

CHRI 2019



Easier Said Than Done

39th Regular Session

Pledges and Performance:

Holding Commonwealth members to account at HRC



CHRI

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

Australia Kenya Nigeria Pakistan
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Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-profit, non-partisan, international non-governmental organisation working in the area of human rights. In 1987, several Commonwealth professional associations founded CHRI, since there was little focus on human rights within the association of 53 nations although the Commonwealth provided member countries the basis of shared common laws.

Through its reports and periodic investigations, CHRI continually draws attention to the progress and setbacks to human rights in Commonwealth countries. In advocating for approaches and measures to prevent human rights abuses, CHRI addresses the Commonwealth Secretariat, the United Nations Human Rights Council members, the media and civil society. It works on and collaborates around public education programmes, policy dialogues, comparative research, advocacy and networking on the issues of Access to Information and Access to Justice.

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EASIER SAID THAN DONE

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List of Abbreviations

ICCPR: International Covenant on Civil and Political Rights

ICESCR: International Covenant on Economic, Social and Cultural Rights

CAT-OP: Optional Protocol to the Convention against Torture

CAT: Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment

CED: Convention for the Protection of All Persons from Enforced Disappearances

CEDAW: Convention on the Elimination of Discrimination Against Women

CERD: Committee on the Elimination of Racial Discrimination

CMW: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

CRC-OP-AC: Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

CRC-OP-CP: Optional Protocol to the Convention on the Rights of the Child on the communications procedure

CRC-OP-SC: Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography

CRC: Convention on the Rights of the Child

CRPD: Convention on the Rights of Persons with Disabilities

DPRK: Democratic People’s Republic of Korea

EU: European Union

HRC: Human Rights Council

ICCPR-OP2-DP2: Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty

ICCPR: International Covenant on Civil and Political Rights

ICESCR: International Covenant on Economic, Social and Cultural Rights

ICPPED: International Convention for the Protection of All Persons from Enforced Disappearance

ICRMW: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

ID: Interactive Dialogue

IDP: Internally Displaced Person

IE: Independent Expert

KNCHR: Kenyan National Commission on Human Rights

LGBTI/Q: Lesbian, Gay, Bisexual, Transgender and Intersex/Queer

NGO: Non-Governmental Organization

NHRI: National Human Rights Institution

OHCHR: Office of the High Commissioner for Human Rights

OIC: Organization for Islamic Cooperation

OPT: Occupied Palestinian Territory

SDG: Sustainable Development Goals

SR: Special Rapporteur

UK: The United Kingdom of Great Britain and Northern Ireland

UN: United Nations

UNDP: United Nations Development Programme

UNGA: United Nations General Assembly

UNHCR: United Nations High Commissioner for Refugees

UNICEF: United Nations International Children's Emergency Fund

UPR: Universal Periodic Review

VDPA: Vienna Declaration and Programme of Action

WEOG: Western European and Others Group

Acknowledgements

The Easier Said Than Done (ESTD) series has been produced by the Commonwealth Human Rights Initiative (CHRI) to evaluate the performance of Commonwealth member states at the United Nations Human Rights Council (HRC), and to highlight the opportunity for the Commonwealth and its member states to re-elect on and improve their human rights record. CHRI has consistently tracked the performance of Commonwealth countries at the HRC since the first ESTD report in 2007.

The concept has been redesigned and standardised by Yashasvi Nain, Programme Lead at CHRI's International Advocacy Programme (IAP) and lead author for this report. He compiled and analysed the research and led a team of colleagues, volunteers and partner organisations to make this report possible amid pressing deadlines and parallel programme commitments. The report was further researched and analysed by co-author, Sarthak Roy, Research Officer with the Office of the International Director. We also thank Aditi Patil, Research Officer at the CHRI's International Advocacy Programme, for compiling and finalising this report.

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CHAPTER I

Introduction

a. An Overview of the Report

The Easier Said Than Done (ESTD) report is a part of the series started in 2007 to review the voting patterns of Commonwealth member states at the Human Rights Council (HRC) in Geneva. It provides a basis for evaluating their engagement with the Council and examines whether their voting behaviour in support of resolutions is consistent with their voluntary pledges and commitments they made to the HRC. In 2017, at the end of the HRC's first decade, CHRI conducted a study, "The Commonwealth at the Human Rights Council: A Decade of Voting", to understand the extent to which voting behaviour actualised the safeguarding of human rights by member states in conformity with their own voluntary pledges and their commitments at the HRC.

This ESTD report summarises and presents an analysis of the performance of the following seven Commonwealth member states during the Council's 39th session: Australia, Kenya, Nigeria, Pakistan, Rwanda, South Africa and the United Kingdom. It highlights the disparities between human rights promises made by members and their implementation at national levels. Overall, the ESTD series seeks to bridge gaps between international human rights systems and local landscapes at the country level.

The series seeks to present a clear picture of the activities of Commonwealth member states in the HRC and track thematic developments there, along with shifts in foreign policy approaches of member states on rights issues. The report aims to highlight institutional and human rights concerns in the HRC and explain discrepancies in the behaviour of the member state. It calls for greater accountability so that members act in accordance with their pledges and commitments.

The ESTD Reports contribute towards enabling and strengthening stakeholders' access to the HRC. This report is an information-sharing tool which aims to reach a wider audience; target groups include civil society, national human rights institutions and researchers, who are otherwise unable to access the HRC due to their remote locations. The report promotes the accountability of member states and furthers efforts for human rights protection in the Commonwealth through dialogue and data-driven advocacy.

b. Methodology

The report was prepared using research based on primary as well as secondary sources.

For the purpose of this report, the following human rights treaties have been covered to assess the reporting obligations – CAT, CAT-OP, CCPR, CCPR-OP2-DP, CED, CEDAW, CERD, CESC, CMW, CRC, CRC-OP-AC, CRC-OP-SC, and CRPD. Research was conducted from following sources: monitoring live HRC sessions; HRC resolutions available on the HRC extranet; UPR extranet, the UPR Info website; statements made by the countries at the HRC; explanations of votes provided by the countries; reports submitted during the UPR; treaty body reports, NGO reports, and news articles.

For analytical ease, resolutions were divided into two categories: thematic and country situation. Thematic resolutions categorically refer to topics focused on a theme, for example, civil society space or the death penalty. Country situations categorically refer to specific human rights situations in a country or capacity-building, such as the human rights situation in Sudan or technical assistance to and capacity-building in Ukraine.

c. Limitations

The ESTD report aims to provide a balanced review and assessment but this report has found two key challenges:

- The first was to measure vague and unquantifiable pledges made by several Commonwealth member states on rights issues. In some instances, this led to “compliance indicators” which were far too general in nature. Elsewhere, the report assesses specific pledges, reviewing loopholes in the pledge-making process and looking at the lack of efficient governing standards.
- The second challenge was that most countries do not have publicly available robust documentation on their positions. There is a lack of standard process, and not all documented reasons are available on the HRC extranet or on the website of the respective UN missions. As a result, it has not been possible to analyse the voting rationale for every issue. This has led to a variation in the quantity of information used in tallying compliances with pledges. The limited availability of reliable, objective and/or quantified information is in itself an indication of the lack of infrastructure in many Commonwealth member states to monitor human rights conditions.

It is advisable to take these factors into consideration and avoid comparing different country situations and/or the extent of compliance with their respective pledges when using this report.

d. Structure

The first chapter provides an overview of the 39th session. It further discusses the performance of seven Commonwealth member states during the session and covers major findings and observations concerning voting on resolutions, engagement with special procedures, compliance with treaty bodies, participation in formats of discussion and domestic human rights challenges. Since this happens to be a study on Commonwealth member states, country-specific resolutions concerning countries not part of the Commonwealth have not been covered.

It is followed by the country profiles of Australia, Kenya, Nigeria, Pakistan, Rwanda, South Africa, and the United Kingdom. Each profile presents information of the member state’s voluntary pledges, participation in panel discussions, general debates and interactive dialogues, and voting on thematic and country-specific resolutions. The profile ends with an analysis of the country’s compliance with pledges and international commitments, and the corresponding domestic human rights situation.

The report concludes with key recommendations for Commonwealth member states to enhance meaningful engagement with the HRC and draw in the 39th session and the analysis of specific human rights issues at the national level.

Note: Given the dynamic nature of this study, there are newer developments every day, especially in relation to the States’ compliance with the HRC and treaty body mechanisms. The data in this report is, therefore, as it was found on April 2019.

CHAPTER II

The Commonwealth at the 39th Session of the Human Rights Council

a. An Overview of the 39th Session of the Human Rights Council

The Human Rights Council held its 39th session at the United Nations Office at Geneva from 10 to 28 September 2018. The session addressed and passed resolutions on a range of human rights issues such as safety of journalists, right to development, equal participation in political and public affairs and a multitude of other human rights concerns. The Council passed 23 resolutions, comprising 13 thematic resolutions and 10 country specific resolutions. It adopted 13 resolutions by consensus. The following table covers all resolutions along with short descriptions:

Table 2.1

Resolution No.	Title of the Resolution	Description
39/1	Promotion and protection of human rights in the Bolivarian Republic of Venezuela	The Council drew attention to the serious human rights violations in a context of a political, economic, social and humanitarian crisis. It called upon the Government of the Bolivarian Republic of Venezuela to accept humanitarian assistance in order to address the scarcity of food, medicine and medical supplies, the rise of malnutrition, especially among children, and the outbreak of diseases that had been previously eradicated or kept under control in South America and to cooperate with the Office of the High Commissioner and the mechanisms of the Human Rights Council.
39/2	Situation of human rights of Rohingya Muslims and other minorities in Myanmar	The Council encouraged the General Assembly to consider taking further action to address the serious human rights violations committed in Myanmar, particularly in Rakhine, Shan and Kachin States, as documented in the final report of the fact-finding mission, and to seriously consider the recommendations contained therein and to pay due regard to the establishment of the mechanism.
39/3	World Programme for Human Rights Education	The Council urged advancing implementation of the Programme by focusing especially on women, girls and children, and engaging with groups and individuals in vulnerable situations, in accordance with the objective of the 2030 Agenda for Sustainable development of "leaving no one behind".
39/4	Promotion of a democratic and equitable international order	The Council stressed that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and reaffirmed that the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind. It is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.
39/5	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	The Council called upon on all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries.
39/6	The safety of journalists	The Council emphasised the role of international cooperation in support of national efforts to prevent attacks and violence against journalists and in raising the capacities of States in the field of human rights, including in preventing attacks and violence against journalists, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned.

39/7	Local government and human rights	The Council requested the OHCHR to prepare a report, in consultation with all States and relevant intergovernmental organisations, United Nations agencies, funds and programmes, relevant special procedures of the HRC, the Advisory Committee, the treaty bodies, NHRIs, civil society, including non-governmental organisations, and local governments, on effective methods to foster cooperation between local government and local stakeholders for the effective promotion and protection of human rights at their level through local government programmes.
39/8	The human rights to safe drinking water and sanitation	The Council called upon States to ensure the progressive realisation of the human rights to safe drinking water and sanitation for all in a non-discriminatory manner while eliminating inequalities in access, including for persons at risk and marginalised groups, on the grounds of race, gender, age, disability, ethnicity, culture, religion and national or social origin or on any other grounds.
39/9	The right to development	The Council requested the Office of the High Commissioner, in the implementation of the Declaration on the Right to Development, to take sufficient measures to ensure balanced and visible allocation of resources and due attention to ensure the visibility of the right to development by identifying and implementing tangible projects dedicated to the right to development, in collaboration with the Special Rapporteur on the right to development, and to provide regular updates to the Human Rights Council in this regard.
39/10	Preventable maternal mortality and morbidity and human rights in humanitarian settings	The Council urged all States to eliminate preventable maternal mortality and to respect, protect and fulfil sexual and reproductive health and reproductive rights, in accordance with the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development. It urged States to decide responsibly on all matters relating to sexuality, sexual and reproductive health, free from discrimination or violence. It called upon States to remove legal barriers, develop and enforce policies and good practices ensuring respect for bodily autonomy and universal access to reproductive health-care services.
39/11	Equal participation in political and public affairs	The Council requested the OHCHR to disseminate and promote the use of the guidelines and to provide technical cooperation and capacity-building to States.
39/12	United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas	The Council urged Governments, agencies and organisations of the United Nations system and intergovernmental and non-governmental organisations to disseminate the Declaration and to promote universal respect and understanding thereof.
39/13	Human rights and indigenous peoples	The Council encouraged States, according to their relevant national context and characteristics, to collect and disseminate data disaggregated by ethnicity, income, gender, age, race, migratory status, disability, geographic location or other factors, as appropriate, in order to monitor and improve the impact of development policies, strategies and programmes aimed at improving the well-being of indigenous peoples and individuals, to combat and eliminate violence and multiple and intersecting forms of discrimination against them.
39/14	Situation of human rights in Burundi	The Council urged the Government of Burundi to cooperate fully with the treaty bodies, to allow special procedure mandate holders to visit the country and to stop any reprisal against human rights defenders who are cooperating with international human rights mechanisms, including the Human Rights Council.
39/15	The human rights situation in the Syrian Arab Republic	The Council invited States to actively support the International, Impartial and Independent Mechanism, including considering the provision of information and data on the most serious crimes under international law committed in the Syrian Arab Republic, and to provide adequate multiannual financial aid for its functioning.

39/16	Human rights situation in Yemen	The Council called upon all parties in Yemen to implement fully Security Council resolution 2216 (2015), which will contribute to an improvement in the situation of human rights, and encouraged all parties to reach a comprehensive agreement to end the conflict.
39/17	National human rights institutions	The Council encouraged the Secretary-General and all United Nations human rights mechanisms and relevant United Nations agencies, funds and programmes, working within their respective mandates, to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions, to work with Member States and national human rights institutions in the protection and promotion of human rights, and to strengthen United Nations system-wide coordination in support of national human rights institutions.
39/18	Enhancement of technical cooperation and capacity-building in the field of human rights	The Council called upon States, international human rights bodies and mechanisms, relevant international organisations, national human rights institutions and civil society to share best practices and to make use of the ideas and issues raised in the panel discussion to enhance the efficiency, effectiveness and policy coherence of technical cooperation and capacity-building efforts in the promotion and protection of the human rights, including the rights of older persons.
39/19	Technical assistance and capacity-building in the field of human rights in the Central African Republic	The Council called upon the authorities of the Central African Republic to ensure respect for the human rights and fundamental freedoms of the entire population and to take all necessary steps to end the impunity of perpetrators of acts of violence by strengthening the judicial system and mechanisms intended to ensure accountability.
39/20	Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo	The Council encouraged the Government of the Democratic Republic of the Congo to respect the rule of law and to continue its efforts to respect, protect and ensure the enjoyment of human rights and fundamental freedoms by all, in accordance with the international obligations of States.
39/21	Technical assistance and capacity-building for Yemen in the field of human rights	The Council called upon all parties to the conflict in Yemen to respect their obligations under international human rights law and international humanitarian law to stop immediately attacks on civilians and to ensure humanitarian access to the affected population nationwide.
39/22	Technical assistance and capacity-building to improve human rights in the Sudan	The Council requested the OHCHR to take into account, inter alia, the recommendations of the Independent Expert, to provide technical assistance and capacity-building to improve the situation of human rights in the country and with a view to provide support for the country to fulfil its human rights obligations and commitments.
39/23	Assistance to Somalia in the field of human rights	The Council called upon the Federal Government to continue progress towards settling outstanding constitutional issues and completing the constitutional review in an inclusive manner. It recommended that the process should promote peace and rule of law and freedoms of expression and association. It further stated that the review should include targeted provisions facilitating advancement of women, children, youth, persons with disabilities, minorities and disadvantaged groups in areas of access to justice, education, health, security and economic recovery.

b. The Commonwealth at the 39th Session of the Human Rights Council

During the 39th session of the HRC, seven Commonwealth Countries participated as members of the Council. These were Australia, Kenya, Nigeria, Pakistan, Rwanda, South Africa and the United Kingdom¹. Australia and Rwanda are

¹ United Nations Human Rights Council, Current Membership of the Human Rights Council, 1 January - 31 December 2018 by regional groups. Available at: <https://www.ohchr.org/en/hrbodies/hrc/pages/currentmembers.aspx>.

serving their first term in the Council. Rwanda's membership will end in 2019 and Australia will remain a member till 2020, having begun its term in the 37th session. Kenya is serving its second term, which will end in 2018. South Africa is serving its third term, which will end in 2019. Nigeria, Pakistan and the United Kingdom are serving their fourth terms. While the United Kingdom will end its term in 2019, Nigeria and Pakistan will remain members till 2020.

c. Voting Patterns of the Commonwealth Member States on Resolutions

i. Thematic Resolutions

Voting Key:

Favour: ✓

Against: ✗

Consensus: •

Abstention: –

Table 2.2

TEXT	RESOLUTIONS	AUS	KEN	NIG	PAK	RWA	SA	UK
39/3	World Programme for Human Rights Education	•	•	•	•	•	•	•
39/4	Promotion of a democratic and equitable international order	✗	✓	✓	✓	✓	✓	✗
39/5	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	✗	✓	✓	✓	✓	✓	✗
39/6	The safety of journalists	•	•	•	•	•	•	•
39/7	Local government and human rights	•	•	•	•	•	•	•
39/8	The human rights to safe drinking water and sanitation	✓	✓	✓	✓	✓	✓	✓
39/9	The right to development	✗	✓	✓	✓	✓	✓	✗
39/10	Preventable maternal mortality and morbidity and human rights in humanitarian settings	•	•	•	•	•	•	•
39/11	Equal participation in political and public affairs	•	•	•	•	•	•	•
39/12	United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas	✗	✓	✓	✓	✓	✓	✗
39/13	Human rights and indigenous peoples	•	•	•	•	•	•	•
39/17	National human rights institutions	•	•	•	•	•	•	•
39/18	Enhancement of technical cooperation and capacity-building in the field of human rights	•	•	•	•	•	•	•

ii. Country-situation Resolutions

Voting Key:

Favour: ✓

Against: ✗

Consensus: •

Abstention: –

Table 2.3

TEXT	RESOLUTIONS	AUS	KEN	NIG	PAK	RWA	SA	UK
39/1	Promotion and protection of human rights in the Bolivarian Republic of Venezuela	✓	–	–	✗	✓	–	✓
39/2	Situation of human rights of Rohingya Muslims and other minorities in Myanmar	✓	–	✓	✓	✓	–	✓
39/14	Situation of human rights in Burundi	✓	–	–	–	✓	–	✓
39/15	The human rights situation in the Syrian Arab Republic	✓	–	–	–	✓	–	✓
39/16	Human rights situation in Yemen	✓	–	–	✗	–	–	✓
39/19	Technical assistance and capacity-building in the field of human rights in the Central African Republic	•	•	•	•	•	•	•

39/20	Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo	•	•	•	•	•	•	•
39/21	Technical assistance and capacity-building for Yemen in the field of human rights	•	•	•	•	•	•	•
39/22	Technical assistance and capacity-building to improve human rights in the Sudan	•	•	•	•	•	•	•
39/23	Assistance to Somalia in the field of human rights	•	•	•	•	•	•	•

d. Overview of the Performance of the Commonwealth Member States

Table 2.4

No.	CRITERIA	AUS	KEN	NIG	PAK	RWA	SA	UK
1.	Clean slate election	✓	✓	✓	✗	✓	✓	✓
2.	Voluntary pledges and commitments submitted	✓	✓	✓	✓	✗	✓	✓
3.	Thematic resolutions sponsored (in resolutions adopted during the session)	✓	✓	✗	✗	✓	✓	✓
4.	Country situation resolutions sponsored (in resolutions adopted during the session)	✓	✗	✗	✓	✗	✗	✓
5.	Issued Standing invitation to Special Procedures	✓	✓	✓	✗	✓	✓	✓
6.	Treaty Ratification (10 major treaties)	✗	✗	✗	✗	✗	✗	✗
7.	Treaty reporting (outstanding report exceeding 5 years)	0	1	6	1	0	1	0
8.	Pending requests and reminders from Special Procedures for the last 5 years	2	18	11	17	7	21	2

i. Compliance with Reporting Obligations to Treaty Bodies

When a country ratifies a treaty, in addition to its obligation to implement the substantive provisions of the treaty, it is also under an obligation to submit periodic reports to the relevant treaty body on how the rights are being implemented. Almost all Commonwealth member states in their pledges committed to comply with their treaty body reporting obligations under the major human rights treaties. Australia, Rwanda, and the United Kingdom complied with their obligations and hence complied with their pledges. Pakistan has one treaty body report pending for more than five years: CRPD. Nigeria has six treaty body reports pending for more than five years: CAT, CERD, CESC, CRC-OP-AC, CRC-OP-SC, and CRPD. Kenya and South Africa both have treaty body report pending for CRC-OP-AC. Thus, Nigeria has the worst record in treaty body reporting.

ii. Engagement with Special Procedures

The special procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. Despite voluntary pledges, the record of most of the current Commonwealth member states' has unsatisfactory engagement with special procedures. Countries from the Western European and Others Group (WEOG) have a better record of engaging with special procedures. Australia's performance is positive, except for its lack of full cooperation with the Special Rapporteur on Torture whose visit it has postponed and which stands cancelled currently. The United Kingdom has positive engagement with all Special Procedures. However, countries from the Africa and Asia groups have not engaged with special procedures adequately and have 12 or more requests and reminders pending for the past five years: Kenya (18), South Africa (21), and Pakistan (17). Nigeria and Rwanda have a slightly better record with 11 and seven pending requests and reminders respectively. Most of the country visits in the Asian and African Commonwealth member states are from special procedures dealing with civil and political rights issues, such as arbitrary detention, discrimination against women, torture and extrajudicial killings, freedom of assembly, among others.

iii. Treaty Ratification

Australia, Rwanda, Nigeria, and the UK have a relatively better record of human rights treaty ratification than other Commonwealth countries. However, Australia, South Africa, and the UK have not yet ratified the Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Rwanda has not ratified the Convention for the Protection of All Persons from Enforced Disappearance, while Nigeria is yet to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. Kenya and Pakistan fare the poorest amongst these states, with five and four pending ratifications of international human rights treaties respectively. Kenya has not ratified CAT-OP, CCPR-OP2-DP, CED, CMW and CRC-OP-SC, whereas Pakistan has not ratified CAT-OP, CCPR CED and CMW amongst others.

iv. Thematic Resolutions

The Commonwealth member states joined consensus on eight resolutions and voted unanimously on one thematic resolution, namely, *Human rights to safe drinking water and sanitation*.² Western Group, comprising of Australia and the UK, displayed an identical voting pattern. None of the African States or Pakistan voted against any thematic issue, while the UK and Australia voted against four resolutions, namely, *Promotion of a democratic and equitable international order; The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; the right to development; and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas*.

v. Country Resolutions

The Commonwealth member states joined consensus on five country resolutions. Australia and the UK displayed a similar voting trend and did not vote against any country resolution, while some African states abstained from voting. Kenya and Nigeria abstained from voting on five country situations. Nigeria and Rwanda abstained from voting on three and one country resolutions respectively. Pakistan abstained from voting on two resolutions and was the only country to vote against two country situation resolutions, namely, *Promotion and protection of human rights in the Bolivarian Republic of Venezuela and The human rights situation in Yemen*.

e. Major Challenges

i. Pledges

Only four Commonwealth member states: Australia, Pakistan, South Africa, and the UK submitted a new pledge enumerating their human rights promises and commitments. Rwanda did not submit a pledge. Nigeria last submitted its pledge in 2006. Kenya did not submit a new pledge while applying for its second term in 2015; the report considers its 2012 pledge.

Additionally, pledges are often vague and ambiguous, thereby making it difficult to assess measurable outcomes or hold countries accountable to the pledges they have made. The pledge is an important consideration for selection to the HRC. The UN General Assembly Resolution 60/251, which established the HRC, states that human rights pledges made by countries should be considered while electing the members of the HRC. Pledges are essential as members without formal pledges and commitments are able to avoid scrutiny from national and international stakeholders.

ii. Uncontested Elections

The performance of the Council is directly influenced by its composition. However, there has been a continuing and worrying trend of regional groupings running “clean-slate” elections with the number of countries standing for

² Resolution 39/8 The human rights to safe drinking water and sanitation (2018).

election matching the number of open seats. This trend is visible across all five regional groups. In the first decade of the Council, the Asia-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. The last Council election was a clean-slate election for all five UN regional groups. CHRI believes that competitive elections are critical to promote robust dialogue, geographical representation, diversity, and accountability. The practice of clean-slate elections undermines the Council's credibility, for among other issues, it also prevents States from submitting pledges on sincere human rights commitments.

iii. Lack of Follow-up and Implementation

There is a perceptible culture of failure by Member States to honour the resolutions that they support during the Council sessions. Hence, it is essential that the Council ensures that States follow up on and adhere to the object and purposes prescribed under the resolutions. This is imperative, especially, to foster and sustain the universality of human rights amongst all individual Member States.

During the term of a Member State, there should be increased scrutiny on its adherence to the resolutions by Council Member States in order to guarantee compliance with the membership obligations and to ensure accountability. This should be held at the highest standards in the Council. Such scrutiny could be applied through an annual report by the High Commissioner that focuses on cooperation by the Council members with resolutions and other UN mechanisms.

The resolutions should be action-oriented, should identify reforms, stages of practice and implementation that are concrete and measurable to assist in conducting follow-ups. The primary sponsors of each resolution should consider incorporating successes for identifying benchmarks, and reporting on implementation to make documentation and assessment easier and more accessible. Each State or the OHCHR should also maintain a comprehensive monitoring database, bringing together relevant recommendation from Special Procedures, Treaty Bodies, the UPR, Council resolutions, and report on the implementation of these recommendations.

CHAPTER III

Country Profiles

AUSTRALIA

I. Introduction

Australia was elected for its first term on the HRC, after the conclusion of a clean slate election in 2017.³ Its current term ends in 2020.⁴

II. Voluntary Pledges and Commitments

In its voluntary pledge, Australia firmly committed to fundamental human rights and freedoms.⁵ It positioned itself as a “pragmatic and principled” candidate and a voice for the Pacific. Led by Foreign Minister, Julie Bishop, Australia’s Campaign was based on “five pillars”,⁶ namely:

- Gender equality
- Good governance
- Freedom of expression
- The rights of indigenous peoples
- Strong national human rights institutions and capacity building.

III. Australia’s Participation at the 39th Session of the HRC

Australia participated very actively at the Council. It co-sponsored 12 resolutions during the 39th Session. Selected participation of Australia in general debates and panel discussions is as follows:

S. No.	Interactive Dialogue	Australia’s Interventions
1	Clustered interactive dialogue with the Independent Expert on the human rights of older persons and the Special Rapporteur on the human rights to safe drinking water and sanitation	Australia: <ul style="list-style-type: none">• Stated that it is developing a National Plan to Address Elder Abuse.• Affirmed its commitment to addressing gender inequality by reducing the potential intergenerational vulnerability of older women.⁷
2.	Clustered interactive dialogue with the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention	Australia: <ul style="list-style-type: none">• Maintained that it opposes arbitrary detention.• Reaffirmed its responsibility to uphold the Vienna Convention on Consular Relations 1963 (VCCR) for consular situations occurring on Australian territory very seriously.⁸

3 General Assembly of the United Nations, Elections of the Human Rights Council, 2017. Available at: <http://www.un.org/en/ga/72/meetings/elections/hrc.shtml>.

4 Office of the High Commissioner for Human Rights, Current Membership of the Human Rights Council, Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/MembersByGroup.aspx>.

5 United Nations General Assembly, Note verbale dated 14 July 2017 from the Permanent Mission of Australia to the United Nations addressed to the President of the General Assembly, 24 July 2017. Available at: <http://undocs.org/en/A/72/212>.

6 Australian Government, Department of Foreign Affairs and Trade, Pillars and Priorities. Available at: <http://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/pillars-and-priorities/Pages/pillars-and-priorities.aspx>.

7 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

8 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

3.	Interactive dialogue with the Commission of Inquiry on Burundi	<p>Australia:</p> <ul style="list-style-type: none"> • Welcomed the announcement by the President of Burundi that he will not seek another term in 2020. • Was gravely concerned about the serious human rights violations that continue to be committed in Burundi. • Requested the Commission for practical steps the international community can take to help document human rights violations in Burundi.⁹
4.	Interactive dialogue with the Independent International Commission of Inquiry on the Syrian Arab Republic	<p>Australia:</p> <ul style="list-style-type: none"> • Condemned the widespread, systematic and ongoing human rights violations and abuses in Syria, particularly the use of chemical weapons. It maintained that chemical weapons are illegal and abhorrent. • Asserted the importance of humanitarian access to all areas, including those recently coming under the control of the Syrian authorities, to those who wish to leave conflict-affected areas and refugees. • Recognised the significant role played by Syria's neighbours in hosting displaced people.¹⁰
5.	Interactive dialogue with the Commission on Human Rights in South Sudan	<p>Australia:</p> <ul style="list-style-type: none"> • Welcomed (i) that all parties to the conflict are working towards peace and (ii) UNSC resolution 2428 (2018) which requires member states to: impose an arms embargo; continue asset freeze and travel ban; and designate two new two new individuals subject to those measures. • Remained deeply concerned by the human rights situation in the country. Strongly condemned attacks against civilians, particularly sexual violence against women and girls.¹¹
6.	Interactive dialogue with the independent international fact-finding mission on Myanmar	<p>Australia:</p> <ul style="list-style-type: none"> • Condemned in the strongest terms the atrocities in Rakhine, Shan and Kachin states and reiterated its call for the lifting of restrictions on humanitarian access in the same states. • Urged for the swift implementation of the tripartite MoU on repatriation, including full and effective access for UNDP and UNHCR, and for the full implementation of Advisory Commission recommendations. • Raised its concerns on the ongoing challenges to media freedom. • Affirmed its continued support as a regional partner to Myanmar's efforts toward full democracy and national peace and reconciliation.¹²

9 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>

10 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

11 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

12 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

7.	Interactive dialogue with the Assistant Secretary-General for Human Rights on the report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights	<p>Australia:</p> <ul style="list-style-type: none"> • Welcomed the work of the Secretary General, the Office of the High Commissioner for Human Rights, and the Global Alliance of National Human Rights Institutions for investigating reprisals and assisting those affected. • Showed concern for reports about women and LGBTI defenders at heightened risk of intimidation, violence and degrading treatment for their legitimate work. • Reiterated its advocacy for civil society and National Human Rights Institutions participation in the UN.¹³
8.	Clustered interactive dialogue with the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples	<p>Australia:</p> <ul style="list-style-type: none"> • Agreed with the Special Rapporteur's concerns on increase in attacks against, and criminalisation of, indigenous human rights defenders. • Affirmed its commitment to the rights of indigenous people by stating its work on partnership with Aboriginal and Torres Strait Islander peoples to refresh the national framework for addressing indigenous disadvantage, <i>Closing the Gap</i>.¹⁴
9.	Interactive dialogue with the High Commissioner on the oral presentation on Ukraine	<p>Australia:</p> <ul style="list-style-type: none"> • Extended support for Ukraine's territorial integrity and called on all parties to implement their Minsk 2 obligations as the only agreed basis for resolving the crisis. • Was gravely concerned by OHCHR's findings that occupying authorities in Crimea systematically fail to guarantee fair and impartial justice and human rights, including freedom of expression/religion/belief and deplored the reported use of torture, enforced disappearances and sexual violence. • Raised concerns on the increased scale of threats and violence against Roma and LGBTI+groups, and legal constraints on the legitimate activities of journalists and NGOs throughout the country.¹⁵
10.	Enhanced interactive dialogue on the report of OHCHR on the human rights situation in the Democratic Republic of the Congo	<p>Australia:</p> <ul style="list-style-type: none"> • Noted the progress in addressing impunity for sexual violence but remained concerned by the conflict-related sexual violence, in particular, the role of state officials as perpetrators. • Highlighted the continued repression of the right to freedom of assembly, expression and association against media, civil society and NGOs. • Affirmed its commitment towards the release of political prisoners and prisoners of conscience by reiterating the Global and All-Inclusive Agreement of December 2016.¹⁶

13 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

14 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

15 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

16 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

17 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

11.	Interactive dialogue on the report of the High Commissioner on Yemen	Australia: <ul style="list-style-type: none"> Called on all parties to the conflict to engage constructively and urged them to allow unimpeded humanitarian assistance to all areas of the country and agreed that the way forward is a comprehensive approach to accountability. Showed deep concern for reports of sexual violence against men, women and children.¹⁷
12.	Interactive dialogue with the Special Rapporteur on the situation of human rights in Cambodia	Australia: <ul style="list-style-type: none"> Welcomed Cambodia's ongoing dialogue with Special Rapporteur and its history of UN cooperation and partnered with it in its efforts to promote gender equality and improve the rights of women. Called on Cambodia to release all detainees arrested for their political affiliations and opinions or human rights work.¹⁸
13.	Interactive dialogue with the Special Rapporteur on the situation of human rights in Somalia	Australia: <ul style="list-style-type: none"> Welcomed Somalia's engagement with Human Rights Council processes, its establishment of National Human Rights Commission, and its commitments made the Global Disability Summit. Called upon the country to protect the right to freedom of expression, and implement the recommendations it accepted during its 2011 UPR, particularly, on death penalty.¹⁹
14.	Interactive dialogue with the Special Rapporteur on the situation of human rights in the Sudan	Australia: <ul style="list-style-type: none"> Commended Sudan for the positive role it is playing in regional peace and security, such as facilitating the South Sudan peace process. Asserted its opposition to the death penalty in Sudan and showed concern at the continued restrictions placed on freedom of expression, association and assembly.²⁰

S. No.	General Debate	Australia's Interventions
1.	General Debate on the oral update by the High Commissioner for Human Rights	Australia: <ul style="list-style-type: none"> Asserted right to freedom of peaceful assembly and association; called on countries to avoid disproportionate force during protest, online and offline. Remained concerned about the treatment of minorities in Myanmar, China and Pakistan. Encouraged Bahrain not to place undue restrictions on political groups' ability to participate in political dialogue. Called upon the Philippines to respect right to life, liberty and security of person in its war against drugs. Affirmed its cooperation with regional partners in combating shared challenges of irregular migration and smuggling while upholding international legal obligations.²¹

18 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

19 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

20 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>

21 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

2.	General Debate on Item 4 concerning human rights situations that require the Council's attention	Australia: <ul style="list-style-type: none"> Strongly condemned the deaths of civilians in Syria, particularly the use of chemical weapons. Remained deeply concerned by dire humanitarian situation in Yemen, South Sudan and the Democratic Republic of Congo. Noted with concern the violent repression in Venezuela and that millions of people have fled the country since July 2018.²²
3.	General Debate on Item 6 concerning Australia's mid-term UPR report	Australia: <ul style="list-style-type: none"> Accepted 150 of the 290 recommendations of the UPR. Specifically ratified the OPCAT, is on track in promoting the rights of Indigenous Australians, and recognised same-sex marriage under law.²³
4.	General Debate on Item 8 concerning the follow-up and implementation of the Vienna Declaration and Programme of Action	Australia: <ul style="list-style-type: none"> Commended the work of the Global Alliance of National Human Rights Institutions and OCHCR in supporting the establishment, strengthening and operation of National Human Rights Institutions globally, particularly the efforts to accredit NHRIs based on their compliance with the Paris Principles.²⁴
5.	General Debate on Item 10 concerning technical assistance and capacity building	Australia: <ul style="list-style-type: none"> Highlighted the inconsistent response to situations of concern by the HRC by comparing engagement in Cote d'Ivoire, Cameroon, Nicaragua and Venezuela.²⁵

S. No.	Panel Discussions	Australia's Interventions
1.	High-Level Panel Discussion on the 70th Anniversary of the Convention on Prevention of Genocide	Australia: <ul style="list-style-type: none"> Noted that too many times the international community has failed to prevent the most serious mass atrocity crimes. Acknowledged responsibility of States and international community in protecting their populations from mass atrocity crimes, and the significant role of mechanisms mandated by the Council in ensuring that perpetrators are held to account.²⁶
2.	Annual Panel Discussion on the rights of Indigenous Peoples	Australia: <ul style="list-style-type: none"> Affirmed its commitment in promoting and protecting the rights of indigenous peoples in the following ways: (i) ensuring that views and opinions of indigenous peoples are taken into account when developing responses to the 2030 agenda; (ii) highlighted the vulnerability of these groups in its Voluntary National Review process; (iii) working with OECD to explore how the international community can support developing states to include indigenous peoples in their own national development efforts.²⁷

22 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

23 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

24 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

25 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

26 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

27 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

IV. Australia's Voting Pattern on Resolutions

Australia voted in favour of six resolutions and voted against four resolutions that came up for voting during this Session. It did not abstain from voting on any resolution.

Australia made statements regarding two resolutions adopted by consensus.

- Australia welcomed the resolution concerning *Safety of journalists*,²⁸ which condemned attacks and violence against journalists around the world and emphasised the need to investigate these incidents. It agreed with the resolution on the need to raise more public awareness on the importance of journalism.²⁹
- Australia sponsored and delivered a statement for the resolution submitted and voted for the resolution on *National human rights institutions*,³⁰ which reiterates the fundamental contribution NHRIs make both domestically and internationally, in support of the implementation of human rights obligations.³¹

Thematic Resolutions

Australia voted in favour of only one thematic resolution, namely, *The human rights to safe drinking water and sanitation*.³² It voted against the resolution concerning *Right to Development*,³³ and gave an explanation for the vote stating that it considers that the existing international human rights law treaties provide comprehensive protections for human rights, and there is no need for additional treaties. It was also concerned that the existing international human rights architecture is already overstretched.³⁴

Country Situation Resolutions

Australia voted in favour of all the country situation resolutions concerning *Situation of human rights in Burundi*,³⁵ *The human rights situation in the Syrian Arab Republic*,³⁶ *Promotion and protection of human rights in the Bolivarian Republic of Venezuela*,³⁷ *Human rights situation in Yemen*,³⁸ and *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*.³⁹

Australia provided explanations for two of the resolutions it voted in favour of.

- While voting in favour of the resolution concerning *Promotion and protection of human rights in the Bolivarian Republic of Venezuela*, Australia stated that it was pleased that the resolution recognised the gravity of this multifaceted crisis that has led to a devastating political, economic, social and humanitarian situation in Venezuela.⁴⁰
- While voting in favour on the resolution concerning *The human rights situation in the Syrian Arab Republic*,⁴¹ Australia maintained its commitment to joining hands with the Council in deploring the human rights violations

28 Resolution 39/6 Safety of Journalists (2018).

29 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

30 Resolution 39/17 National human rights institutions (2018).

31 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

32 Resolution 39/8 The human rights to safe drinking water and sanitation (2018).

33 Resolution 39/9 The right to development (2018).

34 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at:

<https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

35 Resolution 39/14 Situation of Human rights in Burundi (2018).

36 Resolution 39/15 The Human Rights Situation in the Syrian Arab Republic (2018).

37 Resolution 39/1 Promotion and protection of human rights in the Bolivarian Republic of Venezuela (2018).

38 Resolution 39/16 Human Rights situation in Yemen (2018).

39 Resolution 39/22 Situation of human rights of Rohingya Muslims and other minorities in Myanmar (2018).

40 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at:

<https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

41 Resolution 39/15 The Human Rights Situation in the Syrian Arab Republic (2018).

and abuses and humanitarian crisis in Syria.⁴²

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

Australia has been compliant with UN special procedures, as Australia has extended a standing invitation to all thematic special procedures since 2008. There are two exceptions.⁴³ First is on the issue of torture, when in 2016, Australia postponed and later cancelled the country visit of the Special Rapporteur on torture. Second, concerning the Working Group on Arbitrary Detention whose visit has been postponed twice. It is now due in the first quarter of 2020.

b. Compliance with Reporting Obligations to Treaty Monitoring Bodies

Australia is up to date with its reporting obligations under CAT, CCPR, CEDAW (delayed by 2 years), CERD, CESCR, CRC and CRPD,⁴⁴ although some reports were submitted after a delay of two years. Australia has not ratified the *Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*.⁴⁵

c. Compliance with Thematic Issues

During the 39th Session, Australia's support was visible on a number of thematic issues concerning *World Programme for Human Rights Education; Enhancement of technical cooperation and capacity building in the field of human rights; Safety of journalists; National Human Rights Institutions, to name a few*.

In its voluntary pledge, Australia proclaimed **gender equality** as one of its five pillars. At the annual discussion on the *integration of a gender perspective throughout the work of the HRC and its mechanisms*, Australia was part of a joint statement delivered by Canada.⁴⁶ The statement welcomed the use of gender-sensitive methodologies and underscored four points: (i) gathering contextual information to uncover and analyse the root causes of gender-based violations, including historical and structural inequalities, (ii) systematic collection of disaggregated data by gender, age, race, ethnicity and disability, (iii) inclusion of women human right defenders, feminist networks and LGBTI+persons into investigative mechanisms, and (iv) reflection of individuals who experience gender-based human rights violations in the recommendations on accountability measures. It also sponsored the resolution on *Preventable maternal mortality and morbidity and human rights in humanitarian settings*, which urges all states to fulfil sexual and reproductive health rights in accordance with the Beijing Platform for Action.⁴⁷ However, in 2018, Australia ranked 39th on a global index measuring gender equality, slipping from 35th place in 2017. While Australia scored highly in the area of educational attainment, it ranked much low on the parameters of economic participation and opportunity, health and survival, and political empowerment.⁴⁸ Further, the Sex Discrimination Act 1984 makes exemptions for religious schools to discriminate against students on the basis of their sexual orientation, gender

42 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

43 Office of the High Commissioner for Human Rights, Special Procedures. Available at: http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/StandingInvitations.aspx.

44 Office of the High Commissioner for Human Rights, Human Rights Bodies. Available at: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=AUS&Lang=EN.

45 Office of the High Commissioner for Human Rights, Human Rights Bodies. Available at: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=AUS&Lang=EN.

46 Office of the High Commissioner for Human Rights, Panel Discussions, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=24/09/2018%2000%3a00%3a00>.

47 Office of the High Commissioner for Human Rights, Draft resolutions, decisions and President's statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Resolutions/Forms/ResolutionDS/docsethomepage.aspx?ID=121&FolderCTID=0x0120D520005A4381ABFFD48642897E02288D058A2200B87DBFCD97B1754EAE8EB2C8D39FC103&List=83d68204-d5df-49e>.

48 World Economic Forum, Global Gender Gap Report 2018 (2018) p 20.

identity or pregnancy.⁴⁹ Prime Minister Scott Morrison had promised to remove the existing ‘right to discriminate’, but the issue has been referred to the Australian Law Reform Commission which will report back only in the second half of 2019.⁵⁰ In January 2019, the Australian Human Rights Commission made a submission to the Legal and Constitutional Affairs Committee to adopt the Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018 which repeals such discrimination against LGBTI+students.⁵¹

Australia also pledged to provide generous and non-discriminatory humanitarian resettlement programme in response to the global refugee crisis.⁵² It also made a statement during the Session that it opposes **arbitrary detention**.⁵³ However, the Working Group on Arbitrary Detention recently reprimanded Australia for its arbitrary detention of asylum seekers.⁵⁴ In one instance, an asylum seeker was charged with minor offenses, never convicted, yet kept in detention for over three years. The Working Group found that while such detention may comply with domestic immigration laws, it does violate the ICCPR which Australia has ratified. It is of concern that the Working Group on Arbitrary Detention’s visit to the country has been postponed twice, and it is yet to visit the country.⁵⁵

Towards its pledge on the **rights of indigenous peoples**, Australia was an additional co-sponsor for a resolution on *Human rights and indigenous peoples*,⁵⁶ and participated actively in panel discussions and interactive dialogues on the same. It avowed its commitment towards indigenous peoples within the country through the existing framework of *Closing the Gap*,⁵⁷ which aims at reducing the disadvantage among the Aboriginal and Torres Strait Islander people regarding quality of life. However, the Special Rapporteur’s report (2017) on Indigenous people in Australia notes that after a decade of being around, only one out of seven targets for Closing the Gap is currently on track.⁵⁸ Additionally, the prison demographic showing an increasing number of indigenous Australians being charged and imprisoned in the criminal justice systems, often for minor offences, raises questions on this commitment.⁵⁹

Australia joined the consensus for the **Safety of Journalists** resolution. It also enacted the new National Security Act in June 2018. However, there are serious concerns about certain provisions of the Act which infringe on basic rights, particularly rights to freedom of opinion and expression.⁶⁰

VI. Conclusions

Australia participated actively in the 39th Session of the HRC, by contributing to deliberations and co-sponsoring 12 resolutions during this Session. It has been compliant with the UN special procedures and has extended standing invitation to all thematic special procedures since 2008. It is up to date with reporting requirements under CERD, CRC, CEDAW, CRPD, CCPR and CESC.

- While Australia has extended standing invitations, it has failed to accept two such visit requests: one, from the Special rapporteur on Torture which was cancelled, and second, from the Working Group on Arbitrary Detention,

49 Sex Discrimination Act 1984, s 38. Available at: <https://www.legislation.gov.au/Details/C2018C00499>.

50 The Sydney Morning Herald, 13 December 2018. Available at: <https://www.smh.com.au/politics/federal/scott-morrison-pledges-religious-discrimination-act-but-delays-protections-for-gay-students-20181213-p50lyh.html>.

51 Australian Human Rights Commission, Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, Submission. Available at: https://www.humanrights.gov.au/sites/default/files/20190121_submission_SDA_Amendment.pdf.

52 Australia’s Voluntary Pledges and Commitments, 14 July 2017. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/Documents/ga-doc-a-72-212-voluntary-pledges-hrc-australia.pdf>

53 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

54 HRC Working Group on Arbitrary Detention, 2018. Available at: https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session82/A_HRC_WGAD%20_2018_50_AEV.pdf

55 Office of the High Commissioner for Human Rights, Special Procedures. Available at: http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/StandingInvitations.aspx. Resolution 39/13 Human rights and indigenous peoples (2018).

56 Resolution 39/13 Human rights and indigenous peoples (2018).

57 Australian Government, Department of Foreign Affairs and Trade, 39th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Pages/39th-session-of-the-human-rights-council.aspx>.

58 Office of the High Commissioner for Human Rights, Special Procedures. Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/36/46/Add.2.

59 Human Rights Watch Report, 2018. Available at: <https://www.hrw.org/world-report/2018/country-chapters/australia>.

60 Human Rights Watch submission to Australian Parliamentary Joint Committee. Available at: <https://bit.ly/2T8mgs2>.

which has been postponed twice. This is despite concerns having been raised about its off-shore detention policies by the OHCHR mechanisms as well as international monitoring bodies.

- Despite gender equality being one of the five pillars of its pledges and commitments, there are gaps between these commitments and the actual standing in the country, particularly on the parameters of economic participation and opportunity, health and survival and political empowerment of women.
- In its voluntary pledge, Australia proclaimed rights of indigenous people and freedom of expression. However, questions about the progress of Closing the Gap and new laws concerning National Security remain uncertain.

I. Introduction

Kenya was elected for its first term on the HRC from 2013-2015,⁶¹ and served its second term from 2016-2018,⁶² both times after a clean slate election. Its membership ended in 2018.⁶³

II. Voluntary Pledges and Commitments

In its voluntary pledge submitted in 2012, Kenya declared that it attached great importance to the promotion and protection of human rights, as universally shared principles and norms enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international human rights instruments. Furthermore, it declared that its 2010 Constitution provides the basis for the direct application and invocation of treaties and conventions ratified by the country. Kenya has therefore assumed the highest international standards of human rights as set out in the international and regional instruments to which it is a party.

At the regional and international level, Kenya pledged to⁶⁴:

- Continue to play an active role in the mediation and resolution of regional conflicts with the objective of protecting and promoting human rights;
- Continue to pursue the promotion and protection of human rights in both the bilateral and multilateral frameworks within the United Nations system;
- Welcome, accommodate, and provide a safe haven for refugee seekers fleeing from neighbouring countries;
- Strengthen the working partnership with the United Nations and other intergovernmental organisations;
- Continue to work with the special procedures mechanisms and value engagement;
- Continue to honour its international treaty reporting obligations;
- Support the periodic review of member states' human rights records; and
- Work effectively to carry out its mandate in the Council.

At the national level Kenya pledged to:

- Continue to implement its international legal obligations through the adoption of legislative measures, practical programmes, and policies;
- Recognise the supremacy of law and the importance of ensuring that institutions of governance observe the tenets of the rule of law;
- Implement “Kenya Vision, 2030: A Development Blueprint for Kenya”, anchored by “the Three Pillars of Economic, Social and Political Development”;
- Restructure the judiciary to ensure that all people enjoy equal protection under the law; and
- Remain firmly committed to the protection and promotion of human rights globally.

III. Kenya's Participation in at the 39th Session of HRC

Kenya co-sponsored three thematic resolutions during the 39th Session. Selected participation of Kenya in the Session follows:

⁶¹ Results of the election of 18 members to the Human Rights Council held on 12 November 2012. Available at: <https://www.un.org/en/ga/67/meetings/elections/hrc.shtml>.

⁶² Results of the election of 18 members to the Human Rights Council held on 28 October 2015. Available at: <https://www.un.org/en/ga/70/meetings/elections/hrc.shtml>.

⁶³ Current Membership of the Human Rights Council, UN Human Rights Council. Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/CurrentMembers.aspx>

⁶⁴ The Permanent Mission of Kenya to the United Nations address to the President of the General Assembly, Voluntary pledges and commitments, 25 October 2012. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/67/546.

S. No.	Interactive Dialogue	Kenya's interventions
1	Clustered Interactive Dialogue with the Special Rapporteur on contemporary forms of slavery and the Independent Expert on democratic and equitable international order	Kenya: <ul style="list-style-type: none"> • Affirmed its concern over the prevalence of contemporary forms of slavery, particularly of marginalised migrant women workers. • Noted that it has banned the transfer of domestic workers to some countries to help solve these issues. • Agreed with the Special Rapporteur that harsher migration policies worsen the plight of victims of domestic servitude.⁶⁵

S. No.	UPR Outcomes	Kenya's Interventions
1	Burkina Faso	Kenya: <ul style="list-style-type: none"> • Welcomed Burkina Faso's constructive engagement during the third UPR review and its commitment towards adopting the recommendations.⁶⁶
2	Germany	Kenya: <ul style="list-style-type: none"> • Commended Germany upon its adoption of a National Action Plan against Racism.⁶⁷

IV. Kenya's Voting Pattern on Resolutions

Kenya voted in favour of five resolutions and abstained from voting on five resolutions that came up for voting. It did not vote against any thematic or country situation resolution during this Session.

Thematic Resolutions

Kenya voted in favour of all five thematic resolutions during this Session, namely, the *United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas*,⁶⁸ *Promotion of a democratic and equitable international order*,⁶⁹ *The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination*,⁷⁰ *The human rights to safe drinking water and sanitation*,⁷¹ and *The right to development*.⁷² Kenya did not provide explanation for any of these votes. It joined the consensus in adopting the remaining eight thematic resolutions.⁷³

Country Situation Resolutions

On country situations, Kenya abstained from voting on all five resolutions that came up for voting *Promotion and Protection of Human Rights in the Bolivarian Republic of Venezuela*,⁷⁴ *Situation of Human Rights in Burundi*,⁷⁵ *The Human Rights Situation in the Syrian Arab Republic*,⁷⁶ *Human Rights Situation in Yemen*,⁷⁷ and *Situation of Human rights of Rohingya Muslims and Other Minorities in Myanmar*.⁷⁸ These abstentions were not accompanied by explanations.

65 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=10/09/2018%2000:00:00>.

66 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=20/09/2018%2000:00:00>.

67 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=20/09/2018%2000:00:00>.

68 Resolution 39/12 The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (2018).

69 Resolution 39/4, Promotion of a Democratic and Equitable International Order (2018).

70 Resolution 39/5 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (2018).

71 Resolution 39/8, The Human Rights to Safe Drinking Water and Sanitation (2018).

72 Resolution 39/9 The right to development (2018).

73 Office of the High Commissioner for Human Rights, Resolutions. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Resolutions.aspx>.

74 Resolution 39/1 Promotion and protection of human rights in the Bolivarian Republic of Venezuela (2018).

75 Resolution 39/14 Situation of Human rights in Burundi (2018).

76 Resolution 39/15, The Human Rights Situation in the Syrian Arab Republic (2018).

77 Resolution 39/16 Human Rights situation in Yemen (2018).

78 Resolution 39/2 Situation of human rights of Rohingya Muslims and other minorities in Myanmar (2018).

It joined the consensus in adopting the other five country situation resolutions.⁷⁹

V. Analysis: Compliance with Pledge and Commitments

a. *Engagement with UN Special Procedures*

Kenya, in its voluntary pledge, affirmed that it values its engagement with the special procedures mechanisms and is committed to working with them. However, in the last five years, it has 10 requests and eight reminders pending for visits from special procedures mechanisms including those of the Special Rapporteurs on torture, human rights defenders, indigenous peoples, and extrajudicial, summary, or arbitrary executions; the Working Groups on mercenaries and on arbitrary detention; and the Independent Expert on sexual orientation and gender identity.⁸⁰ Out of these, 15 requests and reminders have remained pending after Kenya became a member of the HRC in 2016.⁸¹

b. *Compliance with Reporting Obligations to Treaty Monitoring Bodies*

Kenya honoured its pledge towards reporting obligations under CAT, CERD, CRC, CEDAW, CRPD, and CESC. While Kenya is up to date with its reporting requirements under CERD, CRC, CEDAW, CRPD and CESC, some of these reports were submitted after a delay of one year. At the end of the reporting period, one report was outstanding against it with the treaty body mechanisms, namely, CRC-OP-AC, for the last 15 years.⁸²

c. *Compliance on Thematic Issues*

Kenya reaffirmed its alignment with the African Group on the issue of **contemporary forms of slavery**, particularly its commitment towards domestic workers in the country. Kenya announced that it has banned the transfer of domestic workers to some countries and is in the middle of negotiating bilateral agreements to solve these problems.⁸³ However, a question mark remains over the existence of 328,000 people living in modern slavery in Kenya, including exploitation for domestic and other labour and trafficking, among other things.⁸⁴ The government has taken proactive and remedial steps on this issue like proposing a 24/7 free and open reporting hotline,⁸⁵ government-funded reports on the prevalence of slavery, national and regional coordination bodies, which include NGOs and government representatives. Despite these measures, there are numerous negative factors that have affected Kenya's rating on the Global Slavery Index. Slavery is not categorised as a separate crime under the Counter-Trafficking in Persons Act 2010 in Kenya.⁸⁶ Under the same law, human trafficking has sufficient penalties and punishment but certain crimes related to trafficking, like forced labour, do not have sufficient penalties or punishment.

Kenya, in its voluntary pledge, undertook 'to recognize the supremacy of law and the importance of ensuring that institutions of governance observe the tenets of the rule of law'.⁸⁷ However, its track record on **enforced disappearances** remains an issue of concern. Kenya signed the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) in February 2007, but is yet to ratify it.⁸⁸ The report by the *Working Group on Enforced or Involuntary Disappearances* reiterated this concern, particularly the reports of young Muslims

79 Office of the High Commissioner for Human Rights, Resolutions. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Resolutions.aspx>.

80 Country visits of Special Procedures of the Human Rights Council since 1998. Available at: http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en.

81 Ibid.

82 Office of the High Commissioner for Human Rights, Human Rights Bodies. Available at: https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=KEN&Lang=EN.

83 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=10/09/2018%2000:00:00>.

84 Global Slavery Index (2018). Available at: <https://www.globalslaveryindex.org/2018/data/country-data/kenya/>

85 UN Migration, Press Releases. Available at: <https://www.iom.int/news/anti-trafficking-hotline-proposed-kenya>.

86 The Counter-Trafficking in Persons Act, 2010. <http://kenyalaw.org/lex/rest/db/kenyalaw/Kenya/Legislation/English/Amendment%20Acts/No.%208%20of%202010.pdf>

87 The Permanent Mission of Kenya to the United Nations address to the President of the General Assembly, Voluntary pledges and commitments, 25 October 2012. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/67/546.

88 Reporting status for Kenya. Available at: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=KEN&Lang=EN.

disappearing from coastal regions of the country from 2012-2016.⁸⁹ There is also inconsistency in that enforced disappearances have been categorised as a “crime against humanity” under the Truth, Justice and Reconciliation Commission Act 2006,⁹⁰ but not as a crime under criminal law in Kenya.⁹¹ Kenya did not make a statement in the clustered interactive dialogue with the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention during the session.

Arbitrary detention also remains a consistent concern in Kenya. A visit request from the Working Group on Arbitrary detention first made in February 2015 remains pending, despite a reminder request being sent in February 2018. Many instances of arbitrary detention have been reported in the country. In May 2018, a group of 35 activists campaigning against the Lamu county’s mega infrastructure and transport projects faced threats, beatings, arbitrary arrests, and detention.⁹² Another incident occurred in August 2018 when the Cabinet Secretary, Fred Matiangi, ordered the Immigration Department and security forces to arrest, detain and deport all irregular migrants by 30 November 2018. In pursuance of this, Miguna Miguna, a lawyer and opposition leader, was detained at the Nairobi Airport as he was alleged to be not a Kenyan citizen. In December 2018, the High Court of Kenya ruled that he was a Kenyan citizen, that his detention was unconstitutional, and awarded him compensation for the violation of his rights during the deportation.⁹³

Kenya co-sponsored and joined the consensus in adopting for the resolution on the **Safety of Journalists**.⁹⁴ The Kenya Media Sector Working Group was developed in 2017 in conjunction with the UNESCO Regional Office for East Africa ensure the safety of journalists.⁹⁵ The group serves as a forum for the coordination of national and development partner’s support to the media sector to help promote safe and impartial reporting, particularly around elections.⁹⁶ Unfortunately, in February 2018, Kenya was criticised for the treatment meted out to the media after it shut down eight private television stations that attempted to report on opposition coalition leader Raila Odinga’s attempt to swear himself in as “the people’s president.”⁹⁷ Some channels were shut down for as long as eight days before resuming broadcast.⁹⁸ During the Miguna immigration standoff, the Kenyan anti-riot police physically attacked journalists to prevent them from covering the incident.⁹⁹ Further, in May 2018, Kenyan blogger, Cyprian Nyakundi, was arrested on allegations of publishing “alarming” content about senior civil servants. Although he was released two weeks later following the intervention of the director of public prosecution and his lawyer, he believes that the arrest was meant to intimidate and discourage him.¹⁰⁰ Kenyan journalist, Barrack Oduor, was kidnapped and assaulted during his investigation of an alleged kidnapping and sexual assault committed by a Migori politician. Detectives from Nairobi were sent to investigate the crime. Calls for the Migori governor’s office to investigate the incident as well were attacked by them as a “political ploy”.¹⁰¹

89 39th Session of HRC, Report by the Working Group on Enforced or Involuntary Disappearances (2018). Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/236/81/PDF/G1823681.pdf?OpenElement>.

90 Truth, Justice and reconciliation Commission Act, 2006. Available at http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/TruthJusticeandReconciliationCommissionAct_.pdf .

91 Law of Kenya. Available at: <http://www.kenyalaw.org/lex/actview.xql?actid=CAP.%2063>

92 Human Rights Watch Report, They just want to silence us, 2018. Available at: https://www.hrw.org/sites/default/files/report_pdf/kenya1218_web2.pdf

93 Kenya National Commission on Human Rights (Interested Party) [2018]. Available at: <https://www.nation.co.ke/news/Miguna-still-a-Kenyan--judge-rules/1056-4895582-13h36dr/index.html>.

94 Resolution 39/6 Safety of Journalists (2018).

95 UNESCO Builds the Capacity of the Kenyan Media on Election Reporting, UNESCO (2017). Available at: http://www.unesco.org/new/en/nairobi/about-this-office/singleview/news/unesco_builds_the_capacity_of_the_kenyan_media_on_election_r/.

96 UNESCO Builds the Capacity of the Kenyan Media on Election Reporting, UNESCO (2017). Available at: http://www.unesco.org/new/en/nairobi/about-this-office/singleview/news/unesco_builds_the_capacity_of_the_kenyan_media_on_election_r/.

97 World Movement For Human Rights (FIDH), 6 February 2018. Available at: <https://www.fidh.org/en/region/Africa/kenya/media-shut-down-for-covering-the-opposition-speeches-an-unacceptable>.

98 Reuters, 8 February 2018. Available at: <https://www.reuters.com/article/us-kenya-politics/final-kenyan-television-shut-down-by-government-back-on-air-idUSKBN1FS23D>.

99 <https://www.nation.co.ke/news/Police-attack-journalists-as-they-cover-Miguna-drama-at-JKIA/1056-4359400-o8qj3iz/index.html>

100 Kenyan Authorities Arrest Blogger After Posts on Alleged Official Corruption, Committee to Protect Journalists, May 30, 2018, <https://cpj.org/2018/05/kenyan-authorities-arrest-blogger-after-posts-on-a.php>.

101 Newspaper Journalist Assaulted and Briefly Abducted in Kenya, Committee to Protect Journalists, 6 September, 2018. Available at: <https://cpj.org/2018/09/newspaper-journalist-assaulted-and-briefly-abducte.php>.

VI. Conclusions

Kenya co-sponsored three resolutions during this Session, namely, *Enhancement of technical cooperation and capacity-building in the field of human rights*,¹⁰² *Safety of journalists*,¹⁰³ and *The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas*.¹⁰⁴

- Kenya supported all five thematic resolutions during the 39th Session, but abstained from voting on all five country-specific resolutions.
- Despite its voluntary pledges, Kenya has 18 requests pending for visits from special procedures mechanisms in the last six years. These include the Working Groups on Enforced Disappearances and on Arbitrary Detention, which remain contentious issues in Kenya.
- Despite its stance at the HRC, at the domestic level, Kenya has witnessed repression of media houses and attacks against journalists, often by the State forces, for their legitimate work.

102 Resolution 39/18 *Enhancement of technical cooperation and capacity-building in the field of human rights* (2018).

103 Resolution 39/6 *Safety of Journalists* (2018).

104 Resolution 39/12 *United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas* (2018).

I. Introduction

Nigeria was elected for a third term on the HRC after the conclusion of a clean state election in 2015, and is currently serving its fourth term, which ends in 2020.¹⁰⁵

II. Voluntary Pledges and Commitments

Nigeria submitted a voluntary pledge¹⁰⁶ in 2006 and has not submitted an updated pledge since. Nigeria pledged to:

- Uphold the purposes and objectives of the Human Rights Council.
- Cooperate fully with the Council through active participation and cooperate with members of the Council, non-members, regional organisations, and civil society to create a strong, credible, fair and effective human rights body.
- Submit itself to the Universal Periodic Review mechanism.
- Cooperate with treaty monitoring bodies, including through submission of reports and the implementation of UN activities, as well as those of regional organisations, such as the African Union and the Economic Community of West African States.
- Promote and protect human rights, and support the work of the National Human Rights Commission (NHRC).
- Continue to play a responsible leading role, regionally and internationally, in the protection and promotion of peace, stability and democracy.
- Promote and protect all human rights, particularly civil and political rights, and economic, social and cultural rights, including the right to development.
- Work towards strengthening the OHCHR.
- Maintain an open-door policy on human rights issues and to this end, reaffirm its preparedness for officials such as human rights inspectors, special rapporteurs and representatives, to visit the country and carry out their respective mandates without hindrance.
- Cooperate fully with other special procedures of the Council, work towards upholding the rule of law and encourage constructive dialogue and international cooperation in the field of human rights.
- Uphold the principles of non-discrimination and the protection and promotion of the human rights of all citizens. Accelerate the process for the domestication of relevant human rights instruments, such as the African Charter on Human and Peoples' Rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC).
- Commit to the international human rights instruments which it ratified including the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Racial Discrimination (CERD), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).
- Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). Sign, ratify and accede to others conventions that the country is not a part of, such as the Convention on the Prevention and Punishment of the Crime of Genocide.
- Continue to uphold the provisions of the Conventions, Protocols and Covenants which it has ratified, and regularly report on their implementation to treaty monitoring bodies of the Human Rights Council of observations and recommendations.

¹⁰⁵ Premium Times, "UN General Assembly elects Nigeria, 14 others to Human Rights Council", 17 October 2017. Available at: <https://www.premiumtimesng.com/news/top-news/246350-un-general-assembly-elects-nigeria-14-others-human-rights-council.html>.

¹⁰⁶ 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: <https://www.un.org/ga/60/elect/hrc/nigeria.pdf>.

III. Nigeria's Participation in the 39th Session of the HRC

Nigeria's selected participation in the general debates and panel discussions during the 39th Session are as follows:

S. No.	Interactive Dialogue	Nigeria's Interventions
1.	Clustered interactive dialogue with the Independent Expert on democratic and equitable international order and the Special Rapporteur on the contemporary forms of slavery	<p>Nigeria:</p> <ul style="list-style-type: none"> • Reiterated its commitment to conduct free, fair and credible elections in 2019, in order to continue to engender peace and prosperity, as well as ensure respect for human rights, democracy, the rule of law and good governance; • Enacted the "Not too Young to Run" Act, which has now opened the political space for youth participation in the political process; • Expressed deep concern on the human rights abuses suffered by domestic workers, especially vulnerable migrant women in domestic servitude and reiterated State's responsibility to combat the same by ensuring the protection of migrant women, devoid of exploitation; • Called on States to take adequate measures to protect individuals from activities of private entities, which result in domestic servitude.¹⁰⁷
2.	Clustered interactive dialogue with the working group on enforced or involuntary disappearances and the working group on arbitrary detention	<p>Nigeria:</p> <ul style="list-style-type: none"> • Aligned itself with the statement of the African Group and stated that it does not condone arbitrary detention or undertake enforced disappearances. • Stated that enactment of the Administration of Criminal Justice Act in 2015 with far-reaching provisions will ensure justice for all. • Highlighted that despite security challenges occasioned by Boko Haram terrorist activities and other local conflicts, the Nigerian security forces have conducted their operations within the ambit of the rule of law. • Stated that all individuals arrested and detained in connection with any of the security issues, and other acts of criminality, are either charged to courts of competent jurisdictions or released after proper investigation.¹⁰⁸
3.	Clustered interactive dialogue with the Special Rapporteur on right to development and the Special Rapporteur on Unilateral coercive measures	<p>Nigeria:</p> <ul style="list-style-type: none"> • Underscored the importance of the Declaration on the Right to Development, and the imperative of building peaceful, just and inclusive societies, for the achievement of the 2030 Sustainable Development Agenda. • Called for a renewed commitment and sincere efforts by the global community towards the achievement of the right to development. • Remained concerned on the adverse effect of unilateral coercive measures on the enjoyment of human rights by targeted populations, especially vulnerable groups. • Believes that without upholding the principle of sovereign equality of nations, as envisaged by the United Nations Charter, the achievement of international peace and security may remain elusive.¹⁰⁹

107 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=10/09/2018%2000:00:00>

108 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=12/09/2018%2000:00:00>.

109 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=12/09/2018%2000:00:00>

4.	Interactive dialogue on the report of the United Nations High Commissioner for human rights on the situation of human rights in Yemen	<p>Nigeria:</p> <ul style="list-style-type: none"> Expressed deep concern on the deteriorating situation of human rights in Yemen, occasioned by the on-going armed conflict in the country, particularly its impact on vulnerable groups, especially women and children. Called the report of the Group of Independent Eminent International and Regional Experts as biased and lacking balance in apportioning blames and responsibilities. Reiterated the call for an amicable resolution of the conflict and urged the Office of the High Commissioner to continue to provide the needed technical assistance to the Government of Yemen to enable it to enhance the protection and promotion of human rights in the country.¹¹⁰
5.	Interactive dialogue with the independent expert on the situation of human rights in Sudan	<p>Nigeria:</p> <ul style="list-style-type: none"> Aligned itself with the statements of the African Group and the OIC. Commended the Government of Sudan for scaling up its efforts in the field of human rights, as well as peace and security. Urged the international community to continue to support the Government of Sudan in its determined efforts to uphold human rights and fundamental freedoms.¹¹¹

S. No.	General Debate	Nigeria's Interventions
1	General Debate on Racism, racial discrimination, xenophobia and related forms of intolerance, follow up and implementation of the Durban Declaration and Programme of Action	<p>Nigeria:</p> <ul style="list-style-type: none"> Aligned with the statements of the Africa Group, NAM and OIC and condemned all form of racism, racial discrimination, xenophobia and other related intolerance, especially against people of African descent. Urged the global community to discourage the propagation of racist political agendas. Remained committed and expressed its readiness to collaborate with other members of the international community towards the effective implementation of the Durban Declaration and Programme of Action.¹¹²
2.	General Debate on the oral update by the High Commissioner for Human Rights	<p>Nigeria:</p> <ul style="list-style-type: none"> Aligned itself with the statements of the African Group and the OIC. Stated that the adoption of the Global Compact on Migration this year would help in alleviating the human rights abuses against vulnerable migrants, women and children. Restated its belief in the Council and its role in the promotion and protection of human rights worldwide, and in ensuring States' compliance with their human rights obligations.¹¹³

¹¹⁰ Office of the High Commissioner for Human Rights, Statements. Available at <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=25/09/2018%2000:00:00>.

¹¹¹ Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=26/09/2018%2000:00:00>.

¹¹² Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=25/09/2018%2000:00:00>.

¹¹³ Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSession/RegularSession/39thSession/Pages/Statements.aspx?SessionId=26&MeetingsDate=11/09/2018%2000:00:00>.

3.	General Debate on protection of all human rights, civil, political, economic, social and cultural rights, including the right to development	<p>Nigeria:</p> <ul style="list-style-type: none"> • Reaffirmed its commitment to the promotion and protection of human rights and fundamental freedoms. • Re-emphasised the realisation of the right to development as key to the achievement of the 2030 Sustainable Development Agenda; • Developed a social and economic master plan, which is referred to as the Economic Recovery and Growth Plan covering 2017 – 2020 in line with the aspirations of the Sustainable Development Goals which is aimed at increasing national productivity and achieving sustainable diversification of production to ensure an inclusive economic growth, and enhance the general welfare of the Nigerian citizens.¹¹⁴
4.	General debate on the situation of human rights in Palestine and other occupied Arab territories	<p>Nigeria:</p> <ul style="list-style-type: none"> • Remained concerned about the situation of human rights in the occupied Palestine and other Arab territories, particularly its adverse impacts on vulnerable groups, especially women and children. • Reaffirmed the need to avoid double-standard approach towards the ultimate objective of ensuring the protection and promotion of human rights in the occupied Palestine and other Arab territories; and, • Called on the Human Rights Council and the global community to take appropriate action to put an end to the human rights violations, as well as press on the occupying power to respect and fully implement the various UN resolutions on the status of the occupied territories.¹¹⁵

S. No.	UPR Outcomes	Nigeria's Interventions
1.	Bangladesh	<p>Nigeria:</p> <ul style="list-style-type: none"> • Applauded Bangladesh for its commitment to the UPR process, and continued efforts towards the protection and promotion of human rights of its populace. • Commended Bangladesh for the establishment of the Climate Change Trust Fund.¹¹⁶

IV. Nigeria's Voting Pattern on Resolutions

Out of the 10 resolutions that came up for voting, Nigeria voted in favour of six, and abstained from voting on four resolutions. It did not vote against any thematic or country situation resolution during this Session.

Thematic Resolutions

Nigeria voted in favour of all five thematic resolutions that came up for voting, namely, *Promotion of democratic and equitable international order*,¹¹⁷ *The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination*,¹¹⁸ *The human rights to safe drinking water and sanitation*,¹¹⁹

¹¹⁴ Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=14/09/2018%2000:00:00>.

¹¹⁵ Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=24/09/2018%2000:00:00>.

¹¹⁶ Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=20/09/2018%2000:00:00>.

¹¹⁷ Resolution 39/4 Promotion of democratic and equitable international order (2018).

¹¹⁸ Resolution 39/5 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination(2018).

¹¹⁹ Resolution 39/8 The human rights to safe drinking water and sanitation (2018).

Right to development,¹²⁰ and *The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas*.¹²¹ It joined the consensus in adopting the remaining eight thematic resolutions.¹²²

Nigeria provided an explanation of the vote before the vote on a resolution adopted by consensus.

- Nigeria recognised the important role of the Council's efforts in the resolution on *Preventable maternal mortality and morbidity and human rights in humanitarian settings*¹²³ and remained committed to the global efforts in its prevention. Nigeria maintained that the term 'comprehensive sexual education' did not enjoy universal acceptance and disassociated itself from it.¹²⁴

Country Situation Resolutions

Nigeria abstained from voting on four country situation resolutions, namely, *Promotion and protection of human rights in the Bolivarian Republic of Venezuela*,¹²⁵ *The situation of human rights in Burundi*,¹²⁶ *The human rights situation in the Syrian Arab Republic*,¹²⁷ and *The human rights situation in Yemen*.¹²⁸

Nigeria voted in favour of one resolution concerning *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*.¹²⁹ These votes were not accompanied by explanations. Nigeria joined the consensus in adopting the other five country situation resolutions.¹³⁰

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

In its voluntary pledge, Nigeria undertook to "maintain of an open-door policy on human rights issues" and to this end, reaffirmed its "preparedness for officials, such as human rights inspectors, special rapporteurs and representatives to visit the country and carry out their respective mandates without hindrance." Nigeria further committed to "cooperate fully with other special procedures of the Council and to work towards upholding the rule of law and to encourage constructive dialogue and international cooperation in the field of human rights".

Despite this pledge, Nigeria has failed to accept eight requests and three reminders from special procedure mechanisms.¹³¹ The requests include the Special Rapporteurs on freedom of assembly, on water and sanitation, and on racism. They also include the Working Group on mercenaries and Independent Experts on albinism, on foreign debt, and on access to safe drinking water and sanitation. Nigeria has three reminders from the Special Rapporteurs on human rights and counter terrorism, on toxic waste, and on violence against women, which it has failed to accept even after being elected to the HRC.

b. Compliance with Reporting Obligations to Treaty Bodies

In its voluntary pledge, Nigeria committed to cooperate with treaty monitoring bodies, including through submission

120 Resolution 39/9 Right to development(2018).

121 Resolution 39/12 United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (2018).

122 Office of the High Commissioner for Human Rights, Resolutions. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Resolutions.aspx>.

123 Resolution 39/10 Preventable maternal mortality and morbidity and human rights in humanitarian settings (2018).

124 Office of the High Commissioner for Human Rights, Press Statement. Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23652&LangID=E>.

125 Resolution 39/1 Promotion and protection of human rights in the Bolivarian Republic of Venezuela (2018).

126 Resolution 39/14 Situation of human rights in Burundi (2018).

127 Resolution 39/15 The human rights situation in the Syrian Arab Republic (2018).

128 Resolution 39/16 Human rights situation in Yemen (2018).

129 Resolution 39/2 Situation of human rights of Rohingya Muslims and other minorities in Myanmar (2018).

130 Office of the High Commissioner for Human Rights, Resolutions. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Resolutions.aspx>.

131 Office of the High Commissioner for Human Rights, Special Procedures. Available at: https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en

of reports and the implementation of observations and recommendations. Nigeria completely failed to adhere to its pledge. As of December 2018, Nigeria has eight outstanding reports against it with the treaty bodies, with four pending for more than five years.¹³² These are CERD, CRC-OP-AC, CRC-OP-SC, and CRPD. Reports for CAT and CESCR are pending for more than 15 years.¹³³

As per its voluntary pledge, Nigeria did ratify the *Convention on the Prevention and Punishment of the Crime of Genocide* and the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* in 2009.

c. *Compliance on Thematic Issues*

Nigeria's domestic situation on the ground appears contrasting from its pledges and commitments at the Council. In its voluntary pledge, Nigeria reaffirmed its commitment to the ILO Convention 182 on Elimination of Child Labour. In its oral statement to the Special Rapporteur's report on **Contemporary Forms of Slavery**, it expressed deep concern on the human rights abuses suffered by domestic workers, especially vulnerable migrant women in domestic servitude.¹³⁴ However, it is estimated that 1,386,000 persons are living in conditions of modern slavery in Nigeria.¹³⁵ The Global Slavery Index ranks it 32 out of 167 countries – the highest in Africa.¹³⁶ Nigeria remained a source, transit and destination country for trafficked persons, particularly children who were no longer with their parents.¹³⁷ They are at risk of being forced into slavery and hard labour in home and on farms, and into prostitution. Girls were at risk of being trafficked to other parts of the country to work as 'house helps.'¹³⁸ Joint submissions also showed concern about the National Agency for the Prohibition of Trafficking in Persons lacking human and financial resources.¹³⁹ Nigeria supported recommendations proposed during the UPR to expedite efforts to combat and prevent slavery and human trafficking.¹⁴⁰

Even though Nigeria stated in an oral statement at the session that it does not condone **arbitrary detention or undertake enforced disappearances**, between October 2017 and July 2018, authorities conducted three rounds of trials over 1500 Boko Haram suspects in a military base in Kainji Niger State.¹⁴¹ The trials were fraught with irregularities, including lack of interpreters, inadequate legal defense, lack of prosecutable evidence or witnesses and non-participation of victims.¹⁴² Most recently in December 2018, Deji Adeyanju, a civil rights activist and social critic, was detained by the police in Abuja and taken to Kano for an offence allegedly committed in 2009 for which he had already been discharged and acquitted by the court.¹⁴³ He was held for days without being charged or brought to trial and was released 78 days after his arbitrary arrest.¹⁴⁴ In some other cases, like that of a former security advisor, Sambo Dasuki who was arrested back in 2015 for allegedly diverting funds to be used for arms purchase, or that of the leader of the Shia Islamic Movement of Nigeria (IMN) leader, Sheik Ibrahim El Zakzaky and his wife, Ibraheematm, arrested for inciting violence, the Government has detained them pending trial since 2015 in defiance of court orders.¹⁴⁵

132 Office of the High Commissioner for Human Rights, Human Rights Bodies. Available at: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx.

133 Ibid.

134 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 <https://www.un.org/ga/60/elect/hrc/nigeria.pdf>.

135 Global Slavery Index, 2018. Available at: <https://www.globalslaveryindex.org/2018/data/country-data/nigeria/>.

136 Ibid.

137 Office of the United Nations High Commissioner for Human Rights, Summary of Stakeholders' information, Nigeria. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/258/73/PDF/G1825873.pdf?OpenElement>.

138 Ibid.

139 Ibid.

140 Office of the United Nations High Commissioner for Human Rights, Nigeria UPR Addendum, 2018. Available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/NGindex.aspx>.

141 Human Rights Watch, World Report 2019, Nigeria. Available at: <https://www.hrw.org/world-report/2019/country-chapters/nigeria>.

142 Ibid.

143 On the arrest/detention and trial of Deji Adeyanju, National Human Rights Commission of Nigeria. Available at: https://www.nigeriarights.gov.ng/read_more_press_release.php?newsid=84.

144 Activist Deji Adeyanju released from prison. Available at: <https://www.premiumtimesng.com/news/top-news/317026-breaking-activist-deji-adeyanju-released-from-prison.html>.

145 Human Rights Watch, World Report 2019, Nigeria. Available at: <https://www.hrw.org/world-report/2019/country-chapters/nigeria>.

Nigeria joined consensus for the resolution concerning the **Safety of journalists**,¹⁴⁶ which emphasises the role of international cooperation in preventing attacks against journalists and in raising the capacities of States in the field of human rights. However, there has been a disturbing trend towards the arrest and detention of journalists. Since 2016, 12 cases have been reported across Nigeria in which security forces have arrested and detained journalists for expressing opinions on print and social media platforms.¹⁴⁷ In August 2018, a journalist and publisher, Jones Abiri, was brought before a court after two years of detention (2016),¹⁴⁸ where he was discharged by the court in absence of sufficient evidence. Recently in January 2019, after it published a story highlighting classified military information, government security forces raided the Daily Trust newspaper office and arrested its staff members, including two journalists. A day later the Army released a statement saying they conducted raids with respect to question the staff about revealing classified information related to planned attacks against the Boko Haram, thereby undermining national security.¹⁴⁹ During its third UPR in November 2018, a joint submission from stakeholders stated that Nigeria had not effectively implemented eight supported recommendations from its 2nd UPR related to the protection human rights, including journalists.¹⁵⁰

VI. Conclusions

In its voluntary pledge, Nigeria committed to cooperate with treaty monitoring bodies, including through submission of reports and the implementation of observations and recommendations. However, it has failed to adhere to its pledge with eight outstanding reports pending against it with the treaty bodies.

- Nigeria has 11 outstanding requests and reminders from UN special procedure mechanisms, despite pledging to maintain an ‘open-door policy on human rights issues’.
- There is a visible trend of arrests and detention of journalists and activists, even in defiance of court orders.

146 Resolution 39/6 Safety of Journalists (2018).

147 Amnesty International, Nigeria: Still no accountability for human rights violations, 2018. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/AFR4485292018ENGLISH.pdf>.

148 Human Rights Watch, World Report 2019, Nigeria. Available at: <https://www.hrw.org/world-report/2019/country-chapters/nigeria>.

149 Human Rights Watch, ‘Nigeria: Military Raids Newspaper, Detains Staff’, 8 January 2019. Available at <https://www.hrw.org/news/2019/01/08/nigeria-military-raids-newspaper-detains-staff>.

150 Office of the United Nations High Commissioner for Human Rights, UPR Outcomes, Stakeholder Submissions, Nigeria, Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/258/73/PDF/G1825873.pdf?OpenElement>.

I. Introduction

Pakistan was elected for a fourth term on the HRC, after the conclusion of a non-clean slate election in 2017.¹⁵¹ Its current term ends in 2020.¹⁵²

II. Voluntary Pledges and Commitments

Pakistan pledged in 2017¹⁵³ to promote and protect human rights at the national and international levels through cooperation and engagement. It further committed to proactively engage with the Council, its machinery, processes and initiatives, as well as with the international community, the UN Agencies, and the civil society.¹⁵⁴

Pakistan pledged to:

At the national level

Undertake effective enforcement of its existing human rights legislation and policy. It further pledged to prioritise future interventions on women, children, minorities, persons with disabilities and other vulnerable segments of society. Pakistan pledged to:

- Implement the National Action Plan for human rights;
- Formulate a mechanism for reviewing existing legislation and proposing new legislation in consultation with provincial governments and civil society;
- Enhance operational effectiveness of national human rights institutions;
- Enhance capacity-building of government officials, including treaty implementation cells;
- Ensuring speedy justice for victims of human rights violations and creating human rights awareness;
- Establish and strengthen safety infrastructure for women;
- Establishing a national commission for the rights of children and strengthening the National Council for the Persons with Disabilities;
- Protect the rights of minorities and promoting interfaith harmony;
- Effectively utilising funds for free legal aid;
- Expand the scope of toll free helplines in all Provinces; and,
- Mainstream human rights in development planning.

At the international level

Pakistan committed to strengthening its contribution towards global promotion of human rights and positively engage with the Human Rights Council on the following lines:

- Making the Council a forum for genuine dialogue and cooperation through non-discrimination and impartiality as per Institution Building Package (HRC Res. 5/1);
- Contributing to the effectiveness of Council's mechanisms and its review process;
- Strengthening the Council to promote dialogue, cooperation, capacity-building and technical assistance for the

¹⁵¹ General Assembly of the United Nations, Elections of the Human Rights Council, 2017. Available at: <http://www.un.org/en/ga/72/meetings/elections/hrc.shtml>.

¹⁵² Office of the High Commissioner for Human Rights, Current Membership of the Human Rights Council, Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/MembersByGroup.aspx>.

¹⁵³ United Nations General Assembly, Note verbale dated 11 May 2017 from the Permanent Mission of Pakistan to the United Nations addressed to the President of the General Assembly, 18 May 2017. Available at <http://undocs.org/A/72/88>.

¹⁵⁴ United Nations General Assembly, Note verbale dated 11 May 2017 from the Permanent Mission of Pakistan to the United Nations addressed to the President of the General Assembly, 18 May 2017. Available at: <http://undocs.org/A/72/88>.

protection and promotion of human rights;

- Promoting constructive engagement, dialogue and cooperation with the concerned states in addressing ‘situations of concern’ at the Council;
- Strengthening participation in the UPR and making useful recommendation to other states;
- As Coordinator of the OIC Group on Human Rights and Humanitarian Affairs in Geneva, to work on maintaining solidarity between the Islamic world and the West;
- Continuing to support the UN Alliance of Civilizations for promoting a culture of dialogue, tolerance and cooperation among the nations of the world;
- Supporting to the OHCHR in carrying out its mandate through coordination and liaison;
- Complying with treaty obligations and ensuring periodic submission of reports and constructively engagement during the reviews; and,
- Strengthening cooperation and engagement with the High Commissioner for Human Rights and Special Procedures.

III. Pakistan’s participation in 39th Session of the HRC

Pakistan participated actively in general debates and interactive dialogues and made statements during the 39th Session. It was also the main sponsor, on behalf of the OIC, of the resolution concerning *The situation of human rights of Rohingya Muslims and other minorities in Myanmar*.¹⁵⁵

S. No.	Interactive Dialogue	Pakistan’s Interventions
1.	Clustered Interactive Dialogue with the Special Rapporteur on contemporary forms of slavery and the Independent Expert on democratic and equitable international order	<p>Pakistan:</p> <ul style="list-style-type: none"> • Affirmed that the human rights situation of domestic workers, especially migrant workers, is directly related to globalisation, macroeconomic policies, climate change and demographic changes causing migration; • Stated that it is signatory to all the ILO Fundamental Conventions, and has enacted enabling federal and provincial legislation; • Further requested the Independent Expert on promotion of a democratic and equitable International Order to elaborate on how to implement its recommendations to the international community to promote a world order that is more democratic, just and equitable.¹⁵⁶
2.	Clustered interactive dialogue with Independent Expert on the rights of older persons and Special Rapporteur on human rights of safe drinking water and sanitation	<p>Pakistan:</p> <ul style="list-style-type: none"> • While agreeing with challenges highlighted by the Independent Expert, Pakistan laid emphasis on its strong social system, influenced by the Islamic principles of respect and care for all; • Stated that regulation of access to water and sanitation services is crucial for developing countries for realisation of human rights; • Requested the Special Rapporteur on Water and Sanitation to elaborate how technical cooperation and capacity building of developing countries can ensure realisation of the human rights based on the principles of participation, equality, non-discrimination, sustainability, progressive realisation, and access to remedy, in this important area.¹⁵⁷

155 Resolution 39/2 Situation of human rights of Rohingya Muslims and other minorities in Myanmar (2018). Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Resolutions.aspx>.

156 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=10/09/2018%2000:00:00>.

157 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=10/09/2018%2000:00:00>.

3.	Clustered interactive dialogue with the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention	<p>Pakistan:</p> <ul style="list-style-type: none"> Highlighted that it has established Commission of Inquiry on Enforced Disappearances on the Supreme Court's directive which is working on enforced or involuntary disappearances; Stated that its legal framework protects its citizens from arbitrary detention; Requested the Working Groups on enforced or involuntary disappearances and arbitrary detention to look into the findings of the OHCHR Kashmir Report on a large number of cases of enforced or involuntary disappearances and arbitrary detention in the Indian Occupied Jammu and Kashmir, where it is being used as a tool of oppression.¹⁵⁸
4.	Clustered interactive dialogue with the Working Group on use of mercenaries and Special Rapporteur on hazardous wastes	<p>Pakistan:</p> <ul style="list-style-type: none"> Supported the 15 principles for the protection from hazardous wastes based on agreed international standards; Urged the Working Group to address the issue of adverse impact of private military and security services in the UN recognised occupied territories; Suggested that the gap in the international legal framework for the regulation of private military and security companies needs to be filled, especially regarding accountability for human rights abuses, effective remedy for the victims, description of permitted and prohibited activities; Highlighted that it has ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and has taken all necessary steps for its effective implementation.¹⁵⁹
5.	Clustered interactive dialogue with the Special Rapporteur on Right to Development and Special Rapporteur on Unilateral Coercive measures	<p>Pakistan:</p> <ul style="list-style-type: none"> Underlined its multifaceted approach towards development including structural reforms, investment friendly policies, and social safety nets for vulnerable; Highlighted the importance of creation of a mechanism for provision of appropriate compensation to the victims.¹⁶⁰
6.	Interactive dialogue with the independent fact-finding mission on Myanmar	<p>Pakistan:</p> <ul style="list-style-type: none"> Expressed concern on the extreme vulnerability of Rohingya Muslims and minorities as a consequence of State policies and practices implemented over decades, steadily marginalising them; Urged the international community to take a united stand to bring this catastrophe to an end and assist Myanmar in addressing the root causes of its recurrent problems; Supported the call of the FFM for establishment of an independent, impartial mechanism to collect, consolidate, preserve and analyse evidence of violations of international humanitarian law and human rights violations to facilitate fair and independent criminal proceedings.¹⁶¹

158 Office of the High Commissioner for Human Rights, Statements. Available at <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=12/09/2018%2000:00:00>

159 Office of the High Commissioner for Human Rights, Statements. Available at <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=12/09/2018%2000:00:00>

160 Office of the High Commissioner for Human Rights, Statements. Available at <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=12/09/2018%2000:00:00>

161 Office of the High Commissioner for Human Rights, Statements. Available at <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=18/09/2018%2000:00:00>

7.	Interactive Dialogue with the Human Rights Council Advisory Committee	<p>Pakistan:</p> <ul style="list-style-type: none"> Highlighted the importance of the report on “Negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights” as the basic human rights of citizens are being affected by the out flow of funds/money of illicit origin and illegal transfer. Asserted that the Advisory Committee’s study on “A global call for concrete action for total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action” is important in current international scenario and rise of fascist political parties throughout the world. Suggested the Committee to consider, apart from others, killing of people for eating beef by cow vigilantes as a form of manifestation of hate in its final work.¹⁶²
8.	Clustered Interactive Dialogue with Special Rapporteur on Rights of Indigenous Peoples and Expert Mechanism on the Rights of Indigenous Peoples	<p>Pakistan:</p> <ul style="list-style-type: none"> Highlighted that its National History and Literary Heritage Division is working on intangible cultural heritage which promotes the culture and life style of the indigenous people from Kailash Valley by preparing documentaries and celebrating their festivals. Expressed concern on the rights of indigenous peoples in developed countries who mostly live in remote and desolated areas with minimum standards of living, and have been deliberately discriminated against by local police as well as administration.¹⁶³
9.	Interactive Dialogue with the Commission of Inquiry on Occupied Palestinian Territory	<p>Pakistan:</p> <ul style="list-style-type: none"> Condemned the atrocities perpetrated against Palestinian civilians; Urged the Commission of Inquiry to give due regard to the underlying reasons of the prolonged conflict with a view to suggest concrete measures for ensuring accountability and ending impunity.¹⁶⁴

S. No.	General Debate	Pakistan’s Interventions
1.	General Debate on the oral update by the High Commissioner for Human Rights	<p>Pakistan:</p> <ul style="list-style-type: none"> Acknowledged the importance of OHCHR Kashmir Report in documenting excessive use of force, arbitrary arrests, detentions and disappearances, cases of mass graves and continued sexual violence, as part of overall impunity enjoyed by Indian security forces in Kashmir. Endorsed High Commissioner’s call for urgent implementation of the recommendations of the OHCHR report.¹⁶⁵
2.	General Debate on protection of all human rights, civil, political, economic, social and cultural rights, including the right to development	<p>Pakistan:</p> <ul style="list-style-type: none"> Highlighted the right of self-determination of people of Jammu and Kashmir; Stated that the fulfilment of right of self-determination is essential to safeguard all human rights of the Kashmiri people and to promote regional and international peace and security.¹⁶⁶

162 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=18/09/2018%2000:00:00>.

163 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=18/09/2018%2000:00:00>.

164 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=24/09/2018%2000:00:00>.

165 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=24/09/2018%2000:00:00>.

166 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=24/09/2018%2000:00:00>.

3.	General Debate on Human Rights Bodies and Mechanisms	<p>Pakistan:</p> <ul style="list-style-type: none"> • Suggested that principles of transparency, accountability, objectivity, impartiality, constructive dialogue and non-politicisation which guides the working of Human Rights Bodies and Mechanisms should be translated into quantifiable indicators; • Highlighted issues faced by agricultural sector in the developing countries i.e. climate change, degradation of land, impoverished population, non-availability of modern technology, uneven competition with highly subsidised agriculture sector in the developed countries and unfair trade practices; • Stated that supporting the declaration on the rights of peasants will be supporting the agricultural and related sector.¹⁶⁷
4.	General Debate on human rights situation in Palestine and other occupied Arab territories	<p>Pakistan:</p> <ul style="list-style-type: none"> • Highlighted the Israeli settlement activity, characterised by house demolitions, forced evictions of families and communities, and building new colonies, in grave violation of UN Security Council Resolution 2334 (2016) and continues with impunity. • Urged the international community to take urgent action to resolve the longstanding dispute of Palestine by supporting the two State solution on the pre-1967 borders, based on a free and secure State of Palestine with Al-Quds Al Sharif as its capital, living side by side and in peace with all its neighbours.¹⁶⁸
5.	General Debate on Vienna Declaration and Programme of Action	<p>Pakistan:</p> <ul style="list-style-type: none"> • Stated that by implementing the Vienna Declaration and Programme of Action, the international community reaffirms its commitment to human rights and support the Sustainable Development Goals (SDGs). • Cited China-Pakistan Economic Corridor as a unique example of international cooperation for shared progress, prosperity and the realisation of right to development.¹⁶⁹
6.	General debate on Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action	<p>Pakistan:</p> <ul style="list-style-type: none"> • Highlighted the urgent need to strengthen the legal and policy framework for addressing discrimination, hate speech and xenophobia that underwrites chauvinistic nationalism; • Asserted its support to Resolution 16/18 on combating intolerance and xenophobia; • Affirmed the rights of indigenous people in the elections held in July 2018 where the indigenous Kalash people and a tiny community of African descent got their representatives elected to the Parliament.¹⁷⁰

167 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=19/09/2018%2000:00:00>

168 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=24/09/2018%2000:00:00>.

169 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=24/09/2018%2000:00:00>.

170 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=25/09/2018%2000:00:00>.

S. No.	Panel Discussion	Pakistan's Interventions
1.	Panel Discussion on the Rights of Indigenous Peoples	Pakistan: <ul style="list-style-type: none"> • Raised concern on increase in the occurrence and intensity of natural disasters like floods, droughts, wild fires, earthquakes, etc. due to climate change on the rights of indigenous people; • Supported the global consensus on climate change as well as projects aimed at inclusive sustainable development in developing countries.¹⁷¹

S. No.	UPR Outcomes	Pakistan's Interventions
1.	Canada	Pakistan: <ul style="list-style-type: none"> • Commended Canada for their ongoing efforts for inclusion of persons with disabilities into the society.¹⁷²
2.	Bangladesh	Pakistan: <ul style="list-style-type: none"> • Welcomed the people-centred development agenda adopted by Bangladesh, particularly the emphasis on women, children, persons with disabilities, and other vulnerable sections of the society. • Appreciated Bangladesh's progress and achievements in the domains of health and education.¹⁷³

IV. Pakistan's Voting Pattern on Resolutions

Out of the total number of resolutions that came up for voting, Pakistan voted in favour of six, voted against two and abstained from voting on two resolutions.

Thematic Resolutions

Pakistan voted in favour of five thematic resolutions concerning *Promotion of democratic and equitable international order*,¹⁷⁴ *The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination*,¹⁷⁵ *The human rights to safe drinking water and sanitation*,¹⁷⁶ *Right to development*,¹⁷⁷ and *The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas*.¹⁷⁸

In its explanation of vote concerning the *right to development*, Pakistan stated that the right to development provides a bridge between development and human rights- two important pillars of the United Nations. It stated that the 'way forward' proposed in the current resolution provides a good roadmap to achieve tangible progress. It further stated that freedom from Poverty is a Human Right too and Right to Development is a way to ensure this which is committed by new Prime Minister Imran Khan through the introduction of policies for the masses.¹⁷⁹

Pakistan joined consensus on three resolutions:

- On the resolution concerning *Safety of Journalists*,¹⁸⁰ Pakistan affirmed its belief in the freedom of press, expression

171 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=19/09/2018%2000:00:00>.

172 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=20/09/2018%2000:00:00>.

173 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=20/09/2018%2000:00:00>.

174 Resolution 39/4 Promotion of democratic and equitable international order (2018).

175 Resolution 39/5 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (2018).

176 Resolution 39/8 The human rights to safe drinking water and sanitation (2018).

177 Resolution 39/9 The right to development (2018).

178 Resolution 39/12 United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (2018).

179 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=27/09/2018%2000:00:00>.

180 Resolution 39/6 Safety of Journalists (2018).

and opinion and has taken several measures to safeguard journalists, bloggers, human rights defenders and lawyers for them to function without fear.¹⁸¹

- On the resolution concerning *Preventable maternal mortality and morbidity and human rights in humanitarian settings*,¹⁸² Pakistan affirmed its commitment to upholding and safeguarding the rights of all its citizens, including their right to health. It stated further that the references to sexual and reproductive rights should be strictly in the context of agreed language in ICPD and is the sovereign right of each country to implement the recommendations of the Programme of Action in consistent with the national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people. It disassociates itself from reference made to the terms in the resolution, which are outside the agreed language.¹⁸³
- On the resolution concerning *Equal participation in political and public affairs*,¹⁸⁴ Pakistan disassociated itself from the proposed guidelines prepared by OHCHR for following reasons:
 1. First, the basic UN principle, norms and courtesies ask that any document which is to be considered for future reference as possible guidelines must be discussed and deliberated upon by all the UN member States. The referred guidelines do not fulfill this criterion.
 2. Secondly, these guidelines were brought to the notice of majority of the member States just a few days back during the informal on this resolution, not giving enough time to any of the delegations to properly go through them and discuss with their relevant departments.
 3. Thirdly, these guidelines refer to few of the contentious issues on which there is no international consensus and as such must not be pushed in a non-democratic way. Pakistan further asserted that the guidelines refer to many concepts and rights in an unbalanced manner which go beyond the international human rights instruments.¹⁸⁵

Country Situation Resolutions

Pakistan voted in favour of resolution concerning *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*.¹⁸⁶ Pakistan introduced the resolution on behalf of the OIC. It noted that the resolution was their united voice in support of Rohingya Muslims and other minorities in Myanmar and hoped that the Council will stand united for the helpless Rohingya Muslims and other minorities, who have been suffering in Myanmar for decades. Pakistan said that a consensual adoption of the resolution will ensure accountability for the perpetrators and justice for the victims.¹⁸⁷

Pakistan abstained from voting on two resolutions concerning *Situation of human rights in Burundi*,¹⁸⁸ and *the human rights situation in the Syrian Arab Republic*.¹⁸⁹ Pakistan did not provide reasons for its abstention.

Pakistan voted against two resolution concerning *Human rights situation in Yemen*,¹⁹⁰ and *Promotion and protection of human rights in the Bolivarian Republic of Venezuela*.¹⁹¹ Pakistan did not provide reasons for its votes.

181 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=27/09/2018%2000:00:00>.

182 Resolution 39/10 Preventable maternal mortality and morbidity and human rights in humanitarian settings (2018).

183 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=27/09/2018%2000:00:00>

184 Resolution 39/11 Equal participation in political and public affairs (2018).

185 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=27/09/2018%2000:00:00>.

186 Resolution 39/2 Situation of human rights of Rohingya Muslims and other minorities in Myanmar (2018).

187 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=27/09/2018%2000:00:00>.

188 Resolution 39/14 Situation of human rights in Burundi (2018).

189 Resolution 39/15 The human rights situation in the Syrian Arab Republic (2018).

190 Resolution 39/16 Human rights situation in Yemen (2018).

191 Resolution 39/1 Promotion and protection of human rights in the Bolivarian Republic of Venezuela (2018).

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

In its voluntary pledge Pakistan committed to “strengthen cooperation and engagement with the High Commissioner for Human Rights and Special Procedures”. However, there is no standing invitation extended by Pakistan to special procedures and currently has 17 special procedures requests and reminders pending.¹⁹² The requests include the Special Rapporteurs on housing, cultural rights, minority issues, and on internally displaced persons. They also include the Working Group on mercenaries and Independent Expert on minorities. Pakistan has 11 reminders from the Special Rapporteurs on freedom of expression, on torture, on freedom of religion, on slavery, on human rights and counter terrorism, on human rights defenders, on extrajudicial, summary or arbitrary executions, on extreme poverty, on racism, and on freedom of assembly.¹⁹³

b. Compliance with Reporting Obligations to Treaty Monitoring Bodies

Pakistan committed to comply with treaty obligations and to ensure periodic submission of reports and constructive engagement during the reviews. Pakistan has one outstanding report against it with treaty bodies, that is the CRPD report that has been pending since 2013.¹⁹⁴ It also has one follow up State Party’s report on CAT pending since 12 May, 2018.¹⁹⁵ On other treaty bodies reporting Pakistan has a good record, although some reports were submitted after four to five years of delay.

c. Compliance with Thematic Issues

In its pledge, Pakistan stated that it “firmly resolved to uphold, promote and safeguard universal human rights and fundamental freedoms for all.” However, domestic human rights violations have been regularly noted and discussed by national and international actors. These issues range from enforced disappearances and extrajudicial killings, arbitrary detention, inadequate protection or accountability for abuses against women and girls, and silencing the voices of journalists and activists.¹⁹⁶

During the 39th Session, in a statement to the Working Group on **Enforced or Involuntary Disappearances**, Pakistan said it is committed to the fulfilment of its international obligations and promotion and protection of all human rights and has taken a number of steps to investigate and remedy cases of alleged enforced or involuntary disappearances.¹⁹⁷ However, as of June 2018, Pakistan has 5,213 missing persons cases and of that number, 2000 remain unsolved.¹⁹⁸ Reportedly, between January 2018 – June 2018, in Balochistan alone there have been 485 cases of enforced disappearances and 144 cases of extra-judicial killings.¹⁹⁹ The UN Working Group on Enforced or Involuntary Disappearances has more than 700 cases pending from Pakistan between May 2017-May 2018.²⁰⁰ In its most recent report in 2018, the Working Group transmitted two cases under urgent action appeals to Pakistan concerning Sadam Hussain and Hanif Muhammad, who were both allegedly abducted from a house in Malir, Karachi, in April 2018 by Inter-Services Intelligence agents and the Sindh Rangers.²⁰¹ Although Pakistan accepted recommendations to make enforced disappearance a criminal offence during its third UPR in November 2017, it is yet to ratify the *International Convention for the Protection of All Persons*

192 Office of the High Commissioner for Human Rights, Special Procedures. Available at https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en.

193 Ibid.

194 Office of the High Commissioner for Human Rights, Special Procedures. Available at: https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=PAK&Lang=EN.

195 Ibid.

196 Human Rights Watch, Pakistan. Available at: <https://www.hrw.org/asia/pakistan#>.

197 Office of the High Commissioner for Human Rights, Statements. Available at: <http://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=12/09/2018%2000:00:00>.

198 Amnesty International, Pakistan: Resolve hundreds of cases of enforced disappearances 2018. Available at: <https://www.amnesty.org/en/latest/news/2018/03/pakistan-resolve-hundreds-of-cases-of-enforced-disappearances/>.

199 Asghar Ali, ‘Balochistan: Black hole of enforced disappearance’, The Pioneer, 25 November 2018. Available at: <https://www.dailypioneer.com/2018/sunday-edition/balochistan--black-hole-of-enforced-disappearance.html>.

200 Report of the UN Working Group on Enforced or Involuntary Disappearances, 30 July 2018, p 15. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/236/81/PDF/G1823681.pdf?OpenElement>.

201 Ibid.

from *Enforced Disappearance*.²⁰² The Commission of Inquiry on Enforced Disappearances (COIED) set up in Pakistan has insufficient power and resources to carry out its mandate effectively, especially for establishing a transparent process in which the details of such cases and the perpetrators involved are disclosed to the public.²⁰³ One of the main criticisms against the COIED is that the proceedings are often not confidential and take place in the presence of state agencies and intelligence officials that makes the families of victims vulnerable to duress at the hearings.²⁰⁴

In an interactive dialogue with the Working Group on Arbitrary Detention, Pakistan stated that its legal frameworks protect its citizens from **arbitrary detention**. However, according to Pakistan human rights defenders and lawyers, during counter-terrorism operations, Pakistani security forces have been responsible for serious human rights violations, including detention without charge.²⁰⁵ On 5 February 2019, a core committee member of the PTM, Gulalai, and 17 other members of the PTM were arrested for taking part in a protest that denounced the killing of Ibrahim Loni. Gulalai was not charged with any offense and was not allowed to contact her lawyer.²⁰⁶ In May 2018, the Working Group on Arbitrary Detention adopted Opinion 11/2018 which found the deprivation of liberty of Mesut Kaçmaz, a Turkish teacher living in Pakistan, along with his wife, Mrs. Meral Kaçmaz, and their two minor daughters as being arbitrary and in contravention of articles 5, 6, 8, 9 and 10 of the Universal Declaration of Human Rights and articles 2, 2 (3), 7, 9, 13, 14 and 16 of the International Covenant on Civil and Political Rights.²⁰⁷ The family was forcibly deported to Turkey for interrogation despite an order by the Lahore High Court exercising stay on their deportation.²⁰⁸ These instances evidence a variance between commitments made at the HRC and the ground reality in the country.

Pakistan joined consensus on the resolution concerning the **safety of journalists**, which emphasises the role of international cooperation in preventing attacks against journalists and in raising the capacities of States in the field of human rights. In the explanation of the vote before the vote on the resolution, Pakistan affirmed its belief in the freedom of press, expression and opinion and has taken several measures to safeguard journalists, bloggers, human rights defenders and lawyers for them to function without fear.²⁰⁹ However, threats and attacks from militant groups, including criticism from government institutions and judiciary, has reportedly impeded media coverage of abuses by government security forces and militant groups in Pakistan.²¹⁰ In July 2018, Kadafi Zaman, a Norwegian journalist, was arrested by police while covering a political rally and beaten up. He was released after three days.²¹¹ Although the trend shows that fewer journalists were killed in retaliation to their work in recent years, but impunity remains an issue, with the military, intelligence, or military-linked and political groups as the suspected source of fire in half of the 22 journalists murdered in the past decade.²¹² Such incidents have forced journalists and other members of the media to self-censor.

In the 39th Session, Pakistan agreed with the Special Rapporteur on **contemporary forms of slavery** in concluding that the human rights situation of domestic workers, particularly migrant workers, is directly related to increasing globalisation and macroeconomic policies which reinforce inequality and poverty.²¹³ However, Pakistan is yet to ratify the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*.²¹⁴

202 Amnesty International, Pakistan: Resolve hundreds of cases of enforced disappearances, 2018. Available at: <https://www.amnesty.org/en/latest/news/2018/03/pakistan-resolve-hundreds-of-cases-of-enforced-disappearances/>.

203 Nasir Iqbal, Commission on enforced disappearances criticised in SC, *The Dawn*, 8 April 2016. Available at: <https://www.dawn.com/news/1250706>.

204 Ibid.

205 Human Rights Watch, World Report 2019, Pakistan. Available at: <https://www.hrw.org/world-report/2019/country-chapters/pakistan>.

206 Ibid.

207 Human Rights Watch, World Report 2019, Pakistan. Available at <https://www.hrw.org/world-report/2019/country-chapters/pakistan>.

208 Opinions adopted by the Working Group on Arbitrary Detention, May 2018. Available at: https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session81/A_HRC_WGAD_2018_11.pdf.

209 Office of the High Commissioner for Human Rights, Press Statements. Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23652&LangID=E>.

210 Ibid.

211 Committee to Protect Journalists, Drop in journalist killings in Pakistan masks decline in press freedom, 2018. Available at: <https://cpj.org/2018/09/drop-in-journalist-killings-in-pakistan-masks-decl.php>.

212 Ibid.

213 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=10/09/2018%2000:00:00>.

214 Office of the High Commissioner for Human Rights. International Treaties Dashboard. Available at: <http://indicators.ohchr.org/>.

As per the annual report of Global Slavery Index 2018, Pakistan has an estimated 3,186,000 people living in modern slavery.²¹⁵ During Pakistan's third UPR cycle, the joint stakeholder submissions revealed that bonded labour was widespread, particularly in agriculture and brick-making, and that the majority of victims were "scheduled caste" Hindus, Christians, and Sikhs.²¹⁶ There was also concern amongst stakeholders that despite Sindh, Punjab and Khyber Pakhtunkhwa provinces having adopted the Bonded Labour System (Abolition) Act 2015, the Government is yet to secure a single conviction of the bonded labour perpetrators.²¹⁷

Pakistan, in its pledge, undertook to prioritise interventions on women and children and to strengthen safety infrastructure for women. Unfortunately, this is yet to be seen since **violence against women and girls**, particularly rape, honor killings, acid attacks and forced marriage remain a grave concern. Pakistani activists estimate that there are about 1000 honor killings every year.²¹⁸ In June 2018, 19-year-old Mahwish Arshad was murdered for refusing a marriage proposal. Women from religious minorities are especially vulnerable to abuse.²¹⁹ Child sexual abuse also remains prevalent with 141 cases being reported in the first six months of 2018. It is reported that, on an average, 11 cases of child sexual abuse are reported daily across Pakistan.²²⁰

VI. Conclusions

Pakistan was an active participant during the 39th Session of the HRC. Apart from statements during interactive dialogues and general debates, Pakistan provided explanations for its votes on multiple resolutions. It was also a main sponsor, on behalf of the OIC, for the resolution concerning *The situation of human rights of Rohingya Muslims and other minorities in Myanmar*.²²¹

- Despite its pledge "to strengthen cooperation and engagement with the OHCHR and the Special Procedures",²²² Pakistan's engagement with the UN special procedures is poor. It has not extended standing invitation to the special procedures and the country has 17 pending requests and reminders.
- There are serious concerns regarding enforced disappearances and arbitrary detention in Pakistan with a large number of instances reported to the respective Working Groups and recounted by national and international actors monitoring the situation in the country, notwithstanding their position in their pledge, responses or voting pattern in the HRC.
- Despite its pledge on prioritising issues about women, violence against women and girls—including rape, "honour" killings, acid attacks, domestic violence, and forced marriages—remains widespread in Pakistan.

215 Global Slavery Index, 2018. Available at <https://www.globalslaveryindex.org/2018/data/country-data/pakistan/>.

216 Office of the United Nations High Commissioner for Human Rights, UPR Outcomes, Stakeholder Submissions, Pakistan. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/245/64/PDF/G1724564.pdf?OpenElement>.

217 Ibid.

218 Human Rights Watch, World Report 2019, Pakistan. Available at: <https://www.hrw.org/world-report/2019/country-chapters/pakistan>.

219 Ibid.

220 Ibid.

221 Resolution 39/2 Situation of human rights of Rohingya Muslims and other minorities in Myanmar (2018). Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Resolutions.aspx>.

222 United Nations General Assembly, Note verbale dated 11 May 2017 from the Permanent Mission of Pakistan to the United Nations addressed to the President of the General Assembly, 18 May 2017. Available at: <http://undocs.org/A/72/88>.

I. Introduction

Rwanda's term at the Human Rights Council ends in 2019.²²³ Rwanda was elected through a clean state election to the Human Rights Council in 2016 and began its term in 2017. This was the first time that Rwanda stood for election at the Council. The country held the vice-presidency of the Council in 2018.²²⁴

II. Voluntary Pledges and Commitments

Rwanda did not submit a voluntary pledge.²²⁵

III. Rwanda's Participation in the 39th Session of the HRC

Rwanda co-sponsored the resolution concerning the *National human rights institutions*²²⁶ in the 39th Session. The selected participated of Rwanda in dialogues and discussions are as follows:

S. No.	Interactive Dialogue	Rwanda's Interventions
1.	Interactive dialogue with the Assistant Secretary-General for Human Rights on the report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights	Rwanda: <ul style="list-style-type: none"> • Stated that it did not condone nor engage in reprisals against individuals cooperating with the UN, its representatives and mechanisms which are completely unacceptable. • Responded to the allegations by the Subcommittee on Prevention of Torture (SPT) as without any foundation. Stated that contrary to the assertions, the Government of Rwanda fully cooperated with the SPT on its visit which was scheduled for seven days but SPT terminated it in five days for reasons not known to Rwanda. • Asserted that it has investigated allegations of reprisals and found them baseless. • Expressed grave concern at the mandate in the reprisal case and requested to ensure that false allegations are exposed and genuine reports are properly addressed.²²⁷

²²³ Office of the High Commissioner for Human Rights, Current Membership of the Human Rights Council. Available at <https://www.ohchr.org/en/hrbodies/hrc/pages/membersbygroup.aspx>.

²²⁴ Office of the High Commissioner for Human Rights, Bureau, Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/Bureau12thCycle.aspx>

²²⁵ Office of the High Commissioner for Human Rights, Human Rights by Country, Rwanda. Available at: <https://www.ohchr.org/en/countries/africaregion/pages/rwindex.aspx>.

²²⁶ Resolution 39/17 National human rights institutions (2018). Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Resolutions.aspx>.

²²⁷ Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=19/09/2018%2000:00:00>.

S. No.	General Debate	Rwanda's Interventions
1.	General Debate on the oral update by the High Commissioner for Human Rights	<p>Rwanda:</p> <ul style="list-style-type: none"> • Strongly supported the Office of the High Commissioner in its efforts to promote and protect human rights throughout the world, and to strengthen the ability of the UN system as a whole to respond to human rights situations of concern. • Affirmed to fully cooperate with all human rights mechanisms, treaty bodies and OHCHR. • Supported the conviction that cooperation between all actors, through multilateral institutions, can solve the complex challenges that face the world as it has also shared the history of oppression, discrimination and gross violations of human rights and has been able to overcome that legacy and forge a united and purpose driven Nation based on the principles of equity and equality.²²⁸

S. No.	Panel Discussion	Rwanda's Interventions
1.	High-level panel discussion to commemorate the seventieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide	<p>Rwanda:</p> <ul style="list-style-type: none"> • Stated that even after 70 years of Genocide Convention, world has witnessed and continues to witness genocides including Genocide against the Tutsi in Rwanda. • Highlighted that it undertook number of measures towards implementation of the Genocide Convention. • Raised the concern of denial as the final step in the commission of genocide which undermine the implementation of the Genocide Convention.²²⁹

IV. Rwanda's Voting Pattern on Resolutions

Rwanda voted in favour of nine resolutions and abstained from voting on one resolution that came up for voting. It did not vote against any resolution during this Session.

Thematic Resolutions

Rwanda voted in favour of all the five thematic resolutions that came up for voting, namely, *Promotion of democratic and equitable international order*,²³⁰ *The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination*,²³¹ *The human rights to safe drinking water and sanitation*,²³² *Right to development*,²³³ and *The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas*.²³⁴ It joined the consensus in adopting the remaining eight thematic resolutions.

Country Situations Resolutions

Rwanda voted in of four country situation resolutions concerning *Promotion and protection of human rights in the Bolivarian Republic of Venezuela*,²³⁵ *Situation of human rights in Burundi*,²³⁶ *The human rights situation in the Syrian*

228 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=11/09/2018%2000:00:00>.

229 Office of the High Commissioner for Human Rights, Statements. Available at : <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=13/09/2018%2000:00:00>.

230 Resolution 39/4 Promotion of democratic and equitable international order (2018).

231 Resolution 39/5 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination(2018).

232 Resolution 39/8 The human rights to safe drinking water and sanitation (2018).

233 Resolution 39/9 Right to development (2018).

234 Resolution 39/ 12 United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (2018).

235 Resolution 39/1 Promotion and protection of human rights in the Bolivarian Republic of Venezuela(2018).

236 Resolution 39/14 Situation of human rights in Burundi (2018).

Arab Republic,²³⁷ and Situation of human rights of Rohingya Muslims and other minorities in Myanmar.²³⁸

Rwanda abstained from voting on one resolution concerning *Human rights situation in Yemen*.²³⁹

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

In the last five years, Rwanda has seven requests pending from special procedure mechanisms.²⁴⁰ These include that of the Working Group on Discrimination against Women, the Special Rapporteur on Truth, the Working Group on Arbitrary Detention, and Special Rapporteur on Rights to Water and Sanitation, among others.

b. Compliance with Reporting Obligations to Treaty Bodies

During the 39th Session of the Human Rights Council, in a statement to the oral update by the United Nations High Commission for Human Rights, Rwanda affirmed its support for the Office of the High Commissioner and maintained that it continues to fully cooperate with all human rights mechanisms and treaty bodies.²⁴¹ Rwanda has ratified 12 international treaties and has mostly complied with treaty body reporting mechanisms. It submitted its report to CMW on time. Reports to CAT, CEDAW, CERD, CESCR and CRC were submitted with a delay of less than one year. Others like CCPR, CRC-OP-AC and CRC-OP-SC, CRPD were submitted after two to six years of delay.

Rwanda has one treaty body report outstanding against it since May 2018, that of the *International Covenant on Economic, Social and Cultural Rights*.²⁴²

c. Compliance on Thematic Issues

Rwanda made no statements and issued no questions in response to the report by the Special Rapporteur on **contemporary forms of slavery**. The latest report of the Special Rapporteur did not mention Rwanda,²⁴³ however, there are about 134,000 people living in modern slavery in Rwanda, giving it a rank of 44 amongst 161 countries with an estimated 11.56 percent of population living in modern slavery.²⁴⁴

Enforced disappearances are one of the biggest human rights challenges in Rwanda. Between April 2016 and March 2017, State security forces had forcibly reportedly caused the disappearance of four individuals and summarily killed at least 37 petty offenders.²⁴⁵ There are also cases identified where Rwandan government was allegedly involved in the practice of silencing critics and political opponents through enforced disappearances.²⁴⁶ The most recent case is the disappearance of opposition leader Boniface Twagirimana in October 2018.²⁴⁷ Members of Twagirimana's political party, the FDU, and his family members suspect foul play.²⁴⁸ However, the government maintains that he escaped

237 Resolution 39/15 The human rights situation in the Syrian Arab Republic (2018).

238 Resolution 39/2 Situation of human rights of Rohingya Muslims and other minorities in Myanmar (2018).

239 Resolution 39/16 Human rights situation in Yemen (2018).

240 Office of the High Commissioner for Human Rights, Special Procedures. Available at: https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en.

241 Office of the High Commissioner of Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=11/09/2018%2000:00:00>.

242 Office of the High Commissioner for Human Rights, Human Rights Bodies. Available at: https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=RWA&Lang=EN.

243 Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/235/72/PDF/G1823572.pdf?OpenElement>.

244 "Modern Slavery," Knoema Corporation, accessed 21 December 2018. Available at: <https://knoema.com/infographics/agmhgy/modern-slavery>.

245 Human Rights Watch, World Report 2018. Available at: <https://www.hrw.org/world-report/2018/country-chapters/rwanda>.

246 Human Rights Watch, 2018 "One month since Rwandan Opposition Leader disappeared." Available at: <https://www.hrw.org/news/2018/11/08/one-month-rwandan-opposition-leader-disappeared>.

247 Fox, Cara, "Rwandan Opposition Party Leader Feared Dead Amid Reports He Escaped From Prison," CNN, 8 October 2018. Available at: <https://www.cnn.com/2018/10/08/africa/rwanda-opposition-leader-escaped-jail-feared-dead-intl/index.html>.

248 Ibid.

from the Mpanga prison in Southern Rwanda after being transferred from the Mageragere prison in Kigali.²⁴⁹

The July 2018 report by the Working Group on **Arbitrary Detention** adopted Opinion 85/2017 on the arbitrary detention of three persons in Rwanda, namely, Franck Kanyambo Rusagara, Tom Byabagamba and François Kabayiza,²⁵⁰ who were arrested in August 2014 on charges of spreading rumours, tarnishing the image of the country and government, concealing evidence, and undermining the national flag.²⁵¹ They were jointly tried in the Kanombe Military High Court, even though Rusagara and Kabayiza were civilians. The court convicted Rusagara and Byabagamba on all charges, while Kabayiza was found guilty of concealing evidence.²⁵² In December 2017, the Working Group found that the detention of all three was arbitrary and violated international law. In its response, in February 2018, Rwanda maintained that the three men were not subject to arbitrary detention and that the trial was conducted in accordance with national and international law and submitted that the allegations by the Working Group were false and the opinion was fundamentally flawed.²⁵³ Rwanda was also criticised for the arbitrary detention of opposition leader, Diane Rwigara, and her mother, Adeline, arrested in September 2017, a few days after Rwigara was barred from running for office in the presidential election.²⁵⁴ She was charged with inciting insurrection, forging or alteration of documents and use of counterfeited documents, while her mother faced an additional charge of discrimination and sectarian practices on private WhatsApp messages.²⁵⁵ Both women were acquitted of all charges on 6 December 2018 after being in jail for nearly one year.²⁵⁶

Rwanda joined the consensus on the resolution on the **Safety of journalists**,²⁵⁷ which recommends active national efforts to prevent attacks and violence against journalists.²⁵⁸ In 2018, the Rwanda National Police, in collaboration with the UNESCO instituted a curriculum on the protection of journalists.²⁵⁹ Decriminalisation of general defamation under the amended criminal code has been a welcome step towards the freedom of expression,²⁶⁰ since in previous years most journalists were unable or unwilling to engage in investigative reporting on politically sensitive issues because of intimidation, threats, and prosecutions.²⁶¹ At the same time, under the amended code any cartoons or other writings that “humiliate” lawmakers, cabinet members, or security personnel will be considered as an offence.²⁶² This will continue to pose a threat to the legitimate work of the journalists and has the potential to be misused.

During the 39th session of the Human Rights Council, Rwanda joined the consensus on the resolution concerning **National human rights institutions** (NHRIs). Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the Vienna Declaration, the resolution recognises the role that NHRIs can play in the protection and promotion of human rights. Passing of a law on 17 September 2018 which allows the Rwanda’s National Commission for Human Rights to carry out, with or without notice, regular visits to all places

249 Human Rights Watch, 2018 “One month since Rwandan Opposition Leader disappeared.” Available at: <https://www.hrw.org/news/2018/11/08/one-month-rwandan-opposition-leader-disappeared>

250 Report of the Working Group on Arbitrary Detention. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/196/69/PDF/G1819669.pdf?OpenElement>.

251 Franck Kanyambo Rusagara, Tom Byabagamba and François Kabayiza, Freedom Now. Available at: <http://www.freedom-now.org/campaign/frank-rusagara-and-tom-byabagamba/>.

252 Ibid.

253 Rwanda’s response to the Opinion 85/2017 of the UN Working Group on Arbitrary Detention. Available at: <https://www.ohchr.org/Documents/Issues/Detention/Opinions/CommentsRwanda20Feb2018.pdf>.

254 Amnesty International, Briefing on Human Rights in Rwanda and Diane Rwigara case. Available at: <https://www.amnestyusa.org/our-work/government-relations/advocacy/december-4-briefing-on-human-rights-in-rwanda-and-diane-rwigara-case/>.

255 Ibid.

256 Human Rights Watch, Is Rwanda’s political thaw real? Available at: <https://www.hrw.org/news/2018/10/10/rwandas-political-thaw-real>.

257 Resolution 39/6 Safety of Journalists (2018).

258 Committee to Protect Journalists. 17 Journalists Killed in Rwanda. Available at: https://cpj.org/data/killed/africa/rwanda/?start_year=1992&end_year=2019&group_by=location.

259 “Rwanda National Police, Partners Discuss Strengthening the Protection of Journalists,” UNESCO, 17 May 2018. Available at: http://www.unesco.org/new/en/nairobi/about-this-office/singleview/news/rwanda_national_police_partners_discuss_strengthening_the_p/.

260 Moses Gagigi, Legal and public interest cases that marked 2018, Rwanda Today, 7 January 2019. Available at: <http://rwandato-day.africa/news/Legal-and-public-interest-cases-that-marked-2018/4383214-4924990-udnoiqz/index.html>.

261 Human Rights Watch, World Report 2019, Rwanda. Available at: <https://www.hrw.org/world-report/2019/country-chapters/rwanda>.

262 <http://www.therwandan.com/wp-content/uploads/2018/10/The-New-Rwanda-Penal-Code.pdf>.

where people may be deprived of liberty, as well as issue recommendations to relevant authorities with the aim of improving conditions of detention, and preventing torture and other ill-treatment is a welcome step.²⁶³ In October 2018, the Global Alliance for National Human Rights Institutions gave the Rwandan National Commission for Human Rights (NCHR) an 'A' status.²⁶⁴ The Sub-committee on Accreditation (SCA) commended the efforts of the NCHR to promote and protect human rights. However, the SCA also raised concerns regarding the effectiveness of the NCHR in dealing with serious human rights issues, particularly arbitrary detention, enforced disappearances and discrimination against minorities.²⁶⁵ The SCA encouraged the NCHR to strengthen its efforts to address all human rights violation, and to ensure that its positions on these issues are publicly made available.²⁶⁶ However, it has been argued that the commission should not work alone and to increase its transparency and accountability, it must work with the civil societies.²⁶⁷

VI. Conclusions

Rwanda has complied largely with its reporting obligations to treaty bodies; it has submitted reports to all the concerned treaty bodies, albeit some with a delay. The only pending report is that with the CESCR since May 2018. Rwanda also co-sponsored the resolution concerning the *National human rights institutions*²⁶⁸ that was adopted with consensus during this Session.

- Despite having extended standing invitation to the UN special procedures, Rwanda has failed to accept requests from seven special procedure mechanisms, which are pending for the last five years.
- Rwanda has still not ratified the *Convention for Protection of All Persons from Enforced Disappearance*. Enforced disappearance and arbitrary detention, particularly those of political dissidents, remain major human rights challenges in Rwanda.
- Rwanda also remains the only Commonwealth State to not have submitted its voluntary pledges and commitments before being elected as a member of the HRC.

263 Rwanda: National Commission for Human Rights officially designated as national mechanism to prevent torture, APT, 20 September 2018. Available at: https://apt.ch/en/news_on_prevention/rwanda-national-commission-for-human-rights-officially-designated-as-national-mechanism-to-prevent-torture/.

264 GANHRI Status, 2018. Available at: <https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/SCA%20Report%20October%202018-Eng%20FINAL%20.pdf>.

265 Ibid.

266 Ibid.

267 Emmanuel Ntirenganya, Human Rights Commission given more responsibilities, *The New Times*, 21 January 2018. Available at: <https://www.newtimes.co.rw/section/read/228017>.

268 Resolution 39/17 National human rights institutions (2018). Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Resolutions.aspx>.

I. Introduction

South Africa served as a member of the HRC from June 2006 to June 2010 and then from January 2014 to December 2016.²⁶⁹ South Africa was re-elected to serve a second consecutive term starting 1 January 2017.²⁷⁰

II. Voluntary Pledges and Commitments

In its voluntary pledge,²⁷¹ South Africa pledged to:

- Continue to receive visits of the Special Procedures and Mechanisms of the HRC in keeping with their various mandates, consistent with the standing invitation to all thematic Special Procedures.
- Respect the integrity and dignity of the Office of the High Commissioner for Human Rights (OHCHR).
- Continue contributing financially to the OHCHR.
- Continue to support important funds and programmes of the OHCHR and other entities aimed at advancing the cause of human rights globally, such as the United Nations Voluntary Fund for Victims of Torture, the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, the recently established United Nations Democracy Fund and the United Nations Development Fund for Women.
- Continue with its unwavering position to advocate for a balanced Sustainable Development Programme within the human rights framework.
- Ensure that the future sessions of the HRC will focus on the imperative need to update the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights through an amendment protocol which will seek to place the right to development at par with all other rights enumerated in those core instruments.
- Continue to submit country reports to human rights treaty monitoring bodies.
- Undertake to submit in the near future a National Action Plan (NAP) exclusively covering the area of racism and racial discrimination as required by the Durban Declaration and Programme of Action (DDPA).

III. South Africa's Participation in the 39th Session of the HRC

South Africa has not made any statements in the 39th session of HRC.²⁷²

IV. South Africa's Voting Pattern on Resolutions

South Africa voted in favour of five resolutions and abstained from voting on the other five resolutions that came up for voting during this Session. It did not vote against any resolution.

Thematic Resolutions

South Africa voted in favour of five thematic resolution concerning *Promotion of a democratic and equitable international order*,²⁷³ *the use of mercenaries as a means of violating human rights and impeding the exercise of*

²⁶⁹ The Commonwealth at the Human Rights Council: A Decade of Voting (2006-2016). Available at: <http://www.humanrightsinitiative.org/publication/the-commonwealth-at-the-human-rights-council-a-decade-of-voting-20062016>.

²⁷⁰ General Assembly, by Secret Ballot, Elects 14 Member States to Serve Three-year Terms on Human Rights Council. Available at: <https://www.un.org/press/en/2016/ga11848.doc.htm>.

²⁷¹ The Permanent Mission of South Africa to the United Nations, Address to the Secretariat, 9 September 2013. Available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/68/391.

²⁷² Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Oralstatements.aspx>.

²⁷³ Resolution 39/4 Promotion of democratic and international equitable order (2018).

the right of peoples to self-determination,²⁷⁴ The human rights to safe drinking water and sanitation,²⁷⁵ Right to development,²⁷⁶ and United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas.²⁷⁷ It joined the consensus in adopting the remaining eight thematic resolutions.

Country Situations Resolutions

South Africa abstained from voting on all five country situations concerning *Promotion and protection of human rights in the Bolivarian Republic of Venezuela*,²⁷⁸ *Situation of human rights in Burundi*,²⁷⁹ *The human rights situation in the Syrian Arab Republic*,²⁸⁰ *Human rights situation in Yemen*,²⁸¹ and *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*.²⁸² It joined the consensus in adopting the remaining country situation resolutions.

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

In its voluntary pledge, South Africa undertook to “constantly and progressively receive the visits of the special procedures and mechanisms of the Human Rights Council in keeping with their various mandates, consistent with the standing invitation to all thematic special procedures.”²⁸³ Despite this pledge, South Africa has failed to accept requests and reminders from 21 special procedure mechanisms. It has 11 requests pending, including from special rapporteurs on torture, minority issues, sale of children, trafficking, and extrajudicial, summary or arbitrary executions, among others.²⁸⁴ It also has 10 reminders pending, including those from special rapporteurs on racism, human rights defenders, migrants, and Working Groups on arbitrary detention and disappearances.²⁸⁵

b. Compliance with Reporting Obligations to Treaty Bodies

In its voluntary pledge, South Africa committed to submit country reports to the United Nations human rights treaty monitoring bodies. However, it has a report pending with CRC-OP-AC since 2011. It also has the report on CEDAW pending since 2015.²⁸⁶

South Africa did not ratify the *International Convention for Protection of All Persons from Enforced Disappearance* and *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. It did not accept the individual complaints procedure and inquiry procedures for CESCR-OP and CRC-OP-IC.²⁸⁷

c. Compliance on Thematic Issues

South Africa is party to almost all the conventions relating to **prohibition of all forms of slavery** and has taken steps to completely prohibit modern slavery by introducing acts such as Prevention and Combating of Trafficking in Persons

274 Resolution 39/5 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (2018).

275 Resolution 39/8 The human rights to safe drinking water and sanitation (2018).

276 Resolution 39/9 Right to development (2018).

277 Resolution 39/12 United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (2018).

278 Resolution 39/1 Promotion and protection of human rights in the Bolivarian Republic of Venezuela (2018).

279 Resolution 39/14 Situation of human rights in Burundi (2018).

280 Resolution 39/15 The human rights situation in the Syrian Arab Republic (2018).

281 Resolution 39/16 Human rights situation in Yemen (2018).

282 Resolution 39/2 Situation of human rights of Rohingya Muslims and other minorities in Myanmar (2018).

283 The Permanent Mission of South Africa to the United Nations, Address to the Secretariat, 9 September 2013 Available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/68/391.

284 Office of the High Commissioner for Human Rights, Special Procedures. Available at: https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en.

285 Ibid.

286 Office of the High Commissioner for Human Rights, Human Rights Bodies. Available at: https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=ZAF&Lang=EN.

287 Office of the High Commissioner for Human Rights, Human Rights Bodies. Available at: https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=ZAF&Lang=EN.

Act²⁸⁸; adopting Phase IV of the National Child Labour Program of Action for South Africa²⁸⁹; and increasing funding for the Child Support Grant which provides monthly direct cash transfers to primary caregivers who have vulnerable children. However, the concern of slavery has been highlighted in the Global Slavery Index report, and is also evident from the ground situation, as 155,000 people are still live in situations akin to slavery.²⁹⁰ The Committee on the Rights of the Child expressed concern in October 2016 that the criminal law in South Africa did not address all acts and activities relating to the sale of children as defined in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, such as engaging a child in forced labour, and recommended that South Africa ensure that all acts and activities referred to in the Optional Protocol are covered in its criminal law.²⁹¹

South Africa pledged to continue to receive visits from the special procedures in keeping with their various mandates.²⁹² However, it has 21 visit requests pending from the special procedures, including that from the Working Group on **Arbitrary Detention**.²⁹³ There have been instances reported from South Africa where undocumented migrants, who had been released on parole by the Department of Correctional Services (DCS), were detained for periods exceeding 120 days in contravention of the Immigration Act 13 of 2002.²⁹⁴ UN Committee on Economic, Social and Cultural Rights, in its 2018 report, highlighted the concerns of sex workers, most of whom are women, about their exposure to frequent harassment and arbitrary arrest and detention by police officials, as well as their being coerced into free sex.²⁹⁵

South Africa joined the consensus in adopting the resolution on **safety of journalists**. However, the recent instances of threatening, harassing and violating the rights of journalists in South Africa shows the deplorable state of affairs of media freedom. Journalists and human rights defenders face dual threats, also from other fronts like from protestors and armed groups, etc. In an event on 11 July 2018, for example, unidentified gunmen shot and killed Panza and Shange, two activists who opposed relocation of the community in KwaDube in KwaZulu Natal.²⁹⁶ The investigation into these murders has been stalled and the police has failed to make any arrests in the matter. During 2018, community environmental rights activists were allegedly harassed by South African authorities for demanding their right to health and a healthy environment.²⁹⁷ Many of these attacks go unreported or unnoticed, in part because of fear of retaliation for speaking out, and because police sometimes do not investigate the attacks.²⁹⁸ Instances of journalists being harassed by state actors including arrests for coverage of police action or malicious attacks whilst covering stories has also been highlighted in the stakeholders' submissions on South Africa in its third UPR session.²⁹⁹ Civil society, journalists and human rights defenders need to be provided with a safe environment to carry out their work.³⁰⁰

288 Office to Monitor and Combat Trafficking in Persons, United States Department of State, 2017. Available at: <https://www.state.gov/documents/organization/271344.pdf>.

289 Child Labour and Forced Labour Reports: South Africa, United States DEPARTMENT OF Labor Bureau Of International Labor Affairs. Available at: <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/south-africa>.

290 The Global Slavery Index, South Africa. Available at: <https://www.globallslaveryindex.org/2018/data/country-data/south-africa/>.

291 UN Committee on the Rights of the Child, 'Concluding observations on the initial report submitted by South Africa under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography' (CRC/C/OPSC/ZAF/CO/1). Available at: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/OPSC/ZAF/CO/1&Lang=En.

292 The Permanent Mission of South Africa to the United Nations, Address to the Secretariat, 9 September 2013. Available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/68/391.

293 Office of the High Commissioner for Human Rights, Special Procedures. Available at: https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en.

294 Annual Advocacy and Communications Report 2017. Available at: https://www.sahrc.org.za/home/21/files/SAHRC%20Adv-Comm%20Annual%20Report%20Final%202017_.pdf.

295 Committee on Economic, Social and Cultural Rights, 'Concluding observations on the initial report of South Africa' 29 November, 2018. Available at: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/ZAF/CO/1&Lang=En.

296 Human Rights Watch, South Africa: Events of 2018. Available at: <https://www.hrw.org/world-report/2019/country-chapters/south-africa>.

297 Ibid.

298 Human Rights Watch, South Africa: Activists in mining areas harassed, April 2019. Available at: <https://www.hrw.org/news/2019/04/16/south-africa-activists-mining-areas-harassed>.

299 A/HRC/WG.6/27/ZAF/3. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/035/94/PDF/G1703594.pdf?OpenElement>.

300 Ibid.

South Africa voted in the favour of resolution concerning **right to development**.³⁰¹ In 2018 Report of the Special Rapporteur on the Right to Development (South-South cooperation and the right to development), it has highlighted the India, Brazil, and South Africa Facility for Poverty and Hunger Alleviation (IBSA Fund) as a good example of interregional South-South partnerships for sustainable development supported by the United Nations system.³⁰² However, certain issues of poverty, inequality, unemployment etc. hamper the full realisation of the right to development in South Africa. More than half of the population already lives in poverty, and a further 27% live in a state of susceptibility to poverty.³⁰³ On the other hand, 20% of the country can be considered middle class, while only 4% of the country is considered elite.³⁰⁴ South Africans in the top-earning income bracket earn nearly five times more than the average low skilled jobs. That disparity creates a gulf of two economies in one country, where top earners' wages are comparable to developed countries, while wages on the lower scale are akin to those in impoverished countries.³⁰⁵

VI. Conclusions

South Africa co-sponsored three resolutions, namely, *Promotion of democratic and equitable international order*,³⁰⁶ *The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination*,³⁰⁷ and *The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas*.³⁰⁸

- In its voluntary pledge, South Africa undertook to “constantly and progressively receive the visits of the special procedures and mechanisms of the Human Rights Council in keeping with their various mandates, consistent with the standing invitation to all thematic special procedures.” Despite this pledge, South Africa has failed to accept requests from 21 special procedure mechanisms.
- There is a visible trend of retaliation against journalists and human rights defenders in the country, coupled with a failure to investigate on part of State authorities.
- South Africa is the only Commonwealth Member State not to have made any statement at the 39th Session of the HRC.

301 Resolution 39/9 Right to development (2018).

302 Office of High Commissioner of Human Rights, Report of the Special Rapporteur on the Right to Development (South-South cooperation and the right to development). Available at: <https://undocs.org/en/A/73/271>.

303 Lynsey Chutel, 'Post-apartheid South Africa is failing the very people it liberated', Quartz Africa, 25 August 2017. Available at: <https://qz.com/africa/1061461/post-apartheid-south-africa-is-failing-the-very-people-it-liberated/>.

304 Ibid.

305 Lynsey Chutel & Dan Kopf, 'All the charts that show South Africa's inequality is only getting worse', Quartz Africa, 10 May 2018. Available at: <https://qz.com/africa/1273676/south-africas-inequality-is-getting-worse-as-it-struggle-to-create-jobs-after-apartheid/>.

306 Resolution 39/4 Promotion of democratic and equitable international order (2018).

307 Resolution 39/5 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (2018).

308 Resolution 39/12 United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (2018).

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

I. Introduction

The United Kingdom (UK) was re-elected in 2017, after a clean slate election, to serve a second consecutive three-year term at the Human Rights Council (HRC).³⁰⁹

II. Voluntary Pledges and Commitments

The UK's voluntary pledges, submitted in 2016, focused on the UK's efforts to promote human rights internationally, uphold them domestically, and support UN bodies. They also contained priority issues – equality and non-discrimination, gender equality, violence against women, religious freedom, and modern slavery – which the UK considered important enough to include in its pledge.

The UK pledged to³¹⁰:

- Strengthen the role of human rights in the work of the United Nations by:
 - a) Encouraging rapid international response to severe human rights violations and abuses, including in support of conflict prevention.
 - b) Helping States through transition, by supporting stability and reform efforts on the ground.
 - c) Supporting a strong and independent United Nations human rights system.
- Translate 2030 Agenda for Sustainable Development into action that leaves no one behind by:
 - a) Helping women and girls achieve a voice, choice, and control in development (SDG Target 5).
 - b) Tackling the scourge of modern slavery across borders (SDG Target 8.7).
 - c) Supporting work on justice, the rule of law and open societies (SDG Target 16).
- Stand up for freedom of religion or belief by:
 - a) Defending the freedom of people of all religions and beliefs to live without discrimination and violence.
 - b) Supporting persecuted minorities in the Middle East.
 - c) Advocating in favour of equality and non-discrimination, including on the grounds that freedom of religion or belief can help to counter violent extremism.
- Work towards ending violence against women and girls and promoting women's full participation and leadership in political and economic life by:
 - a) Tackling violence against women and girls, including sexual violence in conflicts, all forms of domestic violence and harmful practices, including during humanitarian crises.
 - b) Promoting women's economic empowerment and the representation of women in political and public life, especially in leadership positions.
 - c) Challenging discriminatory laws and practices.
- Work towards promoting open societies and challenge threats to civil society.

III. The United Kingdom's Participation in the 39th Session

The UK's Minister of State for the Commonwealth and the United Nations, Lord Ahmad, delivered a statement on the closing day of the session. He affirmed the UK's commitment to the promotion of human rights and the rules based international system, particularly the need to work together with other UN Member States to ensure accountability

³⁰⁹ General Assembly of the United Nations, Elections of the Human Rights Council, 2017. Available at: <http://www.un.org/en/ga/72/meetings/elections/hrc.shtml>

³¹⁰ The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations: Candidature of the United Kingdom to the Human Rights Council. Available at: <http://undocs.org/en/A/71/572>

for those who violate the rights of their citizens.³¹¹ The UK actively participated in the debates and discussions and co-sponsored 10 resolutions.

S. No.	Interactive Dialogue	The United Kingdom's Interventions
1.	Clustered Interactive Dialogue with the Special Rapporteur on contemporary forms of slavery and the Independent Expert on democratic and equitable international order	<p>The UK:</p> <ul style="list-style-type: none"> • Welcomed the Special Rapporteur's report on exploring the impact of slavery and servitude on marginalised migrant women workers in the global domestic economy. • Expressed concern about lack of visibility of migrant women workers and their efforts in the field, particularly advocacy and programmes supporting the most vulnerable people in countries where slavery is most prevalent, focusing on women, girls, children and people on the move. • Affirmed its commitment towards gender equality by extending support for victims of slavery in a manner that is gender-sensitive.³¹²
2.	Clustered interactive dialogue with the Independent Expert on the human rights of older persons and the Special Rapporteur on the human rights to safe drinking water and sanitation	<p>The UK:</p> <ul style="list-style-type: none"> • Reiterated its belief that States should promote equality for elderly people through their full participation and inclusion in all aspects of society based on equal respect for their dignity. • Highlighted its reformed pension system giving greater clarity on what to expect from the State and providing a clearer foundation for private financial savings, particularly in the context of social protection.³¹³
3.	Clustered interactive dialogue with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Adviser to the Secretary-General on the Prevention of Genocide	<p>The UK:</p> <ul style="list-style-type: none"> • Reiterated that States have primary responsibility to prevent mass atrocities, and encouraged the 45 non-parties to adopt the Convention on the <i>Prevention and Punishment of the Crime of Genocide</i>. • Affirmed the responsibility of the international community to prevent and punish genocide or other atrocity crimes when States fail. • Asserted the need to end impunity and deter future atrocities by holding perpetrators to account and achieving justice for victims.³¹⁴
4.	Interactive dialogue with the Commission of Inquiry on Burundi	<p>The UK:</p> <ul style="list-style-type: none"> • Noted the steps taken by the Government of Burundi of withdrawing ban on some CSOs, cancelling arrest warrants and releasing a number of detainees. • Urged the Government to take further action to open up democratic space, and promote and protect fundamental freedoms, particularly by ensuring that elections in 2020 are credible, fair and inclusive. • Expressed serious concern about human rights abuses perpetrated with impunity by Burundi security authorities and the Government's refusal to engage with the international community. • Called upon the Government to re-establish cooperation with the OHCHR and the Arusha Accords.³¹⁵

311 Speech by Minister of State for the Commonwealth and the United Nations. Available at: <https://www.gov.uk/government/speeches/uk-closing-statement-at-39th-un-human-rights-council>.

312 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=10/09/2018%2000:00:00>

313 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=10/09/2018%2000:00:00>.

314 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=13/09/2018%2000:00:00>.

315 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=17/09/2018%2000:00:00>.

5.	Interactive dialogue with the Independent International Commission of Inquiry on the Syrian Arab Republic	<p>The UK:</p> <ul style="list-style-type: none"> • Reiterated its support for the important work of the UN Commission of Inquiry on Syria, particularly the Commission's investigation into the use of chemical weapons and internally displaced people. • Expressed grave concern about the risk of a military offensive by the Syrian regime and Russia in Idlib, and the potential mass displacement that it could cause. • Hoped that all actors respect the previously agreed ceasefire and heed the recommendations in the Commission's report.³¹⁶
6.	Interactive dialogue with the Commission on Human Rights in South Sudan	<p>The UK:</p> <ul style="list-style-type: none"> • Thanked the Government for its cooperation, but noted its failure in meeting obligations under international law and its own constitution, in the context of men, women and children in South Sudan suffering from appalling human rights violations and abuses. • Urged South Sudan's leaders to act immediately to address serious human rights violations in their country, and to show that their commitment to the protection of human rights is more than merely rhetorical.³¹⁷
7.	Interactive dialogue with the Independent International Fact-Finding Mission on Myanmar	<p>The UK:</p> <ul style="list-style-type: none"> • Strongly condemned the appalling human rights violations in Rakhine state brought out by the findings of the Fact-Finding Mission. • Believed that the gravity of the report warrants attention of the international community, including the Human Rights Council and the UN Security Council. • Regretted that the Government of Myanmar refused to cooperate with the Fact-Finding Mission, and stressed the importance of domestic accountability.³¹⁸
8.	Interactive dialogue with the Assistant Secretary-General for Human Rights on the report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights	<p>The UK:</p> <ul style="list-style-type: none"> • Expressed disappointment about continued instances of reprisals, including travel bans and detentions, against individuals cooperating with the UN. • Reaffirmed the importance of supporting human rights defenders to work and live in safety and without fear of intimidation, harassment or physical and mental harm.³¹⁹
9.	Interactive dialogue with the High Commissioner on the oral presentation on Ukraine	<p>The UK:</p> <ul style="list-style-type: none"> • Expressed deep concern about the human rights violations in Crimea, particularly use of torture by electrocution, sexual violence, arbitrary arrests, enforced disappearances and the conscription of Crimean residents into the Russian armed forces. • Called upon Russia to allow international organisations access to Crimea, in line with UN General Assembly Resolution 72/190.³²⁰

316 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=17/09/2018%2000:00:00>

317 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=17/09/2018%2000:00:00>

318 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=18/09/2018%2000:00:00>

319 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=19/09/2018%2000:00:00>

320 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=25/09/2018%2000:00:00>

10.	Enhanced interactive dialogue on the report of OHCHR on the human rights situation in the Democratic Republic of the Congo	The UK: <ul style="list-style-type: none"> Called upon the Government to bring those responsible for human rights violations to justice and to respect civil and political rights, particularly the free, fair and credible elections. Expressed concern regarding the resurgence of violations and abuses linked to armed groups, and the increase in sexual-violence related violations.³²¹
11.	Interactive dialogue on the report of the High Commissioner on Yemen	The UK: <ul style="list-style-type: none"> Urged the Houthis to demonstrate adherence to international humanitarian law, to avoid endangering the lives of Yemeni civilians suffering most from this conflict, and to cease the indiscriminate targeting of Saudi cities with ballistic missile attacks. Stated that the current human rights situation in Yemen is dire and called upon on all parties to address this.³²²
12.	Interactive dialogue with the High Commissioner on the oral update on Libya	The UK: <ul style="list-style-type: none"> Fully supported Special Rapporteur's efforts to facilitate a political solution in Libya. Remained deeply concerned by continuing human rights violations and abuses committed with impunity across Libya, particularly by recent clashes in Tripoli that cost the lives of over 60 people. Welcomed the UN mediated ceasefire and continued to call on all parties to exercise restraint, protect civilians and engage in meaningful talks. Expressed concern about the treatment of migrants in detention centres and fatality rates for those attempting the journey to Europe; the continued prevalence of gender-based violence; and restrictions on civil and political freedoms, including those of journalists.³²³
13.	Interactive dialogue with the Special Rapporteur on the situation of human rights in Cambodia	The UK: <ul style="list-style-type: none"> Urged the Government of Cambodia to allow for credible multi-party democracy and free debate, and to explore ways in which the international community can support the implementation of the Special Rapporteur's recommendations.³²⁴
14.	Interactive dialogue with the Independent Expert on the situation of human rights in Somalia	The UK: <ul style="list-style-type: none"> Welcomed the recommendations in the report and emphasised the importance of maintaining progress in delivering the commitments made at the Somalia Partnership Forum and Global Disability Summit. Remained deeply concerned about civilian casualties, including at the hands of terrorists; displaced people, refugees and migrants; children in armed conflict; sexual and gender-based violence; and restrictions on journalists and freedom of expression.³²⁵

321 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=25/09/2018%2000:00:00>

322 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=25/09/2018%2000:00:00>

323 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=26/09/2018%2000:00:00>

324 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=26/09/2018%2000:00:00>

325 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=26/09/2018%2000:00:00>

15.	Interactive dialogue with the Independent Expert on the situation of human rights in the Sudan	<p>The UK:</p> <ul style="list-style-type: none"> • Commended Sudan on the completion of its action plan to end the recruitment and use of children in armed conflict, and on senior appointments to the National Commission for Human Rights. • Concerned by the number of arbitrary arrests, prolonged detentions, treatment of detainees, and newspapers seizures and urged the Government to repeal emergency laws in Darfur. • Encouraged the Government of Sudan to ratify the Convention Against Torture and the Convention for the Elimination of All Forms of Discrimination Against Women.³²⁶
16.	Interactive dialogue with the Independent Expert on the situation of human rights in the Central African Republic	<p>The UK:</p> <ul style="list-style-type: none"> • Expressed concern at the reported increase in human rights violations and abuses in CAR, in particular against women and children and condemned the deliberate targeting of civilians and humanitarian actors by armed groups. • Condemned hate speech and called on armed groups to engage in the African Peace and Reconciliation Initiative. • Extended support for progress made on fighting impunity and strengthening the transitional framework.³²⁷

S. No.	General Debate	The United Kingdom's Interventions
1.	Oral update by the United Nations High Commissioner for Human Rights	<p>The UK:</p> <ul style="list-style-type: none"> • Welcomed Bangladesh's continued support to the Rohingya refugees, but highlighted human rights violations in Bangladesh, including restrictions on freedom of expression. • Remained concerned at the continued erosion of democracy, human rights and respect for the rule of law in the Maldives. • Urged Cambodia to create conditions for a proper functioning democracy, in the context of their national elections which were neither free nor fair. • Noted the imprisonment of a number of bloggers and activists in Vietnam. • Urged the Philippines to conduct thorough investigations into killings associated with the "war on drugs." • Urged Venezuela to take immediate action to facilitate humanitarian aid and called the government to release all political prisoners. • Expressed deep concern due to reports of burning of villages and schools in the Anglophone regions of Cameroon.³²⁸
2.	General debate on Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development	<p>The UK:</p> <ul style="list-style-type: none"> • Reiterated its concern on the safety of journalists. • Called on all governments to take viable measures to ensure the safety and security of journalists and media workers, and to end the impunity for crimes against journalists.³²⁹

326 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=26/09/2018%2000:00:00>

327 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=27/09/2018%2000:00:00>

328 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=11/09/2018%2000:00:00>

329 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=14/09/2018%2000:00:00>

3.	General debate on Human rights situations that require the Council's attention	The UK: <ul style="list-style-type: none"> • Showed grave concern about the human rights situation in the DPRK, Nicaragua, China, South Sudan, and Egypt, particularly persecution of the LGBT community, restrictions on freedom of expression and religion, mass surveillance, suppression of media freedoms and abuse at the hands of State security and defence forces.³³⁰
4.	Universal Periodic Review	The UK: <ul style="list-style-type: none"> • Informed the Council of its commitments to the UPR in relation to five thematic areas: domestic human rights framework, combating violence against women and girls, tackling racial discrimination, access to justice, and combating human trafficking and slavery.³³¹
5.	General debate on Technical assistance and capacity – building	The UK: <ul style="list-style-type: none"> • Welcomed Georgia's continued cooperation with the OHCHR and regretted that yet again access to its regions of Abkhazia and South Ossetia was denied by those in effective control. • Welcomed the democratic outcome of Presidential elections in Maldives and encouraged the incoming Government to draw on the support of the OHCHR, and other existing mechanisms of the Council.³³²

S. No.	Panel Discussions	The United Kingdom's Interventions
1.	Annual discussion on the integration of a gender perspective throughout the work of the Human Rights Council and that of its mechanisms	The UK: <ul style="list-style-type: none"> • Reaffirmed its commitment to gender equality by reflecting on its appointment of a Special Envoy for Gender Equality and their commitment to 12 years of quality education for all girls. • Stressed the importance of integrating a gender perspective into investigations of human rights violations and abuses in order to recognise the needs of survivors of gender-based violence, understand their lived experiences and put in place measures to prevent such violations and abuses in the future.³³³

S. No.	UPR Outcomes	The United Kingdom's Interventions
1.	Bangladesh	The UK: <ul style="list-style-type: none"> • Thanked Bangladesh for its continued engagement with the UPR. • Hoped that it will accept the UK's recommendation to increase labour inspections and act against individual and organisations that subject migrant workers to forced labour and human trafficking. • Reminded the Government to protect the freedom of expression and its commitment to develop a road map to combating religious intolerance.³³⁴

330 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=18/09/2018%2000:00:00>

331 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=21/09/2018%2000:00:00>

332 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=27/09/2018%2000:00:00>

333 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=24/09/2018%2000:00:00>

334 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=20/09/2018%2000:00:00>

2.	Cameroon	<p>The UK:</p> <ul style="list-style-type: none"> • Welcomed the positive steps taken by Cameroon to grant the ICRC access to Anglophone leaders extradited from Nigeria in January 2018. • Called upon Cameroon to grant and facilitate unhindered humanitarian assistance to provide relief for the affected population, including in the Anglophone regions.³³⁵
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IV. The United Kingdom's Voting Pattern on Resolutions

Out of the total resolutions that came up for voting during the Session, the UK voted in favour of six resolutions and voted against four. It did not abstain from voting on any resolution.

Thematic Resolutions

The UK voted in favour of one out of five thematic resolutions concerning, *the human rights to safe drinking water and sanitation*.³³⁶ In an explanation of the vote before the vote, the UK stressed the importance of ensuring safe access to water and sanitation without discrimination, and did not dispute that economic, social and cultural rights are as important as civil and political rights. However, it clarified that this does not mean all human rights require identical approaches. It voted against the other four thematic resolutions, namely, *Promotion of a democratic and equitable international order*,³³⁷ *The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination*,³³⁸ *Right to development*,³³⁹ and *the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas*.³⁴⁰

The UK provided an explanation for voting against one other thematic resolution:

- In the resolution concerning the *UN Declaration on the Rights of Peasants and Other People Working in Rural Areas*,³⁴¹ the UK affirmed its commitment to translating the 2030 Agenda for Sustainable Development into action in a way that leaves no one behind but does not accept the concept of collective human rights in international law. Thus, the UK voted against the resolution.³⁴²

Country Situation Resolutions

The UK voted in favour of all five country resolutions that came up for voting, concerning the *Promotion and protection of human rights in the Bolivarian Republic of Venezuela*,³⁴³ *Situation of human rights in Burundi*,³⁴⁴ *Human Rights Situation in the Syrian Arab Republic*,³⁴⁵ *Human Rights situation in Yemen*,³⁴⁶ and *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*.³⁴⁷ The United Kingdom joined the consensus on the remaining country situation resolutions.

335 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionID=26&MeetingDate=20/09/2018%2000:00:00>

336 Resolution 39/8 The human rights to safe drinking water and sanitation (2018)

337 Resolution 39/4 Promotion of a democratic and equitable international order (2018).

338 Resolution 39/5 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (2018).

339 Resolution 39/9 The right to development (2018).

340 Resolution 39/12 The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (2018).

341 Ibid.

342 Office of the High Commissioner for Human Rights, Press Statements. Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23660&LangID=E>.

343 Resolution 39/1 Promotion and protection of human rights in the Bolivarian Republic of Venezuela (2018).

344 Resolution 39/14 Situation of Human rights in Burundi (2018).

345 Resolution 39/15, The Human Rights Situation in the Syrian Arab Republic (2018).

346 Resolution 39/16 Human Rights situation in Yemen (2018).

347 Resolution 39/2 Situation of human rights of Rohingya Muslims and other minorities in Myanmar (2018).

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

The UK maintains a standing invitation and cooperation with the Special Rapporteurs who wish to visit, and it had accepted all the requests from the special procedures. Two exceptions, however, are the request from the Working Group on mercenaries which was requested in May 2015,³⁴⁸ and from the Special Rapporteur on Food which stands postponed/cancelled since May 2011.³⁴⁹

b. Compliance with Reporting Obligations to Treaty Monitoring Bodies

The UK's obligations to treaty monitoring bodies were fulfilled. It is up to date with its reporting requirements under CERD, CRC, CEDAW, CRPD and CESCR, though some of these reports were submitted after a delay of one year.³⁵⁰ The UK has not ratified the *International Convention for the Protection of All Persons from Enforced Disappearance* and the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*.³⁵¹

c. Compliance on Thematic Issues

During the 39th session, consistent with its voluntary pledge, the UK expressed concern about **contemporary forms of slavery**, particularly the lack of visibility of migrant women workers.³⁵² It affirmed its support for victims of slavery in a gender-sensitive manner and highlighted advocacy efforts and programmes which support vulnerable people in countries where slavery is present, specifically women, girls and children. However:

- Every year, around 15000 migrant domestic workers, many of them women from Asia and Africa, travel to the UK for work, who face several labour abuses such as excessive working hours, denial of time off, low salaries, and late or non-payment of salaries.³⁵³
- Migrant domestic workers who work for diplomats are a particularly vulnerable group because their employers' diplomatic immunity means they are not subject to any national legislation in the UK.³⁵⁴
- As of 2017, over 5,000 people from 116 countries were referred to British authorities as potential victims of slavery.³⁵⁵ Up to 34% of these victims are estimated to be re-trafficked.³⁵⁶

The UK has passed the Modern Slavery Act 2015, but critics allege it does little to provide protection for victims.³⁵⁷ Despite recommendations during its third cycle of UPR,³⁵⁸ the UK is yet to ratify the *International Convention of the Protection of the Rights of All Migrant Workers and Members of their Families*. It believes that the rights of migrant workers are already protected in its domestic legislation and is therefore unclear about the benefit of ratifying the

348 United Nations Human Rights Office of The High Commissioner: Country visits of Special Procedures of the Human Rights Council since 1998. Available at: https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en

349 United Nations Human Rights Office of The High Commissioner: Country visits of Special Procedures of the Human Rights Council since 1998. Available at: https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en

350 Office of the High Commissioner for Human Rights, Reporting status for the United Kingdom of Great Britain and Northern Ireland. Available at: http://tbinternet.ohchr.org/_lay-outs/TreatyBodyExternal/countries.aspx?CountryCode=GBR&Lang=EN.

351 Office of the High Commissioner for Human Rights, Status of ratifications for the United Kingdom of Great Britain and Northern Ireland. Available at: https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=185.

352 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Pages/Statements.aspx?SessionId=26&MeetingDate=10/09/2018%2000:00:00>

353 Human Rights Watch, Hidden Away Abuses against Migrant Domestic Workers in the UK. Available at: <https://www.hrw.org/report/2014/03/30/hidden-away/abuses-against-migrant-domestic-workers-uk#>

354 Ibid.

355 Antislavery - Modern Slavery in the UK. Available at: <https://www.antislavery.org/slavery-today/slavery-uk/>

356 Ibid.

357 Antislavery - Modern Slavery in the UK. Available at: <https://www.antislavery.org/slavery-today/slavery-uk/>

358 Office of the High Commissioner for Human Rights, UPR Outcome for the United Kingdom of Great Britain and Northern Ireland. Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/36/9.

convention.³⁵⁹ It has also not signed the ILO Domestic Workers Convention 2011 (189).³⁶⁰

The UK joined the consensus in regards to a resolution pertaining to *Local government and human rights*,³⁶¹ which recognises the importance of the provisions of public services at the local government level. However, the Special Rapporteur's report on **Extreme Poverty**³⁶² in 2018 stated that the UK Government's policies and drastic cuts to social support are entrenching high levels of poverty and inflicting unnecessary misery. The report particularly pointed to the extent of misery on the working poor, single mothers struggling against mighty odds, and that of people with disabilities and children.

The UK stressed the importance of addressing human rights violations against journalists by joining the consensus on the draft resolution on the **Safety of Journalists**.³⁶³ The UK is also leading a campaign on protection of media freedoms and safety of journalists worldwide through a panel of legal experts that will advise governments on strengthening press freedom laws and support the repeal of draconian laws.³⁶⁴ However, the country has dropped 12 places in the last five years in the World Press Freedom Index,³⁶⁵ with a current ranking of 40. Critics claim that the Investigatory Powers Act, owing to its lack of protections for whistle blowers, journalists and their sources, is a possible cause for the low ranking.³⁶⁶

In its voluntary pledge, the UK underlined its commitment towards **gender equality**, including ending sexual violence, improved political participation and representation, and helping women and girls to achieve a voice, choice and control in development.³⁶⁷ According to the 2018 report by the Equality and Human Rights Commission report,³⁶⁸ while 32% of representatives in the House of Commons are women, only 4% are ethnic minorities. The report also found that 54,000 women were forced to leave their job every year because of pregnancy and maternity discrimination.³⁶⁹ On the parameters of economic participation and opportunity for women and of health and survival, the UK ranked 52 and 110 respectively.³⁷⁰

The UK voted against a resolution concerning *the use of mercenaries as a means of violating human right and impeding the exercise of the right of peoples to self-determination*.³⁷¹ It did not provide an explanation for this vote. The issue remains a question mark because the UK is home to a large number of land-based and maritime private military and security companies.³⁷² There is no central database of these companies operating from the UK, and no legal requirement to register with a government body. The companies operate under a system of self-regulation indicating a lack of transparency.³⁷³

359 Office of the High Commissioner for Human Rights, Universal Periodic Review for the United Kingdom of Great Britain and Northern Ireland, National Report. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/045/90/PDF/G1704590.pdf?OpenElement>.

360 Office of the High Commissioner for Human Rights, Committee on the Elimination of Racial Discrimination. Available at: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en.

361 Resolution 39/7 Local government and human rights (2018).

362 Office of the High Commissioner for Human Rights: Country visits of Special Procedures of the Human Rights Council since 1998. Available at: https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en

363 Resolution 39/6 Safety of Journalists (2018)

364 Government of the United Kingdom, Legal plan to defend media freedom. Available at: <https://www.gov.uk/government/news/jeremy-hunt-and-amal-clooney-agree-joint-legal-plan-to-defend-media-freedom>.

365 World Press Freedom Index, 2018. Available at: https://rsf.org/en/ranking_table

366 "Downward Spiral": UK Slips to 40th place in press freedom rankings. The Guardian (2018). Available at: <https://www.theguardian.com/media/2017/apr/26/uk-world-press-freedom-index-reporters-without-borders>

367 The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations: Candidature of the United Kingdom to the Human Rights Council. Available at: <http://undocs.org/en/A/71/572>.

368 Equality and Human Rights Commission, 2018. Available at: https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GBR/INT_CEDAW_IFL_GBR_31480_E.pdf

369 Ibid.

370 World Economic Forum, Global Gender Gap Report 2018 (2018) pp. 23-24.

371 Resolution 39/5 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (2018).

372 Office of the High Commissioner for Human Rights, Documents. Available at: <https://www.ohchr.org/Documents/Issues/Mercenaries/WG/Event2015/NigelWhite.pdf>

373 Office of the High Commissioner for Human Rights, Documents. Available at: <https://www.ohchr.org/Documents/Issues/Mercenaries/WG/Event2015/NigelWhite.pdf>

The UK has accepted a request for visit from the Working Group on Arbitrary Detention. However, in earlier report, the same group adopted an opinion, in which it considered that Mr. Julian Assange was arbitrarily detained by the Government of UK and Northern Ireland.³⁷⁴

VI. Conclusions

The United Kingdom of Great Britain and Northern Ireland was one of the most active participants in the 39th session. It co-sponsored 10 resolutions during the session.

- The UK has maintained a standing invitation to the UN special procedures and it has generally accepted visit requests from the special procedures. The exceptions to this, however, are the Working Group on mercenaries with its request pending since May 2015,³⁷⁵ and the Special Rapporteur on Food whose request stands postponed/cancelled since May 2011.³⁷⁶
- Modern slavery, particularly targeted towards migrant workers, remains an issue of concern in the UK. It has still not signed the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* despite recommendations made to that effect in its UPR³⁷⁷ as well as by the OHCHR mechanisms.³⁷⁸
- The voting pattern of the UK, on both thematic and country situation resolutions, coincided with Australia, its counterpart of the 'Western European and Others Group' (WEOG). The UK was one of the only two Commonwealth States that voted in favour of all the five country situation resolutions, the other being Australia.

374 Office of the High Commissioner for Human Rights, News and Events. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17012>

375 United Nations Human Rights Office of The High Commissioner: Country visits of Special Procedures of the Human Rights Council since 1998. Available at: https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en

376 United Nations Human Rights Office of The High Commissioner: Country visits of Special Procedures of the Human Rights Council since 1998. Available at: https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en

377 Office of the High Commissioner for Human Rights, UPR Outcome for the United Kingdom of Great Britain and Northern Ireland. Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/36/9.

378 Office of the High Commissioner for Human Rights, Committee on the Elimination of Racial Discrimination. Available at: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en.

Concluding Remarks

The assessment of the performance of the Commonwealth member states in the 39th session of the HRC underlines yet again the need for acceptable mechanisms to monitor the progress of human rights compliance by members as a means of indicating their commitment to the Council. The limited availability of reliable, objective and quantified information is in itself an indication of the lack of infrastructure to monitor human rights situations in many Commonwealth member states. This heightens the necessity for an urgent need for both technical assistance and reinforced commitments to human rights on the part of the Commonwealth governments.

CHRI reminds all Commonwealth member states of their commitments to the United Nations to make the Human Rights Council a strong and effective body. We urge all Commonwealth member states to strengthen the special procedure mechanisms of the HRC, provide access on requests, and guarantee their independence and impartiality. CHRI further encourages Commonwealth member states to comply with their reporting obligations to treaty bodies and submit pending reports on time.

CHRI recommends that Commonwealth member states:

- Submit voluntary pledges in clear and measurable terms and indicate specific steps taken to uphold their voluntary pledges.
- Bring their participation and voting in line with their voluntary pledges submitted at the time of election.
- Accept pending requests from special procedure mechanisms and ensure their independence.
- Comply with their reporting obligations to treaty bodies, submit pending reports to the various human rights treaties and foster constructive engagement during the reviews.
- Adopt or strengthen and implement national legislation that promote human rights and public participation, in particular access to information, freedom of speech and expression and association laws that enable citizens to effectively participate in human rights policymaking processes associated with the Council.
- Implement the resolutions that the member states sponsored or supported at the national level, inform the Council on the steps they have undertaken to implement the resolutions and the challenges they have faced.
- Organise public consultations before voting on an issue and providing publicly-accessible explanation or rationale for all votes.

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 for human rights, transparent democracies and Sustainable Development Goals (SDGs). CHRI specifically works on strategic initiatives and advocacy on human rights, Access to Justice and Access to Information. It focuses on research, publications, workshops, analysis, mobilisation, dissemination and advocacy and informs the following principal programmes:

1. Access to Justice (ATJ)

- * **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 enforcers of a regime. CHRI's programme aims at mobilising public support for police reforms and works to strengthen civil society engagement on the issues. In East Africa and Ghana, CHRI examines police accountability and political interference.
- * We are preparing to add a portfolio on anti-discrimination on the basis of colour, appearance and gender.
- * **Prison Reforms:** CHRI's work in prisons looks at increasing transparency of a traditionally closed system and exposing malpractices. Apart from highlighting failures of the legal system that result in overcrowding and unacceptably long pre-trial detention and prison overstay, we engage in interventions and advocacy for legal aid and policy changes to revive prison oversight systems. Attention to these areas can bring improvements to the administration of prisons and conditions of justice.

2. Access to Information

CHRI is acknowledged as a key organisation working on the promotion of Access to Information. It encourages countries to pass and implement effective Right to Information laws. It routinely assists in the development of legislation and has been particularly successful in promoting Right to Information laws and practices in India, Sri Lanka, Afghanistan, Bangladesh, Ghana, and more recently, Kenya. In Ghana, CHRI is the Secretariat for the RTI civil society coalition. We regularly critique new legislation and intervene to bring best practices into governments and civil society knowledge both at a time when laws are being drafted and when they are first being implemented. We have experience of working in hostile environments as well as culturally varied jurisdictions; these enable us to bring valuable insights into countries seeking to evolve new laws on right to information. In Ghana, for instance, it has been promoting knowledge about the value of Access to Information and to campaign for the introduction of an effective law.

* South Asia Media Defender's Network (SAMDEN)

CHRI has developed a regional network of media professionals to address the issue of increasing attacks on media workers and pressure on freedom of speech and expression in South Asia, especially in rural areas. This network, the South Asia Media Defenders Network (SAMDEN) recognises that such freedoms are indivisible and know no political boundaries. Anchored by a core group of media professionals who have experienced discrimination and intimidation, SAMDEN is developing an interactive website platform to highlight pressures on media, issues of shrinking media space and press freedom. It is also working to mobilise media so that strength grows through collaboration and numbers. A key area of synergy lies in linking SAMDEN with the Right to Information movements and activists.

3. International Advocacy and Programming

CHRI monitors the compliance of Commonwealth member states 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 Secretariat, 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 reform, reviewing promised by Commonwealth members at the UN Human Rights Council, and the Universal Periodic Review. We advocate for the protection of human rights defenders and civil society spaces and monitor the performance of National Human Rights Institutions in the Commonwealth while pressing for their strengthening.

Since the inception of the Human Rights Council (HRC), the Easier Said Than Done (ESTD) series has reviewed Commonwealth member states' performance at the HRC. The series provides a basis for evaluating Commonwealth countries' engagement with the Council and considers if their voting behaviour in support of resolutions is consistent with their voluntary pledges and commitments to the HRC.

This edition of the ESTD report presents an analysis of the performance of seven Commonwealth member states during the 39th regular session of the HRC: Australia, Kenya, Nigeria, Pakistan, Rwanda, South Africa and the United Kingdom. It addresses institutional and human rights concerns in the HRC and explains discrepancies in the behaviour of these countries. The report highlights the disparities between human rights promises made by Commonwealth members and the extent of their fulfilment at the national level.

The report seeks to present a clear picture of the activities of Commonwealth member states in the HRC and track thematic developments there, along with shifts in foreign policy approaches of member states on rights issues. It calls for greater accountability and resolve on part of Commonwealth countries to act in accordance with their pledges and commitments.



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