolutions⁵⁸⁶ concerning human rights in Belarus.

Burundi: In 2007 and 2008, South Africa joined the consensus to support resolutions⁵⁸⁷ concerning advisory services and technical assistance for Burundi. In 2015, South Africa joined the consensus to support a resolution⁵⁸⁸ concerning technical cooperation and human rights capacity-building for Burundi. In 2016, South Africa abstained from voting on a resolution⁵⁸⁹ concerning human rights in Burundi.

The Islamic Republic of Iran: In 2014 and 2015, South Africa abstained from voting on resolutions⁵⁹⁰ concerning human rights in Iran. In 2016, South Africa voted against a resolution⁵⁹¹ concerning human rights in Iran.

The Democratic People’s Republic of Korea: From 2008 through 2010, South Africa abstained every year from voting on resolutions⁵⁹² concerning human rights in North Korea. In 2014 and 2015, South Africa abstained from voting on resolutions⁵⁹³ concerning human rights in North Korea. In 2016, South Africa joined the consensus to support a resolution⁵⁹⁴ concerning human rights in North Korea.

582 Office of the High Commissioner for Human Rights, Display news, 24 March 2016. Available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=18530&LangID=E>.

583 Office of the High Commissioner for Human Rights, Display news, 26 March 2015. Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15763&LangID=E>.

584 Office of the High Commissioner for Human Rights, Display news, 3 July 2015. Available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16196&LangID=E#sthash.cLFmzhzl.dpuf>.

585 *Ibid.*

586 Resolution 26/25 *Situation of human rights in Belarus* (2014); Resolution 29/17 *Situation of human rights in Belarus* (2015); Resolution 32/26 *Situation of human rights in Belarus* (2016).

587 Resolution 6/5 *Advisory services and technical assistance for Burundi* (2007); Resolution 9/19 *Advisory services and technical assistance for Burundi* (2008).

588 Resolution 30/27 *Technical cooperation and capacity building for Burundi in the field of human rights* (2015).

589 Resolution 33/24 *Human rights situation in Burundi* (2016).

590 Resolution 25/24 *Situation of human rights in the Islamic Republic of Iran* (2014); Resolution 28/21 *Situation of human rights in the Islamic Republic of Iran* (2015).

591 Resolution 31/19 *Situation of human rights in the Islamic Republic of Iran* (2016).

592 Resolution 7/15 *Situation of human rights in the Democratic People’s Republic of Korea* (2008); Resolution 10/16 *Situation of human rights in the Democratic People’s Republic of Korea* (2009); Resolution 13/14 *Situation of human rights in the Democratic People’s Republic of Korea* (2010).

593 Resolution 25/24 *Situation of human rights in the Islamic Republic of Iran* (2014); Resolution 25/25 *Situation of human rights in the Democratic People’s Republic of Korea* (2014); Resolution 28/22 *Situation of human rights in the Democratic People’s Republic of Korea* (2015).

594 Resolution 31/18 *Situation of human rights in the Democratic People’s Republic of Korea* (2016).

Sri Lanka: In 2009, South Africa voted in favour of a resolution⁵⁹⁵ on assistance to Sri Lanka in the protection of human rights, sponsored by Sri Lanka. In 2014, South Africa abstained from voting on a resolution⁵⁹⁶ concerning reconciliation, accountability, and human rights in Sri Lanka, co-sponsored by the UK and Mauritius. In 2015, South Africa then joined the consensus to support a resolution⁵⁹⁷ concerning reconciliation, accountability and human rights in Sri Lanka, co-sponsored by the UK.

Sudan: In 2006, South Africa voted in favour of a decision⁵⁹⁸ concerning Darfur. In 2007, South Africa joined the consensus to support a resolution⁵⁹⁹ concerning human rights in Darfur, a resolution⁶⁰⁰ concerning HRC experts on human rights in Darfur and a decision⁶⁰¹ and a resolution⁶⁰² concerning the mandate of the Special Rapporteur on human rights in Sudan.

In 2008, South Africa joined the consensus to support two resolutions⁶⁰³ concerning human rights in Sudan. In 2009, South Africa voted against a resolution⁶⁰⁴ concerning human rights in Sudan. In 2010, South Africa joined the consensus to support a decision⁶⁰⁵ concerning the Independent Expert on human rights in Sudan.

In 2012, South Africa joined the consensus to support a resolution⁶⁰⁶ concerning technical assistance in human rights for Sudan. In 2014, 2015, and 2016, South Africa joined the consensus to support resolutions⁶⁰⁷ concerning technical assistance and capacity building for human rights in Sudan, sponsored by South Africa.

The Syrian Arab Republic: In 2012, South Africa joined the consensus to support a resolution⁶⁰⁸ concerning human rights in Syria. In 2014 and 2015, South Africa abstained from voting on three resolutions⁶⁰⁹ each year concerning the deteriorating human rights and humanitarian situation in Syria. In 2016, South Africa abstained from voting on four resolutions⁶¹⁰ concerning human rights in Syria. All the resolutions were co-sponsored by the UK.

Ukraine: From 2014 through 2016, South Africa abstained every year from voting on resolutions⁶¹¹ concerning cooperation and assistance to Ukraine in the field of human rights.

Comments

595 Resolution S-11/1 [Assistance to Sri Lanka in the promotion and protection of human rights](#) (2009).

596 Resolution 25/01 [Promoting reconciliation, accountability and human rights in Sri Lanka](#) (2014).

597 Resolution 30/1 [Promoting reconciliation, accountability and human rights in Sri Lanka](#) (2015).

598 Decision 2/115 [Darfur](#) (2006).

599 Resolution 4/8 [Follow-up to decision S-4/101 of 13 December 2006 adopted by the Human Rights Council at its fourth special session entitled "Situation of human rights in Darfur"](#) (2007).

600 Resolution 6/35 [Human Rights Council Group of Experts on the situation of human rights in Darfur](#) (2007).

601 Decision 6/103 [Mandate of the Special Rapporteur on the situation of human rights in the Sudan](#) (2007).

602 Resolution 6/34 [Mandate of the Special Rapporteur on the situation of human rights in the Sudan](#) (2007).

603 Resolution 7/16 [Situation of human rights in the Sudan](#) (2008); [Resolution 9/17 Situation of human rights in the Sudan](#) (2008).

604 Resolution 11/10 [Situation of human rights in the Sudan](#) (2009).

605 Decision 14/117 [The Independent Expert on the situation of human rights in the Sudan](#) (2010).

606 Resolution 21/27 [Technical assistance for the Sudan in the field of human rights](#) (2012).

607 Resolution 27/29 [Technical assistance and capacity-building to improve human rights in the Sudan](#) (2014); Resolution 30/22 [Technical assistance and capacity-building to improve human rights in the Sudan](#) (2015); Resolution 33/26 [Technical assistance and capacity-building to improve human rights in Sudan](#) (2016)

608 Resolution 21/26 [Situation of human rights in the Syrian Arab Republic](#) (2012).

609 Resolution 25/23 [The continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic](#) (2014); Resolution 26/23 [The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic](#) (2014); Resolution 27/16 [The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic](#) (2014); Resolution 28/20 [The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic](#) (2015); 29/16 [The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic](#) (2015); Resolution 30/10 [The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic](#) (2015).

610 Resolution 31/17 [The human rights situation in the Syrian Arab Republic](#) (2016); Resolution 33/23 [Human rights situation in the Syrian Arab Republic](#) (2016); Resolution 32/25 [The human rights situation in the Syrian Arab Republic](#) (2016); Resolution S-25/1 [The deteriorating situation of human rights in the Syrian Arab Republic, and the recent situation in Aleppo](#) (2016).

611 Resolution 26/30 [Cooperation and assistance to Ukraine in the field of human rights](#) (2014); Resolution 29/23 [Cooperation and assistance to Ukraine in the field of human rights](#) (2015); Resolution 32/29 [Cooperation and assistance to Ukraine in the field of human rights](#) (2016).

In its pledge to join the HRC, South Africa committed to coordinating with UN mechanisms, to promote civil and political rights.⁶¹²

Nevertheless, South Africa abstained from voting on multiple resolutions that acknowledged ongoing concerns about civil and political rights in Syria, Burundi, Belarus, Ukraine, Iran, North Korea, and Sri Lanka.

On the resolution on reconciliation and accountability in Sri Lanka, South Africa abstained from voting and stated that the “people of Sri Lanka should speedily agree on a process that would allow for a meaningful political process that would bring about a Constitution acceptable to all Sri Lankans.”⁶¹³ In addition, South Africa “encouraged Sri Lanka to implement the recommendations made by the Lessons Learnt and Reconciliation Commission and had also supported the establishment of an efficient, inclusive and transparent mechanism to deal with human rights violations.”⁶¹⁴

c. Procedural

Publication of Reports by the Subcommittee on the Promotion and Protection of Human Rights: In 2009, South Africa abstained from voting on a decision⁶¹⁵ on the publication of reports completed by the Subcommittee on the Promotion and Protection of Human Rights.

“Decides that all reports of the Subcommittee on the Promotion and Protection of Human Rights mandated by the Commission on Human Rights that have been completed and submitted to the Office of the United Nations High Commissioner for Human Rights pursuant to the resolutions and decisions of the Subcommittee at its fifty-eighth session be issued as United Nations documents.”

Decision 10/117 Publication of reports completed by the Subcommittee on the Promotion and Protection of Human Rights (2009)

x. Uganda

Uganda served the HRC from June 2010 to December 2013.

a. Thematic Resolutions and Decisions (Civil, Political, Economic, Social, and Cultural)

Uganda abstained from voting on one resolution concerning reprisals and voted against one resolution concerning SOGI and one decision on the question of the death penalty.

Death Penalty: In 2011, Uganda joined the consensus to support a decision⁶¹⁶ concerning reporting by the Secretary-General on the question of the death penalty. In 2013, Uganda voted against a decision⁶¹⁷ concerning the panel discussion of the question of the death penalty.

Reprisals: In 2011, Uganda joined the consensus to support a decision⁶¹⁸ concerning reprisals against those that cooperate with the UN human rights mechanisms. In 2013, Uganda abstained from voting on a resolution⁶¹⁹ concerning a report on reprisals against those that cooperate with UN human rights mechanisms.

Sexual Orientation and Gender Identity (SOGI): In 2011, Uganda voted against a resolution⁶²⁰ on human rights and SOGI, sponsored by South Africa.

Comments

612 The Permanent Mission of the Republic of South Africa to the United Nations, Aide memoire- In support of South Africa’s candidature of the Human Rights Council, 2 May 2006. Available at <http://www.un.org/ga/60/elect/hrc/southafrica.pdf>.

613 Office of the High Commissioner for Human Rights, Display news, 27 March 2014. Available at <http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=14447&LangID=E>.

614 *Ibid.*

615 Decision 10/117 [Publication of reports completed by the Subcommittee on the Promotion and Protection of Human Rights](#) (2009).

616 Decision 18/117 [Reporting by the Secretary-General on the question of the death penalty](#) (2011).

617 Decision 22/117 [High-level panel discussion on the question of the death penalty](#) (2013).

618 Decision 18/118 [Cooperation with the United Nations, its representatives and mechanisms in the field of human rights](#) (2011).

619 Resolution 24/24 [Cooperation with the United Nations, its representatives and mechanisms in the field of human rights](#) (2013).

620 Resolution 17/19 [Human rights, sexual orientation and gender identity](#) (2011).

Uganda did not submit a written pledge during their candidacy for the HRC to document their human rights commitments or set a benchmark for future accountability.

Uganda voted against a death penalty resolution and while rejecting a UPR recommendation on the death penalty stated that “the recommendation did not enjoy the support, during the course of country-wide constitution-making consultative processes,” and that “the Supreme Court has ruled, and the Government accepts that after three years, a death sentence which is not enforced is automatically commuted to life imprisonment, without remission.”⁶²¹ The Report of the Working Group on the UPR added that “the last execution had been carried out in 1999.”⁶²²

Uganda voted against the only SOGI resolution up for a vote during their tenure. Uganda continues to criminalise same-sex behaviour.⁶²³ Human Rights Watch reports that at an LGBTI event “police arrested [LGBTI] activists,” “beat and humiliated hundreds of [LGBTI] people,” and continue to “carry out forced anal examinations on men and transgender women accused of consensual same-sex conduct.”⁶²⁴ Amnesty International adds that in the aftermath of the legal controversy surrounding Uganda’s anti-homosexuality bill in 2014, “LGBTI people, and those perceived as being so, continu[e] to face arbitrary arrests and beatings, evictions from homes, loss of jobs and mob attacks.”⁶²⁵

b. Country Resolutions and Decisions (Procedural, Situations, Capacity-Building, and Technical Assistance)

Uganda abstained from voting on 17 resolutions concerning human rights in: Syria, Belarus, Iran, and North Korea. Uganda voted against two resolutions concerning reconciliation and accountability in Sri Lanka.

Belarus: From 2011 through 2013, Uganda abstained every year from voting on resolutions⁶²⁶ concerning human rights in Belarus.

The Islamic Republic of Iran: From 2011 through 2013, Uganda abstained every year from voting on resolutions⁶²⁷ concerning human rights in Iran, sponsored by Zambia.

The Democratic People’s Republic of Korea: In 2011, Uganda abstained from voting on a resolution⁶²⁸ concerning human rights in North Korea. In 2012 and 2013, Uganda joined the consensus to support resolutions⁶²⁹ concerning human rights in North Korea.

“Reiterates its call upon the Government of Sri Lanka to implement effectively the constructive recommendations made in the report of the Lessons Learnt and Reconciliation Commission, and to take all necessary additional steps to fulfil its relevant legal obligations and commitment to initiate credible and independent actions to ensure justice, equity, accountability and reconciliation for all Sri Lankans.”

Resolution 22/1 Promoting reconciliation and accountability in Sri Lanka (2013)

Sri Lanka: In 2012 and 2013, Uganda voted each year against a resolution⁶³⁰ concerning reconciliation and accountability in Sri Lanka.

621 UN Human Rights Council, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review (Addendum) - Uganda, A/HRC/19/16/Add.1, 16 March 2012. Available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UGSession12.aspx>.

622 UN Human Rights Council, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review-Uganda, A/HRC/19/16, 22 December 2011. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/175/48/PDF/G1117548.pdf?OpenElement>.

623 Human Rights Watch, 2017 Country Report: Uganda. Available at <https://www.hrw.org/world-report/2017/country-chapters/uganda>.

624 *Ibid.*

625 Amnesty International, Amnesty International report 2014/201 The state of the world’s human rights, 2015. Available at https://static.amnesty.org.au/wp-content/uploads/2016/09/Annual_Report_2015_The_State_of_the_Worlds_Human_Rights.pdf.

626 Resolution 17/24 *Situation of human rights in Belarus* (2011); Resolution 20/13 *Situation of human rights in Belarus* (2012); Resolution 23/15 *Situation of human rights in Belarus* (2013).

627 Resolution 16/9 *Situation of human rights in the Islamic Republic of Iran* (2011); Resolution 19/12 *Situation of human rights in the Islamic Republic of Iran* (2012); Resolution 22/23 *Situation of human rights in the Islamic Republic of Iran* (2013).

628 Resolution 16/8 *Situation of human rights in the Democratic People’s Republic of Korea* (2011).

629 Resolution 19/13 *The situation of human rights in the Democratic People’s Republic of Korea* (2012); Resolution 22/13 *The situation of human rights in the Democratic People’s Republic of Korea* (2013).

630 Resolution 19/2 *Promoting reconciliation and accountability in Sri Lanka* (2012); Resolution 22/1 *Promoting reconciliation and accountability in Sri Lanka* (2013).

The Syrian Arab Republic: In 2011, Uganda abstained from voting on resolutions⁶³¹ concerning human rights in Syria. In 2012, Uganda abstained from voting on: a resolution⁶³² concerning the deteriorating situation of human rights in Syria and the killings in El-Houleh, three resolutions⁶³³ concerning human rights in Syria, and a resolution⁶³⁴ concerning human rights violations and the humanitarian situation in Syria.

In 2013, Uganda abstained from voting on a resolution⁶³⁵ concerning human rights in Syria, a resolution⁶³⁶ on the deterioration of human rights in Syria and the need to grant immediate access to the Commission of Inquiry sponsored by the UK, and a resolution⁶³⁷ concerning the deterioration of human rights in Syria and the killings in Al-Qusayr. Uganda also voted in favour of a resolution⁶³⁸ on the deterioration of the human rights and humanitarian situation in Syria, sponsored by the UK.

Comments

Uganda supported all resolutions in 2010 at the beginning of its HRC tenure and never voted against any resolution. On country situations, Uganda voted against all resolutions concerning reconciliation and accountability in Sri Lanka. Uganda abstained from voting on all resolutions that pointed to deteriorating human rights situations in Iran and Belarus. Uganda abstained from voting on all resolutions on Syria except for one occasion in 2013.

xi. Zambia

Zambia served two terms at the HRC from June 2006 to June 2011.

a. Thematic Resolutions and Decisions (Civil, Political, Economic, Social, and Cultural)

Zambia abstained from voting on six resolutions concerning: SOGI, defamation of religions, the impact of financial crises on human rights, foreign debt, religious discrimination, and unilateral coercive measures. Zambia voted against one resolution on defamation of religions.

Defamation of Religions: In 2008, Zambia abstained from voting on a resolution⁶³⁹ concerning the defamation of religions. In 2009, Zambia abstained on a resolution⁶⁴⁰ concerning the defamation of religions. In 2010, Zambia voted against a resolution⁶⁴¹ concerning the defamation of religions. All these were sponsored by Pakistan.

Financial Crises: In 2009, Zambia did not vote on a resolution⁶⁴² concerning the impact of the global economic

631 Resolution S-16/1 [The current human rights situation in the Syrian Arab Republic in the context of recent events](#) (2011); Resolution S-17/1 [The human rights situation in the Syrian Arab Republic](#) (2011); Resolution S-18/1 [The human rights situation in the Syrian Arab Republic](#) (2011).

632 Resolution S-19/1 [The deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in El-Houleh](#) (2012).

633 Resolution 19/22 [Situation of human rights in the Syrian Arab Republic](#) (2012); Resolution 20/22 [Situation of human rights in the Syrian Arab Republic](#) (2012); Resolution 21/26 [Situation of human rights in the Syrian Arab Republic](#) (2012).

634 Resolution 19/1 [The escalating grave human rights violations and deteriorating humanitarian situation in the Syrian Arab Republic](#) (2012).

635 Resolution 22/24 [Situation of human rights in the Syrian Arab Republic](#) (2013).

636 Resolution 23/26 [The deterioration of the situation of human rights in the Syrian Arab Republic, and the need to grant immediate access to the commission of inquiry](#) (2013).

637 Resolution 23/1 [The deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in Al-Qusayr](#) (2013).

638 Resolution 24/22 [The continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic](#) (2013).

639 Resolution 7/19 [Combating defamation of religions](#) (2008).

640 Resolution 10/22 [Combating defamation of religions](#) (2009).

641 Resolution 13/16 [Combating defamation of religions](#) (2010).

642 Resolution S-10/1 [The Impact of the Global Economic & Financial Crises on the Universal Realization and Effective Enjoyment of Human Rights](#) (2009).

and financial crises on human rights and joined the consensus to support a similar resolution.⁶⁴³

Foreign Debt: In 2006, Zambia voted in favour of a decision⁶⁴⁴ concerning the effects of economic reform policies and foreign debt on human rights. In 2008, Zambia voted in favour of a resolution⁶⁴⁵ concerning the mandate of the Independent Expert on the effects of foreign debt and other international financial obligations of countries on human rights.

In 2009, Zambia did not vote on a decision⁶⁴⁶ concerning the effects of foreign debt and other international financial obligations of States on human rights. Zambia then voted in favour of a resolution⁶⁴⁷ concerning the effects of foreign debt and other international financial obligations of States on human rights.

In 2010, Zambia voted in favour of a resolution⁶⁴⁸ concerning the effects of foreign debt and other international financial obligations of States on human rights. In 2011, Zambia voted in favour of a resolution⁶⁴⁹ concerning the mandate of the Special Rapporteur on the effects of foreign debt and other international financial obligations of States on human rights and a resolution⁶⁵⁰ concerning the effects of foreign debt and other international financial obligations of States on human rights.

Religious Discrimination: In 2007, Zambia joined the consensus to support a resolution⁶⁵¹ concerning the elimination of religious intolerance and discrimination.

In 2009, Zambia abstained from voting on a resolution⁶⁵² concerning religious discrimination and its impact on rights. In 2010, Zambia joined the consensus to support a resolution⁶⁵³ concerning the mandate of the Special Rapporteur on the freedom of religion. In 2011, Zambia joined the consensus to support a resolution⁶⁵⁴ concerning the freedom of religion and a resolution,⁶⁵⁵ sponsored by Pakistan, concerning intolerance, stereotyping, discrimination and violence based on religion.

Sexual Orientation and Gender Identity (SOGI): In 2011, Zambia abstained from voting on a resolution⁶⁵⁶ concerning human rights and SOGI.

“Calls upon States to note that the global economic and financial crises do not diminish the responsibility of national authorities and the international community in the realization of human rights and calls upon them to assist, in particular, the most vulnerable in this regard, and in this context urges the international community to support national efforts to, inter alia, establish and preserve social safety nets for the protection of the most vulnerable segments of their societies.”

Resolution S-10/1 The Impact of the Global Economic & Financial Crises on the Universal Realization and Effective Enjoyment of Human Rights (2009)

643 Resolution 12/28 [Follow-up to the tenth special session of the Human Rights Council on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights](#) (2009).

644 Decision 2/109 [Effects of economic reform policies and foreign debt on the full enjoyment of all human rights](#) (2006).

645 Resolution 7/4 [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](#) (2008).

646 Decision 12/119 [The effect 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](#) (2009).

647 Resolution 11/5 [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](#) (2009).

648 Resolution 14/4 [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](#) (2010).

649 Resolution 16/14 [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](#) (2011).

650 Resolution 17/7 [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](#) (2011).

651 Resolution 4/10 [Elimination of all forms of intolerance and of discrimination based on religion or belief](#) (2007).

652 Resolution 10/25 [Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights](#) (2009).

653 Resolution 14/11 [Freedom of religion or belief: Mandate of the Special Rapporteur on freedom of religion or belief](#) (2010).

654 Resolution 16/13 [Freedom of religion or belief](#) (2011).

655 Resolution 16/18 [Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief](#) (2011).

656 Resolution 17/19 [Human rights, sexual orientation and gender identity](#) (2011).

Unilateral Coercive Measures: In 2007, Zambia voted in favour of a decision⁶⁵⁷ concerning human rights and unilateral coercive measures. In 2007 and 2008, Zambia voted in favour of resolutions⁶⁵⁸ concerning human rights and unilateral coercive measures. In 2009, Zambia did not vote on a resolution⁶⁵⁹ concerning human rights and unilateral coercive measures. In 2010, Zambia voted in favour of a resolution⁶⁶⁰ concerning human rights and unilateral coercive measures.

Comments

Zambia's voting record generally furthers the cause of human rights. However, Zambia did not support anti-discrimination resolutions relating to the rights of LGBT people. Same-sex behaviour remains criminalised in Zambia and there are multiple reports of the police harassing, arresting, and subjecting those accused of same-sex behaviour to invasive body-cavity searches.⁶⁶¹ In addition, magistrates do not dismiss the charges and subject the accused to Zambia's inhumane prison conditions where prisoners "suffer malnutrition, overcrowding, grossly inadequate medical care, and the risk of rape or torture."⁶⁶²

a. Country Resolutions and Decisions (Procedural, Situations, Capacity-Building, and Technical Assistance)

Zambia abstained from voting on six resolutions and one decision concerning human rights in the OPT, North Korea, and Sudan. Zambia did not vote against any country-situation resolution.

Democratic People's Republic of Korea: In 2008, Zambia abstained from voting on a resolution⁶⁶³ concerning human rights in North Korea. From 2009 through 2011, Zambia voted every year in favour of a resolution⁶⁶⁴ concerning human rights in North Korea.

Occupied Palestinian Territory Israel (OPTI): In 2006, Zambia voted in favour of a decision⁶⁶⁵ concerning human rights in Palestine and other occupied Arab territories and two resolutions⁶⁶⁶ concerning human rights in the OPT. Zambia also voted in favour of a resolution⁶⁶⁷ concerning Israeli settlements in the OPT, East Jerusalem, and the OSG, and a resolution⁶⁶⁸ concerning human rights violations caused by Israeli military incursions in the OPT. All 2006 resolutions were sponsored by Pakistan.

In 2007, Zambia joined the consensus to support resolutions⁶⁶⁹ concerning human rights in the OPT, sponsored by Pakistan. In 2008, Zambia voted in favour of a resolution⁶⁷⁰ concerning the Palestinian peoples' right to self-determination, a resolution⁶⁷¹ concerning Israeli settlements in the OPT, East Jerusalem and the

657 Decision 4/103 *Human rights and unilateral coercive measures* (2007).

658 Resolution 6/7 *Human rights and unilateral coercive measures* (2007); Resolution 9/4 *Human rights and unilateral coercive measures* (2008).

659 Resolution 12/22 *Human rights and unilateral coercive measures* (2009).

660 Resolution 15/24 *Human rights and unilateral coercive measures* (2010).

661 Human Rights Watch, Zambia: Stop Prosecuting People for Homosexuality, 20 May 2013. Available at <https://www.hrw.org/news/2013/05/20/zambia-stop-prosecuting-people-homosexuality>.

662 Human Rights Watch, Zambia: Prison Conditions Endanger Inmates, 27 April 2010. Available at <https://www.hrw.org/news/2010/04/27/zambia-prison-conditions-endanger-inmates>.

663 Resolution 7/15 *Situation of human rights in the Democratic People's Republic of Korea* (2008).

664 Resolution 10/16 *Situation of human rights in the Democratic People's Republic of Korea* (2009); Resolution 13/14 *Situation of human rights in the Democratic People's Republic of Korea* (2010); Resolution 16/8 *Situation of human rights in the Democratic People's Republic of Korea* (2011).

665 Decision 1/106 *Human rights situation in Palestine and other occupied Arab territories* (2006).

666 Resolution S-1/1 *Human rights situation in the Occupied Palestinian Territory* (2006); Resolution 3/1 *Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolution S-1/1* (2006).

667 Resolution 2/4 *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan* (2006).

668 Resolution S-3/1 *Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory, including the recent one in northern Gaza and the assault on Beit Hanoun* (2006).

669 Resolution 4/2 *Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolutions S-1/1 and S-3/1* (2007); Resolution 6/18 *Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolutions S-1/1 and S-3/1* (2007).

670 Resolution 7/17 *Right of the Palestinian people to self-determination* (2008).

671 Resolution 7/18 *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan* (2008).

OSG, and resolutions⁶⁷² concerning human rights violations emanating from Israeli military incursions in the OPT. Zambia voted in favour of a resolution concerning religious and cultural rights in the OPT and East Jerusalem and a resolution on the elimination of religious intolerance and discrimination. All resolutions were sponsored by Pakistan.

In 2009, Zambia voted in favour of a resolution⁶⁷³ concerning human rights in the OPT and East Jerusalem, a resolution⁶⁷⁴ concerning Israeli settlements in the OPT, East Jerusalem and the OSG, and a resolution⁶⁷⁵ concerning the Palestinian peoples' right to self-determination. Zambia also voted in favour of three resolutions⁶⁷⁶ concerning human rights violations caused by the Israeli military in the OPT. All the resolutions were sponsored by Pakistan.

In 2010, Zambia voted in favour of a resolution⁶⁷⁷ concerning the Palestinian peoples' right to self-determination, a resolution⁶⁷⁸ concerning Israeli settlements in the OPT, East Jerusalem and the OSG, a resolution⁶⁷⁹ concerning human rights violations by Israel in the OPT and East Jerusalem, and a resolution⁶⁸⁰ concerning the report of the UN fact-finding mission on the Gaza conflict. Zambia abstained from voting on a resolution⁶⁸¹ concerning attacks by Israeli forces against a humanitarian convoy, a resolution⁶⁸² concerning the report of the independent fact-finding mission on the incident of the humanitarian flotilla, and a resolution⁶⁸³ concerning the committee of experts in international humanitarian and human rights law. All these were sponsored by Pakistan.

In 2011, Zambia abstained from voting on a resolution⁶⁸⁴ concerning human rights in the OPT and East Jerusalem, a resolution⁶⁸⁵ concerning the report of the UN fact-finding mission on the Gaza conflict, and two resolutions⁶⁸⁶ concerning the report of the independent fact-finding mission on the incident of the humanitarian flotilla, sponsored by Pakistan. Zambia also voted in favour of a resolution⁶⁸⁷ concerning the Palestinian peoples' right to self-determination and a resolution⁶⁸⁸ concerning Israeli settlements in the OPT, East Jerusalem and the OSG.

672 Resolution S-6/1 [Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip](#) (2008); Resolution 7/1 [Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian territory, particularly the recent ones in the occupied Gaza Strip](#) (2008); Resolution 9/18 [Follow-up to Resolution S-3/1: Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory and the shelling of Beit Hanoun](#) (2008).

673 Resolution S-12/1 [The human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2009).

674 Resolution 10/18 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2009).

675 Resolution 10/20 [Right of the Palestinian people to self-determination](#) (2009).

676 Resolution 10/19 [Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory](#) (2009); Resolution 10/21 [Follow-up to Council Resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip](#) (2009); Resolution S-9/1 [The Grave Violations of Human Rights in the Occupied Palestinian Territory particularly due to the recent Israeli military aggression on the occupied Gaza Strip](#) (2009).

677 Resolution 13/6 [Right of the Palestinian people to self-determination](#) (2010).

678 Resolution 13/7 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2010).

679 Resolution 13/8 [The grave human rights violations by Israel in the Occupied Palestinian Territory, including East Jerusalem](#) (2010).

680 Resolution 13/9 [Follow-up to the report of the United Nations independent international Fact-Finding Mission on the Gaza Conflict](#) (2010).

681 Resolution 14/1 [The grave attacks by Israeli forces against the humanitarian boat convoy](#) (2010).

682 Resolution 15/1 [Follow-up to the report of the independent international Fact-Finding Mission on the incident of the humanitarian flotilla](#) (2010).

683 Resolution 15/6 [Follow-up to the report of the Committee of Independent Experts in international humanitarian and human rights law established pursuant to Council Resolution 13/9](#) (2010).

684 Resolution 16/29 [The human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2011).

685 Resolution 16/32 [Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict](#) (2011).

686 Resolution 16/20 [Follow-up to the report of the independent international Fact-Finding Mission on the incident of the humanitarian flotilla](#) (2011); Resolution 17/10 [Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla](#) (2011).

687 Resolution 16/30 [Right of the Palestinian people to self-determination](#) (2011).

688 Resolution 16/31 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2011).

Sudan: In 2006, Zambia abstained from voting on a decision⁶⁸⁹ concerning Darfur. In 2007, Zambia joined the consensus to support resolutions⁶⁹⁰ concerning human rights in Darfur and a decision⁶⁹¹ and a resolution⁶⁹² concerning the mandate of the Special Rapporteur on human rights in Sudan.

In 2008, Zambia joined the consensus to support two resolutions⁶⁹³ concerning human rights in Sudan. In 2009 and 2010, Zambia voted in favour of resolutions⁶⁹⁴ concerning human rights in Sudan. Both resolutions were sponsored by Nigeria. In 2010, Zambia joined the consensus to support a decision⁶⁹⁵ concerning the Independent Expert on human rights in Sudan.

Comments

In the later part of its tenure, Zambia's stance on OPT resolutions became less progressive as it began abstaining on OPT resolutions. Zambia improved its record on resolutions concerning Sudan and North Korea.

c. Procedural

Publication of Reports by the Subcommission on the Promotion and Protection of Human Rights: In 2009, Zambia abstained from voting on a decision⁶⁹⁶ on the publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights.

689 Decision 2/115 *Darfur* (2006).

690 Resolution 4/8 *Follow-up to decision S-4/101 of 13 December 2006 adopted by the Human Rights Council at its fourth special session entitled "Situation of Human Rights in Darfur"* (2007); Resolution 6/35 *Human Rights Council Group of Experts on the situation of human rights in Darfur* (2007).

691 Decision 6/103 *Mandate of the Special Rapporteur on the situation of human rights in the Sudan* (2007).

692 Resolution 6/34 *Mandate of the Special Rapporteur on the situation of human rights in the Sudan* (2007).

693 Resolution 7/16 *Situation of human rights in the Sudan* (2008); Resolution 9/17 *Situation of human rights in the Sudan* (2008).

694 Resolution 11/10 *Situation of human rights in the Sudan* (2009); Resolution 15/27 *Situation of human rights in the Sudan* (2010).

695 Decision 14/117 *The Independent Expert on the situation of human rights in the Sudan* (2010).

696 Decision 10/117 *Publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights* (2009).

CHAPTER V

Asian-Pacific Commonwealth Countries

Regional Overview

In the last ten years, six Commonwealth countries (Bangladesh, India, Maldives, Malaysia, Pakistan, and Sri Lanka) served at the HRC. Asian-Pacific Commonwealth countries have the second highest representation on the HRC. In the last decade, these countries together constituted 37.7% of Commonwealth countries on average per session and accounted for 53.7% of statements and interventions on average per session. Pakistan and the Maldives are the most active in terms of sponsoring resolutions, with 64 and 23 resolutions respectively.

Asian-Pacific countries are usually selected for the HRC in uncontested regional elections. Some Asian-Pacific countries failed to make HRC pledges as mandated by Resolution 60/251, and thereby avoided scrutiny and responsibilities.

Country	Pakistan	India	Bangladesh	Malaysia	Maldives	Sri Lanka
Resolutions sponsored	64	4	7	1	23	0

On thematic issues, no Asian-Pacific Commonwealth country ever abstained from voting or voted against a thematic resolution on economic, social, and cultural rights. Records from previous UPR cycles shed light on the voting pattern of these countries on civil and political rights: all the members have at some point voted against or abstained from voting on resolutions concerning SOGI and on the formation of a high-level panel to discuss the death penalty or on the question of the death penalty, except for Sri Lanka.⁶⁹⁷

On the issue of the death penalty and SOGI, there is stark contrast between the Asia-Pacific countries and Western European and other countries. Same-sex conduct remains criminalised and carries severe punishment in most of the Commonwealth countries in the Asia-Pacific region.

Throughout the Asia-Pacific region, there are multiple incidents of reprisals against people cooperating with the UN human rights mechanisms. Regional reprisals translate into HRC voting patterns. For example, in 2013, India, Pakistan, and Malaysia abstained from voting on the resolution concerning reprisals against those who cooperate with the UN human rights mechanisms and there are reported reprisal cases in India, Pakistan, and Malaysia. In addition, voting in favour of the reprisal resolution does not always signify that there will not be reprisals in a country. For instance, the Maldives voted in favour of the reprisal resolution but government reprisals in the Maldives remain commonplace.

In Asian-Pacific countries there is a discernible trend on religious intolerance. Apart from India and the Maldives, all members of this group have at some point abstained from voting on resolutions that sought to address religious intolerance or discrimination based on religion or belief.

India, Pakistan, and Bangladesh voted against or abstained from voting on resolutions concerning peaceful protests which follows from their trend of excessive use of force by public authorities against peaceful

⁶⁹⁷ During the tenure of Sri Lanka no resolution on death penalty came up for voting.

protests. Similar circumstances exist in Sri Lanka,⁶⁹⁸ Malaysia,⁶⁹⁹ and the Maldives,⁷⁰⁰ but their official stance cannot be ascertained as there was no resolution on peaceful protests during their tenure at the HRC.

India was the only Asian-Pacific Commonwealth country to abstain from voting on resolutions on defamation of religions. Resolutions on defamation of religions are regarded by the international community as an attempt to pass an anti-blasphemy resolution in the HRC.

During the ten-year period, Sri Lanka was the only Commonwealth country discussed at the HRC. Asian-Pacific Commonwealth countries supported a resolution promoting reconciliation and accountability in Sri Lanka when Sri Lanka was a sponsor. India, Pakistan, and the Maldives, either voted against or abstained from voting on Resolution 25/1 that requested a comprehensive investigation into human rights abuses committed by both parties in Sri Lanka during the conflict. Subsequently, when Sri Lanka initiated and sponsored HRC Resolution 30/1 that mandated an implementation of a comprehensive transitional justice agenda including the establishment of an accountability mechanism, truth-seeking, and reparations programmes, and institutional reforms giving the government of Sri Lanka authority to implement the measures domestically, all regional Commonwealth members joined to the consensus to support the resolution.

All Asian-Pacific Commonwealth countries supported some country situation resolutions on the OPTI, except for India which changed its stand in 2015 and 2016 and voted against OPTI resolutions. These resolutions were either self-sponsored by Palestine or sponsored by the OIC. Four out of the six Asian-Pacific Commonwealth countries are OIC members.

Asian-Pacific Commonwealth countries generally supported procedural resolutions. However, India and Malaysia voted against and abstained, respectively, on a resolution⁷⁰¹ related to increasing transparency in the HRC.⁷⁰² On the other hand, Pakistan and Bangladesh voted in favour of the same resolution.

i. Bangladesh

Bangladesh served at the HRC from June 2006 to June 2012 and is currently serving a term that began in January 2015 and ends in December 2017.

a. Thematic Resolutions and Decisions (Civil, Political, Economic, Social and Cultural)

Bangladesh abstained from voting on six resolutions concerning: religious discrimination, peaceful protest, drones, torture, and transitional justice. Bangladesh voted against three resolutions concerning: SOGI, and the death penalty.

“All States have the responsibility in all circumstances, including in the context of peaceful protests, to promote, respect and protect human rights and to prevent human rights violations, including extrajudicial, summary or arbitrary executions, arbitrary arrest and detention, enforced disappearances, torture and other cruel, inhuman or degrading treatment or punishment, and sexual violence.”

Resolution 31/37 The promotion and protection of human rights in the context of peaceful protests (2016).

Death Penalty: In 2011, Bangladesh joined the consensus to support a decision⁷⁰³ on reporting by the Secretary-General on the question of the death penalty. In 2015, Bangladesh voted against a resolution⁷⁰⁴ on the question of the death penalty.

698 Melani Manel Perera, Police charge peaceful protesters, including nuns, who oppose a port city project, Asia Net, 3 May 2015. Available at <http://www.asianews.it/news-en/Police-charge-peaceful-protesters,-including-nuns,-who-oppose-a-port-city-project-33635.html>.

699 Human Rights Watch, Creating a Culture of Fear: The Criminalization of Peaceful Expression in Malaysia, 26 October 2015. Available at <https://www.hrw.org/report/2015/10/26/creating-culture-fear/criminalization-peaceful-expression-malaysia>.

700 Hassan Moos, Maldives bans street protests, Maldives Independent, 29 November 2015. Available at <http://maldivesindependent.com/politics/maldives-bans-street-protests-120333>.

701 http://ap.ohchr.org/documents/E/HRC/decisions/A_HRC_DEC_10_117.pdf

702 Reports of the Subcommission on the Promotion and Protection of Human Rights mandated by the Commission on Human Rights that have been completed and submitted to the Office of the United Nations High Commissioner for Human Rights.

703 Decision 18/117 *Reporting by the Secretary-General on the question of the death penalty* (2011).

704 Resolution 30/5 *The question of the death penalty* (2015).

Peaceful Protests: In 2011, Bangladesh joined the consensus to support a decision⁷⁰⁵ on the promotion and protection of human rights in the context of peaceful protests. A year later it held to that position while joining the consensus to support a resolution⁷⁰⁶ on the promotion and protection of human rights in the context of peaceful protests. However, in 2016, Bangladesh abstained from voting on a resolution⁷⁰⁷ concerning the promotion and protection of human rights in the context of peaceful protests.

“Urged the member States to abolish the death penalty and to provide the relevant information regarding the person on the death penalty row.”

Resolution 30/5 The question of the death penalty(2015)

Religious Discrimination: In 2007, Bangladesh joined the consensus to support a resolution⁷⁰⁸ concerning discrimination based on religion, and then abstained from voting on a resolution⁷⁰⁹ concerning discrimination based on religion. In 2009, Bangladesh abstained from voting on a resolution⁷¹⁰ concerning discrimination based on religion.

Remotely Piloted Aircraft or Armed Drones in Counter-Terrorism: In 2015, Bangladesh abstained from voting on a resolution⁷¹¹ concerning the use of remotely piloted aircraft or armed drones while countering terrorism. The resolution was sponsored by Pakistan.

“Urges the treaty bodies and special procedures to take note of the international law violations due to use of remotely piloted aircraft or armed drones.”

Resolution 28/3 Use of remotely piloted aircraft or armed drones in counter-terrorism (2015)

Sexual Orientation and Gender Identity (SOGI): In 2011, Bangladesh voted against a resolution⁷¹² concerning SOGI, sponsored by South Africa. In 2015, Bangladesh voted against a resolution⁷¹³ concerning protection against violence and discrimination based on SOGI.

Torture: In 2007, Bangladesh joined the consensus on a President’s statement on the twentieth anniversary of the Convention against Torture. In 2009, Bangladesh abstained from voting on a resolution⁷¹⁴ concerning torture and the responsibility of medical personnel. In 2010, Bangladesh joined the consensus to support a resolution⁷¹⁵ on torture and the role and responsibility of judges. In 2011, Bangladesh joined the consensus on a resolution⁷¹⁶ concerning torture and the mandate of the Special Rapporteur.⁷¹⁷ In 2016, Bangladesh joined the consensus to support a resolution⁷¹⁸ concerning torture while in police custody.

Transitional Justice: In 2007, 2008, 2009, and 2012 Bangladesh joined the consensus to adopt a decision⁷¹⁹ and resolutions⁷²⁰ every year concerning transitional justice. In 2016, Bangladesh abstained from voting on a resolution⁷²¹ concerning transitional justice.

705 Decision 17/120 [Panel on the promotion and protection of human rights in the context of peaceful protests](#)(2011).

706 Resolution 19/35 [The promotion and protection of human rights in the context of peaceful protests](#) (2012).

707 Resolution 31/37 [The promotion and protection of human rights in the context of peaceful protests](#) (2016).

708 Resolution 4/10 [Elimination of all forms of intolerance and of discrimination based on religion or belief](#)(2007).

709 Resolution 6/37 [Elimination of all forms of intolerance and of discrimination based on religion or belief](#)(2007).

710 Resolution 10/25 [Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural right](#) (2009).

711 Resolution 28/3 [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](#) (2015).

712 Resolution 17/19 [Human rights, sexual orientation and gender identity](#) (2011).

713 Resolution 32/2 [Protection against violence and discrimination based on sexual orientation and gender identity](#) (2015).

714 President’s statement 6/2 [The twentieth anniversary of the entry into force of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (2007).

715 Resolution 10/24 [Torture and other cruel, inhuman or degrading treatment or punishment: The role and responsibility of medical and other health personnel](#) (2009).

716 Resolution 13/19 [Torture and other cruel, inhuman or degrading treatment or punishment: The role and responsibility of judges, prosecutors and lawyers](#) (2010).

717 Resolution 16/23 [Torture and other cruel, inhuman or degrading treatment or punishment: Mandate of the Special Rapporteur](#)(2011).

718 Resolution 31/31 [Torture and other cruel, inhuman or degrading treatment or punishment: Safeguards to prevent torture during police custody and pretrial detention](#) (2016).

719 Decision 4/102 [Transitional justice](#) (2007).

720 Resolution 9/10 [Human rights and transitional justice](#) (2008); Resolution 12/11 [Human rights and transitional justice](#) (2009); Resolution 21/15 [Human rights and transitional justice](#) (2012).

721 Resolution 33/19 [Human rights and transitional justice](#)(2016).

Comments

During its candidacy for a second HRC term, Bangladesh stated that its Constitution “provides for fundamental rights that guarantee, inter alia, equality before law and equal protection of law, protection of life and liberty and prohibition of discriminatory treatment,” and that “discrimination on grounds of race, religion, caste or sex is prohibited.”⁷²²

Bangladesh then voted against two SOGI resolutions. Same-sex conduct is criminalised in Bangladesh and carries a maximum sentence of life imprisonment.⁷²³ Human Rights Watch notes that Bangladesh rejected UPR recommendations to repeal the law twice.⁷²⁴ Discrimination and violence are pervasive against the LGBTI community.⁷²⁵ Human Rights Watch notes that two prominent LGBTI activists “were hacked to death in April,” and that “in June and July 2015, a group of hijras were subjected to harassment and invasive and abusive physical examinations at a government hospital as a requirement to join a government employment program.”⁷²⁶

During its HRC candidacy, Bangladesh stated that the “protection of life and liberty” is guaranteed by the Constitution and that Bangladesh is party to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).⁷²⁷ Bangladesh’s abstention on a torture resolution is not consistent with their Constitution or CAT. Human Rights Watch further notes that “security forces reportedly arbitrarily detained and in many cases killed suspected militants,” and that “a kitchen assistant, initially suspected to be one of the attackers, was allegedly tortured to death.”⁷²⁸ The year before, Human Rights Watch noted that “security forces committed serious abuses including killings, ‘disappearances’, and arbitrary arrests, with few investigations or prosecutions of those responsible,” and that “The Detective Branch of the police, the Bangladesh Border Guards (BGB), and the Rapid Action Battalion (RAB) have been responsible for serious abuses, including arbitrary arrests, torture, enforced disappearances, and killings.”⁷²⁹ Amnesty International reported that “torture and other ill-treatment in custody was widespread; however, complaints were rarely investigated. The 2013 Torture and Custodial Death (Prevention) Act was poorly enforced due to a lack of political will and awareness among law enforcement agencies,” and that “torture was carried out to extract ‘confessions’, for extortion or to punish political opponents of the government.”⁷³⁰

After voting against a resolution on the death penalty, Bangladesh noted that “a moratorium on the use of the death penalty, with a view to its abolition, required a comprehensive appraisal of the international justice system” that had not been undertaken.⁷³¹ During the UPR II, Bangladesh claimed that it used the death penalty only as exemplary punishment for heinous crimes and maintains an extremely low rate of executions.⁷³² In the same UPR, Amnesty International reported that “over 1,000 people are on death row” and that

722 United Nations General Assembly, Noteverbale dated 16 September 2014 from the Permanent Mission of Bangladesh to the United Nations addressed to the President of the General Assembly, A/69/393, 19 September 2014. Available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/69/393.

723 Section 377, Penal Code, 1860 (Act No. XLV of 1860). Available at http://bdlaws.minlaw.gov.bd/print_sections_all.php?id=11.

724 Human Rights Watch, World Report -2017. Available at <https://www.hrw.org/world-report/2017/country-chapters/bangladesh>.

725 Report of the Office of the United Nations High Commissioner for Human Rights, Discrimination and violence against individuals based on their sexual orientation and gender identity, A/HRC/29/23, 4 May 2015. Available at <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Pages/ListReports.aspx>.

726 *Ibid.*

727 United Nations General Assembly, Noteverbale dated 16 September 2014 from the Permanent Mission of Bangladesh to the United Nations addressed to the President of the General Assembly, A/69/393, 19 September 2014. Available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/69/393.

728 Human Rights Watch, World Report -2017. <https://www.hrw.org/world-report/2017/country-chapters/bangladesh>.

729 Human Rights Watch, World Report -2016. <https://www.hrw.org/world-report/2016/country-chapters/bangladesh>.

730 Amnesty International, Bangladesh 16/17. Available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/bangladesh/report-bangladesh/>.

731 United Nations, Department of Public Information, General Assembly will reaffirm the resolution on the death penalty moratorium, under terms of draft text approved by Third Committee. GA/SHC/3939, 20 November 2008, <http://www.un.org/press/en/2008/qashc3939.doc.htm>.

732 UN Human Rights Council, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review, Addendum- Bangladesh, A/HRC/24/12/Add.1, 23 July 2013. Available at http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session24/Documents/A-HRC-24-12-Add1_en.pdf.

“very few are likely to be pardoned or have their death sentence commuted.”⁷³³ The Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers expressed concern about the death sentences passed by the Bangladesh International Crimes Tribunal without fair trial.⁷³⁴

On the issue of religious discrimination, Bangladesh abstained from voting, and stated that it could not vote in favour because the ongoing international intolerance of Islam was not satisfactorily addressed.⁷³⁵ During its HRC candidacy, Bangladesh stated that their Constitution “provides for fundamental rights that guarantee, inter alia, equality before law and equal protection of law,” and that discrimination on the grounds of religion is prohibited.⁷³⁶ Bangladesh further added that it would “continue to promote and protect the rights of the religious and ethnic minorities and work towards maintaining the traditional communal harmony by upholding the secular, pluralist and inclusive values of the State and the society in general.”⁷³⁷

b. Country Resolutions and Decisions (Procedural, Situations, Capacity-Building and Technical Assistance)

Bangladesh abstained from voting on twenty resolutions concerning accountability and human rights in Sri Lanka, and the human rights situations in Syria, North Korea, Iran, and Sudan. Bangladesh voted against seven resolutions concerning human rights situations in Belarus, North Korea, Syria, Burundi, and Ukraine.

Belarus: In 2011, 2012, 2015, and 2016, Bangladesh abstained every year from voting on resolutions⁷³⁸ drawing attention to the human rights situation in Belarus.

Burundi: In 2007, 2008, 2011, and 2015, Bangladesh joined the consensus every year to support resolutions⁷³⁹ concerning advisory services and technical assistance for Burundi. In 2015, Bangladesh joined the consensus to support a resolution⁷⁴⁰ concerning the prevention of a deterioration of the human rights situation in Burundi. In 2016, Bangladesh abstained from voting on a resolution⁷⁴¹ concerning the human rights situation in Burundi.

“Decides to create for a period of one year a Commission of Inquiry: (a) To conduct a thorough investigation into human rights violations and abuses in Burundi since April 2015, including on their extent and whether they may constitute international crimes, with a view to contributing to the fight against impunity.”

Resolution S-24/1 Preventing the deterioration of the human rights situation in Burundi (2015)

The Democratic People’s Republic of Korea: In 2008, Bangladesh abstained from voting on a resolution⁷⁴² concerning the situation of human rights in North Korea. In 2009, Bangladesh joined the consensus to support a resolution⁷⁴³ concerning human rights in North Korea. In 2010 and 2011, Bangladesh

733 UN Human Rights Council, Universal Periodic Review, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with Paragraph 5 of the annex to Human Rights Council Resolution 16/21- Bangladesh, A/HRC/WG.6/16/BGD/3, 29 January 2013. Available at <http://www.refworld.org/docid/51e7d1734.html>.

734 UN Human Rights Council, Universal Periodic Review, Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with Paragraph 5 of the annex to Human Rights Council Resolution 16/21- Bangladesh, A/HRC/WG.6/16/BGD/2, 8 February 2013. Available at: <http://www.refworld.org/docid/51e7cea24.html>.

735 Permanent Mission of Bangladesh to the United Nations, Explanation of vote. Available at <http://www.humanrightsvoces.org/assets/attachments/documents/6082.pdf>.

736 United Nations General Assembly, Noteverbale dated 16 September 2014 from the Permanent Mission of Bangladesh to the United Nations addressed to the President of the General Assembly, A/69/393, 19 September 2014. Available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/69/393.

737 *Ibid.*

738 Resolution 17/24 *Situation of human rights in Belarus* (2011); Resolution 20/13 *Situation of human rights in Belarus* (2012); Resolution 29/17 *Situation of human rights in Belarus* (2015); Resolution 32/26 *Situation of human rights in Belarus* (2016).

739 Resolution 6/5 *Advisory services and technical assistance for Burundi* (2007); Resolution 9/19 *Advisory services and technical assistance for Burundi* (2008); Resolution 16/34 *Advisory services and technical assistance for Burundi* (2011); Resolution 18/24 *Advisory services and technical assistance for Burundi* (2011); Resolution 30/27 *Technical cooperation and capacity building for Burundi in the field of human rights* (2015).

740 Resolution S-24/1 *Preventing the deterioration of the human rights situation in Burundi* (2015).

741 Resolution 33/24 *Human rights situation in Burundi* (2016).

742 Resolution 7/15 *Situation of human rights in the Democratic People’s Republic of Korea* (2008).

743 Resolution 10/16 *Situation of human rights in the Democratic People’s Republic of Korea* (2009).

abstained from voting on resolutions⁷⁴⁴ concerning the situation of human rights in North Korea. In 2012, Bangladesh joined the consensus to support a resolution⁷⁴⁵ concerning human rights in North Korea. In 2015, Bangladesh abstained from voting on a resolution⁷⁴⁶ concerning the human rights situation in North Korea. In 2016, Bangladesh again joined the consensus to support a resolution⁷⁴⁷ concerning human rights in North Korea.

The Islamic Republic of Iran: In 2011, 2012, 2015, and 2016, Bangladesh voted every year against a resolution⁷⁴⁸ on the human rights situation in Iran.

“Decides to extend the mandate of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran for a further period of one year, and requests the Special Rapporteur to submit a report on the implementation of his mandate to the Human Rights Council at its thirty-first session and to the General Assembly at its seventieth session.”

Resolution 28/21 Situation of human rights in the Islamic Republic of Iran (2015)

Sri Lanka: In 2009, Bangladesh voted in favour of a resolution⁷⁴⁹ on assistance for the promotion and protection of human rights in Sri Lanka. Sri Lanka was the main sponsor of the resolution. In 2012, Bangladesh voted against a resolution⁷⁵⁰ on promoting reconciliation and accountability in Sri Lanka. In 2015, Bangladesh joined the consensus to support a resolution⁷⁵¹ on promoting reconciliation and accountability in Sri Lanka.

Sudan: In 2006, Bangladesh voted in favour of a decision⁷⁵² on Darfur. In 2007, Bangladesh joined the consensus to support a resolution⁷⁵³ concerning follow up to the decision on Darfur, a resolution⁷⁵⁴ and a decision⁷⁵⁵ on the mandate of the Special Rapporteur, and a resolution⁷⁵⁶ concerning the situation of human rights in Darfur. In 2008, Bangladesh joined the consensus on two resolutions⁷⁵⁷ concerning the human rights situation in Sudan.

In 2010, Bangladesh voted against a resolution⁷⁵⁸ on the human rights situation in Sudan, sponsored by Nigeria, on behalf of the African Group. In 2011 and 2012, Bangladesh joined the consensus to support resolutions⁷⁵⁹ concerning technical assistance to improve the human rights situation in Sudan.

In 2015, Bangladesh joined the consensus to support a resolution⁷⁶⁰ on technical assistance for Sudan. In 2016, Bangladesh joined the consensus to support a resolution⁷⁶¹ on technical assistance to improve the human rights situation in Sudan.

The Syrian Arab Republic: In 2011, Bangladesh voted against a resolution⁷⁶² concerning the current human

744 Resolution 13/14 *Situation of human rights in the Democratic People’s Republic of Korea* (2010); Resolution 16/8 *Situation of human rights in the Democratic People’s Republic of Korea* (2011).

745 Resolution 19/13 *The situation of human rights in the Democratic People’s Republic of Korea* (2012).

746 Resolution 28/22 *Situation of human rights in the Democratic People’s Republic of Korea* (2015).

747 Resolution 31/18 *Situation of human rights in the Democratic People’s Republic of Korea* (2016).

748 Resolution 16/9 *Situation of human rights in the Islamic Republic of Iran* (2011); Resolution 19/12 *Situation of human rights in the Islamic Republic of Iran* (2012); Resolution 28/21 *Situation of human rights in the Islamic Republic of Iran* (2015); Resolution 31/19 *Situation of human rights in the Islamic Republic of Iran* (2016).

749 Resolution 5-11/1 *Assistance to Sri Lanka in the promotion and protection of human rights* (2009).

750 Resolution 19/2 *Promoting reconciliation and accountability in Sri Lanka* (2012).

751 Resolution 30/1 *Promoting reconciliation, accountability and human rights in Sri Lanka* (2015).

752 Decision 2/115 *Darfur* (2006).

753 Resolution 4/8 *Follow-up to decision S-4/101 of 13 December 2006 adopted by the Human Rights Council at its fourth special session entitled “Situation of human rights in Darfur”* (2007).

754 Resolution 6/34 *Mandate of the Special Rapporteur on the situation of human rights in the Sudan* (2007).

755 Decision 6/103 *Mandate of the Special Rapporteur on the situation of human rights in the Sudan* (2007).

756 Resolution 6/35 *Human Rights Council Group of Experts on the situation of human rights in Darfur* (2007).

757 Resolution 7/16 *Situation of human rights in the Sudan* (2008); Resolution 9/17 *Situation of human rights in the Sudan* (2008).

758 Resolution 15/27 *Situation of human rights in the Sudan* (2010).

759 Resolution 18/16 *Technical assistance for the Sudan in the field of human rights* (2011); Resolution 21/27 *Technical assistance for the Sudan in the field of human rights* (2012).

760 Resolution 30/22 *Technical assistance and capacity-building to improve human rights in the Sudan* (2015).

761 Resolution 33/26 *Technical assistance and capacity-building to improve human rights in Sudan* (2016).

762 Resolution S-16/1 *The current human rights situation in the Syrian Arab Republic in the context of recent events* (2011).

rights situation in Syria and two resolutions⁷⁶³ on the human rights situation in Syria. In 2012, Bangladesh voted in favour of five resolutions⁷⁶⁴ concerning the human rights situation in Syria.

In 2015 and 2016, Bangladesh abstained from voting on resolutions⁷⁶⁵ concerning the deterioration of the human rights situation in Syria. The UK was a sponsor of these resolutions.

Ukraine: In 2015 and 2016, Bangladesh abstained from voting on resolutions⁷⁶⁶ concerning cooperation and assistance to Ukraine.

Comments

During its HRC candidacy, Bangladesh stated that at the international level it would “engage constructively with all parties, on the basis of dialogue and cooperation, to resolve challenges to the full realization of all human rights and to prevent human rights violations throughout the world,” and that it would “continue to work for the full realization of human rights and fundamental freedoms for all, emphasizing, the promotion of democracy, rule of law and good governance at all levels.”⁷⁶⁷ Bangladesh either abstained from voting or voted against multiple resolutions that drew attention to the deteriorating human rights situations and technical assistance in Belarus, Burundi, Ukraine, Syria, Iran, Sudan and Sri Lanka. Bangladesh’s voting record on country situations and human rights abuses departs from their pledge and reflect its resistance to take a definitive stance towards ongoing human rights crises.

ii. India

India is currently serving a fourth term at the HRC that began in January 2015 and ends in December 2017. India previously served at the HRC from June 2006 to June 2010 and from June 2011 to December 2014.

a. Thematic Resolutions and Decisions (Civil, Political, Economic, Social and Cultural)

India abstained from voting on sixteen resolutions concerning: SOGI, defamation of religions, the right to peace, the use of drones, transitional justice, torture, and reprisal killings against those who cooperate with UN human rights mechanisms. India voted against four resolutions and one decision concerning: peaceful protests, the question of the death penalty, and the protection of human rights while countering terrorism.

Death Penalty: In 2011, India voted with the consensus to support a decision⁷⁶⁸ on reporting by the Secretary-General on the question of the death penalty. In 2013, India voted against a decision⁷⁶⁹ on a high-level panel discussion on the question of the death penalty. In 2014 and 2015, India voted against resolutions⁷⁷⁰ on the question of the death penalty.

763 Resolution S-17/1 [The human rights situation in the Syrian Arab Republic](#) (2011); Resolution S-18/1 [The human rights situation in the Syrian Arab Republic](#) (2011).

764 Resolution 19/22 [Situation of human rights in the Syrian Arab Republic](#) (2012); Resolution 19/1 [The escalating grave human rights violations and deteriorating humanitarian situation in the Syrian Arab Republic](#) (2012); Resolution 20/22 [Situation of human rights in the Syrian Arab Republic](#) (2012); Resolution S-19/1 [The deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in El-Houleh](#) (2012); Resolution 21/26 [Situation of human rights in the Syrian Arab Republic](#) (2012).

765 Resolution 28/20 [The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic](#) (2015); Resolution 29/16 [The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic](#) (2015); Resolution 30/10 [The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic](#) (2015); Resolution 31/17 [The human rights situation in the Syrian Arab Republic](#) (2016); Resolution 32/25 [The human rights situation in the Syrian Arab Republic](#) (2016); Resolution 33/23 [Human rights situation in the Syrian Arab Republic](#) (2016).

766 Resolution 29/23 [Cooperation and assistance to Ukraine in the field of human rights](#) (2015); Resolution 32/29 [Cooperation and assistance to Ukraine in the field of human rights](#) (2016).

767 United Nations General Assembly, [Note verbale dated 16 September 2014 from the Permanent Mission of Bangladesh to the United Nations addressed to the President of the General Assembly](#), A/69/393, 19 September 2014.

768 Decision 18/117 [Reporting by the Secretary-General on the question of the death penalty](#) (2011).

769 Decision 22/117 [High-level panel discussion on the question of the death penalty](#) (2013).

770 Resolution 26/2 [The question of the death penalty](#) (2014); Resolution 30/5 [The question of the death penalty](#) (2015).

Defamation of Religions: From 2007 through 2010, India voted every year against resolutions⁷⁷¹ on combating the defamation of religions. All defamation of religions resolutions were sponsored by Pakistan.

Peaceful Protests: From 2011 through 2013, India voted with the consensus every year to support decisions⁷⁷² or resolutions⁷⁷³ on the promotion and protection of human rights in the context of peaceful protests. India then voted in 2014, against a resolution⁷⁷⁴ on the promotion and protection of human rights in the context of peaceful protests. In 2016, India voted in favour of a similar resolution⁷⁷⁵ concerning peaceful protests.

“Urges all States to avoid using force during peaceful protests and to ensure that, where force is absolutely necessary, no one is subject to excessive or indiscriminate use of force.”

Resolution 25/38 The promotion and protection of human rights in the context of peaceful protests (2014)

Remotely Piloted Aircraft or Armed Drones in Counter-Terrorism: In 2014 and 2015, India abstained from voting on resolutions⁷⁷⁶ concerning the use of drones while countering terrorism. Pakistan sponsored both these resolutions.

Reprisals: In 2009 and 2010, India joined the consensus to adopt a resolution⁷⁷⁷ and a decision,⁷⁷⁸ respectively concerning reprisals against those who cooperate with United Nations human rights mechanisms. In 2013, India abstained from voting on a resolution⁷⁷⁹ concerning reprisals against those who cooperate with United Nations human rights mechanisms.

Right to Peace: In 2008, 2009, and 2010, India abstained from voting on resolutions⁷⁸⁰ concerning the right to peace. In 2011, India voted with the consensus to support a resolution⁷⁸¹ on the right to peace. In 2012 and 2013, India abstained from voting on resolutions⁷⁸² on the right to peace. From 2014 through 2016, India voted every year in favour of resolutions⁷⁸³ on the right to peace.

“Urges States, while countering terrorism and violent extremism conducive to terrorism, to respect the rights to be equal before the courts and tribunals and to a fair trial, as provided for by international law, including international human rights law, such as article 14 of the International Covenant on Civil and Political Rights and, as applicable international humanitarian law and international refugee law.”

Resolution 33/21 Protection of human rights and fundamental freedoms while countering terrorism (2016)

Sexual Orientation and Gender Identity (SOGI): In 2014, India abstained from voting on a resolution⁷⁸⁴ concerning human rights and SOGI. In 2016, India abstained from voting on a resolution⁷⁸⁵ concerning discrimination based on SOGI.

Terrorism and Human Rights: In 2006, India voted with the consensus to support a decision⁷⁸⁶ on counter-terrorism measures. In 2007, 2013, and 2016, India voted with the consensus every year to

771 Resolution 4/9 [Combating defamation of religions](#) (2007); Resolution 7/19 [Combating defamation of religions](#) (2008); Resolution 10/22 [Combating defamation of religions](#) (2009); Resolution 13/16 [Combating defamation of religions](#) (2010).

772 Decision 17/120 [Panel on the promotion and protection of human rights in the context of peaceful protests](#) (2011).

773 Resolution 19/35 [The promotion and protection of human rights in the context of peaceful protests](#) (2012); Resolution 22/10 [The promotion and protection of human rights in the context of peaceful protests](#) (2013).

774 Resolution 25/38 [The promotion and protection of human rights in the context of peaceful protests](#) (2014).

775 Resolution 31/37 [The promotion and protection of human rights in the context of peaceful protests](#) (2016).

776 Resolution 25/22 [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](#) (2014); Resolution 28/3 [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](#) (2015).

777 Resolution 12/2 [Cooperation with the United Nations, its representatives and mechanisms in the field of human rights](#) (2009).

778 Decision 18/118 [Cooperation with the United Nations, its representatives and mechanisms in the field of human rights](#) (2010).

779 Resolution 24/24 [Cooperation with the United Nations, its representatives and mechanisms in the field of human rights](#) (2013).

780 Resolution 8/9 [Promotion of the right of peoples to peace](#) (2008); Resolution 11/4 [Promotion of the right of peoples to peace](#) (2009); Resolution 14/3 [Promotion of the right of peoples to peace](#) (2010).

781 Resolution 17/16 [Promotion of the right of peoples to peace](#) (2011).

782 Resolution 20/15 [Promotion of the right to peace](#) (2012); Resolution 23/16 [Promotion of the right to peace](#) (2013).

783 Resolution 30/12 [Promotion of the right to peace](#) (2015); Resolution 32/28 [Declaration on the right to peace](#) (2016).

784 Resolution 27/32 [Human rights, sexual orientation and gender identity](#) (2014).

785 Resolution 32/2 [Protection against violence and discrimination based on sexual orientation and gender identity](#) (2016).

786 Decision 2/112 [Persons deprived of liberty in the context of counter-terrorism measures](#) (2006).

support resolutions⁷⁸⁷ on the mandate of the Special Rapporteur on the promotion and protection of human rights while countering terrorism. In 2008, 2009, 2010, 2012, 2014, and 2015 India joined the consensus every year to adopt resolutions⁷⁸⁸ on the protection of human rights while countering terrorism. In 2016, India voted against a resolution⁷⁸⁹ on the protection of human rights while countering terrorism. In 2015 and 2016, India voted in favour of resolutions⁷⁹⁰ concerning terrorism and the enjoyment of human rights.

Torture: In 2007, India joined the consensus on a President's statement⁷⁹¹ on the twentieth anniversary of the Convention against Torture. In 2009, India abstained from voting on a resolution⁷⁹² concerning torture and the responsibility of medical personnel. In 2010 and 2013, India joined the consensus on a resolution⁷⁹³ concerning torture and the responsibility of judges, and a resolution⁷⁹⁴ on rehabilitation of torture victims, respectively. In 2014 and 2016, India joined the consensus on a resolution⁷⁹⁵ on torture and the mandate of the Special Rapporteur and a resolution⁷⁹⁶ on torture during police custody, respectively.

Transitional Justice: In 2007, India joined the consensus to adopt a decision⁷⁹⁷ on transitional justice. In 2008, 2009, and 2012, India joined the consensus every year on resolutions⁷⁹⁸ concerning transitional justice. In 2016, India abstained from voting on a resolution⁷⁹⁹ concerning transitional justice.

Comments

India did not consistently support thematic issues related to civil and political rights including the death penalty, reprisals, defamation of religions, torture, drones, the right to peace, peaceful protests, and SOGI. Prior to 2013, India had never voted against any thematic resolution.

After India joined the consensus in 2012 and 2013 on the issue of peaceful protests India voted against a resolution on peaceful protests in 2014. India stated that even though the limitations are enshrined in the International Covenant on Civil and Political Rights (ICCPR), the resolution “fail[ed] to acknowledge the responsibility of protesters to operate peacefully within the national legal framework and ensure that such protests do not turn violent resulting in destruction of property or any loss of life.”⁸⁰⁰

787 Resolution 6/28 [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](#) (2007); Resolution 22/8 [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](#) (2013); Resolution 31/3 [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](#) (2016).

788 Resolution 7/7 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2008); Resolution 10/15 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2009); Resolution 13/26 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2010); Resolution 19/19 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2012); Resolution 25/7 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2014); Resolution 29/9 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2015).

789 Resolution 33/21 [Protection of human rights and fundamental freedoms while countering terrorism](#) (2016).

790 Resolution 28/17 [Effects of terrorism on the enjoyment of human rights](#) (2015); Resolution 31/30 [Effects of terrorism on the enjoyment of all human rights](#) (2016).

791 Presidential statement 6/2 [The twentieth anniversary of the entry into force of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (2007).

792 Resolution 10/24 [Torture and other cruel, inhuman or degrading treatment or punishment: The role and responsibility of medical and other health personnel](#) (2009).

793 Resolution 13/19 [Torture and other cruel, inhuman or degrading treatment or punishment: The role and responsibility of judges, prosecutors and lawyers](#) (2010).

794 Resolution 22/21 [Torture and other cruel, inhuman or degrading treatment or punishment: Rehabilitation of torture victims](#) (2013).

795 Resolution 25/13 [Torture and other cruel, inhuman or degrading treatment or punishment: Mandate of the Special Rapporteur](#) (2014).

796 Resolution 31/31 [Torture and other cruel, inhuman or degrading treatment or punishment: Safeguards to prevent torture during police custody and pre-trial detention](#) (2016).

797 Decision 4/102 [Transitional justice](#) (2007).

798 Resolution 9/10 [Human rights and transitional justice](#) (2008); Resolution 12/11 [Human rights and transitional justice](#) (2009); Resolution 21/15 [Human rights and transitional justice](#) (2012).

799 Resolution 33/19 [Human rights and transitional justice](#) (2016).

800 Permanent Mission of India to the United Nations, Resolution A/HRC/25/L.20 as orally revised - The promotion and protection of human rights in the context of peaceful protests Statement by India. Available at <http://www.pmindiaun.org/pages.php?id=915>.

During UPR II, it was noted that public authorities use excessive force during anti-government protests.⁸⁰¹ There are repeated incidents where authorities use section 144 of the Criminal Procedure Code to prevent public gathering to protest. Illustratively, in 2015 a peaceful protest led by Kanhar Bandh Virodhi Sangarsh Samiti and the All Indian Union of Forest Working People was dispersed forcefully by the security forces in Uttar Pradesh.⁸⁰² In 2016, Jammu and Kashmir authorities reportedly used excessive use of force, including pellet guns. Over 400 people including children were detained and more than 500 people were injured.⁸⁰³

India abstained from voting on a resolution concerning reprisals against those that cooperate with United Nations human rights mechanisms. There are multiple reports that Indian authorities sometimes intimidate individuals and NGOs who attempt to cooperate with the UN. In 2016, Indian authorities detained a Kashmiri human rights activist to prevent him from speaking at the HRC.⁸⁰⁴

India abstained from voting on all resolutions combating the defamation of religions. India stated that the resolution addresses “the issue from a narrow perspective while linking it to racism, and improperly singles out one religion as its focus.”⁸⁰⁵ Therefore, India submitted that the “issue is best addressed under the rubric of either religious intolerance or the abuse of the freedom of expression.”⁸⁰⁶

India took an oblique stance on resolutions concerning SOGI, explaining that there are curative petitions pending in the Supreme Court of India and therefore India maintained that the matter was sub judice as the court had not pronounced its judgement.⁸⁰⁷ In 2013, the Supreme Court of India reversed a Delhi High Court ruling and re-criminalised homosexuality under section 377 of the Indian Penal Code (IPC). Since the re-criminalisation, there has been a significant increase in the number of cases registered against people accused of same-sex conduct.⁸⁰⁸ The publicity around these developments have drawn attention to the violence and discrimination LGBTI people face. Increased reporting seems to suggest the strong and ongoing vulnerability of the LGBTI community in the absence of statutory protection. While section 377 serves as a tool of prosecution, LGBTI people face discrimination in both public and private domains. Human Rights Watch notes that “LGBT individuals continue to face harassment, extortion, intimidation, and abuse, including by the police.”⁸⁰⁹ In 2015, there were 1,347 complaints reported under section 377 of the IPC.⁸¹⁰

India abstained from voting on the resolution restricting the use of remotely piloted aircraft and armed drones while countering terrorism, stating that the “resolution’s scope was too broad and many of the aspects included needed to be appropriately deliberated upon at different fora.”⁸¹¹

On the issue of the death penalty, India maintained that it is “the sovereign right of each nation to choose

801 UN Human Rights Council, Universal Periodic Review, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with Paragraph 5 of the annex to Human Rights Council Resolution 16/21 - India, A/HRC/WG.6/13/IND/3, 12 March 2012. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/118/60/PDF/G1211860.pdf?OpenElement>.

802 Working Group on Human Rights in India and the UN (WGHR), Human Rights Defenders, Freedom of Association, Assembly and Expression. Available at <http://wghr.org/wp-content/uploads/2017/03/Fact-Sheet-12-Human-Rights-Defenders-Freedom.pdf>.

803 Sofi Ahsan, J-K government tells state high court: 42 days, 500 eye injuries, Indian Express, 21 August 2016. Available at <http://indianexpress.com/article/india/india-news-india/j-k-government-tells-state-high-court-42-days-500-eye-injuries-2988049/>. See also, Human Rights Watch, India: Cease Wrongful Detentions in Jammu and Kashmir, 15 October 2016. Available at <https://www.hrw.org/news/2016/10/15/india-cease-wrongful-detentions-jammu-and-kashmir>.

804 Human Rights Watch, India: Activist Blocked from UN Meeting, Detained, 16 September 2016. Available at <https://www.hrw.org/news/2016/09/16/india-activist-blocked-un-meeting-detained>.

805 Permanent Mission of India to the United Nations, Resolution on combating defamation of religions- statement in explanation of vote by India. Available at <http://www.pmindiaun.org/adminpart/uploadpdf/32044Resolution%20on%20combating%20defamation%20of%20religions.pdf>.

806 *Ibid*.

807 Suhrith Parthasarathy, To be equal before the law, The Hindu, 9 July 2016. Available at <http://www.thehindu.com/opinion/lead/To-be-equal-before-the-law/article14479752.ece>.

808 17% Rise in Section 377 Cases in A Year, 1347 ‘Unnatural Offences’ Registered, Huffington post, 7 September 2016. Available at <http://www.huffingtonpost.in/gaylaxy/gaylaxy/gaylaxy/17-rise-in-section-377-cases-in-a-year-1347-unnatural-offence/>.

809 Human Rights Watch, World report 2016-India. Available at <https://www.hrw.org/world-report/2016/country-chapters/india>.

810 National Crime Records Bureau, Crime in India 2015, Ministry of Home Affairs. Available at <http://ncrb.nic.in/>.

811 Office of the High Commissioner for Human Rights, Display news, 28 March 2014. Available at <http://www.ohchr.org/EN/News-Events/Pages/DisplayNews.aspx?NewsID=14455&LangID=E>.

its legal system and to punish crimes in accordance with its domestic legislation.”⁸¹² In the UPR II, India maintained that the death penalty is awarded only in the rarest of rare cases and that the last death sentence was given in 2004.⁸¹³ Months after India’s UPR II statement, India resumed death penalty executions and a person was executed each year in 2012, 2013, and 2015. In 2016, there were 397 prisoners on death row. The death sentence is also given for non-homicide offences.⁸¹⁴

b. Country Resolutions and Decisions (Procedural, Country Situations, Capacity-Building and Technical Assistance)

India abstained from voting on thirty four resolutions concerning: cooperation and assistance in Ukraine, accountability and human rights in Sri Lanka, the human rights situation in Syria, North Korea, Iran, Sudan, the OPTI, and Burundi. India voted against eight resolutions concerning the human rights situations in Belarus and Iran.

Belarus: In 2011, India joined the consensus to support a resolution⁸¹⁵ on the human rights situation in Belarus. From 2012 through 2016, India voted every year against a resolution on human rights in Belarus.⁸¹⁶

Burundi: In 2007, 2008, and 2011, India joined the consensus every year on resolutions⁸¹⁷ concerning technical assistance for Burundi. In 2015, India joined the consensus on a resolution⁸¹⁸ concerning the deterioration of the human rights situation in Burundi and on a resolution⁸¹⁹ concerning technical assistance and capacity-building for Burundi. In 2016, India abstained from voting on a resolution⁸²⁰ concerning the human rights situation in Burundi.

The Democratic People’s Republic of Korea: From 2008 through 2010, India abstained every year from voting on resolutions⁸²¹ on the situation of human rights in North Korea. In 2012, 2013, and 2016, India joined the consensus every year to support resolutions⁸²² on the situation of human rights in North Korea. In 2014 and 2015, India abstained on resolutions⁸²³ concerning the situation of human rights in North Korea.

The Islamic Republic of Iran: In 2012 and 2013, India abstained from voting on resolutions⁸²⁴ concerning the human rights situation in Iran. From 2014 through 2016, India voted every year against resolutions⁸²⁵

812 UN Web TV, A/HRC/22/L.28 Vote Item:3 - 48th Meeting 22nd Regular Session Human Rights Council, 21 March 2013. Available at <http://webtv.un.org/meetings-events/human-%20rights-council/watch/ahrc22.28-%20vote-item3-%2048th-meeting-22nd-regular-%20session-human-%20rights-council/2241796601001#full-text>.

813 UN Human Rights Council, Universal Periodic Review, National report submitted in accordance with Paragraph 5 of the annex to Human Rights Council Resolution 16/21- India, A/HRC/WG.6/13/IND/1, 8 March 2012. Available at https://www.upr-info.org/sites/default/files/document/india/session_13_-_may_2012/ahrcwg.613ind1e.pdf.

814 National Law University, Death Penalty India Report I, 2016. Available at <http://www.deathpenaltyindia.com/wp-content/uploads/2016/05/Death-Penalty-India-Report-Volume-1.pdf>.

815 Resolution 17/24 *Situation of human rights in Belarus* (2011).

816 Resolution 20/13 *Situation of human rights in Belarus* (2012); Resolution 23/15 *Situation of human rights in Belarus* (2013); Resolution 26/25 *Situation of human rights in Belarus* (2014); Resolution 29/17 *Situation of human rights in Belarus* (2015); Resolution 32/26 *Situation of human rights in Belarus* (2016).

817 Resolution 6/5 *Advisory services and technical assistance for Burundi* (2007); Resolution 9/19 *Advisory services and technical assistance for Burundi* (2008); Resolution 18/24 *Advisory services and technical assistance for Burundi* (2011).

818 Resolution S-24/1 *Preventing the deterioration of the human rights situation in Burundi* (2015).

819 Resolution 30/27 *Technical cooperation and capacity building for Burundi in the field of human rights* (2015).

820 Resolution 33/24 *Human rights situation in Burundi* (2016).

821 Resolution 7/15 *Situation of human rights in the Democratic People’s Republic of Korea* (2008); Resolution 10/16 *Situation of human rights in the Democratic People’s Republic of Korea* (2009); Resolution 13/14 *Situation of human rights in the Democratic People’s Republic of Korea* (2010).

822 Resolution 19/13 *The situation of human rights in the Democratic People’s Republic of Korea* (2012); Resolution 22/13 *The situation of human rights in the Democratic People’s Republic of Korea* (2013); Resolution 31/18 *Situation of human rights in the Democratic People’s Republic of Korea* (2016).

823 Resolution 25/25 *Situation of human rights in the Democratic People’s Republic of Korea* (2014); Resolution 28/22 *Situation of human rights in the Democratic People’s Republic of Korea* (2015).

824 Resolution 19/12 *Situation of human rights in the Islamic Republic of Iran* (2012); Resolution 22/23 *Situation of human rights in the Islamic Republic of Iran* (2013).

825 Resolution 25/24 *Situation of human rights in the Islamic Republic of Iran* (2014); Resolution 28/21 *Situation of human rights in the Islamic Republic of Iran* (2015); Resolution 31/19 *Situation of human rights in the Islamic Republic of Iran* (2016).

concerning the human rights situation in Iran.

Occupied Palestinian Territory and Israel (OPTI): In 2006, India voted in favour of a decision⁸²⁶ on the human rights situation in Palestine and other Arab territories, in favour of two resolutions⁸²⁷ on the human rights situation in the OPT, and in favour of a resolution⁸²⁸ on Israeli settlements and Israeli military incursions in the OPT.

In 2007, India joined the consensus on two resolutions⁸²⁹ following up on human rights violations in the OPT. In 2008, India voted in favour of two resolutions⁸³⁰ concerning Israeli military attacks, a follow-up resolution to Israeli military incursions⁸³¹ and a resolution⁸³² on Israeli settlements in the OPT. India joined the consensus on a resolution⁸³³ concerning the self-determination of the Palestinian people.

In 2009, India voted in favour of resolutions⁸³⁴ concerning human rights violations in the OPT, a resolution⁸³⁵ on Israeli settlements, and a resolution⁸³⁶ on Palestinian self-determination.

In 2010, India voted in favour of a resolution⁸³⁷ on follow-up to the report on the Gaza conflict, a resolution⁸³⁸ on human rights violations by Israel in the OPT, a resolution⁸³⁹ on Palestinian self-determination, a resolution⁸⁴⁰ on Israeli settlements, and a resolution⁸⁴¹ on the Israeli attack of a humanitarian convoy.

In 2011, India joined the consensus on a resolution⁸⁴² concerning the follow-up report to the fact-finding mission on the humanitarian flotilla. In 2012, India voted in favour of a resolution⁸⁴³ on the follow-up report to the Gaza conflict, a resolution⁸⁴⁴ on the human rights situation in the OPT, a resolution⁸⁴⁵ on Palestinian

826 Decision 1/106 [Human rights situation in Palestine and other occupied Arab territories](#) (2006).

827 Resolution S-1/1 [Human rights situation in the Occupied Palestinian Territory](#) (2006); Resolution 3/1 [Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolution S-1/1](#) (2006);

828 Resolution 2/4 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan](#) (2006); [Resolution S-3/1 Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory, including the recent one in northern Gaza and the assault on Beit Hanoun](#) (2006).

829 Resolution 4/2 [Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolutions S-1/1 and S-3/1](#) (2007); Resolution 6/18 [Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolutions S-1/1 and S-3/1](#) (2007).

830 Resolution S-6/1 [Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip](#) (2008); Resolution 7/1 [Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian territory, particularly the recent ones in the occupied Gaza Strip](#) (2008).

831 Resolution 9/18 [Follow-up to Resolution S-3/1: Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory and the shelling of Beit Hanoun](#) (2008).

832 Resolution 7/18 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2008).

833 Resolution 7/17 [Right of the Palestinian people to self-determination](#) (2008).

834 Resolution S-9/1 [The Grave Violations of Human Rights in the Occupied Palestinian Territory particularly due to the recent Israeli military aggression on the occupied Gaza Strip](#) (2009); Resolution 10/21 [Follow-up to Council Resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip](#) (2009); Resolution 10/19 [Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory](#) (2009); Resolution S-12/1 [The human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2009).

835 Resolution 10/18 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2009).

836 Resolution 10/20 [Right of the Palestinian people to self-determination](#) (2009).

837 Resolution 13/9 [Follow-up to the report of the United Nations independent international Fact-Finding Mission on the Gaza Conflict](#) (2010).

838 Resolution 13/8 [The grave human rights violations by Israel in the Occupied Palestinian Territory, including East Jerusalem](#) (2010);

839 Resolution 13/6 [Right of the Palestinian people to self-determination](#) (2010).

840 Resolution 13/7 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2010).

841 Resolution 14/1 [The grave attacks by Israeli forces against the humanitarian boat convoy](#) (2010).

842 Resolution 17/10 [Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla](#) (2011).

843 Resolution 19/18 [Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict](#) (2012).

844 Resolution 19/16 [Human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2012).

845 Resolution 19/15 [Right of the Palestinian people to self-determination](#) (2012).

self-determination, and a resolution⁸⁴⁶ on Israeli settlements.

In 2013, India voted in favour of resolutions⁸⁴⁷ on the follow up reports on Israeli settlements and the Gaza conflict, a resolution⁸⁴⁸ on the human rights situation in the OPT, a resolution⁸⁴⁹ on Palestinian self-determination, and a resolution⁸⁵⁰ on Israeli settlements.

In 2014, India voted in favour of a resolution⁸⁵¹ on the follow-up report on the Gaza conflict, a resolution⁸⁵² on the human rights situation in the OPT, a resolution⁸⁵³ on Palestinian self-determination, a resolution⁸⁵⁴ on Israeli settlements, and a resolution⁸⁵⁵ concerning the respect of international law in the OPT.

In 2015, India voted in favour of a resolution⁸⁵⁶ on the human rights situation in the OPT, a resolution⁸⁵⁷ on Palestinian self-determination, and a resolution⁸⁵⁸ on Israeli settlements. India then abstained from voting on a resolution⁸⁵⁹ on accountability and justice in the OPT.

In 2016, India voted in favour of a resolution⁸⁶⁰ on the human rights situation in the OPT, and a resolution⁸⁶¹ on Israeli settlements. India then abstained on a resolution⁸⁶² on accountability and justice in the OPT. India joined the consensus on a resolution⁸⁶³ concerning Palestinian self-determination. Except for the resolutions in 2012, Pakistan was a sponsor of all the OPT resolutions.

Sri Lanka: In 2009, 2012, and 2013, India voted in favour of resolutions⁸⁶⁴ concerning reconciliation and accountability in Sri Lanka. In 2014, India abstained from voting on a resolution⁸⁶⁵ concerning reconciliation and accountability in Sri Lanka; the UK and Mauritius were the co-sponsors of the resolution. In 2015, India joined the consensus to support a resolution⁸⁶⁶ on reconciliation and accountability in Sri Lanka; the UK was a co-sponsor of the resolution.

846 Resolution 19/17 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2012).

847 Resolution 22/29 [Follow-up to the report of the independent international Fact-Finding Mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem](#) (2013); Resolution 22/25 [Follow-up to the report of the United Nations independent international Fact Finding Mission on the Gaza conflict](#) (2013).

848 Resolution 22/28 [Human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2013).

849 Resolution 22/27 [Right of the Palestinian people to self-determination](#) (2013).

850 Resolution 22/26 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2013).

851 Resolution 25/30 [Follow-up to the report of the United Nations independent international Fact Finding Mission on the Gaza Conflict](#) (2014).

852 Resolution 25/29 [Human rights situation in Occupied Palestinian Territory, including East Jerusalem](#) (2014).

853 Resolution 25/27 [Right of the Palestinian people to self-determination](#) (2014).

854 Resolution 25/28 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2014).

855 Resolution S-21/1 [Ensuring respect for international law in the Occupied Palestinian Territory, including East Jerusalem](#) (2014).

856 Resolution 28/27 [Human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2015).

857 Resolution 28/25 [Right of the Palestinian people to self-determination](#) (2015).

858 Resolution 28/26 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2015).

859 Resolution 29/25 [Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem](#) (2015).

860 Resolution 31/34 [Human rights situation in the Occupied Palestinian Territory, including East Jerusalem](#) (2016).

861 Resolution 31/36 [Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan](#) (2016).

862 Resolution 31/35 [Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem](#) (2016).

863 Resolution 31/33 [Right of the Palestinian people to self-determination](#) (2016).

864 Resolution S-11/1 [Assistance to Sri Lanka in the promotion and protection of human rights](#) (2009); Resolution 19/2 [Promoting reconciliation and accountability in Sri Lanka](#) (2012); Resolution 22/1 [Promoting reconciliation and accountability in Sri Lanka](#) (2013).

865 Resolution 25/1 [Promoting reconciliation, accountability and human rights in Sri Lanka](#) (2014).

866 Resolution 30/1 [Promoting reconciliation, accountability and human rights in Sri Lanka](#) (2015).

Sudan: In 2006, India voted in favour of a decision⁸⁶⁷ on Darfur. In 2007, India joined the consensus to support a resolution⁸⁶⁸ and a decision⁸⁶⁹ concerning the mandate of the Special Rapporteur on the human rights situation in Sudan. In 2008, India joined the consensus to support two resolutions⁸⁷⁰ on the situation of human rights in Sudan. In 2009, India abstained from voting on a resolution⁸⁷¹ concerning the human rights situation in Sudan.

In 2010, India joined the consensus to support a decision⁸⁷² concerning the Independent Expert on the human rights situation in Sudan. From 2011 through 2016, India joined the consensus every year on resolutions⁸⁷³ concerning technical assistance to improve human rights in Sudan. South Africa sponsored the 2016 resolution.

The Syrian Arab Republic: In 2011, India abstained from voting on two resolutions⁸⁷⁴ concerning the human rights situation in Syria. In 2012, India voted in favour, voted against, then voted in favour again, on Syria-related resolutions⁸⁷⁵ during a special session.

From 2012 through 2016, India abstained from voting every year on multiple resolutions⁸⁷⁶ concerning the human rights situation in Syria. The UK was a co-sponsor of the resolutions put to vote between 2013 and 2016.

Ukraine: In 2014, 2015, and 2016, India abstained from voting on resolutions⁸⁷⁷ concerning cooperation and assistance to Ukraine in the field of human rights.

“Decides to create the mandate of independent expert on the situation of human rights in the Sudan for a period of one year, who shall assume the mandate and responsibilities set out by the Council in its resolutions 6/34, 6/35, 7/16 and 9/17, requests the independent expert to engage with the newly created human rights forums in the Sudan as well as the human rights sections of the African Union, the United Nations Mission in the Sudan and the African Union-United Nations Hybrid Operation in Darfur and to submit a report to the Council for consideration at its fourteenth session...”

Resolution 11/10 Situation of human rights in the Sudan (2009)

867 Decision 2/115 [Darfur](#) (2006).

868 Resolution 6/34 [Mandate of the Special Rapporteur on the situation of human rights in the Sudan](#) (2007).

869 Decision 6/103 [Mandate of the Special Rapporteur on the situation of human rights in the Sudan](#) (2007).

870 Resolution 7/16 [Situation of human rights in the Sudan](#) (2008); Resolution 9/17 [Situation of human rights in the Sudan](#) (2008).

871 Resolution 11/10 [Situation of human rights in the Sudan](#) (2009).

872 Decision 14/117 [The Independent Expert on the situation of human rights in the Sudan](#) (2010).

873 Resolution 18/16 [Technical assistance for the Sudan in the field of human rights](#) (2011); Resolution 21/27 [Technical assistance for the Sudan in the field of human rights](#) (2012); Resolution 24/28 [Technical assistance for the Sudan in the field of human rights](#) (2013); Resolution 27/29 [Technical assistance and capacity-building to improve human rights in the Sudan](#) (2014); Resolution 30/22 [Technical assistance and capacity-building to improve human rights in the Sudan](#) (2015); Resolution 33/26 [Technical assistance and capacity-building to improve human rights in Sudan](#) (2016).

874 Resolution S-17/1 [The human rights situation in the Syrian Arab Republic](#) (2011); Resolution S-18/1 [The human rights situation in the Syrian Arab Republic](#) (2011).

875 Resolution 19/22 [Situation of human rights in the Syrian Arab Republic](#) (2012); Resolution 19/1 [The escalating grave human rights violations and deteriorating humanitarian situation in the Syrian Arab Republic](#) (2012); Resolution [S-19/1 The deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in El-Houleh \(2012\)](#).

876 Resolution 20/22 [Situation of human rights in the Syrian Arab Republic](#) (2012); Resolution 21/26 [Situation of human rights in the Syrian Arab Republic](#) (2012); Resolution 22/24 [Situation of human rights in the Syrian Arab Republic](#) (2013); Resolution 23/26 [The deterioration of the situation of human rights in the Syrian Arab Republic, and the need to grant immediate access to the commission of inquiry](#) (2013); Resolution 23/1 [The deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in Al-Qusayr](#) (2013); Resolution 24/22 [The continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic](#) (2013); Resolution 25/23 [The continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic](#) (2014); Resolution 26/23 [The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic](#) (2014); Resolution 27/16 [The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic](#) (2014); Resolution 28/20 [The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic](#) (2015); Resolution 29/16 [The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic](#) (2015); Resolution 30/10 [The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic](#) (2015); Resolution 31/17 [The human rights situation in the Syrian Arab Republic \(2016\)](#); Resolution 32/25 [The human rights situation in the Syrian Arab Republic](#) (2016); Resolution 33/23 [Human rights situation in the Syrian Arab Republic](#) (2016); Resolution S-25/1 [The deteriorating situation of human rights in the Syrian Arab Republic, and the recent situation in Aleppo \(2016\)](#).

877 Resolution 26/30 [Cooperation and assistance to Ukraine in the field of human rights](#) (2014); Resolution 29/23 [Cooperation and assistance to Ukraine in the field of human rights](#) (2015); Resolution 32/29 [Cooperation and assistance to Ukraine in the field of human rights](#) (2016).

Comments

In 2011, India pledged to “cooperate with other United Nations member states, especially developing countries, least developed countries and small island States, upon request, in their implementation of human rights obligations through capacity-building by way of technical cooperation, [and] human rights dialogues.”⁸⁷⁸ India’s HRC voting record demonstrates repeated opposition to country situation resolutions.

In June 2016, India voiced its concern over putting a spotlight on country situations at the HRC by stating that it supports greater cooperation and dialogue, but rejects the “perpetuation and proliferation of country specific mandates under this agenda item, focusing only on developing countries.”⁸⁷⁹ India abstained from voting on multiple resolutions that pointed to human rights violations in Syria, Burundi, Ukraine, the OPT, North Korea, Sri Lanka and Iran, and voted against resolutions on Belarus and Iran.

In case of its neighbour, Sri Lanka, India voted in favour of the 2012 and 2013 resolutions on accountability and reconciliation in Sri Lanka. India then abstained from voting on a 2014 resolution to set up a UN inquiry into allegations of wartime violations, arguing that “adopting an intrusive approach that undermines national sovereignty and institutions is counterproductive.”⁸⁸⁰

Most of India’s abstentions and votes against occurred after 2012, indicating a further deterioration of India’s support for the HRC’s action on country-specific human rights situations.

c. Procedural

Publication of Reports by the Subcommission on the Promotion and Protection of Human Rights: In 2009, India voted against a decision⁸⁸¹ on the publishing of reports completed by the Subcommission on the Promotion and Protection of Human Rights.

iii. Malaysia

Malaysia served one term at the HRC between June 2006 and June 2009 and another term between June 2010 and December 2013.

a. Thematic Resolutions and Decisions (Civil, Political, Economic, Social and Cultural)

Malaysia abstained from voting on four resolutions concerning religious discrimination, torture, and reprisals. Malaysia voted against one resolution concerning SOGI and a decision on the death penalty.

Death Penalty: In 2011, Malaysia joined the consensus to support a decision⁸⁸² on reporting by the Secretary-General on the question of the death penalty. In 2013, Malaysia then voted against a decision⁸⁸³ on a high-level panel discussion on the question of the death penalty.

Religious Discrimination: In 2007, Malaysia joined the consensus to support a resolution⁸⁸⁴ concerning

878 United Nations General Assembly, Note verbale dated 16 February 2011 from the Permanent Mission of India to the United Nations addressed to the President of the General Assembly, A/65/758 (25 February 2011). Available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/65/758&Lang=E.

879 Permanent Mission of India to the United Nations, Statement by Shri Ajit Kumar, Ambassador and PR of India to UN at the Human Rights Council - 32nd Session (13 June-01 July 2016) under Agenda Item 4: General Debate, 22 June 2016. Available at <http://pmindiaun.org/pages.php?id=1331>.

880 Permanent Mission of India to the United Nations, India’s Explanation of Vote Before the Vote on the Draft Resolution ‘Promoting reconciliation, accountability, and human rights in Sri Lanka’, Agenda Item 2, at the 25th Session of the Human Rights Council, 27 March 2014. Available at <http://pmindiaun.org/pages.php?id=903>.

881 Decision 10/117 *Publication of reports completed by the Sub-commission on the Promotion and Protection of Human Rights* (2009).

882 Decision 18/117 *Reporting by the Secretary-General on the question of the death penalty* (2011).

883 Decision 22/117 *High-level panel discussion on the question of the death penalty* (2013).

884 Resolution 4/10 *Elimination of all forms of intolerance and of discrimination based on religion or belief* (2007).

religious discrimination. In 2007 and 2009, Malaysia abstained from voting on a resolution⁸⁸⁵ concerning religious discrimination. In 2011, 2012 and 2013, Malaysia joined the consensus on resolutions⁸⁸⁶ concerning discrimination and violence based on religion, all sponsored by Pakistan. In 2011, 2012 and 2013, Malaysia joined the consensus on resolutions⁸⁸⁷ on freedom of religion or belief.

Reprisals: In 2011, Malaysia joined the consensus on a decision⁸⁸⁸ concerning reprisals against those who cooperate with UN human rights mechanisms. In 2013, Malaysia abstained from voting on a resolution⁸⁸⁹ concerning reprisals against those who cooperate with UN human rights mechanisms.

Sexual Orientation and Gender Identity (SOGI): In 2011, Malaysia voted against a resolution⁸⁹⁰ on human rights and SOGI, sponsored by South Africa.

Torture: In 2006 and 2007, Malaysia joined the consensus to support a President's statement⁸⁹¹ on the entry into force of optional protocol on torture and a President's statement⁸⁹² on the twentieth anniversary of the Convention against Torture (CAT). In 2008, Malaysia joined the consensus to support a resolution⁸⁹³ on torture. In 2009, Malaysia abstained from voting on a resolution⁸⁹⁴ concerning torture and the responsibility of medical personnel. In 2011 and 2013, Malaysia joined the consensus on a resolution⁸⁹⁵ concerning torture and the mandate of the Special Rapporteur, and a resolution⁸⁹⁶ on rehabilitation of torture victims, respectively.

“Requests the United Nations High Commissioner for Human Rights to commission a study, to be finalized by December 2011, documenting discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, in all regions of the world, and how international human rights law can be used to end violence and related human rights violations based on sexual orientation and gender identity.”

Resolution 17/19 Human rights, sexual orientation and gender identity (2011)

Comments

Malaysia voted against a death penalty decision, and commented that there is no international consensus on a moratorium or abolition of the death penalty and therefore it requires a balanced approach from the international community.⁸⁹⁷ Malaysia raised its concern over the fact that the draft decision failed to recognise the sovereign right of each country to decide on its own criminal justice system.⁸⁹⁸ During the UPR II, Malaysia stated that it would consider replacing mandatory death sentences with prison sentences but no action was taken. In the UPR II, Amnesty International noted that “in October 2012, the Government

885 Resolution 6/37 [Elimination of all forms of intolerance and of discrimination based on religion or belief](#) (2007); Resolution 10/25 [Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights](#) (2009).

886 Resolution 16/18 [Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief](#) (2011); Resolution 19/25 [Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief](#) (2012); Resolution 22/31 [Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief](#) (2013).

887 Resolution 16/13 [Freedom of religion or belief](#) (2011); Resolution 19/8 [Freedom of religion or belief](#) (2012); Resolution 22/20 [Freedom of religion or belief](#) (2013).

888 Decision 18/118 [Cooperation with the United Nations, its representatives and mechanisms in the field of human rights](#) (2011).

889 Resolution 24/24 [Cooperation with the United Nations, its representatives and mechanisms in the field of human rights](#) (2013).

890 Resolution 17/19 [Human rights, sexual orientation and gender identity](#) (2011).

891 Presidential Statement 1/1 Entry into force of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2006).

892 Presidential Statement 6/2 [The twentieth anniversary of the entry into force of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (2007).

893 Resolution 8/8 [Torture and other cruel, inhuman or degrading treatment or punishment](#) (2008).

894 Resolution 10/24 [Torture and other cruel, inhuman or degrading treatment or punishment: The role and responsibility of medical and other health personnel](#) (2009).

895 Resolution 16/23 [Torture and other cruel, inhuman or degrading treatment or punishment: Mandate of the Special Rapporteur](#) (2011).

896 Resolution 22/21 [Torture and other cruel, inhuman or degrading treatment or punishment: Rehabilitation of torture victims](#) (2013).

897 UN Web TV, A/HRC/22/L.28 Vote Item:3 - 48th Meeting 22nd Regular Session Human Rights Council, 21 March 2013. Available at <http://webtv.un.org/meetings-events/human-%20rights-council/watch/ahrc22l.28-%20vote-item3-%2048th-meeting-22nd-regular-%20session-human-%20rights-council/2241796601001#full-text>.

898 *Ibid.*

reported that there were more than 930 prisoners on death row.”⁸⁹⁹ Between 2014 and 2017, 14 Malaysians and two foreigners were executed by Malaysia.⁹⁰⁰

On the resolution concerning the elimination of all forms of intolerance and of discrimination based on religion or belief, Malaysia associated itself with the OIC and stated that the right to change one’s religion or belief included in the resolution had no legal validity or effect.⁹⁰¹ Malaysia highlighted that its constitutional provisions provide the right to freedom of religion for its culturally and religiously diverse society. The United Nations Country Team (UNCT) of Malaysia, noted in their UPR II submission that “the rise in state-led conservative Muslim ideology threatened the ability of Muslims to practice their religion in a form and content other than as prescribed by the religious authorities,” and that State and non-State actors used Sharia and civil laws punitively.⁹⁰² Shias were restricted from public celebration or practice and Sufism was proscribed.⁹⁰³ The UNCT also noted bans on a number of publications of different religions, including the official newspaper of the Roman Catholic Church (The Herald), and the books *Muslim Women and the Challenges of Islamic Extremism* and *Allah, Liberty and Love*.⁹⁰⁴

While voting against the resolution on SOGI, Malaysia noted that cultural beliefs had a bearing on societal and normative views of sexual behaviour.⁹⁰⁵ During the UPR II, Malaysia stated that “matters involving lesbian, gay, bisexual, and transgender persons and adherents of other schools of Islamic thought would be handled carefully and consistent with cultural traditions, religious doctrine and societal norms, and domestic laws and regulations.”⁹⁰⁶ However, the UNCT pointed out that the practice of discrimination against lesbian, gay, bisexual and transgender children is growing continuously.⁹⁰⁷ Human Rights Watch notes that “Article 377A of the [Malaysian] penal code criminalizes same-sex activity between men with punishments of up to 20 years in prison and whipping;” in addition there are “numerous Sharia-based laws and regulations” that target LGBTI persons.⁹⁰⁸

b. Country Resolutions and Decisions (Procedural, Situations, Capacity-Building and Technical Assistance)

Malaysia abstained from voting on eleven resolutions concerning human rights situations in: Sri Lanka, Belarus, Iran, Syria, and North Korea. Malaysia voted against four resolutions concerning human rights situations in: Sudan, Syria, and North Korea.

Belarus: In 2011, 2012, and 2013, Malaysia abstained from voting on resolutions⁹⁰⁹ concerning the human rights situation in Belarus.

899 UN Human Rights Council, Universal Periodic Review, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with Paragraph 15 (b) of the annex to Human Rights Council Resolution 5/1 and Paragraph 5 of the annex to Council Resolution 16/21- Malaysia, A/HRC/WG.6/17/MYS/3, 25 July 2013. Available at: <http://www.refworld.org/docid/5267bbfb4.html>.

900 RahimyRahim, More than 1,100 people have received death sentence in Malaysia, The Star Online, 27 March 2017. Available at <http://www.thestar.com.my/news/nation/2017/03/27/total-death-penalty-1100-zahid/#SblvhjhA88mq7vYg.99>

901 Organization of Islamic Cooperation, OIC Explanation of vote before the vote on Resolution L.15-Rev 1, Elimination of all forms of intolerance and of discrimination based on religion or belief, 14 December 2007. Available at <http://www.humanrightsvoices.org/assets/attachments/documents/6077.pdf>.

902 UN Human Rights Council, Universal Periodic Review, Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with Paragraph 15 (b) of the annex to Human Rights Council Resolution 5/1 and Paragraph 5 of the annex to Council Resolution 16/21-Malaysia, A/HRC/WG.6/17/MYS/2, 9 August 2013. Available at: <http://www.refworld.org/docid/5267ba504.html>.

903 *Ibid.*

904 *Ibid.*

905 Resolution 17/19 *Human rights, sexual orientation and gender identity* (2011).

906 UN Human Rights Council, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review- Malaysia, A/HRC/25/10, 4 December 2013. Available at <http://www.refworld.org/docid/52f8c4134.html>.

907 UN Human Rights Council, Universal Periodic Review, Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with Paragraph 15 (b) of the annex to Human Rights Council Resolution 5/1 and Paragraph 5 of the annex to Council Resolution 16/21-Malaysia, A/HRC/WG.6/17/MYS/2, 9 August 2013. Available at: <http://www.refworld.org/docid/5267ba504.html>.

908 Human Rights Watch, World Report 2017- Malaysia. Available at <https://www.hrw.org/world-report/2017/country-chapters/malaysia>.

909 Resolution 17/24 *Situation of human rights in Belarus* (2011); Resolution 20/13 *Situation of human rights in Belarus* (2012); Resolution 23/15 *Situation of human rights in Belarus* (2013).

The Democratic People's Republic of Korea: In 2008 Malaysia voted against a resolution⁹¹⁰ concerning the human rights situation in North Korea. In 2009 and 2011, Malaysia then abstained from voting on resolutions⁹¹¹ concerning the human rights situation in North Korea. In 2012 and 2013, Malaysia joined the consensus on resolutions⁹¹² concerning the human rights situation in North Korea.

The Islamic Republic of Iran: From 2011 through 2013, Malaysia abstained every year from voting on resolutions⁹¹³ concerning the human rights situation in Iran.

Sri Lanka: In 2009, Malaysia voted in favour of a resolution⁹¹⁴ on the promotion and protection of human rights in Sri Lanka. In 2012 and 2013, Malaysia abstained from voting on resolutions⁹¹⁵ concerning reconciliation and accountability in Sri Lanka.

The Syrian Arab Republic: In 2011, Malaysia voted against a resolution⁹¹⁶ concerning human rights violations in Syria. In 2011, Malaysia abstained from voting on a resolution⁹¹⁷ concerning the human rights situation in Syria. In 2011 and 2012, Malaysia voted in favour of resolutions⁹¹⁸ concerning the human rights situation in Syria, and a resolution⁹¹⁹ concerning the deteriorating humanitarian situation in Syria. In 2013, Malaysia voted in favour of a resolution⁹²⁰ concerning the human rights situation in Syria, and resolutions⁹²¹ concerning the deteriorating humanitarian situation in Syria.

Sudan: In 2006, Malaysia joined the consensus to support a resolution⁹²² on Darfur. In 2007, Malaysia joined the consensus to support a resolution⁹²³ to follow up on the human rights situation in Darfur, a resolution⁹²⁴ concerning the group of experts on the situation in Sudan, and a resolution⁹²⁵ and a decision⁹²⁶ on the mandate of the Special Rapporteur. In 2008, Malaysia joined the consensus on resolutions⁹²⁷ concerning the human rights situation in Sudan. In 2009 and 2010, Malaysia voted against resolutions⁹²⁸ concerning the human rights situation in Sudan. From 2011

“Calls upon the international community to continue to provide support and technical assistance to the Government of the Sudan”

“Decides to renew for a period of one year the mandate of the independent expert on the situation of human rights in the Sudan, who shall assume the mandate and responsibilities set out by the Council in its resolutions 6/34, 6/35, 7/16, 9/17 and 11/10...”

Resolution 15/27 Situation of human rights in the Sudan (2010)

910 Resolution 7/15 [Situation of human rights in the Democratic People's Republic of Korea](#) (2009).

911 Resolution 10/16 [Situation of human rights in the Democratic People's Republic of Korea](#) (2009); Resolution 16/8 [Situation of human rights in the Democratic People's Republic of Korea](#) (2011).

912 Resolution 19/13 [The situation of human rights in the Democratic People's Republic of Korea](#) (2012); Resolution 22/13 [The situation of human rights in the Democratic People's Republic of Korea](#) (2013).

913 Resolution 16/9 [Situation of human rights in the Islamic Republic of Iran](#) (2011); Resolution 19/12 [Situation of human rights in the Islamic Republic of Iran](#) (2012); Resolution 22/23 [Situation of human rights in the Islamic Republic of Iran](#) (2013).

914 Resolution S-11/1 [Assistance to Sri Lanka in the promotion and protection of human rights](#) (2009).

915 Resolution 19/2 [Promoting reconciliation and accountability in Sri Lanka](#) (2012); Resolution 22/1 [Promoting reconciliation and accountability in Sri Lanka](#) (2013).

916 Resolution S-16/1 [The current human rights situation in the Syrian Arab Republic in the context of recent events](#) (2011).

917 Resolution S-17/1 [The human rights situation in the Syrian Arab Republic](#) (2011).

918 Resolution S-18/1 [The human rights situation in the Syrian Arab Republic](#) (2011); Resolution 19/22 [Situation of human rights in the Syrian Arab Republic](#) (2012); [Resolution 20/22 Situation of human rights in the Syrian Arab Republic](#) (2012); [Resolution 21/26 Situation of human rights in the Syrian Arab Republic](#) (2012).

919 Resolution 19/1 [The escalating grave human rights violations and deteriorating humanitarian situation in the Syrian Arab Republic \(2012\); Resolution S-19/1 The deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in El-Houleh](#) (2012).

920 Resolution 22/24 [Situation of human rights in the Syrian Arab Republic](#) (2013).

921 Resolution 23/26 [The deterioration of the situation of human rights in the Syrian Arab Republic, and the need to grant immediate access to the commission of inquiry](#) (2013); Resolution 23/1 [The deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in Al-Qusayr](#) (2013); Resolution 24/22 [The continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic](#) (2013).

922 Decision 2/115 [Darfur](#) (2006).

923 Resolution 4/8 [Follow-up to decision S-4/101 of 13 December 2006 adopted by the Human Rights Council at its fourth special session entitled "Situation of Human Rights in Darfur"](#) (2007).

924 Resolution 6/35 [Human Rights Council Group of Experts on the situation of human rights in Darfur](#) (2007).

925 Resolution 6/34 [Mandate of the Special Rapporteur on the situation of human rights in the Sudan](#) (2007).

926 Decision 6/103 [Mandate of the Special Rapporteur on the situation of human rights in the Sudan](#) (2007.)

927 Resolution 7/16 [Situation of human rights in the Sudan \(2008\); Resolution 9/17 Situation of human rights in the Sudan](#) (2008).

928 Resolution 11/10 [Situation of human rights in the Sudan \(2009\); Resolution 15/27 Situation of human rights in the Sudan](#) (2010).

through 2013, Malaysia joined the consensus every year to support resolutions⁹²⁹ concerning technical assistance and capacity building in Sudan.

Comments

Malaysia pledged to support the OHCHR, help achieve development goals, and advance the rights of vulnerable groups.⁹³⁰ However, Malaysia's voting record reflects its reluctance to follow the HRC's mandate and address ongoing human rights crises in countries as evidenced by repeated abstention or against votes on country situations except when joining the consensus.

c. Procedural

Publication of Reports by the Subcommission on the Promotion and Protection of Human Rights: In 2009, Malaysia abstained from voting on a decision⁹³¹ concerning the publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights.

iv. The Maldives

The Maldives served at the HRC for two terms between June 2010 and December 2016.

a. Thematic Resolutions and Decisions (Civil, Political, Economic, Social and Cultural)

“Urge the member States to abolish the death penalty...” and “to respect the human rights of those facing the death penalty.”

Resolution 30/5 The question of the death penalty (2015)

The Maldives abstained from voting on eleven resolutions concerning: the death penalty, business and human rights, peasant's rights, the judicial system, mercenaries, and People of African Descent. The Maldives voted against three resolutions concerning SOGI.

Business and Human Rights: In 2011, 2012, and 2014, the Maldives joined the consensus to support resolutions⁹³² on human rights and transnational corporations. India and Nigeria were co-sponsors of the 2011 resolution, and Ghana was a co-sponsor of the 2012 and 2014 resolutions. In 2014, the Maldives abstained from voting on a resolution⁹³³ concerning an international legally binding instrument on business and human rights, of which South Africa was a co-sponsor. In 2016, the Maldives joined the consensus to support a resolution⁹³⁴ concerning business and human rights.

“Urges States to guarantee that all persons brought to trial before courts or tribunals under their authority have the right to be tried in their presence, to defend themselves in person or through legal assistance of their own choosing and to have all the guarantees necessary for their legal defence.”

Resolution 25/4 Integrity of the judicial system (2014)

Death Penalty: In 2011, the Maldives joined the consensus to support a decision⁹³⁵ on reporting by the Secretary-General on the question of the death penalty. In 2013, the Maldives abstained from voting on a decision⁹³⁶ on the high-level panel discussion on the question of the death penalty. In 2014 and 2015, the Maldives

929 Resolution 18/16 *Technical assistance for the Sudan in the field of human rights* (2011); Resolution 21/27 *Technical assistance for the Sudan in the field of human rights* (2012); Resolution 24/28 *Technical assistance for the Sudan in the field of human rights* (2013).

930 Permanent Mission of Malaysia to the United Nations, Malaysia's candidature to the United Nations Human Rights Council, 28 April 2006. Available at <http://www.un.org/ga/60/elect/hrc/malaysia.pdf>.

931 Decision 10/117 *Publication of reports completed by the Sub-commission on the Promotion and Protection of Human Rights* (2009).

932 Resolution 17/4 *Human rights and transnational corporations and other business enterprises* (2011); Resolution 21/5 *Contribution of the United Nations system as a whole to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles on Business and Human Rights; Resolution 26/22 Human rights and transnational corporations and other business enterprises*.

933 Resolution 26/9 *Elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights* (2014).

934 Resolution 32/10 *Business and human rights: Improving accountability and access to remedy* (2016).

935 Decision 18/117 *Reporting by the Secretary-General on the question of the death penalty* (2011).

936 Decision 22/117 *High-level panel discussion on the question of the death penalty* (2013).

abstained from voting on resolutions⁹³⁷ concerning the question of the death penalty.

Judicial System: From 2010 through 2013, the Maldives joined the consensus every year to support resolutions concerning: the independence of the judiciary,⁹³⁸ the mandate of the Special Rapporteur on the independence of judges,⁹³⁹ the administration of justice and human rights,⁹⁴⁰ and integrity of the judicial system.⁹⁴¹ In 2014, the Maldives abstained from voting on a resolution⁹⁴² concerning the integrity of the judicial system.

From 2014 through 2016, the Maldives joined the consensus to support resolutions concerning: the mandate of the Special Rapporteur on the independence of judges,⁹⁴³ the independence of judges,⁹⁴⁴ the administration of justice and human rights,⁹⁴⁵ and the integrity of the judicial system.⁹⁴⁶ The Maldives was the co-sponsor of resolutions on the mandate of the Special Rapporteur on the independence of judges, and the independence of the judiciary.

“Decides to establish an open-ended intergovernmental working group Intergovernmental Working Group on transnational corporations and other business enterprises with respect to human rights; whose mandate shall be to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises.”

Resolution 26/9 Elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights (2014)

Mercenaries: In 2010, the Maldives abstained from voting on a resolution⁹⁴⁷ to set up an open-ended Intergovernmental Working Group to consider the possibility of elaborating the regulatory framework and oversight of the activities of private militaries and security companies. The resolution was sponsored by South Africa. In 2010 and 2011, the Maldives abstained from voting on resolutions⁹⁴⁸ concerning the use of mercenaries as a means of violating human rights.

In 2012, the Maldives joined the consensus to support a resolution⁹⁴⁹ to establish an open-ended Intergovernmental Working Group to consider the possibility of elaborating the regulatory framework and oversight of the activities of private militaries and security companies. The Maldives voted in favour of a resolution⁹⁵⁰ concerning the use of mercenaries as a means of violating human rights.

In 2013, the Maldives voted in favour of a resolution⁹⁵¹ concerning an open-ended Intergovernmental Working Group to consider the possibility of elaborating the regulatory framework and oversight of the activities of private militaries and a resolution⁹⁵² concerning the use of mercenaries as a means of violating

937 Resolution 26/2 [The question of the death penalty](#) (2014); Resolution 30/5 [The question of the death penalty](#) (2015).

938 Resolution 15/3 [Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers](#) (2010); Resolution 23/6 [Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers](#) (2013).

939 Resolution 17/2 [Mandate of the Special Rapporteur on the independence of judges and lawyers](#) (2011).

940 Resolution 18/12 [Human rights in the administration of justice, in particular juvenile justice](#) (2011); Resolution 24/12 [Human rights in the administration of justice, including juvenile justice](#) (2013).

941 Resolution 19/31 [Integrity of the judicial system](#) (2012).

942 Resolution 25/4 [Integrity of the judicial system](#) (2014).

943 Resolution 26/7 [Mandate of the Special Rapporteur on the independence of judges and lawyers](#) (2014).

944 Resolution 29/6 [Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers](#) (2015).

945 Resolution 30/7 [Human rights in the administration of justice, in particular juvenile justice](#) (2015).

946 Resolution 31/2 [Integrity of the judicial system](#) (2016).

947 Resolution 15/26 [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](#) (2010).

948 Resolution 15/12 [The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination](#) (2010); Resolution 18/4 [The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination](#) (2011).

949 Resolution 21/29 [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](#) (2012).

950 Resolution 21/8 [The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination](#) (2012).

951 Resolution 22/33 [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](#) (2013).

952 Resolution 24/13 [The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination](#) (2013).

human rights. In 2014, the Maldives voted in favour of a resolution⁹⁵³ concerning the use of mercenaries as a means of violating human rights.

In 2015, the Maldives voted in favour of a resolution⁹⁵⁴ concerning a renewal of the mandate of the open-ended Intergovernmental Working Group to consider the possibility of elaborating the regulatory framework and oversight of the activities of private militaries, and a resolution⁹⁵⁵ concerning the use of mercenaries as a means of violating human rights. In 2016, the Maldives voted in favour of a resolution⁹⁵⁶ concerning the use of mercenaries as a means of violating human rights.

“Requests the Secretary-General, through the General Assembly, to review and rescind the mandate of the independent eminent experts for the successful implementation of the Durban Declaration and Programme of Action ...”

Resolution 30/17 Forum on people of African descent in the diaspora (2015)

Peasants’ Rights: In 2012 and 2014, the Maldives abstained from voting on resolutions⁹⁵⁷ concerning the protection of peasant’s human rights. In 2015, the Maldives voted in favour of a resolution⁹⁵⁸ concerning the protection of peasant’s human rights. South Africa co-sponsored all resolutions.

“Decides to appoint, for a period of three years, an Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.”

Resolution 32/2 Protection against violence and discrimination based on sexual orientation and gender identity (2016).

People of African Descent: In 2011, the Maldives joined the consensus to support a resolution⁹⁵⁹ concerning the mandate of the Working Group on People of African descent, sponsored by South Africa. In 2014, the Maldives joined the consensus to support a resolution⁹⁶⁰ concerning the international decade for People of African Descent, a follow-up resolution⁹⁶¹ on implementation of the international decade, and a resolution⁹⁶² on the mandate of the Working Group on People of African Descent. In 2015, the Maldives abstained from voting on a resolution⁹⁶³ on the forum on People of African Descent.

Sexual Orientation and Gender Identity (SOGI): In 2011 and 2014, the Maldives voted against resolutions⁹⁶⁴ on human rights and SOGI. South Africa was the sponsor of the resolution in 2011. In 2016, the Maldives voted against a resolution⁹⁶⁵ on discrimination based on SOGI.

Comments

The Maldives showed constructive engagement by sponsoring resolutions on the environment, the independence of the judiciary, and the freedom of peaceful assembly.

However, while it has pledged to promote a culture of respect, incorporate human rights into development,

953 Resolution 27/10 [The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination](#) (2014).

954 Resolution 28/7 [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](#) (2015).

955 Resolution 30/6 [The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination](#) (2015).

956 Resolution 33/4 [The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination](#) (2016).

957 Resolution 21/19 [Promotion and protection of the human rights of peasants and other people working in rural areas](#)(2012); Resolution 26/26 [Promotion and protection of the human rights of peasants and other people working in rural areas](#)(2014).

958 Resolution 30/13 [Promotion and protection of the human rights of peasants and other people working in rural areas](#) (2015).

959 Resolution 18/28 [Mandate of the Working Group of Experts on People of African Descent](#) (2011).

960 Resolution 25/33 [International Decade for People of African Descent](#) (2014).

961 Resolution 26/1 [Implementation of the International Decade for People of African Descent: Draft programme of activities](#) (2014)

962 Resolution 27/25 [Mandate of the Working Group of Experts on People of African Descent](#) (2014).

963 Resolution 30/17 [Forum on people of African descent in the diaspora](#)(2015).

964 Resolution 17/19 [Human rights, sexual orientation and gender identity](#) (2011); [Resolution 27/32 Human rights, sexual orientation and gender identity](#) (2014).

965 Resolution 32/2 [Protection against violence and discrimination based on sexual orientation and gender identity](#)(2016).

and work for vulnerable communities,⁹⁶⁶ the Maldives' voting record on the issues of peasant's rights, business and human rights, and integrity of the judiciary falls short of their pledge. The Maldives consistently voted against SOGI and the death penalty resolutions.

During UPR I, the Maldives committed to maintain the independence and impartiality of the judiciary and noted that judges must be people of integrity and the highest educational and professional standing.⁹⁶⁷ The Maldives also accepted the UPR recommendation on building a strong and independent judiciary. In 2013, the Special Rapporteur on the independence of judges and lawyers stated that "the current composition of [the] Judicial Service Commission was inadequate and politicized."⁹⁶⁸ In 2014, when the resolution on the integrity of judges came to a vote the Maldives abstained from voting. In 2014, the same Special Rapporteur indicated that "since her visit in 2013 there had been a serious deterioration in respect for the rule of law and independence of the judiciary."⁹⁶⁹ In 2015, during the UPR II, the Maldivian government stated that "the Judiciary, with other institutions, must be given the time and space to grow organically into a robust democratic institution."⁹⁷⁰

The Maldives voted against every SOGI resolution. During the UPR II, the Maldives maintained that anything contrary to Islam including lesbian, gay, bisexual and transgender people, would not be entertained by the people of the Maldives.⁹⁷¹ In 2016, the Maldives voted against the resolution on discrimination based on sexual orientation and gender identity. The Maldives criminalises same-sex behaviour under a new legislation passed in 2014⁹⁷² and under Sharia law. Sharia law criminalises same-sex behaviour for men and women; for men, the punishment is banishment for nine months to one year or a whipping of 10 to 30 strokes, while the punishment for women is house arrest for nine months to one year.⁹⁷³ Several incidents have been reported under the new regulation.⁹⁷⁴

In 2014 and 2015, the Maldives abstained from voting on resolutions on the question of the death penalty. During the UPR I, the Maldives rejected the recommendations to abolish the death penalty but said, "the Maldives is committed to maintaining a moratorium on the death penalty."⁹⁷⁵ In 2014, the Maldives introduced "procedural regulations on investigating and penalising the crime of murder;" these regulations prescribe the death penalty and may indicate the intention to carry out executions.⁹⁷⁶ Maldives has not carried out any death sentences for the past 60 years. There were none during its term at the HRC but there

966 United Nations General Assembly, Note verbale dated 28 August 2013 from the Permanent Mission of Maldives to the United Nations addressed to the President of the General Assembly, A/68/359, 3 September 2013. Available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/68/359.

967 UN Human Rights Council, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review-Maldives, A/HRC/16/7, 4 January 2011. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/100/41/PDF/G1110041.pdf?OpenElement>.

968 UN Human Rights Council, Universal Periodic Review, Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with Paragraph 15 (b) of the annex to Human Rights Council Resolution 5/1 and Paragraph 5 of the annex to Council Resolution 16/21- Maldives, A/HRC/WG.6/22/MDV/2, 2 March 2015. Available at <http://www.refworld.org/docid/5538ecaa4.html>.

969 *Ibid.*

970 UN Human Rights Council, Universal Periodic Review, National report submitted in accordance with Paragraph 5 of the annex to Human Rights Council Resolution 16/21-Maldives, A/HRC/WG.6/22/MDV/1, 17 April 2015. Available at <http://www.refworld.org/docid/5538ec054.html>.

971 UN Human Rights Council, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review- Maldives, A/HRC/30/8, 13 July 2015. Available at <http://www.refworld.org/docid/55d2f8594.html>.

972 Maldives' Penal Code - Law No. 6/2014. Available at <https://www.law.upenn.edu/live/files/4203-maldives-penal-code-2014>.

973 Sexual Orientation / Gender Identity References, US Department of State, Human Rights Reports for 2011 (Released 24 May 2012) at 80, available at www.weebly.com/uploads/1/2/3/0/12302675/2011-hr-report-sogi-references.pdf

974 C. Stewar, 'Maldives: Lenient no more, island nation arrests 2', Erasing 76 Crimes, 1 September 2015 <<https://76crimes.com/2015/09/01/maldives-lenient-no-more-island-nation-arrests-2/>>.

975 UN Human Rights Council, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review-Maldives, A/HRC/16/7/Add.1, 14 March 2011. Available at https://www.upr-info.org/sites/default/files/document/maldives/session_9_-_november_2010/ahrc167add.1maldivese.pdf.

976 Office of the High Commissioner for Human Rights, Press briefing notes on Egypt, Maldives, Malaysia, South Sudan and UN Bollywood Video, 29 April 2014. <<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14544&LangID=E#stha.sh.IXMdbmJK.dpuf>>

are currently at least 20 people on death row.⁹⁷⁷ The Criminal Court imposed 13 death sentences in 2013. In addition, two people were sentenced to death by the Juvenile Court in 2014 for crimes committed when they were under 18 years.⁹⁷⁸

b. Country Resolutions and Decisions (Procedural, Situations, Capacity-Building and Technical Assistance)

The Maldives abstained from voting on five resolutions concerning: cooperation and assistance to Ukraine, and the human rights situations in Burundi, Belarus, and Iran. The Maldives voted against three resolutions concerning reconciliation and accountability in Sri Lanka. The Maldives did not vote on one resolution concerning the human rights situation in Iran.

Belarus: Between 2011 and 2015, the Maldives voted in favour of five resolutions⁹⁷⁹ on the human rights situation in Belarus. In 2016, the Maldives then abstained from voting on a resolution⁹⁸⁰ concerning the human rights situation in Belarus.

Burundi: In 2011, the Maldives joined the consensus to support two resolutions⁹⁸¹ concerning technical assistance for Burundi. In 2015, the Maldives joined the consensus to support a resolution⁹⁸² concerning capacity-building for the Burundi and a resolution⁹⁸³ concerning the deterioration of human rights in Burundi. In 2016, the Maldives abstained on a resolution⁹⁸⁴ concerning the human right situation in Burundi.

The Islamic Republic of Iran: From 2011 through 2013, the Maldives voted every year in favour of resolutions⁹⁸⁵ on the human rights situation in Iran. In 2014, the Maldives did not vote on a resolution⁹⁸⁶ concerning the human rights situation in Iran. In 2015 and 2016, the Maldives abstained from voting on resolutions⁹⁸⁷ concerning the human rights situation in Iran.

Sri Lanka: In 2012, 2013, and 2014, the Maldives voted against resolutions⁹⁸⁸ on reconciliation and accountability in Sri Lanka. In 2015, the Maldives then joined the consensus on a resolution⁹⁸⁹ concerning reconciliation and accountability in Sri Lanka. The UK was a co-sponsor of the 2014 and 2015 resolutions.

Ukraine: In 2014 and 2015, the Maldives voted in favour of resolutions⁹⁹⁰ on cooperation and assistance to Ukraine. In 2016, the Maldives abstained from voting on a resolution⁹⁹¹ concerning cooperation and assistance to Ukraine.

977 Amnesty International submission to the OHCHR https://www.upr-info.org/sites/default/files/document/maldives/session_22_-_mai_2015/ai_upr22_mdv_e_main.pdf

978 Amnesty International submission to the OHCHR https://www.upr-info.org/sites/default/files/document/maldives/session_22_-_mai_2015/ai_upr22_mdv_e_main.pdf

979 Resolution 17/24 *Situation of human rights in Belarus* (2011); Resolution 20/13 *Situation of human rights in Belarus* (2012); Resolution 23/15 *Situation of human rights in Belarus* (2013); Resolution 26/25 *Situation of human rights in Belarus* (2014); Resolution 29/17 *Situation of human rights in Belarus* (2015).

980 Resolution 32/26 *Situation of human rights in Belarus* (2016).

981 Resolution 16/34 *Advisory services and technical assistance for Burundi* (2011); Resolution 18/24 *Advisory services and technical assistance for Burundi* (2011).

982 Resolution 30/27 *Technical cooperation and capacity-building for Burundi in the field of human rights* (2015).

983 Resolution S-24/1 *Preventing the deterioration of the human rights situation in Burundi* (2015).

984 Resolution 33/24 *Human rights situation in Burundi* (2016).

985 Resolution 16/9 *Situation of human rights in the Islamic Republic of Iran* (2011); *Resolution 19/12 Situation of human rights in the Islamic Republic of Iran* (2012); Resolution 22/23 *Situation of human rights in the Islamic Republic of Iran* (2013).

986 Resolution 25/24 *Situation of human rights in the Islamic Republic of Iran* (2014).

987 Resolution 28/21 *Situation of human rights in the Islamic Republic of Iran* (2015); Resolution 31/19 *Situation of human rights in the Islamic Republic of Iran* (2016).

988 Resolution 19/2 *Promoting reconciliation and accountability in Sri Lanka* (2012); Resolution 22/1 *Promoting reconciliation and accountability in Sri Lanka* (2013). Resolution 25/1 *Promoting reconciliation, accountability and human rights in Sri Lanka* (2014).

989 Resolution 30/1 *Promoting reconciliation, accountability and human rights in Sri Lanka* (2015).

990 Resolution 26/30 *Cooperation and assistance to Ukraine in the field of human rights* (2014); *Resolution 29/23 Cooperation and assistance to Ukraine in the field of human rights* (2015)

991 Resolution 32/29 *Cooperation and assistance to Ukraine in the field of human rights* (2016).

Comments

The Maldives actively engages with country situation resolutions at the HRC. The Maldives joined the consensus on most of the resolutions and voted in favour of several resolutions that highlighted the human rights situation in countries. The Maldives supported most of the resolutions on Syria and the OPT.

In sharp contrast, the Maldives voted against almost all resolutions on promoting reconciliation and accountability in Sri Lanka, and voted against a resolution creating an independent international mechanism to investigate the final months of the conflict. The Maldives expressed its support for Sri Lanka's sovereignty and territorial integrity and further affirmed that the international community must refrain from taking any initiatives that would negatively impact reconciliation in Sri Lanka.⁹⁹² In 2015, the Maldives changed its position and joined the consensus to support a resolution on reconciliation and accountability in Sri Lanka.⁹⁹³ The Maldives was reluctant to support resolutions against Iran.

The Maldives frequently joins the positions, decisions, and interventions made by the OIC at the HRC. On procedural issues, the Maldives showed a keen interest and even co-sponsored a resolution to establish the Voluntary Technical Assistance Trust Fund to support the participation of Least Developed Countries (LDCs) and Small Island Developing States (SIDS) in the work of the HRC.

v. Pakistan

Pakistan served two terms on the Council between June 2006 and June 2011 and another term between January 2013 and December 2015.

a. Thematic Resolutions and Decisions (Civil, Political, Economic, Social and Cultural)

Pakistan abstained from voting on five resolutions and one decision concerning: religious discrimination, torture, the death penalty, violent extremism, and reprisal killings. Pakistan voted against five resolutions concerning: SOGI, peaceful protests, and the death penalty.

“Condemns all forms of intolerance and discrimination based on religion or belief, as well as violations of the freedom of thought, conscience, religion or belief.”

Resolution 10/25, Discrimination based on religion (2009)

Death Penalty: In 2013, Pakistan abstained from voting on a decision⁹⁹⁴ on the question of the death penalty. In 2014 and 2015, Pakistan voted against resolutions⁹⁹⁵ concerning the question of the death penalty.

Violent Extremism: In 2015, Pakistan abstained from voting on a resolution⁹⁹⁶ concerning violent extremism. Bangladesh was the co-sponsor of the resolution.

Peaceful Protests: In 2011 and 2013, Pakistan voted with the consensus to support a decision⁹⁹⁷ and a resolution,⁹⁹⁸ respectively, on the promotion and protection of human rights in the context of peaceful protests. In 2014, Pakistan then voted against a resolution⁹⁹⁹ on the promotion and protection of human rights in the context of peaceful protests.

“Urge the member States to abolish the death penalty...” and “to respect the human rights of those facing the death penalty.”

Resolution 30/5 The question of the death penalty (2015).

992 Office of the High Commissioner for Human Rights, Display news, 27 March 2014. Available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14447&>.

993 Resolution 30/1 [Promoting reconciliation, accountability and human rights in Sri Lanka](#) (2015).

994 Decision 22/117 [High-level panel discussion on the question of the death penalty](#) (2013).

995 Resolution 26/2 [The question of the death penalty](#) (2014); Resolution 30/5 [The question of the death penalty](#) (2015).

996 Resolution 30/15 [Human rights and preventing and countering violent extremism](#) (2015).

997 Decision 17/120 [Panel on the promotion and protection of human rights in the context of peaceful protests](#) (2011).

998 Resolution 22/10 [The promotion and protection of human rights in the context of peaceful protests](#) (2013).

999 Resolution 25/38 [The promotion and protection of human rights in the context of peaceful protests](#) (2014).

Religious Discrimination: In 2007, Pakistan joined the consensus to support a resolution¹⁰⁰⁰ concerning discrimination based on religion and later abstained from voting on a resolution¹⁰⁰¹ concerning discrimination based on religion. In 2009, Pakistan again abstained from voting on a resolution¹⁰⁰² concerning discrimination based on religion.

Reprisals: In 2009, Pakistan joined the consensus to support a decision¹⁰⁰³ concerning reprisals against those who cooperate with the UN in the field of human rights. In 2013, Pakistan abstained from voting on a resolution¹⁰⁰⁴ concerning reprisals against those who cooperate with the UN in the field of human rights.

Sexual Orientation and Gender Identity (SOGI): In 2011 and 2014, Pakistan voted against resolutions¹⁰⁰⁵ concerning human rights and SOGI. South Africa was the sponsor of 2011 resolution.

“Urges States to respect the professional and moral independence, duties and responsibilities of medical and other health personnel.”

Resolution 10/24 Torture and other cruel, inhuman or degrading treatment or punishment: the role and responsibility of medical and other health personnel (2009)

Torture: In 2006 and 2007, Pakistan joined the consensus to support the President’s statement¹⁰⁰⁶ on the entry into force of the Optional Protocol on CAT and a President’s statement¹⁰⁰⁷ on the twentieth anniversary of CAT. In 2008, Pakistan joined the consensus to support a resolution¹⁰⁰⁸ on torture. In 2009, Pakistan abstained from voting on a resolution¹⁰⁰⁹ concerning torture and the responsibility of medical personnel. In 2010, Pakistan joined the consensus to support a resolution¹⁰¹⁰ concerning torture and the role and responsibility of judges. In 2011 and 2014, Pakistan joined the consensus to support resolutions¹⁰¹¹ concerning torture and the mandate of the Special Rapporteur. In 2013, Pakistan joined the consensus to support a resolution¹⁰¹² on the rehabilitation of torture victims.

Comments

Pakistan abstained from voting on a resolution concerning the death penalty in 2013 that urged the international community to abolish the death penalty. In June 2014, Pakistan then voted against repealing the death penalty. While voting against the resolution, Pakistan affirmed that each country has “the sovereign right to decide its own criminal justice system, including whether to maintain or abolish the death penalty or to impose a moratorium on the use of death penalty.”¹⁰¹³ Pakistan lifted an informal moratorium on the death penalty in 2014 and has since executed 423 people.¹⁰¹⁴ According to Human Rights Watch, “those on

- 1000 Resolution 4/10 *Elimination of all forms of intolerance and of discrimination based on religion or belief* (2007).
1001 Resolution 6/37 *Elimination of all forms of intolerance and of discrimination based on religion or belief* (2007).
1002 Resolution 10/25 *Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural right* (2009).
1003 Decision 12/2 *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights* (2009).
1004 Resolution 24/24 *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights* (2013).
1005 Resolution 17/19 *Human rights, sexual orientation and gender identity* (2011); Resolution 27/32 *Human rights, sexual orientation and gender identity* (2014).
1006 President’s statement 1/1 Entry into force of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2006).
1007 President’s statement 6/2 The twentieth anniversary of the entry into force of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2007).
1008 Resolution 8/8 *Torture and other cruel, inhuman or degrading treatment or punishment* (2008).
1009 Resolution 10/24 *Torture and other cruel, inhuman or degrading treatment or punishment: The role and responsibility of medical and other health personnel* (2009).
1010 Resolution 13/19 *Torture and other cruel, inhuman or degrading treatment or punishment: The role and responsibility of judges, prosecutors and lawyers* (2010).
1011 Resolution 16/23 *Torture and other cruel, inhuman or degrading treatment or punishment: Mandate of the Special Rapporteur* (2011); Resolution 25/13 *Torture and other cruel, inhuman or degrading treatment or punishment: Mandate of the Special Rapporteur* (2014).
1012 Resolution 22/21 *Torture and other cruel, inhuman or degrading treatment or punishment: Rehabilitation of torture victims* (2013).
1013 Pakistan Mission to United Nations, Pakistan national statement on the high-level discussion on the question of the death penalty, 28th session of the human rights council. Available at http://www.pakistanmission-un.org/2005_Statements/CHR/main_human_rights.htm.
1014 The Justice Project of Pakistan <http://www.jpp.org.pk/>, Reprieve accorded that by June of 2016, 404 people had been executed http://www.reprieve.org.uk/400_executions_in_pakistan/, Amnesty International reports that between December 2014 and December 2015, 326 people were executed.

death row are often from the most marginalized sections of society, including people with disabilities.”¹⁰¹⁵ In addition, 8,200 people¹⁰¹⁶ remain on death row convicted in unfair trials where information is extracted through torture or there is not an adequate public defence attorney for the accused.¹⁰¹⁷

Pakistan abstained from voting on a resolution concerning the elimination of all forms of intolerance and of discrimination based on religion or belief. Pakistan objected on behalf of the OIC based on norms in Muslim countries that prohibit leaving Islam.¹⁰¹⁸ Pakistan disassociated itself from the phrase “including the right to change one’s religion or belief” as mentioned in the draft resolution.¹⁰¹⁹ On the contrary, in the UPR II Pakistan claimed that the “Protection of the rights of minorities is a Constitutional requirement. The Constitution of Pakistan guarantees equal rights and status to all citizens, irrespective of race, religion, caste, or place of work.”¹⁰²⁰

Pakistan’s Foreign Minister further affirmed that the “Constitution guaranteed the rights of minorities to freely profess their religion and visit their places of worship.” However, violence often affects religious minorities and there is persistent State-sanctioned discrimination against the Ahmaddiya community.¹⁰²¹ In their national report submitted to the HRC, Pakistan accepted the growing discourse on defamation of religions, alongside blasphemy laws to combat dissent and criticism of religions or beliefs.¹⁰²² For example, of the 19 people on death row convicted of blasphemy the majority are religious minorities.¹⁰²³

Pakistan abstained from voting on a resolution countering violent extremism.¹⁰²⁴ However, during UPR II, Pakistan’s Minister for Foreign Affairs stated that “extremists were targeting the vast majority of Muslims who were moderate and did not subscribe to their extremist agenda.”¹⁰²⁵

Pakistan spoke on behalf of the OIC and voted against a SOGI resolution, stating that it is against all acts of violence or discrimination committed against any individual.¹⁰²⁶ Pakistan’s criminal code specifically penalises sexual relations between men and there have been reports of abuse of sexual minorities while in police custody.¹⁰²⁷ Pakistan asserted that it did not recognize and support certain notions promoted through the HRC on SOGI, as they did not believe that they were universal issues. However, attacks against transgender people continue and in May 2016 a transgender woman died after she was shot eight times.¹⁰²⁸ At the HRC,

1015 Human Rights Watch, World Report-2017. Available at <https://www.hrw.org/world-report/2017/country-chapters/pakistan>.

1016 Justice Project of Pakistan, available at <http://www.jpp.org.pk/>.

1017 Amnesty International, Death penalty and executions in 2015. Available at <https://www.amnesty.org/en/latest/research/2016/04/death-sentences-executions-2015/>.

1018 Tandem Project, United Nations, Human Rights, Freedom of Religion or Belief. Available at http://www.tandemproject.com/issue_statements/statements/2011/021611_issue.htm.

1019 <http://www.humanrightsvoices.org/assets/attachments/documents/6077.pdf>; OIC Explanation of Vote before the Vote on Resolution L.15-Rev 1, Elimination of all forms of intolerance and of discrimination based on religion or belief, 14 December 2007. Available at http://www.pakistanmission-un.org/2005_Statements/CHR/20071214_a.html.

1020 UN Human Rights Council, Universal Periodic Review, National report submitted in accordance with Paragraph 5 of the annex to Human Rights Council Resolution 16/21: Pakistan, 6 August 2012, A/HRC/WG.6/14/PAK/1. Available at: [http://www.refworld.org/docid/506d3bec2.html\(accessed 4 April 2017\) para 62](http://www.refworld.org/docid/506d3bec2.html(accessed 4 April 2017) para 62).

1021 Human Rights Watch, World Report-2017. Available at <https://www.hrw.org/world-report/2017/country-chapters/pakistan>. See also, Aljazeera, Bigotry against Ahmadis, a constant in Pakistan. Available at <http://www.aljazeera.com/indepth/opinion/2016/12/bigotry-ahmadis-constant-pakistan-161218113353263.html>.

1022 UN Human Rights Council, Universal Periodic Review, National report submitted in accordance with Paragraph 5 of the annex to Human Rights Council Resolution 16/21: Pakistan, 6 August 2012, A/HRC/WG.6/14/PAK/1. Available at <http://www.refworld.org/docid/506d3bec2.html>.

1023 *Ibid.*

1024 UN Human Rights Council, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review: Pakistan, 26 December 2012, A/HRC/22/12. Available at <http://www.refworld.org/docid/50f922832.html>.

1025 Review of Pakistan, Universal Periodic Review- 2nd cycle. Available at <http://webtv.un.org/meetings-events/human-rights-council/universal-periodic-review/watch/pakistan-review-14th-session-of-universal-periodic-review/1934200515001>.

1026 Office of the High Commissioner for Human Rights, Human Rights Council adopts resolution on sexual orientation and gender identity and concludes twenty-seventh session, 26 September 2014. Available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=15109>.

1027 Human Rights Watch, World Report-2017. Available at <https://www.hrw.org/world-report/2017/country-chapters/pakistan>.

1028 The Telegraph, Transgender activist dies after being ‘denied treatment’ for gun wounds in Pakistan hospital, May 2016. Available at <http://www.telegraph.co.uk/news/2016/05/25/transgender-activist-dies-after-being-denied-treatment-in-pakistan/>. See also Human Rights Watch, World Report-2017. Available at <https://www.hrw.org/world-report/2017/country-chapters/pakistan>.

Pakistan stated that wider connotations of sexual orientation could be detrimental and that religious and cultural values of Muslims should be respected.¹⁰²⁹

b. Country Resolutions and Decisions (Procedural, Situations, Capacity-Building and Technical Assistance)

Pakistan abstained from voting on eighteen resolutions concerning: the human rights situation in Syria, North Korea, Iran, Sudan, Belarus, and accountability and human rights in Sri Lanka. Pakistan voted against ten resolutions concerning: the human rights situation in Belarus, North Korea, Syria, and Ukraine.

Belarus: In 2011, 2013, 2014, and 2015, Pakistan abstained from voting on resolutions¹⁰³⁰ concerning the human rights situation in Belarus.

The Democratic People's Republic of Korea: In 2008 Pakistan abstained from voting on a resolution¹⁰³¹ concerning the situation of human rights in North Korea. In 2009, Pakistan joined the consensus to support a resolution¹⁰³² on the human rights situation in North Korea. In 2010 and 2011, Pakistan abstained from voting on resolutions¹⁰³³ on the human rights situation in North Korea. In 2013 Pakistan then joined the consensus to support a resolution¹⁰³⁴ on the human rights situation in North Korea. In 2014 and 2015, Pakistan voted against and abstained, respectively, on resolutions¹⁰³⁵ on the situation of human rights in North Korea.

The Islamic Republic of Iran: In 2011 and then from 2013 through 2015, Pakistan voted against resolutions¹⁰³⁶ on the human rights situation in Iran.

The Syrian Arab Republic: In 2011, Pakistan voted against a resolution¹⁰³⁷ concerning the human rights situation in Syria. In 2013, Pakistan voted in favour of a resolution¹⁰³⁸ on the human rights situation in Syria. Pakistan then abstained from voting on a resolution¹⁰³⁹ on the deteriorating situation of human rights in Syria, sponsored by the UK and subsequently voted in favour of two resolutions¹⁰⁴⁰ on the deterioration of the human rights situation in Syria.

In 2014 and 2015, Pakistan abstained from voting on six resolutions¹⁰⁴¹ concerning the deterioration of the human rights situation in Syria. The UK was a main sponsor of these resolutions.

1029 Office of the High Commissioner for Human Rights, Display news, 26 September 2014. Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15109&#sthash.NcJKWiPk.dpuf>.

1030 Resolution 17/24 *Situation of human rights in Belarus* (2011); Resolution 23/15 *Situation of human rights in Belarus* (2013); Resolution 26/25 *Situation of human rights in Belarus* (2014); Resolution 29/17 *Situation of human rights in Belarus* (2015).

1031 Resolution 7/15 *Situation of human rights in the Democratic People's Republic of Korea* (2008).

1032 Resolution 10/16 *Situation of human rights in the Democratic People's Republic of Korea* (2009).

1033 Resolution 13/14 *Situation of human rights in the Democratic People's Republic of Korea* (2010); Resolution 16/8 *Situation of human rights in the Democratic People's Republic of Korea* (2011).

1034 Resolution 22/13 *The situation of human rights in the Democratic People's Republic of Korea* (2013).

1035 Resolution 25/25 *Situation of human rights in the Democratic People's Republic of Korea* (2014); Resolution 28/22 *Situation of human rights in the Democratic People's Republic of Korea* (2015).

1036 Resolution 16/9 *Situation of human rights in the Islamic Republic of Iran* (2011); Resolution 22/23 *Situation of human rights in the Islamic Republic of Iran* (2013); Resolution 25/24 *Situation of human rights in the Islamic Republic of Iran* (2014); Resolution 28/21 *Situation of human rights in the Islamic Republic of Iran* (2015).

1037 Resolution S-16/1 *The current human rights situation in the Syrian Arab Republic in the context of recent events* (2011).

1038 Resolution 22/24 *Situation of human rights in the Syrian Arab Republic* (2013).

1039 Resolution 23/26 *The deterioration of the situation of human rights in the Syrian Arab Republic, and the need to grant immediate access to the commission of inquiry* (2013).

1040 Resolution 23/1 *The deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in Al-Qusayr* (2013); Resolution 24/22 *The continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic* (2013).

1041 Resolution 25/23 *The continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic* (2014); Resolution 26/23 *The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic* (2014); Resolution 27/16 *The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic* (2014); Resolution 28/20 *The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic* (2015); Resolution 29/16 *The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic* (2015); Resolution 30/10 *The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic* (2015).

Sri Lanka: In 2009, Pakistan voted in favour of a resolution¹⁰⁴² concerning assistance for the promotion and protection of human rights in Sri Lanka. Sri Lanka was the main sponsor of this resolution.¹⁰⁴³ In 2013 and 2014, Pakistan voted against resolutions on promoting reconciliation and accountability in Sri Lanka. The UK and Mauritius were the sponsors of the resolution in 2014. In 2015, Pakistan joined the consensus to support a resolution¹⁰⁴⁴ on promoting reconciliation and accountability in Sri Lanka.

Sudan: In 2006, Pakistan voted in favour of a resolution¹⁰⁴⁵ on Darfur. In 2007, Pakistan joined the consensus to support a resolution¹⁰⁴⁶ concerning the follow up to the decision on Darfur, a resolution¹⁰⁴⁷ and a decision¹⁰⁴⁸ on the mandate of the Special Rapporteur, and a resolution¹⁰⁴⁹ concerning the group of experts on the situation of human rights in Darfur. In 2008, Pakistan joined the consensus to support two resolutions¹⁰⁵⁰ concerning the human rights situation in Sudan.

In 2010, Pakistan, voted against a resolution¹⁰⁵¹ on the human rights situation in Sudan, sponsored by Nigeria, on behalf of the African Group.

In 2013, Pakistan joined the consensus to support a resolution¹⁰⁵² concerning technical assistance to Sudan in the field of human rights. In 2014, Pakistan joined the consensus to support a resolution¹⁰⁵³ concerning technical assistance to improve human rights in Sudan. In 2015, Pakistan joined the consensus to support a resolution¹⁰⁵⁴ on technical assistance to improve human rights in Sudan.

Ukraine: In 2014 and 2015, Pakistan abstained from voting each year on a resolution¹⁰⁵⁵ concerning cooperation and assistance to Ukraine.

Comments

Pakistan's voting record at the HRC is mixed. Pakistan was most constructive at the HRC between 2006 and 2010 when it voted against only one resolution. After 2010, Pakistan voted against thirteen resolutions.¹⁰⁵⁶ Pakistan sponsored more resolutions than any other Commonwealth member country,¹⁰⁵⁷ but most of them were primarily focused on the human rights situation in the OPT and the OSG.

Apart from the OPT and OSG, Pakistan voted against or abstained from voting on multiple resolutions concerning country situations in Iran, Sri Lanka, North Korea, Syria, Sudan, Belarus, and Ukraine.

Pakistan voted against a 2014 resolution on promoting reconciliation, accountability and human rights in Sri Lanka, with a view that an "international investigation by the Office of the High Commissioner was violative of Sri Lanka's sovereignty and territorial integrity, and in contradiction with the Charter of the

1042 Resolution S-11/1 *Assistance to Sri Lanka in the promotion and protection of human rights* (2009).

1043 Resolution 22/1 *Promoting reconciliation and accountability in Sri Lanka* (2013); Resolution 25/1 *Promoting reconciliation, accountability and human rights in Sri Lanka* (2014).

1044 Resolution 30/1 *Promoting reconciliation, accountability and human rights in Sri Lanka* (2015).

1045 Decision 2/115 *Darfur* (2006).

1046 Resolution 4/8 *Follow-up to decision S-4/101 of 13 December 2006 adopted by the Human Rights Council at its fourth special session entitled "Situation of Human Rights in Darfur"* (2007).

1047 Resolution 6/34 *Mandate of the Special Rapporteur on the situation of human rights in the Sudan* (2007).

1048 Decision 6/103 *Mandate of the Special Rapporteur on the situation of human rights in the Sudan* (2007).

1049 Resolution 6/35 *Human Rights Council Group of Experts on the situation of human rights in Darfur* (2007).

1050 Resolution 7/16 *Situation of human rights in the Sudan (2008)*; Resolution 9/17 *Situation of human rights in the Sudan* (2008).

1051 Resolution 15/27 *Situation of human rights in the Sudan* (2010).

1052 Resolution 24/28 *Technical assistance for the Sudan in the field of human rights* (2013).

1053 Resolution 27/29 *Technical assistance and capacity-building to improve human rights in the Sudan* (2014).

1054 Resolution 30/22 *Technical assistance and capacity-building to improve human rights in the Sudan* (2015).

1055 Resolution 26/30 *Cooperation and assistance to Ukraine in the field of human rights* (2014); Resolution 29/23 *Cooperation and assistance to Ukraine in the field of human rights* (2015).

1056 Pakistan abstained only on the Democratic Republic of Korea up to 2010, but from 2011 onwards Pakistan voted against resolutions on the Islamic republic of Korea, Syria, Democratic Republic of Korea and Sri Lanka and abstained to vote on Belarus, Ukraine and Syria.

1057 Out of 64 resolutions sponsored/co-sponsored by Pakistan, 49 are on country situations.

United Nations.”¹⁰⁵⁸ Pakistan expressed concerns that the proposed time period covered by this investigation was biased against Sri Lanka as it would not include abuses perpetrated by the Liberation Tigers of Tamil Eelam (LTTE) before 2002.¹⁰⁵⁹

vi. Sri Lanka

Sri Lanka served one term on the HRC from June 2006 to June 2008.

a. Thematic Resolutions and Decisions (Civil, Political, Economic, Social and Cultural)

Sri Lanka abstained from voting on one resolution concerning religious discrimination and voted against one resolution concerning good governance.

Good Governance: In 2008, Sri Lanka voted against a resolution¹⁰⁶⁰ on good governance.

Religious Discrimination: In 2007, Sri Lanka joined the consensus¹⁰⁶¹ on a resolution concerning discrimination based on religion. In 2008, Sri Lanka abstained from voting on a similar resolution¹⁰⁶² on discrimination based on religion.

Comments

During its HRC candidacy, Sri Lanka reiterated that it “is a party to the International Covenant on Civil and Political Rights (ICCPR),” and that it “will be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind in a fair and equal manner.”¹⁰⁶³

However, Sri Lanka abstained from voting on a resolution concerning the freedom of religion and belief, citing reasons similar to Pakistan, in that they objected to the corresponding resolution not taking into account the norms in Muslim countries that prohibit leaving Islam as a religion.¹⁰⁶⁴

“Decides to continue its consideration of the question of the role of good governance, including the issue of the fight against corruption in the promotion and protection of human rights.”

Resolution 7/11 The role of good governance in the promotion and protection of human rights (2008).

Sri Lanka’s abstained from voting on a good governance resolution, and explained its vote by saying a “particular grouping should not be singled out,” and that the resolution “gave the impression of preferential treatment.”¹⁰⁶⁵ During its HRC candidacy, Sri Lanka stated that if elected it would “participate actively and constructively in all deliberations of the Council for the promotion and protection of human rights in all parts of the world and for the furtherance of international human rights and humanitarian law.”¹⁰⁶⁶

b. Country Resolutions and Decisions (Procedural, Situations, Capacity-Building and Technical Assistance)

Sri Lanka abstained from voting on only one resolution on country situations.

1058 Office of the High Commissioner for Human Rights, Display news, 27 March 2014. Available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14447&#sthash.gcHu1ntm.dpuf>

1059 Office of the High Commissioner for Human Rights, Display news, 27 March 2014. Available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14447&#sthash.gcHu1ntm.dpuf>.

1060 Resolution 7/11 *The role of good governance in the promotion and protection of human rights* (2008).

1061 Resolution 4/10 *Elimination of all forms of intolerance and of discrimination based on religion or belief* (2007)

1062 Resolution 6/37 *Elimination of all forms of intolerance and of discrimination based on religion or belief* (2007).

1063 Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations, 10 April 2006. Available at <http://www.un.org/ga/60/elect/hrc/srilanka.pdf>.

1064 Tandem Project, Human Rights, Freedom of Religion or Belief. Available at http://www.tandemproject.com/issue_statements/statements/2011/021611_issue.htm.

1065 Office of the High Commissioner for Human Rights, Display news, 27 March 2008. Available at http://reliefweb.int/sites/reliefweb.int/files/resources/DD68BC7F61CC3FFA8525741D0062E17C-Full_Report.pdf.

1066 Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations, 10 April 2006. Available at <http://www.un.org/ga/60/elect/hrc/srilanka.pdf>.

The Democratic People's Republic of Korea: In 2008, Sri Lanka abstained from voting on a resolution¹⁰⁶⁷ concerning the human rights situation in North Korea.

Comments

Sri Lanka only abstained from voting on one North Korea related resolution. However, during their candidacy, Sri Lanka stated that it would “participate actively and constructively in all deliberations of the Council for the promotion and protection of human rights in all parts of the world and for the furtherance of international human rights and humanitarian law.”¹⁰⁶⁸

1067 Resolution 7/15 *Situation of human rights in the Democratic People's Republic of Korea* (2008).

1068 Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations, 10 April 2006. Available at <http://www.un.org/ga/60/elect/hrc/srilanka.pdf>.

CHAPTER VI

Western European and Other Commonwealth Countries

Regional Overview

During the ten-year period analysed, the only Western European and other Commonwealth (WEOC) countries at the HRC were the United Kingdom (UK) and Canada. WEOC countries comprised 9.73% of Commonwealth countries on average per session, and accounted for 15.2% of statements and interventions on average per session. The average is also low because there was no WEOC representation from session 18 through session 24. The UK and Canada jointly sponsored a total of 28 resolutions.

Country	The United Kingdom	Canada
Resolutions sponsored	24	4

In several respects, the voting records of Canada and the UK contrast starkly with the trends observed among Asian-Pacific and African Commonwealth countries. On thematic issues, the UK and Canada repeatedly voted against resolutions relating to: international solidarity, foreign debt, unilateral coercive measures, promotion of the right of peoples to peace, combating defamation of religions, and multiple resolutions regarding racism. Some of these votes are due to specific wordings in the resolutions.

While voting against resolutions on unilateral coercive measures and foreign debt, the UK and Canada objected to the HRC as an appropriate forum to discuss these issues.

The UK and Canada repeatedly voted in favour of resolutions concerning: SOGI, support for civil society space, human rights in the context of peaceful protests, and resolutions on the abolition of the death penalty, which is not the case with Asia-Pacific and African countries. Both the UK and Canada voted in favour of the resolution condemning religious discrimination, but voted against every resolution that focused on prohibiting the defamation of religions, sponsored by Pakistan, on behalf of OIC. The UK and Canada claimed that the approach is inconsistent with international human rights law that protects individuals.

Despite a rise in the incidents of racism, racial discrimination, and xenophobia in Canada and the UK, both countries persistently opposed resolutions against racism and a resolution on the elaboration of international complementary standards to the International Convention on the Elimination of all Forms of Racial Discrimination. Other issues which both Commonwealth countries of this group were reluctant to support include: the regulation of mercenaries, discussions on terrorism and counter-terrorism's effect on human rights, and the right to peace.

On country-specific resolutions, there was a stance to either abstain from or vote against resolutions that would condemn Israel's role in the OPT and OSG, but resolutions that supported the self-determination of the Palestinian people were viewed with favour. On resolutions concerning Sudan, the UK and Canada initially voted against the 2006 resolution, but then voted in favour of every subsequent resolution or decision. Overall, WEOC countries actively participate in reviewing specific human rights situations.

On procedural issues, Canada and the UK both voted against a resolution on enhancing the geographical diversity of OHCHR staff and a resolution on establishing a Working Group to review human rights mandates and mechanisms. On other occasions, both countries usually joined the consensus on procedural votes but never voted in favour of any procedural resolution.

i. Canada

Canada served at the HRC from June 2006 to June 2009.

a. Thematic Resolutions and Decisions (Civil, Political, Economic, Social and Cultural)

Canada abstained from voting on three resolutions concerning: freedom of opinion and expression, the impact of the financial crises on human rights, and the composition of the OHCHR. Canada voted against twenty two resolutions concerning: human rights and international solidarity, mercenaries, foreign debt, racism, globalisation, unilateral coercive measures, and religious discrimination. Canada voted against three decisions concerning: racism, foreign debt, and unilateral coercive measures.

Defamation of Religions: In 2007, 2008, and 2009, Canada voted against resolutions¹⁰⁶⁹ combating the defamation of religions. All resolutions were sponsored by Pakistan.

Foreign Debt: In 2006, Canada voted against a decision¹⁰⁷⁰ concerning the effects of economic reform policies and foreign debt on human rights. In 2008, Canada voted against a resolution¹⁰⁷¹ concerning the mandate of the Independent Expert on the effects of foreign debt and other international financial obligations of States on human rights.

Freedom of Opinion and Expression: In 2008, Canada abstained from voting on a resolution¹⁰⁷² sponsored by itself concerning the mandate of the Special Rapporteur on the protection of the right to freedom of opinion and expression.¹⁰⁷³

Globalisation: In 2007, Canada voted against a resolution¹⁰⁷⁴ on globalisation and its impact on human rights, co-sponsored by South Africa.

International Solidarity: In 2007, Canada voted against a resolution¹⁰⁷⁵ concerning human rights and international solidarity. In 2008, Canada voted against a resolution¹⁰⁷⁶ concerning the mandate of the Independent Expert on human rights and international solidarity, and a resolution¹⁰⁷⁷ concerning human rights and international solidarity.

Mercenaries: In 2008, Canada voted against a resolution¹⁰⁷⁸ concerning the mandate of the Working Group on the use of mercenaries for violating human rights and impeding the exercise

“Decides to extend the mandate of the Independent Expert on human rights and international solidarity for a period of three years: (a) To promote the realization of the right of peoples and individuals to international solidarity, inter alia, through the further development of guidelines, standards, norms and principles enhancing the enjoyment of this fundamental right and the adoption of measures at the regional and international levels, to promote and consolidate international assistance to developing countries in their endeavours in development and the promotion of conditions that make the full realization of all human rights possible.”

Resolution 7/5 Mandate of the independent expert on human rights and international solidarity (2008)

1069 Resolution 4/9 *Combating defamation of religions* (2007); Resolution 7/19 *Combating defamation of religions* (2008); Resolution 10/22 *Combating defamation of religions* (2009).

1070 Decision 2/109 *Effects of economic reform policies and foreign debt on the full enjoyment of all human rights* (2006).

1071 Resolution 7/4 *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* (2008).

1072 Resolution 7/36 *Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression* (2008).

1073 Canada sponsored a resolution to extend the mandate of the Special Rapporteur on freedom of opinion and expression; however, subsequent amendments changed the text, instructing the Special Rapporteur to report on instances in which the abuse of the right of freedom of expression constitutes an act of racial or religious discrimination, and noting the importance for all forms of media to repeat and to deliver information in a fair and partial manner. Therefore, Canada abstained from voting. See for details see: Standing Senate Committee on Human Rights, Canada and the UN Human Rights Council: A Time for Serious Re-evaluation (2008). Available at http://publications.gc.ca/collections/collection_2011/sen/yc32-0/YC32-0-392-13-eng.pdf

1074 Resolution 4/5 *Globalization and its impact on the full enjoyment of all human rights* (2007).

1075 Resolution 6/3 *Human rights and international solidarity* (2007).

1076 Resolution 7/5 *Mandate of the Independent Expert on human rights and international solidarity* (2008).

1077 Resolution 9/2 *Human rights and international solidarity* (2008).

1078 Resolution 7/21 *Mandate of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination* (2008).

of the right to self-determination. In 2009, Canada voted against a resolution¹⁰⁷⁹ concerning the use of mercenaries for violating human rights and impeding the exercise of the right to self-determination.

Racism: In 2006, Canada joined the consensus to support a decision¹⁰⁸⁰ concerning the incompatibility between democracy and racism. Canada then voted against a resolution¹⁰⁸¹ concerning preparations for the Durban review conference, and a decision¹⁰⁸² concerning global efforts for the elimination of racism, racial discrimination, xenophobia, intolerance and the implementation of the Durban Declaration and Programme of Action.

In 2007, Canada joined the consensus to support a decision¹⁰⁸³ concerning the report of the Preparatory Committee on the Durban review conference. Canada then voted against a resolution¹⁰⁸⁴ concerning preparations for the Durban review conference, a resolution¹⁰⁸⁵ concerning action against racism, racial discrimination, xenophobia and related intolerance, and a resolution¹⁰⁸⁶ concerning the elaboration of international complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination.

“Emphasizes that ensuring the exercise of the right of peoples to peace and its promotion demand that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations.”

Resolution 11/4 Promotion of the right of peoples to peace (2009)

In 2008, Canada joined the consensus to support a resolution¹⁰⁸⁷ concerning the mandate of the Special Rapporteur on forms of racism, racial discrimination, xenophobia and intolerance. Canada then voted against a resolution¹⁰⁸⁸ concerning action against racism, racial discrimination, xenophobia and related intolerance.

“Urges all States to stop adopting or implementing unilateral coercive measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development.”

Resolution 9/4 Human rights and unilateral coercive measures (2008)

In 2009, Canada joined the consensus to support a resolution¹⁰⁸⁹ on action against racism, racial discrimination, xenophobia and related intolerance, sponsored by South Africa. Canada voted against a resolution¹⁰⁹⁰ on the elaboration of international complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination, sponsored by South Africa.

Right to Peace: In 2008 and 2009, Canada voted each year against a resolution¹⁰⁹¹ concerning the promotion of the right of people to peace.

1079 Resolution 10/11 *The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination* (2009).

1080 Decision 2/106 *Incompatibility between democracy and racism* (2006).

1081 Resolution 3/2 *Preparations for the Durban Review Conference* (2006).

1082 Decision 3/103 *Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action* (2006).

1083 Decision 6/105 *Report of the Preparatory Committee on the Durban Review Conference* (2007).

1084 Resolution 6/23 *Preparations for the Durban Review Conference* (2007).

1085 Resolution 6/22 *From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance* (2007).

1086 Resolution 6/21 *Elaboration of international complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination* (2007).

1087 Resolution 7/34 *Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance* (2008).

1088 Resolution 7/33 *From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance* (2008).

1089 Resolution 10/31 *From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance* (2009).

1090 Resolution 10/30 *Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination* (2009).

1091 Resolution 8/9 *Promotion of the right of peoples to peace* (2008); Resolution 11/4 *Promotion of the right of peoples to peace* (2009).

Strengthening of the OHCHR: In 2007, Canada abstained from a resolution¹⁰⁹² strengthening the OHCHR, co-sponsored by South Africa.

Unilateral Coercive Measures: In 2007, Canada voted against a decision¹⁰⁹³ concerning human rights and unilateral coercive measures. In 2007 and 2008, Canada voted against resolutions¹⁰⁹⁴ concerning human rights and unilateral coercive measures.

Comments

During its HRC candidacy, Canada pledged to support the human rights of indigenous people and fight racism.¹⁰⁹⁵ Canada opposed multiple resolutions concerning racism. Canada consistently voted against all resolutions concerning mercenaries, international solidarity, unilateral coercive measures, foreign debt, globalisation, and the defamation of religions.

Canada abstained from voting on the resolution to renew the mandate of the Special Rapporteur on the promotion of the right to freedom of opinion and expression, due to an amendment in the resolution. Canada stated that Amendment L.39 was hostile, as it shifted the focus away from States as duty bearers towards the actions of individuals.¹⁰⁹⁶ Canada objected to an amendment to the preambular paragraph as it restricted the parameters of free speech by imposing subjective conditions upon independent media.¹⁰⁹⁷ In 2015, the Human Rights Committee highlighted the incidents of repression against mass protests during the G-20 summit in Toronto in 2010 and Quebec in 2012.¹⁰⁹⁸ The Human Rights Committee raised its concern over imposing unreasonable restrictions on freedom of expression and the disproportionate number of arrests made.¹⁰⁹⁹ In its concluding observations, the Human Rights Committee noted that repressive laws were used to curb activities and voices of NGOs that are defending human rights.¹¹⁰⁰

Canada voted against a resolution on the Durban Review Conference related to global efforts for the total elimination of racism, racial discrimination, and xenophobia. In 2012, the United Nations Committee on the Elimination of Racial Discrimination noted its concern over the racial profiling of African Canadians and noted that Black Canadians are subjected to harsher treatment by police and judicial officers with respect to arrests, stops, searches, releases, investigations and rates of incarceration as compared to the rest of the population.¹¹⁰¹

In 2007, Canada voted against a resolution on defamation of religions without making a statement. However, on other occasions Canada maintained that the “resolution failed to address the issue of freedom of expression.”¹¹⁰² Canada consistently stated that the resolution “focused on only one religion,” and “that freedom of religion is an individual right and not a right belonging to a religion.”¹¹⁰³

1092 Resolution 4/6 *Strengthening of the Office of the United Nations High Commissioner for Human Rights* (2007).

1093 Decision 4/103 *Human rights and unilateral coercive measures* (2007).

1094 Resolution 6/7 *Human rights and unilateral coercive measures* (2007); Resolution 9/4 *Human rights and unilateral coercive measures* (2008).

1095 The Permanent Mission of Canada to the United Nations, Human Rights Council: Canada’s commitments and pledges, 10 April 2006. Available at <http://www.un.org/ga/60/elect/hrc/canada.pdf>.

1096 Explanation of vote after the vote-L.24, Mandate of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, 23 March 2008.

1097 *Ibid.*

1098 UN Human Rights Committee, Concluding observations on the sixth periodic report of Canada, CCPR/C/CAN/CO/6, 13 August 2015. Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FCAN%2FCO%2F6.

1099 *Ibid.*

1100 *Ibid.*

1101 UN Committee on the Elimination of Racial Discrimination, Consideration of reports submitted by State parties under Article 9 of the Convention: Concluding observations of the Committee on the Elimination of Racial Discrimination-Canada, CERD/C/CAN/CO/19-20, 4 April 2012. Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/CAN/CO/19-20&Lang=En.

1102 Standing Senate Committee on Human Rights, Canada and the United Nations Human Rights Council: A time for serious re-evaluation, June 2008. Available at <http://www.parl.gc.ca/Content/SEN/Committee/392/huma/rep/rep13jun08-e.pdf>.

1103 Standing Senate Committee on Human Rights, Canada and the United Nations Human Rights Council: A time for serious re-

b. Country Resolutions and Decisions (Procedural, Situations, Capacity-Building and Technical Assistance)

Canada abstained from voting on one resolution concerning the human rights situation in the Democratic Republic of the Congo, and voted against eighteen resolutions concerning human rights situations in: Sudan, Lebanon, the OPT, and the OSG, and one decision concerning Darfur.

The Democratic People's Republic of Korea: In 2008 and 2009, Canada voted against resolutions¹¹⁰⁴ concerning human rights in North Korea.

The Democratic Republic of the Congo: In 2008, Canada joined the consensus to support a resolution¹¹⁰⁵ concerning technical cooperation and advisory services in the Democratic Republic of the Congo and a resolution¹¹⁰⁶ concerning human rights in the East of the Democratic Republic of the Congo. In 2009, Canada abstained from voting on a resolution¹¹⁰⁷ concerning human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services.

Lebanon: In 2006, Canada joined the consensus to support a resolution¹¹⁰⁸ on the report of the Commission of Inquiry on Lebanon, sponsored by Pakistan. Canada voted against a resolution¹¹⁰⁹ concerning the human rights situation in Lebanon caused by Israeli military operations.

The Occupied Palestinian Territory and Israel (OPTI): In 2006, Canada voted against a resolution¹¹¹⁰ concerning human rights in the OPT, a resolution¹¹¹¹ concerning human rights violations emanating from Israeli military incursions in the OPT and Northern Gaza, a resolution,¹¹¹² concerning human rights in the OPT, and a resolution¹¹¹³ concerning Israeli settlements in the OPT, East Jerusalem, and the OSG. All resolutions were sponsored by Pakistan.

In 2007, Canada joined the consensus to support two resolutions¹¹¹⁴ concerning human rights in the OPT, sponsored by Pakistan. Canada then voted against a resolution¹¹¹⁵ concerning religious and cultural rights in the OPT.

“Also encourages the Democratic Republic of the Congo to finalize the establishment process of a national commission for human rights, pursuant to the Paris Principles, welcomes the promulgation by the President of the Republic of the law concerning the protection of the child, and invites the Government to fulfil its objective to promote human rights education at school, in academia, the armed forces of the Democratic Republic of the Congo, the national police force and security services.”
“Calls on the international community to increase the various forms of assistance requested by the Democratic Republic of the Congo with a view to improving the human rights situation.”

Resolution 10/33 Situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services (2009)

evaluation, June 2008. Available at <http://www.parl.gc.ca/Content/SEN/Committee/392/huma/rep/rep13jun08-e.pdf>. See also Laura MacInnis, UN body adopts resolution on religious defamation, Reuters, 26 March 2009. Available at <http://www.reuters.com/article/us-religion-defamation-idUSTRE52P60220090326>.

1104 Resolution 7/15 *Situation of human rights in the Democratic People's Republic of Korea* (2008); Resolution 10/16 *Situation of human rights in the Democratic People's Republic of Korea* (2009).

1105 Resolution 7/20 *Technical cooperation and advisory services in the Democratic Republic of the Congo* (2008).

1106 Resolution S-8/1 *Situation of human rights in the East of the Democratic Republic of the Congo* (2008).

1107 Resolution 10/33 *Situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services* (2009).

1108 Resolution 3/3 *Report of the Commission of Inquiry on Lebanon* (2006).

1109 Resolution S-2/1 *The grave situation of human rights in Lebanon caused by Israeli military operations* (2006).

1110 Resolution S-1/1 *Human rights situation in the Occupied Palestinian Territory* (2006).

1111 Resolution S-3/1 *Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory, including the recent one in northern Gaza and the assault on Beit Hanoun* (2006).

1112 Resolution 3/1 *Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council resolution S-1/1* (2006).

1113 Resolution 2/4 *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan* (2006).

1114 Resolution 4/2 *Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council resolutions S-1/1 and S-3/1* (2007); Resolution 6/18 *Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolutions S-1/1 and S-3/1* (2007).

1115 Resolution 6/19 *Religious and cultural rights in the Occupied Palestinian Territory, including East Jerusalem* (2007).

In 2008, Canada joined the consensus to support a resolution¹¹¹⁶ concerning the Palestinian peoples' right to self-determination. Canada voted against a resolution¹¹¹⁷ concerning Israeli settlements in the OPT, East Jerusalem, and the OSG, and a resolution¹¹¹⁸ concerning human rights violations emanating from Israeli military incursions in the OPT and the shelling of Beit Hanoun. Canada also voted against two resolutions¹¹¹⁹ concerning human rights violations emanating from Israeli military attacks in the OPT and the Gaza Strip. All resolutions were sponsored by Pakistan.

In 2009, Canada joined the consensus to support a resolution¹¹²⁰ concerning the Palestinian peoples' right to self-determination. Canada voted against a resolution¹¹²¹ concerning Israeli settlements in the OPT, East Jerusalem, and the OSG, and a resolution¹¹²² concerning human rights violations emanating from the Israeli military operations in the OPT. Canada also voted against two resolutions¹¹²³ concerning human rights violations due to Israeli military activities in the OPT and the occupied Gaza strip. All resolutions were sponsored by Pakistan.

The Occupied Syrian Golan (OSG): In 2006, 2008 and 2009, Canada voted against resolutions¹¹²⁴ concerning human rights in the OSG. All resolutions were sponsored by Pakistan.

“Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that aim to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect; Again calls upon States Members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures”

Resolution 10/17 Human rights in the occupied Syrian Golan (2009)

Sri Lanka: In 2009, Canada voted against a resolution¹¹²⁵ on assistance to Sri Lanka for the protection of human rights, sponsored by Sri Lanka.

Sudan: In 2006, Canada voted against a decision¹¹²⁶ concerning Darfur. In 2007, Canada joined the consensus to support a resolution¹¹²⁷ concerning a group of experts on the human rights in Darfur, a resolution¹¹²⁸ concerning human rights in Darfur, a decision¹¹²⁹ and a resolution¹¹³⁰ concerning the mandate of the Special Rapporteur on human rights in Sudan. In 2008, Canada joined the consensus to support two resolutions¹¹³¹ concerning human rights in Sudan.

1116 Resolution 7/17 *Right of the Palestinian people to self-determination* (2008).

1117 Resolution 7/18 *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan* (2008).

1118 Resolution 9/18 *Follow-up to Resolution S-3/1: Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory and the shelling of Beit Hanoun* (2008).

1119 Resolution S-6/1 *Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip* (2008); Resolution 7/01 *Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian territory, particularly the recent ones in the occupied Gaza Strip* (2008).

1120 Resolution 10/20 *Right of the Palestinian people to self-determination* (2009).

1121 Resolution 10/18 *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem and in the occupied Syrian Golan* (2009).

1122 Resolution 10/19 *Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory* (2009).

1123 Resolution S-9/1 *The Grave Violations of Human Rights in the Occupied Palestinian Territory particularly due to the recent Israeli military aggression on the occupied Gaza Strip* (2009); Resolution 10/21 *Follow-up to Council Resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip* (2009).

1124 Resolution 2/3 *Human rights in the occupied Syrian Golan* (2006); Resolution 7/30 *Human rights in the occupied Syrian Golan* (2008); Resolution 10/17 *Human rights in the occupied Syrian Golan* (2009).

1125 Resolution S-11/1 *Assistance to Sri Lanka in the promotion and protection of human rights* (2009).

1126 Decision 2/115 *Darfur* (2006).

1127 Resolution 6/35 *Human Rights Council Group of Experts on the situation of human rights in Darfur* (2007).

1128 Resolution 4/8 *Follow-up to decision S-4/101 of 13 December 2006 adopted by the Human Rights Council at its fourth special session entitled “Situation of human rights in Darfur”* (2007).

1129 Decision 6/103 *Mandate of the Special Rapporteur on the situation of human rights in the Sudan* (2007).

1130 Resolution 6/34 *Mandate of the Special Rapporteur on the situation of human rights in the Sudan* (2007).

1131 Resolution 7/16 *Situation of human rights in the Sudan* (2008); Resolution 9/17 *Situation of human rights in the Sudan* (2008).

Comments

Canada voted against most OPTI resolutions. In 2007, Canada called for fairness and impartiality in the HRC's work and urged the HRC to move beyond a disproportionate focus on one country's situation and extend its scrutiny to other pressing human rights issues.¹¹³² In 2008, while voting against the resolution on OPT, Canada stated that the proposed resolution did not present an accurate picture as it failed to take into consideration the roles and responsibilities of all concerned parties and without recognising Israel's right to defend itself, the resolution focused mostly on Israel's actions.¹¹³³ During the follow-up resolution on the OPT, Canada voted against the resolution and further stated that "adding additional mechanisms or fora on this matter did not change the fundamentally flawed and one-sided nature of the original resolution"¹¹³⁴ on this subject.

Canada initially voted against the issue of human rights in Sudan, but improved its record towards the end and supported resolutions concerning the human rights situation in Sudan.

c. Procedural

Canada voted against two resolutions related to special procedures and the composition of the OHCHR.

Composition of the Staff of the OHCHR and Representative Institutions: In 2008 and 2009, Canada voted against resolutions¹¹³⁵ concerning the composition of the staff of the OHCHR.

Special Procedures: In 2006, Canada voted against a resolution¹¹³⁶ concerning the Intergovernmental Working Group on the review of mandates. In 2007, Canada joined the consensus to support a resolution¹¹³⁷ concerning the Intergovernmental Working Group on the review of mandates.

Comments

On the review of the mandate of the Intergovernmental Working Group, Canada expressed its concern pertaining to the independence and credibility of mandate holders. Canada explained its opposition by stating that a "code of conduct was a means of monitoring and controlling the special procedures by states that wanted to avoid scrutiny."¹¹³⁸ Canada voted against resolutions concerning the composition of OHCHR staff and representative institutions. Canada noted that the resolution duplicates work as the "General Assembly rules of procedure stated that a resolution had already been adopted to address geographical imbalance in the composition of OHCHR staff."¹¹³⁹

ii. The United Kingdom of Great Britain and Northern Ireland (UK)

The UK served at the HRC from June 2006 to December 2011 and then again from January 2014 to December 2016.

a. Thematic Resolutions and Decisions (Civil, Political, Economic, Social and Cultural)

The UK abstained from voting on thirteen resolutions concerning: the right to development, civilian possession

1132 Explanation of vote by Canada, September 2007.

1133 UN Human Rights Council, Canada's intervention: Item 7, 6 March 2008.

1134 Explanation of vote by Canada, 24 September 2008.

1135 Resolution 7/2 *Composition of the staff of the Office of the United Nations High Commissioner for Human Rights* (2008); Resolution 10/5 *Composition of staff of the Office of the United Nations High Commissioner for Human Rights* (2009).

1136 Resolution 2/1 *Intergovernmental Working Group on the Review of Mandates* (2006).

1137 Resolution 4/3 *Intergovernmental Working Group on the Review of Mandates* (2007).

1138 Standing Senate Committee on Human Rights, Canada and the United Nations Human Rights Council: A time for serious re-evaluation, June 2008. Available at <http://www.parl.gc.ca/Content/SEN/Committee/392/huma/rep/rep13jun08-e.pdf>.

1139 *Ibid.*

of firearms, freedom of opinion and expression, peasant's rights, and the repatriation of funds. The UK voted against seventy resolutions and five decisions concerning: arms transfers, transnational corporations and human rights, defamation of religions, international order, drones, protection of the family, the right to development, impact of financial crises on human rights, foreign debt, international solidarity, mercenaries, migrants and asylum-seekers, the right to peace, peasant's rights, the Forum on People of African Descent, racism, terrorism and human rights, traditional values, and unilateral coercive measures.

Business and Human Rights: In 2011 and 2014, the UK joined the consensus to support resolutions¹¹⁴⁰ concerning human rights and transnational corporations and other business enterprises. In 2014, the UK voted against a resolution¹¹⁴¹ concerning the elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights, co-sponsored by South Africa. In 2016, the UK joined the consensus to support a resolution¹¹⁴² improving accountability and access to remedy.

“Calls once more upon all States to do their utmost to take appropriate legislative, administrative and other measures, consistent with international human rights law and their constitutional frameworks, in order to ensure that the civilian acquisition, possession and use of firearms are effectively regulated with the aim of enhancing the protection of human rights, in particular the right to life and security of person, of all.”

Resolution 29/10 Human rights and the regulation of civilian acquisition, possession and use of firearms (2015)

Civilian Acquisition and Possession of Firearms: In 2014, the UK voted in favour of a resolution¹¹⁴³ on the regulation of civilian acquisition, possession, and use of firearms. In 2015, the UK abstained from voting on a resolution¹¹⁴⁴ on the regulation of civilian acquisition, possession, and use of firearms.

Defamation of Religions: From 2007 through 2010, the UK voted every year against resolutions¹¹⁴⁵ combating the defamation of religions. All resolutions were sponsored by Pakistan.

International Order: In 2014, the UK voted against a resolution¹¹⁴⁶ concerning the mandate of the International Expert on the promotion of a democratic and equitable international order. From 2014 through 2016, the UK voted every year against resolutions¹¹⁴⁷ concerning the promotion of a democratic and equitable international order.

Foreign Debt: In 2006, the UK voted against a decision¹¹⁴⁸ concerning the effects of economic reform policies and foreign debt on human rights. In 2008, the UK voted against a resolution¹¹⁴⁹ concerning the mandate of the Independent Expert on the effects of foreign debt and other international financial obligations of States on human rights. In 2009 and 2011, the UK voted against a decision¹¹⁵⁰ and a resolution,¹¹⁵¹ respectively, on the effects of foreign debt and other international financial obligations of States on human rights.

1140 Resolution 17/4 *Human rights and transnational corporations and other business enterprises* (2011); Resolution 26/22 *Human rights and transnational corporations and other business enterprises* (2014).

1141 Resolution 26/09 *Elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights* (2014).

1142 Resolution 32/10 *Business and human rights: Improving accountability and access to remedy* (2016).

1143 Resolution 26/16 *Human rights and the regulation of civilian acquisition, possession and use of firearms* (2014).

1144 Resolution 29/10 *Human rights and the regulation of civilian acquisition, possession and use of firearms* (2015).

1145 Resolution 4/9 *Combating defamation of religions* (2007); Resolution 7/19 *Combating defamation of religions* (2008); Resolution 10/22 *Combating defamation of religions* (2009); Resolution 13/16 *Combating defamation of religions* (2010).

1146 Resolution 27/9 *Mandate of the Independent Expert on the promotion of a democratic and equitable international order* (2014).

1147 Resolution 27/9 *Mandate of the Independent Expert on the promotion of a democratic and equitable international order* (2014); Resolution 30/29 *Promotion of a democratic and equitable international order* (2015); Resolution 33/3 *Promotion of a democratic and equitable international order* (2016).

1148 Decision 2/109 *Effects of economic reform policies and foreign debt on the full enjoyment of all human rights* (2006).

1149 Resolution 7/4 *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* (2008).

1150 Decision 12/119 *The effect 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* (2009).

1151 Resolution 17/7 *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* (2011).

In 2011 and 2014, the UK voted against resolutions¹¹⁵² concerning the mandate of the Independent Expert on the effects of foreign debt and other international financial obligations of States on human rights.

In 2014, 2015, and 2016, the UK voted against resolutions¹¹⁵³ concerning the effects of economic reform policies and foreign debt on human rights.

Freedom of Opinion and Expression: In 2008, the UK abstained from voting on a resolution¹¹⁵⁴ concerning the mandate of the Special Rapporteur on the protection of the right to freedom of opinion and expression, sponsored by Canada. In 2009, the UK joined the consensus to support a resolution¹¹⁵⁵ concerning freedom of opinion and expression.

In 2011 and 2014, the UK joined the consensus to support resolutions¹¹⁵⁶ concerning the mandate of the Special Rapporteur on protection of the right to freedom of opinion and expression. In 2014, the UK joined the consensus to support a resolution¹¹⁵⁷ concerning the protection and enjoyment of human rights on the Internet.

The Impact of Arms Transfers' on Human Rights: In 2016, the UK voted against a resolution¹¹⁵⁸ concerning the impact of arms transfers on human rights.

Judicial System: In 2006, the UK joined the consensus to support a decision¹¹⁵⁹ on the integrity of the judicial system. In 2009, the UK joined the consensus to support resolutions¹¹⁶⁰ concerning the independence and impartiality of the judiciary. In 2010, the UK joined the consensus to support a resolution¹¹⁶¹ concerning the independence and impartiality of the judiciary. In 2011, the UK joined the consensus to support a resolution¹¹⁶² on the mandate of the Special Rapporteur on the independence of judges and lawyers.

In 2014, the UK abstained from voting on a resolution¹¹⁶³ concerning the integrity of the judicial system. In

Decides to extend for a further three years the mandate of the Special Rapporteur whose tasks will be: (a) To gather all relevant information, wherever it may occur, relating to violations of the right to freedom of opinion and expression, discrimination against, threats or use of violence, harassment, persecution or intimidation directed at persons seeking to exercise or to promote the exercise of the right to freedom of opinion and expression, including, as a matter of high priority, against journalists or other professionals in the field of information.”

Resolution 7/36 Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (2008)

“Urges all States to refrain from transferring arms when they assess, in accordance with applicable national procedures and international obligations and standards, that such arms are sufficiently likely to be used to commit or facilitate serious violations or abuses of international human rights law or international humanitarian law.”

Resolution 32/12 Impact of arms transfers on human rights (2016)

- 1152 Resolution 16/14 *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* (2011); Resolution 25/16 *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* (2014).
- 1153 Resolution 27/30 *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* (2014); Resolution 28/8 *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* (2015); Resolution 31/11 *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* (2016).
- 1154 Resolution 7/36 *Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression* (2008).
- 1155 Resolution 12/16 *Freedom of opinion and expression* (2009).
- 1156 Resolution 16/4 *Freedom of opinion and expression: Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression* (2011); Resolution 25/02 *Freedom of opinion and expression: Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression* (2014).
- 1157 Resolution 26/13 *The promotion, protection, and enjoyment of human rights on the Internet* (2014).
- 1158 Resolution 32/12 *Impact of arms transfers on human rights* (2016).
- 1159 Decision 2/110 *Integrity of the judicial system* (2006).
- 1160 Resolution 12/3 *Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers* (2009).
- 1161 Resolution 15/3 *Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers* (2010).
- 1162 Resolution 17/2 *Mandate of the Special Rapporteur on the independence of judges and lawyers* (2011).
- 1163 Resolution 25/4 *Integrity of the judicial system* (2014).

2015, the UK joined the consensus to support a resolution¹¹⁶⁴ on the independence and impartiality of the judiciary. In 2016, the UK joined the consensus to support a resolution¹¹⁶⁵ on the integrity of the judicial system.

International Solidarity: In 2007, the UK voted against a resolution¹¹⁶⁶ concerning human rights and international solidarity. In 2008, the UK voted against a resolution¹¹⁶⁷ concerning the mandate of the Independent Expert on human rights and international solidarity. From 2008 through 2011, and from 2014 through 2016, the UK voted every year against resolutions¹¹⁶⁸ concerning human rights and international solidarity.

In 2011, the UK voted against a decision¹¹⁶⁹ concerning the postponement of the mandate of the Independent Expert on human rights and international solidarity.

Mercenaries: In 2008, the UK voted against a resolution¹¹⁷⁰ concerning the mandate of the Working Group on the use of mercenaries for violating human rights and impeding the exercise of the right to self-determination. In 2009, the UK voted against a resolution¹¹⁷¹ concerning the use of mercenaries for violating human rights and impeding the exercise of the right to self-determination.

In 2010, the UK voted against a resolution¹¹⁷² on the elaboration of an international regulatory framework on regulating and monitoring the activities of private militaries and security companies by the open-ended Intergovernmental Working Group, sponsored by South Africa. In 2010 and 2014, the UK voted each year against a resolution¹¹⁷³ concerning the use of mercenaries for violating human rights and impeding the exercise of the right to self-determination.

“Urges States to guarantee that all persons brought to trial before courts or tribunals under their authority have the right to be tried in their presence, to defend themselves in person or through legal assistance of their own choosing and to have all the guarantees necessary for their legal defence; Calls upon States to ensure that the principles of equality before the courts and before the law are respected within their judicial systems by, inter alia, providing to those being tried the possibility to examine, or to have examined, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them.”

Resolution 25/4 Integrity of the judicial system (2014)

“Emphasizes its utmost concern about the impact of the activities of private military and security companies on the enjoyment of human rights, in particular when operating in armed conflicts, in privatized prisons and immigration-related detention facilities and in the extractive industries, and notes that private military and security companies and their personnel are rarely held accountable for violations of human rights.”

“Calls upon the international community and all States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities, in transparent, open and fair trials.”

Resolution 33/4 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (2016)

- 1164 Resolution 29/6 *Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers*(2015).
 1165 Resolution 31/2 *Integrity of the judicial system*(2016).
 1166 Resolution 6/3 *Human rights and international solidarity* (2007).
 1167 Resolution 7/5 *Mandate of the Independent Expert on human rights and international solidarity* (2008).
 1168 Resolution 9/2 *Human rights and international solidarity* (2008);Resolution 12/9 *Human rights and international solidarity* (2009);Resolution 15/13 *Human rights and international solidarity* (2010);Resolution 17/6 *Mandate of the Independent Expert on human rights and international solidarity* (2011);Resolution 26/6 *Mandate of the Independent Expert on human rights and international solidarity* (2014);Resolution 29/3 *Human rights and international solidarity* (2015);Resolution 32/9 *Human rights and international solidarity* (2016).
 1169 Decision 16/118 *Postponement of the renewal of the mandate of the International Expert on human rights and international solidarity* (2011).
 1170 Resolution 7/21 *Mandate of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination* (2008).
 1171 Resolution 10/11 *The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination* (2009).
 1172 Resolution 15/26 *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* (2010).
 1173 Resolution 15/12 *The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination* (2010); Resolution 27/10 *The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination* (2014).

In 2015, the UK voted against a resolution¹¹⁷⁴ concerning the renewal of the mandate of the open-ended Intergovernmental Working Group to consider the elaboration of an international regulatory framework on regulation and monitoring of the activities of private military and security companies. In 2015 and 2016, the UK voted each year against a resolution¹¹⁷⁵ concerning the use of mercenaries for violating human rights and impeding the exercise of the right to self-determination.

Migrants: In 2008, the UK joined the consensus to support a resolution¹¹⁷⁶ concerning the human rights of migrants. In 2009, the UK joined the consensus to support a resolution¹¹⁷⁷ concerning the human rights of child migrants. In 2010, the UK joined the consensus to support a resolution¹¹⁷⁸ concerning the human rights of migrants.

In 2011, the UK voted against a resolution¹¹⁷⁹ concerning migrants and asylum seekers fleeing in North Africa, sponsored by Nigeria. The UK joined the consensus to support a resolution¹¹⁸⁰ concerning the mandate of the Special Rapporteur on the human rights of migrants.

In 2014, the UK joined the consensus to support a resolution¹¹⁸¹ concerning the right of migrants to enjoy the highest attainable standard of physical and mental health, and a resolution¹¹⁸² concerning the mandate of the Special Rapporteur on the human rights of migrants. In 2015, the UK joined the consensus to support a resolution¹¹⁸³ concerning unaccompanied migrant children, adolescents, and human rights, and a resolution¹¹⁸⁴ concerning migrants in transit. In 2016, the UK joined the consensus to support a resolution¹¹⁸⁵ concerning the protection of human rights of migrants in large movements, and a resolution¹¹⁸⁶ concerning unaccompanied migrant children, adolescents, and human rights.

Peasants' Rights: In 2014, the UK voted against a resolution¹¹⁸⁷ concerning the protection of human rights of peasants and people working in rural areas. In 2015, the UK abstained from voting on a resolution¹¹⁸⁸ concerning the protection of human rights of peasants and people working in rural areas.

People of African Descent: In 2008, the UK joined the consensus to support a resolution¹¹⁸⁹ on the mandate of the

“Reaffirms the need to respect the fundamental principle of non-refoulement, including in the context of people fleeing events in North Africa.”

“Calls for a comprehensive inquiry by countries of destination into the very troubling allegations that sinking vessels carrying migrants and asylum-seekers fleeing the recent events in North Africa were abandoned to their fate despite the ability of European ships in the vicinity to rescue them.”

Resolution 17/22 Migrants and asylum-seekers fleeing recent events in North Africa (2011)

“Decides that the working group with the mandate to negotiate, finalize and submit to the Human Rights Council a draft United Nations declaration on the rights of peasants and other people working in rural areas shall hold its next two annual sessions for five working days each before the thirty-sixth session of the Council.”

Resolution 30/13 Promotion and protection of the human rights of peasants and other people working in rural areas (2015)

- 1174 Resolution 28/7 *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* (2015).
- 1175 Resolution 30/6 *The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination* (2015); Resolution 33/4 *The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination* (2016).
- 1176 Resolution 9/5 *Human rights of migrants* (2008).
- 1177 Resolution 12/6 *Human rights of migrants: Migration and the human rights of the child* (2009)
- 1178 Resolution 15/16 *Human rights of migrants* (2010).
- 1179 Resolution 17/22 *Migrants and asylum-seekers fleeing recent events in North Africa* (2011).
- 1180 Resolution 17/12 *Human rights of migrants: Mandate of the Special Rapporteur on the human rights of migrants* (2011).
- 1181 Resolution 26/21 *Promotion of the right of migrants to the enjoyment of the highest attainable standard of physical and mental health* (2014).
- 1182 Resolution 26/19 *Human rights of migrants: Mandate of the Special Rapporteur on the human rights of migrants* (2014).
- 1183 Resolution 29/12 *Unaccompanied migrant children and adolescents and human rights* (2015).
- 1184 Resolution 29/2 *Protection of the human rights of migrants: Migrants in transit* (2015).
- 1185 Resolution 32/14 *Protection of the human rights of migrants - Strengthening the promotion and protection of the human rights of migrants including in large movements* (2016).
- 1186 Resolution 33/7 *Unaccompanied migrant children and adolescents and human rights* (2016).
- 1187 Resolution 26/26 *Promotion and protection of the human rights of peasants and other people working in rural areas* (2014).
- 1188 Resolution 30/13 *Promotion and protection of the human rights of peasants and other people working in rural areas* (2015).
- 1189 Resolution 9/14 *Mandate of the Working Group of Experts on People of African Descent* (2008).

Working Group on people of African descent, sponsored by South Africa. In 2014, the UK joined the consensus to support a resolution¹¹⁹⁰ concerning the international decade for people of African descent, a resolution¹¹⁹¹ concerning the implementation of the international decade for people of African descent, and a resolution¹¹⁹² concerning the mandate of the Working Group on people of African descent. In 2015, the UK voted against a resolution¹¹⁹³ concerning the forum on people of African descent.

Protection of the Family: In 2014, the UK voted against a resolution¹¹⁹⁴ concerning protection of the family. In 2015, the UK voted against a resolution¹¹⁹⁵ on the contribution of the family to the right to an adequate standard of living through poverty eradication and achieving sustainable development. In 2016, the UK voted against a resolution¹¹⁹⁶ concerning the family's role in supporting the protection of human rights of persons with disabilities. All resolutions were co-sponsored by Bangladesh.

Racism: In 2006, the UK joined the consensus to support a decision¹¹⁹⁷ concerning the incompatibility between democracy and racism. The UK voted against a resolution¹¹⁹⁸ concerning preparations for the Durban Review Conference and voted against a decision¹¹⁹⁹ concerning global efforts for the elimination of racism, racial discrimination, xenophobia, intolerance, and implementation of the Durban Declaration and Programme of Action.

In 2007, the UK joined the consensus to support a decision¹²⁰⁰ concerning the report of the Preparatory Committee on the Durban review conference. In 2007, the UK voted against a resolution¹²⁰¹ concerning preparations for the Durban review conference, a resolution¹²⁰² on action against racism, racial discrimination, xenophobia and related intolerance, and a resolution¹²⁰³ concerning the elaboration of international complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination.

In 2008, the UK joined the consensus to support a resolution¹²⁰⁴ concerning the mandate of the Special Rapporteur on forms of racism, racial discrimination, xenophobia and intolerance. The UK voted against a resolution¹²⁰⁵ concerning action against racism, racial discrimination, xenophobia and related intolerance. In 2009, the UK joined the consensus to support a resolution¹²⁰⁶ on action against racism, racial discrimination, xenophobia and related intolerance, sponsored by South Africa. The UK voted against a resolution¹²⁰⁷ on the

1190 Resolution 25/33 *international decade for people of african descent* (2014).

1191 Resolution 26/1 *Implementation of the international decade for people of African descent: Draft programme of activities* (2014).

1192 Resolution 27/25 *mandate of the working group of experts on people of african descent* (2014).

1193 Resolution 30/17 *Forum on people of African descent in the diaspora* (2015).

1194 Resolution 26/11 *Protection of the family* (2014).

1195 Resolution 29/22 *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* (2015).

1196 Resolution 32/23 *Protection of the family: The role of the family in supporting the protection and promotion of human rights of persons with disabilities* (2016).

1197 Decision 2/106 *Incompatibility between democracy and racism* (2006).

1198 Resolution 3/2 *Preparations for the Durban Review Conference* (2006).

1199 Decision 3/103 *Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action* (2006).

1200 Decision 6/105 *Report of the Preparatory Committee on the Durban Review Conference* (2007).

1201 Resolution 6/23 *Preparations for the Durban Review Conference* (2007).

1202 Resolution 6/22 *From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance* (2007).

1203 Resolution 6/21 *Elaboration of international complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination* (2007).

1204 Resolution 7/34 *Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance* (2008).

1205 Resolution 7/33 *From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance* (2008).

1206 Resolution 10/31 *From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance* (2009).

1207 Resolution 10/30 *Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination* (2009).

elaboration of international complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination, sponsored by South Africa.

In 2010, the UK joined the consensus to support a resolution¹²⁰⁸ concerning the elaboration of international complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination and a resolution¹²⁰⁹ on the Nelson Mandela International Day, sponsored by Nigeria. In 2011, the UK joined the consensus to support a resolution¹²¹⁰ on the mandate of the Special Rapporteur on forms of racism, racial discrimination, xenophobia and related intolerance, sponsored by Nigeria.

In 2014, the UK joined the consensus to support a resolution¹²¹¹ concerning the mandate of the Special Rapporteur on forms of racism, racial discrimination, xenophobia and related intolerance. In 2015, the UK voted against a resolution¹²¹² concerning action against racism, racial discrimination, xenophobia and related intolerance. In 2016, the UK joined the consensus to support a resolution¹²¹³ combating intolerance, stereotyping, discrimination and violence against persons based on religion, sponsored by South Africa.

Repatriation of Funds: In 2011, the UK abstained from voting on a resolution¹²¹⁴ concerning the impact of non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, sponsored by Nigeria. From 2014 through 2016, the UK abstained every year from voting on resolutions¹²¹⁵ concerning the impact of non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights.

Remotely Piloted Aircraft or Armed Drones in Counter-Terrorism: In 2014 and 2015, the UK voted against resolutions¹²¹⁶ on the use of remotely piloted aircraft or armed drones in counter-terrorism and military operations in accordance with international law. Both resolutions were sponsored by Pakistan.

In 2011, the UK voted in favour of a decision¹²¹⁷ concerning the right to development. In 2014, the UK abstained from voting on a resolution¹²¹⁸ concerning the right to development. In 2015 and 2016, the UK voted against resolutions¹²¹⁹ concerning the right to development.

The Right to Development: In 2007 and 2008, the UK joined the consensus to support resolutions¹²²⁰

1208 Resolution 13/18 *Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination* (2010).

1209 Decision 15/117 *Nelson Mandela International Day* (2010).

1210 Resolution 16/33 *Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance* (2011).

1211 Resolution 25/32 *Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance* (2014).

1212 Resolution 30/16 *From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance* (2015).

1213 Resolution 31/26 *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief* (2016).

1214 Resolution 17/23 *The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights* (2011).

1215 Resolution 25/9 *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* (2014); Resolution 28/5 *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* (2015); Resolution 31/22 *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* (2016).

1216 Resolution 25/22 *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* (2014); Resolution 28/3 *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* (2015).

1217 Decision 16/117 *Right to development* (2011).

1218 Resolution 27/2 *The right to development* (2014).

1219 Resolution 30/28 *Right to development* (2015); Resolution 33/14 *The right to development* (2016).

1220 Resolution 4/4 *The right to development* (2007); Resolution 9/3 *The right to development* (2008).

concerning the right to development. In 2009, the UK abstained from voting on a resolution¹²²¹ concerning the right to development. In 2010, the UK voted in favour of a resolution¹²²² concerning the right to development.

The Right to Peace: In 2011, the UK voted against a resolution¹²²³ concerning the promotion of the right of peoples to peace. In 2014 and 2015, the UK voted against resolutions¹²²⁴ concerning the promotion of the right to peace. In 2016, the UK voted against a resolution¹²²⁵ concerning the declaration on the right to peace.

Strengthening the OHCHR: In 2007, the UK abstained from a resolution¹²²⁶ concerning the strengthening of the OHCHR, co-sponsored by South Africa.

Terrorism and Human Rights: In 2006, the UK joined the consensus to support a decision¹²²⁷ concerning persons deprived of liberty in counter-terrorism measures. From 2008 through 2010, the UK joined the consensus every year to support resolutions¹²²⁸ concerning the protection of human rights and freedoms while countering terrorism. In 2010, the UK joined the consensus to support a decision¹²²⁹ concerning human rights and terrorist hostage-taking.

In 2011, the UK joined the consensus to support a decision¹²³⁰ concerning the panel on human rights of victims of terrorism and a resolution¹²³¹ concerning the International Day of Remembrance and Tribute to the Victims of Terrorism. In 2014, the UK joined the consensus to support a resolution¹²³² concerning human rights and freedoms while countering terrorism.

In 2015, the UK joined the consensus to support a resolution¹²³³ concerning the protection of human rights and freedoms while countering terrorism, and a resolution¹²³⁴ concerning atrocities committed by Boko Haram and its effects on human rights. The UK voted against a resolution¹²³⁵ concerning the effect of terrorism on human rights.

In 2016, the UK voted against a resolution¹²³⁶ concerning the effects of terrorism on human rights. The UK joined the consensus to support a resolution¹²³⁷ concerning the mandate of the Special Rapporteur on the protection of human rights and freedoms while countering terrorism. The UK voted in favour of a resolution¹²³⁸

“Decides: (a) To continue to act to ensure that its agenda promotes and advances sustainable development and the achievements of the Millennium Development Goals and, in this regard, to lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms.”

Resolution 12/23 The right to development (2009)

1221 Resolution 12/23 *The right to development* (2009).

1222 Resolution 15/25 *The right to development* (2010).

1223 Resolution 17/16 *Promotion of the right of peoples to peace* (2011).

1224 Resolution 27/17 *Promotion of the right to peace* (2014); Resolution 30/12 *Promotion of the right to peace* (2015).

1225 Resolution 32/28 *Declaration on the right to peace* (2016).

1226 Resolution 4/6 *Strengthening of the Office of the United Nations High Commissioner for Human Rights* (2007).

1227 Decision 2/112 *Persons deprived of liberty in the context of counter-terrorism measures* (2006).

1228 Resolution 7/7 *Protection of human rights and fundamental freedoms while countering terrorism* (2008); Resolution 10/15 *Protection of human rights and fundamental freedoms while countering terrorism* (2009); Resolution 13/26 *Protection of human rights and fundamental freedoms while countering terrorism* (2010).

1229 Decision 15/116 *Human rights and issues related to terrorist hostage-taking* (2010).

1230 Decision 16/116 *Panel on the human rights of victims of terrorism* (2011).

1231 Resolution 17/8 *Proclamation of 19 August as the International Day of Remembrance and Tribute to the Victims of Terrorism* (2011).

1232 Resolution 25/7 *Protection of human rights and fundamental freedoms while countering terrorism* (2014).

1233 Resolution 29/9 *Protection of human rights and fundamental freedoms while countering terrorism* (2015).

1234 Resolution S-23/1 *Atrocities committed by the terrorist group Boko Haram and its effects on human rights in the affected States* (2015).

1235 Resolution 28/17 *Effects of terrorism on the enjoyment of human rights* (2015).

1236 Resolution 31/30 *Effects of terrorism on the enjoyment of all human rights* (2016).

1237 Resolution 31/3 *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* (2016).

1238 Resolution 33/21 *Protection of human rights and fundamental freedoms while countering terrorism* (2016).

concerning the protection of human rights and freedoms while countering terrorism.

Traditional Values: In 2009 and 2011, the UK voted against resolutions¹²³⁹ concerning the promotion of human rights and freedoms through traditional values of humankind.

Unilateral Coercive Measures: In 2007, the UK voted against a decision¹²⁴⁰ concerning human rights and unilateral coercive measures. From 2007 through 2010, the UK voted every year against resolutions¹²⁴¹ on human rights and unilateral coercive measures. In 2014 and 2015, the UK voted against resolutions¹²⁴² on human rights and unilateral coercive measures.

Comments

The UK consistently opposed every resolution concerning: drones, mercenaries, international solidarity, protection of the family, foreign debt, unilateral coercive measures, traditional values, democratic and equitable international order, strengthening of the OHCHR staff, and the defamation of religions.

The UK voted against every foreign debt resolutions. In 2014, in its explanation before the vote, the UK asserted that it “delivered debt relief to developing countries as a member of the Paris Club.”¹²⁴³ The UK further stated that the HRC “was not the right forum to discuss the management of sovereign debt as it was already being discussed in other relevant fora.”¹²⁴⁴

On the issue of unilateral coercive measures, the UK voted along with the European Union (EU). In the explanation before the vote, the Netherlands stated, on behalf of the EU, that they would vote against the resolution as the proposed resolution did not incorporate any of the EU’s concerns. The Netherlands affirmed that “restrictive measures taken by the European Union were not punitive, they minimized the impact on those not responsible for their government’s abuses and were in compliance with international law, including international human rights law.”¹²⁴⁵ The Netherlands further noted that HRC is not the proper forum to deliberate on this issue.¹²⁴⁶

The UK opposed all resolutions concerning the right to peace. The UK asserted that the right to peace does not exist under international law and, that “there was no agreement on the meaning of ‘peace’, and on the duty-bearer of such right.”¹²⁴⁷ The UK further stated that the absence of peace was not related to the failure to protect human rights.¹²⁴⁸

The UK joined the consensus or supported resolutions concerning the protection of rights and freedoms during counter-terrorism measures. However, the UK regularly voted against resolutions concerning the effects of terrorism on human rights. The Human Rights Committee noted its concern over the misuse of a broadly formulated definition of terrorism under the UK’s Terrorism Act of 2000 that failed to place sufficient

1239 Resolution 12/21 *Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind* (2009); Resolution 16/3 *Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind* (2011).

1240 Decision 4/103 *Human rights and unilateral coercive measures* (2007).

1241 Resolution 6/7 *Human rights and unilateral coercive measures* (2007); Resolution 9/4 *Human rights and unilateral coercive measures* (2008); Resolution 12/22 *Human rights and unilateral coercive measures* (2009); Resolution 15/24 *Human rights and unilateral coercive measures* (2010).

1242 Resolution 27/21 *Human rights and unilateral coercive measures* (2014); Resolution 30/02 *Human rights and unilateral coercive measures* (2015).

1243 Office of the High Commissioner for Human Rights, Display news, 26 September 2014. Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15109&>

1244 *Ibid.*

1245 Office of the High Commissioner for Human Rights, Display news, 1 October 2015. Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16553&LangID=E#sthash.eKrVBUUs.rHH8zR0m.dpuf>.

1246 *Ibid.*

1247 Office of the High Commissioner for Human Rights, Display news, 1 July 2016. Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20225&LangID=E>.

1248 *Ibid.*

safeguards on: the arrest of a person suspected of terrorism, necessary warrants, and uniform denials of bail.¹²⁴⁹ During the UPR I and the UPR II, the UK accepted the recommendation to “review all counter-terrorism legislation and ensure that it complies with the highest human rights standards.”¹²⁵⁰

On the issue of business and human rights, the UK voted against the resolution concerning an international legally binding instrument on transnational corporations. The EU stated that “national action plans were the best way to achieve progress, including at the regulatory and legal level,” and that “no international mechanism would be able to replace robust domestic legislation and mechanisms.”¹²⁵¹ In its 2006 HRC candidacy, the UK stated that it would advocate for “international efforts to advance the issues of corporate responsibility and human rights.”¹²⁵² In its pledge made in 2013, the UK stated that it “will promote [a] widespread international uptake of the Guiding Principles [on Business and Human Rights].”¹²⁵³ The UK further stated that “the issue was one of the rule of law, the national rule of law, within individual States. It was only through a rigorous application of a fair and just legal system that victims could be protected and legitimate business could thrive.”¹²⁵⁴

The UK consistently abstained from voting on the issue of repatriation of funds. The Netherlands, speaking on behalf of the EU, asserted that “the European Union would have preferred a resolution focusing on the root causes, including transnational crime,”¹²⁵⁵ and that it does not support the “creation of an intergovernmental mechanism, which would create unnecessary duplication and which would not be efficient.”¹²⁵⁶ During the UPR II, the UK rejected the recommendation to “set up a mechanism to carry out the repatriation of funds of illicit origin and illegally acquired assets to their countries of origin and to ensure cooperation with the requesting states.”¹²⁵⁷

The UK mostly joined the consensus on judicial integrity resolutions with the exception of one abstention in 2014. The UK asserted that the principles of rule of law and independence of the judiciary were fundamentally reflected in its Constitution. The UK did not subscribe to the resolution on a matter related to civilian courts and asserted that the wording of the Convention against Torture was not reflected faithfully.¹²⁵⁸

The UK voted against resolutions on the protection of family and stated that “the family as a unit was not a rights-holder under international law; rights were held by individuals.”¹²⁵⁹ The UK also noted that the draft resolution gave incorrect reference to the 2030 agenda.¹²⁶⁰

1249 UN Human Rights Committee, Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland, CCPR/C/GBR/CO/7, 17 August 2015. Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/GBR/CO/7&Lang=En.

1250 UN Human Rights Council, Universal Periodic Review, Report of the Working Group on the Universal Periodic Review United Kingdom of Great Britain and Northern Ireland Addendum, A/HRC/8/25/Add.1, 25 August 2008. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/161/51/PDF/G0816151.pdf?OpenElement>; UN Human Rights Council, Universal Periodic Review, Matrices of recommendations- UPR of the United Kingdom of Great Britain and Northern Ireland, 2012. Available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx>.

1251 Office of the High Commissioner for Human Rights, Display news, 26 June 2014. Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14785&LangID=E#sthash.8GknDrdV.dpuf>.

1252 United Kingdom voluntary pledges and commitments, 2006. Available at <http://www.un.org/ga/60/elect/hrc/>.

1253 United Nations General Assembly, Note verbale dated 7 October 2013 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly, A/68/512, 8 October 2013. Available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/68/512.

1254 Office of the High Commissioner for Human Rights, Display news, 26 June 2014. Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14785&LangID=E#sthash.8GknDrdV.dpuf>.

1255 Office of the High Commissioner for Human Rights, Display news, 24 March 2016. Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=18530&LangID=E#sthash.QuiRSAj2.dpuf>.

1256 *Ibid.*

1257 UN Human Rights Council, Universal Periodic Review, Matrices of recommendations- UPR of the United Kingdom of Great Britain and Northern Ireland, 2012. Available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx>.

1258 Office of the High Commissioner for Human Rights, Display news, 23 March 2016. Available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=18528&LangID=E#sthash.P9e4uFDs.dpuf>.

1259 Office of the High Commissioner for Human Rights, Display news, 1 July 2016. Available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20225&LangID=E#sthash.BMyfUoQT.dpuf>.

1260 *Ibid.*

The UK has a mixed record on the issue of racism. On several occasions the UK either abstained from voting or voted against the resolutions. In 2016, the Committee on the Elimination of Racial Discrimination highlighted the growing trend of racist hate crimes in various parts of England, Northern Ireland, and Wales during the EU referendum on Brexit.¹²⁶¹ The Committee raised its concern over the fact that despite the report of a high number of cases on hate speeches, there is a significantly low prosecution rate.¹²⁶² In 2015, the Human Rights Committee, emphasised the increasing incidences of racist and xenophobic expressions in the media and on the Internet that may amount to incitement to discrimination, hostility, or violence.¹²⁶³ During the UPR II, the UK accepted recommendations to “take appropriate measures to combat prejudices and negative stereotypes, which may result in racial discrimination or incitement to racial hatred”¹²⁶⁴ and noted the recommendation “to revise the policies that involve racial and ethnic profiling such as ‘stop and search’ practice.”¹²⁶⁵

The UK voted against two resolutions on drones. In a letter written to the UN Security Council the UK stated that “On 21 August 2015, armed forces of the United Kingdom of Great Britain and Northern Ireland carried out a precision air strike.”¹²⁶⁶ Three people were killed in the drone strike and The Joint Committee for Human Rights published an inquiry that “called on the government to clarify its policy of targeted killings in armed conflict and its role in targeted killing by other states outside armed conflict.”¹²⁶⁷

In 2015, the UK voted against a resolution on the Forum on people of African descent in the diaspora, and in 2016, the Committee on the Elimination of Racial Discrimination noted the issue of institutional racism against persons of African descent in the form of enjoyment of rights including: health, employment, education, stop and search practices, and the criminal justice system.¹²⁶⁸ The Committee on the Elimination of Racial Discrimination also raised its concern over the fact that “persons of African and Asian descent continue to be disproportionately targeted throughout the criminal justice system.”¹²⁶⁹

The UK joined the consensus or voted in favour of all resolutions related to migrants except for a resolution concerning migrants and asylum-seekers fleeing recent events in North Africa. The UNHCR notes that the “UK relies on and utilises detention in asylum procedures more frequently than most other countries in the EU,” and that “In 2015, of the 33,000 individuals who were detained in immigration detention, almost 15,000 were asylum-seekers.”¹²⁷⁰ The UNHCR further adds that the UK does not have a “maximum time limit on immigration detention and 2015 saw an increase in long-term detention with over 100 detainees detained for over a year.”¹²⁷¹ Human Rights Watch notes that “the UN Committee on the Rights of the Child called on the UK to stop detaining asylum-seeking and migrant children and expedite family reunification for unaccompanied children outside the UK.”¹²⁷²

1261 UN Committee on the Elimination of Racial Discrimination, Concluding observations on the combined twenty-first to twenty-third periodic reports of the United Kingdom of Great Britain and Northern Ireland, CERD/C/GBR/CO/21-23, 3 October 2016. Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/GBR/CO/21-23&Lang=En.

1262 *Ibid.*

1263 UN Committee on the Elimination of Racial Discrimination, Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland, CCPR/C/GBR/CO/7, 17 August 2015. Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/GBR/CO/7&Lang=En.

1264 UN Human Rights Council, Universal Periodic Review, Matrices of recommendations- UPR of the United Kingdom of Great Britain and Northern Ireland, 2012. Available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx>.

1265 *Ibid.*

1266 United Nations Security Council, Letter dated 7 September 2015 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council, S/2015/688, 8 September 2015. Available at http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/688.

1267 Amnesty International, Annual report 2016/17- United Kingdom. Available at <https://www.amnesty.org/en/countries/europe-and-central-asia/united-kingdom/report-united-kingdom/>.

1268 *Ibid* at para 22.

1269 *Ibid* at para 28.

1270 United Nations High Commissioner for Refugees, The United Kingdom of Great Britain and Northern Ireland: Progress under the global strategy beyond detention 2014-2019, Mid-2016. Available at <http://www.unhcr.org/uk/protection/detention/57b583fc7/united-kingdom-progress-report.html?query=united%20kingdom>.

1271 *Ibid.*

1272 Committee on the Rights of the Child, Concluding observations on the fifth periodic report of the United Kingdom of Great

b. Country Resolutions and Decisions (Procedural, Situations, Capacity-Building and Technical Assistance)

The UK abstained from voting on twenty two resolutions concerning human rights situations in: the OSG, the OPT, and the Democratic Republic of the Congo. The UK voted against seven resolutions concerning assistance to Sri Lanka in promotion and protection of human rights and on the human rights situations in Sudan, Lebanon, and the OPT.

The Democratic Republic of the Congo: In 2008, the UK joined the consensus to support a resolution¹²⁷³ concerning technical cooperation and advisory services in the Democratic Republic of the Congo and a resolution¹²⁷⁴ concerning human rights in the East of the Democratic Republic of the Congo. In 2009, the UK abstained from voting on a resolution¹²⁷⁵ concerning human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services.

In 2010 and 2011, the UK joined the consensus to support resolutions¹²⁷⁶ concerning human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services, sponsored by Nigeria. From 2014 through 2016, the UK joined the consensus every year to support resolutions¹²⁷⁷ concerning technical assistance and capacity-building for human rights in the Democratic Republic of the Congo.

Lebanon: In 2006, the UK joined the consensus to support a resolution¹²⁷⁸ on the report of the Commission of Inquiry on Lebanon, sponsored by Pakistan. The UK voted against a resolution¹²⁷⁹ concerning the human rights situation in Lebanon caused by Israeli military operations.

The Occupied Palestinian Territory and Israel (OPTI): In 2006, the UK voted against a resolution¹²⁸⁰ concerning human rights in the OPT and a resolution¹²⁸¹ concerning human rights violations emanating from Israeli military incursions in the OPT and Northern Gaza. The UK abstained from voting on a resolution¹²⁸² concerning human rights in the OPT. The UK voted in favour of a resolution¹²⁸³ concerning Israeli settlements in the OPT.

In 2007, the UK joined the consensus to support resolutions¹²⁸⁴ concerning human rights in the OPT. All resolutions were sponsored by Pakistan.

Britain and Northern Ireland, CRC/C/GBR/CO/5, 3 June 2016. Available at http://internet.ohchr.org/Treaties/CRC/Shared%20Documents/GBR/CRC_C_GBR_CO_5_24195_E.docx; See also Human Rights Watch, World report 2017- European Union events of 2016. Available at <https://www.hrw.org/world-report/2017/country-chapters/european-union#89f9c9>.

1273 Resolution 7/20 *Technical cooperation and advisory services in the Democratic Republic of the Congo* (2008).

1274 Resolution S-8/1 *Situation of human rights in the East of the Democratic Republic of the Congo* (2008).

1275 Resolution 10/33 *Situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services* (2009).

1276 Resolution 13/22 *Situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services* (2010); Resolution 16/35 *The human rights situation in the Democratic Republic of the Congo and the strengthening of technical cooperation and advisory services* (2011).

1277 Resolution 27/27 *Technical assistance and capacity-building for human rights in the Democratic Republic of the Congo* (2014); Resolution 30/26 *Technical assistance and capacity-building for human rights in the Democratic Republic of the Congo* (2015); Resolution 33/29 *Technical assistance and capacity-building for human rights in the Democratic Republic of the Congo* (2016).

1278 Resolution 3/3 *Report of the Commission of Inquiry on Lebanon* (2006).

1279 Resolution S-2/1 *The grave situation of human rights in Lebanon caused by Israeli military operations* (2006).

1280 Resolution S-1/1 *Human rights situation in the Occupied Palestinian Territory* (2006).

1281 Resolution S-3/1 *Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory, including the recent one in northern Gaza and the assault on Beit Hanoun* (2006).

1282 Resolution 3/1 *Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolution S-1/1* (2006).

1283 Resolution 2/4 *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan* (2006).

1284 Resolution 4/2 *Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolutions S-1/1 and S-3/1* (2007); Resolution 6/18 *Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolutions S-1/1 and S-3/1* (2007).

In 2008, the UK voted in favour of a resolution¹²⁸⁵ concerning Israeli settlements in the OPT. The UK joined the consensus to support a resolution¹²⁸⁶ concerning the Palestinian peoples' right to self-determination. The UK voted against a resolution¹²⁸⁷ concerning human rights violations emanating from Israeli military incursions in the OPT and the shelling of Beit Hanoun. The UK abstained from voting on resolutions¹²⁸⁸ concerning human rights violations emanating from Israeli military attacks in the OPT and the Gaza Strip. All resolutions were sponsored by Pakistan.

In 2009, the UK voted in favour of a resolution¹²⁸⁹ concerning Israeli settlements in the OPT. The UK joined the consensus to support a resolution¹²⁹⁰ concerning the Palestinian peoples' right to self-determination and a resolution¹²⁹¹ concerning human rights in the OPT and East Jerusalem. The UK abstained from voting on a resolution¹²⁹² concerning human rights violations emanating from the Israeli military operations in the OPT and resolutions¹²⁹³ concerning human rights violations due to Israeli military activities in the OPT and the occupied Gaza strip. All these resolutions were sponsored by Pakistan.

In 2010, the UK voted against a resolution¹²⁹⁴ concerning human rights violations in the OPT and East Jerusalem. The UK voted in favour of a resolution¹²⁹⁵ concerning the Palestinian peoples' right to self-determination and a resolution¹²⁹⁶ concerning Israeli settlements in the OPT. The UK abstained from voting on a resolution¹²⁹⁷ concerning the report of the international fact-finding mission on the incident of the humanitarian flotilla and a resolution¹²⁹⁸ concerning the report of the international fact-finding mission on the Gaza conflict. All resolutions were sponsored by Pakistan. The UK abstained from voting on a resolution¹²⁹⁹ concerning the report of the committee of Independent Experts in international humanitarian and human rights law.

In 2011, the UK voted against a resolution¹³⁰⁰ concerning the report of the fact-finding mission on the Gaza conflict. The UK abstained from voting on a resolution¹³⁰¹ concerning human rights in the OPT and East Jerusalem. The UK voted in favour of a resolution¹³⁰² concerning the Palestinian peoples' right to self-

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- 1285 Resolution 7/18 *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan* (2008).
- 1286 Resolution 7/17 *Right of the Palestinian people to self-determination* (2008).
- 1287 Resolution 9/18 *Follow-up to Resolution S-3/1: Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory and the shelling of Beit Hanoun* (2008).
- 1288 Resolution S-6/1 *Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip* (2008); Resolution 7/1 *Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian territory, particularly the recent ones in the occupied Gaza Strip* (2008).
- 1289 Resolution 10/18 *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem and in the occupied Syrian Golan* (2009).
- 1290 Resolution 10/20 *Right of the Palestinian people to self-determination* (2009).
- 1291 Resolution S-12/1 *The human rights situation in the Occupied Palestinian Territory, including East Jerusalem* (2009).
- 1292 Resolution 10/19 *Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory* (2009).
- 1293 Resolution S-9/1 *The Grave Violations of Human Rights in the Occupied Palestinian Territory particularly due to the recent Israeli military aggression on the occupied Gaza Strip* (2009); Resolution 10/21 *Follow-up to Council Resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip* (2009).
- 1294 Resolution 13/8 *The grave human rights violations by Israel in the Occupied Palestinian Territory, including East Jerusalem* (2010).
- 1295 Resolution 13/6 *Right of the Palestinian people to self-determination* (2010).
- 1296 Resolution 13/7 *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan* (2010).
- 1297 Resolution 15/1 *Follow-up to the report of the independent international Fact-Finding Mission on the incident of the humanitarian flotilla* (2010).
- 1298 Resolution 13/9 *Follow-up to the report of the United Nations independent international Fact-Finding Mission on the Gaza Conflict* (2010).
- 1299 Resolution 15/6 *Follow-up to the report of the Committee of Independent Experts in international humanitarian and human rights law established pursuant to Council Resolution 13/9* (2010).
- 1300 Resolution 16/32 *Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict* (2011).
- 1301 Resolution 16/29 *The human rights situation in the Occupied Palestinian Territory, including East Jerusalem* (2011).
- 1302 Resolution 16/30 *Right of the Palestinian people to self-determination* (2011).

determination, a resolution¹³⁰³ concerning Israeli settlements in the OPT, and resolutions¹³⁰⁴ concerning the report of the international fact-finding mission on the incident of the humanitarian flotilla, sponsored by Pakistan.

In 2014, the UK abstained from voting on a resolution¹³⁰⁵ concerning respect for international law in the OPT and East Jerusalem. The UK voted in favour of a resolution¹³⁰⁶ concerning the Palestinian peoples' right to self-determination. The UK voted in favour of a resolution¹³⁰⁷ concerning human rights in the OPT and East Jerusalem, and a resolution¹³⁰⁸ concerning Israeli settlements in the OPT. The UK voted in favour of a resolution¹³⁰⁹ concerning the report of the fact-finding mission on the incident of the humanitarian flotilla and a resolution¹³¹⁰ concerning the report of the fact-finding mission on the Gaza conflict. All resolutions were sponsored by Pakistan.

In 2015, the UK voted in favour of a resolution¹³¹¹ concerning the Palestinian peoples' right to self-determination, a resolution¹³¹² concerning human rights in the OPT and East Jerusalem and a resolution¹³¹³ concerning Israeli settlements in the OPT, East Jerusalem, and the OSG. The UK voted in favour of a resolution¹³¹⁴ concerning accountability and justice for violations of international law in the OPT and East Jerusalem. All resolutions were sponsored by Pakistan.

In 2016, the UK joined the consensus to support a resolution¹³¹⁵ concerning the Palestinian people's right to self-determination. The UK voted in favour of a resolution¹³¹⁶ concerning human rights in the OPT and East Jerusalem. The UK abstained from voting on a resolution¹³¹⁷ concerning Israeli settlements in the OPT and a resolution¹³¹⁸ concerning accountability and justice for violations of international law in the OPT and East Jerusalem. All resolutions were sponsored by Pakistan.

The Occupied Syrian Golan (OSG): In 2006, the UK abstained from voting on a resolution¹³¹⁹ concerning human rights in the OSG. From 2008 through 2011, the UK abstained every year from voting on resolutions¹³²⁰ concerning human rights in the OSG. In 2014 and 2015, the UK abstained from voting on resolutions¹³²¹

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- 1303 Resolution 16/31 *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan* (2011).
- 1304 Resolution 16/20 *Follow-up to the report of the independent international Fact-Finding Mission on the incident of the humanitarian flotilla* (2011); Resolution 17/10 *Follow-up to the report of the independent international Fact-Finding mission on the incident of the humanitarian flotilla* (2011).
- 1305 Resolution S-21/1 *Ensuring respect for international law in the Occupied Palestinian Territory, including East Jerusalem* (2014).
- 1306 Resolution 25/27 *Right of the Palestinian people to self-determination* (2014).
- 1307 Resolution 25/29 *Human rights situation in Occupied Palestinian Territory, including East Jerusalem* (2014).
- 1308 Resolution 25/28 *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan* (2014).
- 1309 Resolution 17/10 *Follow-up to the report of the independent international Fact-Finding Mission on the incident of the humanitarian flotilla* (2014).
- 1310 Resolution 25/30 *Follow-up to the report of the United Nations Independent international Fact-Finding Mission on the Gaza Conflict* (2014).
- 1311 Resolution 28/25 *Right of the Palestinian people to self-determination* (2015).
- 1312 Resolution 28/27 *Human rights situation in the Occupied Palestinian Territory, including East Jerusalem* (2015).
- 1313 Resolution 28/26 *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan* (2015).
- 1314 Resolution 29/25 *Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem* (2015).
- 1315 Resolution 31/33 *Right of the Palestinian people to self-determination* (2016).
- 1316 Resolution 31/34 *Human rights situation in the Occupied Palestinian Territory, including East Jerusalem* (2016).
- 1317 Resolution 31/36 *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan* (2016).
- 1318 Resolution 31/35 *Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem* (2016).
- 1319 Resolution 2/3 *Human rights in the occupied Syrian Golan* (2006).
- 1320 Resolution 7/30 *Human rights in the occupied Syrian Golan* (2008); Resolution 10/17 *Human rights in the occupied Syrian Golan* (2009); Resolution 13/05 *Human rights in the occupied Syrian Golan* (2010); Resolution 16/17 *Human rights in the occupied Syrian Golan* (2011).
- 1321 Resolution 25/31 *Human rights in the occupied Syrian Golan* (2014); Resolution 28/24 *Human rights in the occupied Syrian Golan* (2015).

concerning human rights in the OSG. In 2016, the UK joined the consensus to support a resolution¹³²² concerning human rights in the OSG. All resolutions were sponsored by Pakistan.

Sri Lanka: In 2009, the UK voted against a resolution¹³²³ on assistance to Sri Lanka for the protection of human rights, sponsored by Sri Lanka. In 2014, the UK voted in favour of a resolution¹³²⁴ concerning reconciliation, accountability, and human rights in Sri Lanka. In 2015, the UK joined the consensus to support a resolution¹³²⁵ concerning reconciliation, accountability and human rights in Sri Lanka. The 2014 and 2015 resolutions were co-sponsored by the UK.

Sudan: In 2006, the UK voted against a decision¹³²⁶ concerning Darfur. In 2007, the UK joined the consensus to support a resolution¹³²⁷ concerning Human Rights Council experts on human rights in Darfur, a resolution¹³²⁸ concerning human rights in Darfur, and a decision¹³²⁹ and a resolution¹³³⁰ on the mandate of the Special Rapporteur on human rights in Sudan.

In 2008, the UK joined the consensus to support resolutions¹³³¹ concerning human rights in Sudan. In 2010, the UK voted in favour of a resolution¹³³² on improving human rights in Sudan. In 2014 and 2015, the UK joined the consensus to support resolutions¹³³³ on technical assistance and human rights to improve human rights in Sudan. In 2016, the UK joined the consensus to support a resolution¹³³⁴ on technical assistance and capacity-building to improve human rights in Sudan, sponsored by South Africa.

Comments

During its 2016 HRC candidacy, the UK stated that “the Human Rights Council should respond to situations of human rights concern, wherever and whenever they occur,” and “pledge[d] to tackle human rights situations and crises, through either support and dialogue or greater scrutiny, in accordance with their specific requirements.”¹³³⁵ In the same pledge, the UK further “committed to promoting human rights within the development and peace and security pillars of the United Nations,” and specified that “this includes ensuring that the Security Council has access to the necessary human rights information on which to base its decisions.”¹³³⁶

The UK served on the HRC for eight of the ten years analysed and mostly maintained a consistent voting pattern except for resolutions on OPT. For example, the UK initially opposed one decision concerning human rights in Sudan but then joined the consensus or voted in favour of all resolutions and decisions concerning human rights in Sudan. Similarly, the UK supported all but one resolution on the issue of technical assistance and capacity-building in the Democratic Republic of the Congo. The UK primarily votes in favour or joins the consensus on OPT resolutions but also abstains from voting or votes against a significant number of OPT resolutions.

1322 Resolution 31/25 *Human rights in the occupied Syrian Golan* (2016).

1323 Resolution S-11/1 *Assistance to Sri Lanka in the promotion and protection of human rights* (2009).

1324 Resolution 25/1 *Promoting reconciliation, accountability and human rights in Sri Lanka* (2014).

1325 Resolution 30/1 *Promoting reconciliation, accountability and human rights in Sri Lanka* (2015).

1326 Decision 2/115 *Darfur* (2006).

1327 Resolution 6/35 *Human Rights Council Group of Experts on the situation of human rights in Darfur* (2007).

1328 Resolution 4/8 *Follow-up to decision S-4/101 of 13 December 2006 adopted by the Human Rights Council at its fourth special session entitled “Situation of human rights in Darfur”* (2007).

1329 Decision 6/103 *Mandate of the Special Rapporteur on the situation of human rights in the Sudan* (2007).

1330 Resolution 6/34 *Mandate of the Special Rapporteur on the situation of human rights in the Sudan* (2007).

1331 Resolution 7/16 *Situation of human rights in the Sudan* (2008); Resolution 9/17 *Situation of human rights in the Sudan* (2008).

1332 Resolution 15/27 *Situation of human rights in the Sudan* (2010).

1333 Resolution 27/29 *Technical assistance and capacity-building to improve human rights in the Sudan* (2014); Resolution 30/22 *Technical assistance and capacity-building to improve human rights in the Sudan* (2015).

1334 Resolution 33/26 *Technical assistance and capacity-building to improve human rights in Sudan* (2016).

1335 UN General Assembly, Note verbale dated 26 October 2016 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly, A/71/572, 26 October 2016. Available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/71/572&referer=http://www.un.org/en/ga/71/meetings/elections/hrc.shtml&Lang=E

1336 *Ibid.*

c. Procedural

The UK abstained from voting on a resolution concerning the composition of the staff of the OHCHR and voted against two resolutions related to special procedures.

Composition of the Staff of the OHCHR and Representative Institutions: In 2015 and 2016, the UK voted against resolutions¹³³⁷ concerning the composition of the staff of the OHCHR.

Special Procedures: In 2006, the UK voted against a resolution¹³³⁸ concerning the Intergovernmental Working Group on the review of mandates. In 2007, the UK joined the consensus to support a resolution¹³³⁹ concerning the Intergovernmental Working Group on the review of mandates.

1337 Resolution 28/01 *Composition of staff of the Office of the United Nations High Commissioner for Human Rights* (2015); Resolution 31/1 *Composition of staff of the Office of the United Nations High Commissioner for Human Rights* (2016).

1338 Resolution 2/1 *Intergovernmental Working Group on the Review of Mandates* (2006).

1339 Resolution 4/3 *Intergovernmental Working Group on the Review of Mandates* (2007).

Chapter VII

Recommendations

If the Commonwealth is to champion human rights and good governance, its member countries must recall and abide by their membership agreements and obligations, to promote and protect human rights at the HRC. Some practical steps are provided here, for member countries, the Commonwealth Secretariat, and Commonwealth Heads of Government to undertake to further human rights at the HRC.

Commonwealth Member Countries Must:

- Submit HRC pledges every time they stand for election and indicate specific steps they have taken or will take to uphold their voluntary pledges;
- Vote consistently to support their commitments to the Commonwealth's fundamental political values enshrined in declarations, statements, and the Commonwealth Charter;
- Provide a publicly-accessible explanation or rationale for all votes;
- Take demonstrable and quantifiable steps to domestically implement commitments made at the HRC and the Commonwealth;
- Organise public consultations before voting on an issue;
- Commit to competitive HRC elections and end the practice of clean slate elections, to make the HRC more democratic and inclusive of under represented countries; and
- Reference the Commonwealth's fundamental political values and Charter obligations in their pledges and explanation of votes where possible.

The Commonwealth Secretariat Must:

- Convene meetings with HRC Commonwealth countries and Commonwealth affiliated organisations to discuss the themes on the HRC agenda and encourage solidarity within the Commonwealth;
- Before each HRC session, develop technical briefing papers that interpret and apply existing declarations and statements to contentious matters put up for a vote at the HRC;
- Assist small states and requesting countries with technical expertise and guidance on HRC procedures to further their commitments to Commonwealth values;
- Document and publish members' voting at the HRC and present the findings to Commonwealth Ministerial Action Group (CMAG), relevant ministerial meetings, and at Commonwealth Heads of Government Meeting (CHOGM);
- When considering countries for the Secretary-General's Good Offices or attention from CMAG, take account of the voting histories at the HRC.

Commonwealth Heads of Government Must:

- Formally review member States' voting positions at each CHOGM, to ensure maximum compliance and consistency with the Commonwealth's fundamental political values;
- Develop explicit and unambiguous positions where the Commonwealth's existing declarations, statements or Charter make only generalised ones, or make no mention of issues discussed at the HRC.

CHRI Programmes

CHRI believes that the Commonwealth and its member countries must be held to high standards and functional mechanisms for accountability and participation. This is essential if human rights, genuine democracy and development are to become a reality in people's lives. CHRI furthers this belief through strategic initiatives and advocacy on human rights, access to justice and access to information. It does so through research, publications, workshops, information dissemination and advocacy.

Access to Justice

Police Reforms: In too many countries the police are seen as an oppressive instrument of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that the police act as upholders of the rule of law rather than as instruments of the current regime. In India, CHRI's programme aims at mobilising public support for police reform. In South Asia, CHRI works to strengthen civil society engagement on police reforms. In East Africa and Ghana, CHRI is examining police accountability issues and political interference.

Prison Reforms: CHRI's work is focused on increasing transparency of a traditionally closed system and exposing malpractices. A major area is focussed on highlighting failures of the legal system that result in terrible overcrowding and unconscionably long pre-trial detention and prison overstay, and engaging in interventions to ease this. Another area of concentration is aimed at reviving the prison oversight systems that have completely failed. We believe that attention to these areas will bring improvements to the administration of prisons as well as have a knock-on effect on the administration of justice overall.

Access to Information

CHRI is acknowledged as one of the main organisations working to promote access to information across the Commonwealth. It encourages countries to pass and implement effective right to information laws. We routinely assist in the development of legislation and have been particularly successful in promoting right to information in India, Bangladesh and Ghana where we are the Secretariat for the RTI civil society coalition. We regularly critique new bills and intervene to bring best practices into governments and civil society knowledge both in the time when laws are being formulated and when they are first being implemented. Our experience of working across even in hostile environments as well as culturally varied jurisdictions allows CHRI to bring valuable insights into countries seeking to evolve and implement new laws on right to information. In Ghana, for instance we have been promoting knowledge about the value of access to information which is guaranteed by law while at the same time pushing for introduction of an effective and progressive law. In Ghana as and when the access to information law comes into being we intend to build public knowledge in parallel with monitoring the law and using it in ways which indicate impact of the law on system accountability – most particularly in the area of policing and the working of the criminal justice system.

Strategic Initiatives Programme

CHRI monitors member states' compliance with human rights obligations and advocates around human rights exigencies where such obligations are breached. CHRI strategically engages with regional and international bodies including the Commonwealth Ministerial Action Group, the UN and the African Commission for Human and People's Rights. Ongoing strategic initiatives include: advocating for and monitoring the Commonwealth's reform; reviewing Commonwealth countries' human rights promises at the UN Human Rights Council, the Universal Periodic Review; advocating for the protection of human rights defenders and civil society space; and monitoring the performance of National Human Rights Institutions in the Commonwealth while advocating for their strengthening.

In 2006, the Commonwealth strongly supported the creation of the UN Human Rights Council (HRC) mandated to protect and promote human rights, and the Secretary-General of the Commonwealth enthusiastically stated that safeguarding human rights is a guiding principle of the Commonwealth between 2006 and 2016, nineteen Commonwealth member countries served on the HRC. As the first decade of the HRC came to an end, the opportunity arose to understand the extent to which voting behaviour actualised the safeguarding of human rights by member countries in conformity with the Commonwealth's own ideology.

This report is a technical review that enumerates when each member country abstained or voted against a resolution or decision and specifies resolutions sponsored by Commonwealth members. The itemisation of voting behaviour by theme and country is intended to provide the official Commonwealth, its civil society, researchers, and in-country media with the basis to make its own assessments of reality and rhetoric. We hope that it will be the springboard for a deeper analysis on the geo-politics that shape, improve, and obstruct international human rights. We hope too, that the study will encourage the Commonwealth and its member countries to recognise the potential that exists to enhance human rights as a collective of 52 countries.



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