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

This report is a technical review that enumerates when each member country abstained or voted against a resolution or decision and specifies resolutions sponsored by Commonwealth members. The itemisation of voting behaviour by theme and country is intended to provide the official Commonwealth, its civil society, researchers, and in-country media with the basis to make its own assessments of reality and rhetoric. We hope that it will be the springboard for a deeper analysis on the geo-politics that shape, improve, and obstruct international human rights. We hope too, that the study will encourage the Commonwealth and its member countries to recognise the potential that exists to enhance human rights as a collective of 52 countries.
The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI. They believed that while the Commonwealth provided member countries a shared set of values and legal principles from which to work and provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

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

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

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

**International Advisory Commission:** Yashpal Ghai - Chairperson. Members: Alison Duxbury, Wajahat Habibullah, Clare Doube, Vivek Maru, Edward Mortimer, Sam Okudzeto and Sanjoy Hazarika.

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

Written and researched by
Yashasvi Nain and Nolberto Zubía

Edited by
Maja Daruwala
List of Abbreviations

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

The Commonwealth Human Rights Initiative (CHRI) produced this report to highlight the opportunity for the Commonwealth to reflect on and improve its record at the Human Rights Council (HRC). *The Commonwealth at the Human Rights Council: A Decade of Voting (2006-2016)* is the result of the collective work of many people both inside and outside of CHRI.

The concept and initial questions were posed by Strategic Initiatives Programme (SIP) Officer, Yashasvi Nain, the report’s main author and researcher. The report was further researched and initial information gathered by Luca Renda, an Intern with SIP. Nolberto Zubía, an AIF Clinton Fellow with SIP, is the report’s co-author and co-researcher. CHRI thanks Trinanjan Radhakrishnan, Programme Officer, SIP, for his feedback during the initial stages of the report. Prayank Jain, Gavin Davies and Niyati Singh of CHRI, were invaluable in assisting with research and compilation.

We especially thank Maja Daruwala, Senior Advisor, CHRI who helped conceptualise and actualise the report and edited many lengthy drafts. We also thank Sherna Wadia, our copy editor.

As always, a study of this nature is the outcome of cooperative efforts and innumerable conversations with seasoned practitioners, academics and experts from the Commonwealth. We thank David White, Head of the CHRI London Office, Mina Mensah, Regional Coordinator of the CHRI Ghana Office, Sara Hossain, Executive Director of Bangladesh Legal Aid and Services Trust (BLAST), Asad Jamal, Advocate, Pakistan, Kishali Pinto-Jayawardena, Commissioner of the RTI Commission of Sri Lanka, Richard Bourne, member of the CHRI Executive Committee (UK), Miloon Kothari, former UN Special Rapporteur on Adequate Housing, and Sanjoy Hazarika, Director of CHRI, for feedback that informed and shaped our work.
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Executive Summary

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

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

The full report is structured into four sections:

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

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

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

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

**Representation:** A significant number of countries from the Commonwealth were not represented at the HRC for the period analysed. Only four of 32 Commonwealth-designated small states and small
island developing states secured seats. On the other hand, some countries served multiple terms at the HRC. Out of the ten years reviewed in the report, India was at the HRC for nine years, Pakistan eight years, the UK eight years, Nigeria eight years, South Africa seven years, and Bangladesh seven years.


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

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

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

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

3. Commonwealth Voting History and HRC Engagement

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

a. **African Commonwealth Countries**

**Engagement with the HRC:** Botswana, Cameroon, Ghana, Kenya, Namibia, Nigeria, Sierra Leone, South Africa, Uganda, Mauritius, and Zambia, each served at least one term on the HRC. African countries comprised more than half, or 11 out of 19 Commonwealth member countries on the HRC but only accounted for 31% of statements and interventions on average per session. Eight out of ten African
HRC elections were clean slate and uncontested. Nigeria and South Africa were the most active regional sponsors and sponsored 26 and 24 resolutions, respectively.

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

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

b. **Asian-Pacific Commonwealth Countries**

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

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

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

c. **Western European and other Commonwealth Countries**

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

**Voting on Thematic Issues:** The UK and Canada both repeatedly voted against resolutions relating to international solidarity, foreign debt, unilateral coercive measures, promotion of the right of peoples to peace, combating defamation of religions, and multiple resolutions regarding racism. The UK and
Canada were reluctant to support resolutions concerning mercenaries, terrorism and the enjoyment of human rights, the right to peace, and counter-terrorism measures and human rights. The UK and Canada repeatedly voted in favour of resolutions concerning: SOGI, support for civil society space, condemning religious discrimination, human rights in the context of peaceful protests, and resolutions on the abolition of the death penalty, in stark contrast to the Asia-Pacific and Africa.

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

### 4. Recommendations

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

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

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

Introduction

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

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

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

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

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

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

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

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

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

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

**Methodology**

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

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

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

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

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

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

The Human Rights Council and the Commonwealth

I. The Human Rights Council (HRC)

i. History and Structure of the HRC

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

ii. Functioning of the Human Rights Council

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

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

2 UN General Assembly, Human Rights Council: resolution / adopted by the General Assembly, 3 April 2006, A/RES/60/251. Available at: http://www.refworld.org/docid/4537814814.html [accessed 5 December 2016]. These sessions take place in March (main session of four weeks), June (three weeks) and September (three weeks).
3 Ibid.
4 UN General Assembly Resolution 60/251. Available at http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf paragraph 3.
II. The Commonwealth

i. The Commonwealth at the HRC

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

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

<table>
<thead>
<tr>
<th>Africa</th>
<th>Asia-Pacific</th>
<th>Western Europe and Others</th>
</tr>
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<tbody>
<tr>
<td>Botswana</td>
<td>Bangladesh</td>
<td>Canada</td>
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<td>Cameroon</td>
<td>India</td>
<td>The United Kingdom of Great Britain and Northern Ireland</td>
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<td>The Maldives</td>
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<td>Kenya</td>
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</table>

9 ibid.
11 The Commonwealth Western group did not have a representation at the HRC between session 18 and 24 and thus the average is low. For a chart of the data used to calculate, please see the Appendix.
12 The Commonwealth categorises regions differently but for this paper we abide by HRC country categories.
The Following chart lists each HRC session and the respective Commonwealth countries that served in the session:

<table>
<thead>
<tr>
<th>HRC Session</th>
<th>Commonwealth member countries with a seat on the HRC</th>
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<tbody>
<tr>
<td>1st</td>
<td>Zambia, India, Pakistan, South Africa, Bangladesh, Mauritius, Malaysia, Sri Lanka, Canada, UK, Cameroon, Ghana, Nigeria (13)</td>
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<tr>
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<td>Ghana, Nigeria, Zambia, India, Malaysia, Sri Lanka, Cameroon, Pakistan, Mauritius, South Africa, Bangladesh, Canada, UK (13)</td>
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<tr>
<td>3rd</td>
<td>Mauritius, South Africa, Bangladesh, Malaysia, Ghana, Nigeria, Zambia, India, Pakistan, Sri Lanka, Canada, UK, Cameroon (13)</td>
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<td>Bangladesh, Cameroon, Canada, Ghana, India, Malaysia, Nigeria, Pakistan, South Africa, Sri Lanka, UK, Zambia (12)</td>
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<td>Ghana, Nigeria, Bangladesh, Malaysia, South Africa, India, Pakistan, Sri Lanka, Mauritius, Zambia, Canada, Cameroon, UK (13)</td>
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<tr>
<td>17th</td>
<td>Nigeria, Ghana, Bangladesh, Malaysia, Cameroon, Uganda, Maldives, Mauritius, Zambia, Pakistan, UK (11)</td>
</tr>
<tr>
<td>18th</td>
<td>Cameroon, Nigeria, India, Botswana, Uganda, Malaysia, Mauritius, Bangladesh, Maldives (9)</td>
</tr>
<tr>
<td>19th</td>
<td>Nigeria, Cameroon, India, Mauritius, Uganda, Bangladesh, Maldives, Botswana, Malaysia (9)</td>
</tr>
<tr>
<td>20th</td>
<td>Cameroon, Uganda, Malaysia, Mauritius, Bangladesh, Maldives, Botswana, Nigeria, India (9)</td>
</tr>
</tbody>
</table>
ii. Performance of the Commonwealth Countries at the HRC

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

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

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

iii. Statements and Interventions by the Commonwealth Countries

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

iv. Working Together

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

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

\textbf{Table 1:}

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

\textsuperscript{13} Various formal and informal groups are active at the HRC. The major formal groups that are active include the European Union (28 members), the Non-Aligned Movement (120 members), the African Union (53 members), the League of Arab States (21 members), and the Organization of Islamic Cooperation (57 members). The most active informal groups at the HRC are Like-Minded Groups (Russia, China, Pakistan, India and South Africa), and the Group of Alpine States (Switzerland, Austria, Liechtenstein and Slovenia).
<table>
<thead>
<tr>
<th>Resolution</th>
<th>Title</th>
<th>Year</th>
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<tr>
<td>A/HRC/RES/20/10</td>
<td>The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights</td>
<td>2012</td>
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<tr>
<td>A/HRC/RES/21/8</td>
<td>The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination</td>
<td>2012</td>
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<tr>
<td>A/HRC/RES/21/9</td>
<td>Promotion and protection of an equitable international order</td>
<td>2012</td>
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<tr>
<td>A/HRC/RES/21/10</td>
<td>Human rights and international solidarity</td>
<td>2012</td>
</tr>
<tr>
<td>A/HRC/RES/21/32</td>
<td>The right to development</td>
<td>2012</td>
</tr>
<tr>
<td>A/HRC/RES/21/33</td>
<td>From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance</td>
<td>2012</td>
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<td>A/HRC/RES/21/3</td>
<td>Composition of the staff of the Office of the United Nations High Commissioner for Human Rights</td>
<td>2013</td>
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<tr>
<td>A/HRC/RES/22/12</td>
<td>The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation</td>
<td>2013</td>
</tr>
<tr>
<td>A/HRC/RES/22/27</td>
<td>Right of the Palestinian people to self-determination</td>
<td>2013</td>
</tr>
<tr>
<td>A/HRC/RES/22/28</td>
<td>Human rights situation in the Occupied Palestinian Territory, including East Jerusalem</td>
<td>2013</td>
</tr>
<tr>
<td>A/HRC/RES/22/34</td>
<td>Education as a tool to prevent racism, racial discrimination, xenophobia and related intolerance</td>
<td>2013</td>
</tr>
<tr>
<td>A/HRC/RES/23/11</td>
<td>The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights</td>
<td>2013</td>
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<tr>
<td>A/HRC/RES/23/12</td>
<td>Human rights and international solidarity</td>
<td>2013</td>
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<tr>
<td>A/HRC/RES/23/14</td>
<td>Access to medicines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health</td>
<td>2013</td>
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<tr>
<td>A/HRC/RES/24/4</td>
<td>The right to development</td>
<td>2013</td>
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<tr>
<td>A/HRC/RES/24/13</td>
<td>The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination</td>
<td>2013</td>
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<tr>
<td>A/HRC/RES/24/14</td>
<td>Human rights and unilateral coercive measures</td>
<td>2013</td>
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<tr>
<td>A/HRC/RES/24/26</td>
<td>From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance</td>
<td>2013</td>
</tr>
<tr>
<td>A/HRC/RES/25/9</td>
<td>The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation</td>
<td>2013</td>
</tr>
<tr>
<td>A/HRC/RES/25/15</td>
<td>Promotion of a democratic and equitable international order</td>
<td>2014</td>
</tr>
<tr>
<td>A/HRC/RES/25/27</td>
<td>Right of the Palestinian people to self-determination</td>
<td>2014</td>
</tr>
<tr>
<td>A/HRC/RES/25/28</td>
<td>Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan</td>
<td>2014</td>
</tr>
<tr>
<td>A/HRC/RES/25/29</td>
<td>Human rights situation in Occupied Palestinian Territory, including East Jerusalem</td>
<td>2014</td>
</tr>
<tr>
<td>A/HRC/RES/28/26</td>
<td>Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan</td>
<td>2015</td>
</tr>
</tbody>
</table>
An analysis of the overall voting pattern indicates that Commonwealth countries do not vote consistently on issues that are in strong consonance with the fundamental political values that Commonwealth member countries repeatedly reaffirmed through statements, declarations, and the Commonwealth Charter. Resolutions sponsored by Commonwealth countries are not designed in consultation with the collective of member countries present at the HRC.
CHAPTER III

Commonwealth Framework

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

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

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

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

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

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

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

Capacity-Building

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

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

**Civil Society Space**

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

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

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

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

**Defamation of Religions**

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

**Financial Crises**

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

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

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

**Foreign Debt**

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

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

**Freedom of Opinion and Expression**

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

**Good Governance and Representative Institutions**

The Commonwealth addresses good governance, inclusion, and participation in the Fancourt Declaration (1999), and “recognis[es] that good governance and economic progress are directly linked,” and “affirm[s]
our commitment to the pursuit of greater transparency, accountability, the rule of law and the elimination of corruption in all spheres of public life and in the private sector.” The Commonwealth adds that “good governance requires inclusive and participatory processes at both national and international levels,” and “call[s] on the global community to search for inclusive processes of multilateralism which give a more effective voice in the operations of international institutions to developing countries.”

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

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

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

Impact of Arms Transfers on Human Rights

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

Indigenous People

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

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

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

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24 Aso Rock Declaration on Development and Democracy (2003).
or political belief, and in their inalienable right to participate by means of free and democratic political processes in framing the society in which they live.”

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

In the Colombo Declaration (2013), the Commonwealth emphasises equality and “recognise[s] the importance of meaningful social protection for all, in achieving inclusive development, and also as an important tool in addressing poverty, inequality, vulnerability and social exclusion,” and “reaffirm[s] the right to development for all individuals.” In the Commonwealth Charter (2013), the Commonwealth synthesises previous principles on equality and “commit[s] to equality and respect for the protection and promotion of civil, political, economic, social and cultural rights, including the right to development, for all without discrimination on any grounds as the foundations of peaceful, just and stable societies.”

International Human Rights Solidarity

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

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

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

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

International Order

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

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

The Right to Development

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

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

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

Judicial System

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

26 The Malta Declaration on Governance for Resilience (2005).
27 The Kampala Declaration on Transforming Societies to Achieve Political, Economic and Human Development (2007).
The Latimer House Principles (2004), remains the most comprehensive Commonwealth document on the judicial system wherein the Commonwealth states that in “addition to providing proper procedures for the removal of judges on grounds of incapacity or misbehaviour that are required to support the principle of independence of the judiciary, any disciplinary procedures should be fairly and objectively administered. Disciplinary proceedings which might lead to the removal of a judicial officer should include appropriate safeguards to ensure fairness.”

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

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

**Mercenaries**

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

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

**International Assistance and Country Situations**

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

In the Nassau Declaration (1985), the Commonwealth “categorically reject[s] the use or threat of force as a means of settling disputes,” and “appeal[s] to all governments to work to strengthen the institutions which contribute to orderly resolution of differences between nations which sustain peace.”
The Commonwealth in the Aso Rock Declaration (2003), “recognise[s] that conflict and instability erode the prospects of development,” and commits “to help mobilise international support and resources for conflict prevention, resolution and management.” The Commonwealth further commits “to support prompt response in providing international assistance to conflict areas.”

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

**Migrants and Refugees**

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

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

**Peaceful Protests**

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

**Peasant’s Rights**

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

In the Commonwealth Charter (2013), the Commonwealth commits “to equality and respect for the protection
and promotion of civil, political, economic, social and cultural rights, including the right to development, for all without discrimination on any grounds as the foundations of peaceful, just and stable societies,” and “affirm[s] that the special strength of the Commonwealth lies in the combination of our diversity... and by concern for the vulnerable.” In the Colombo Declaration (2013), the Commonwealth “recognise[s] the importance of meaningful social protection for all, in achieving inclusive development, and also as an important tool in addressing poverty, inequality, vulnerability and social exclusion,” and “reaffirm[s] the right to development for all individuals, and commit[s] ourselves to eliminate disparities and focus on making growth more inclusive for all, including for vulnerable groups.”

Racism

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

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

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

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

Religious Discrimination

The Commonwealth addresses religious plurality and discrimination in the Singapore Declaration (1971), and believes that its “multi-national association can expand human understanding and understanding among nations, assist in the elimination of discrimination based on differences of race, colour or creed, maintain and strengthen personal liberty.” In both the Singapore Declaration (1971) and the Harare Declaration (1991), the Commonwealth “believe[s] in the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, colour, creed or political belief, and in the individual’s inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives.”
In the Fancourt Declaration (1999), the Commonwealth opposes “all forms of discrimination and other injustices based on ethnicity, gender, race and religion,” and “call[s] for a renewed commitment to eliminate all forms of discrimination and to take measures that promote respect for the diverse languages, cultures and beliefs, and traditions of the world, which enrich all our lives.”

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

**Repatriation of Funds**

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

**Rule of Law**

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

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

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

**Sexual Orientation and Gender Identity (SOGI)**

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

In the Kampala Declaration (2007), the Commonwealth addresses gender equality and states that “development rests on the foundations of democratic governance, the rule of law, respect for human rights, gender equality and peace and security.” In the Trinidad and Tobago Affirmation (2009), the Commonwealth recognises “that tolerance respect and understanding strengthen democracy and development” and “that respect for the dignity of all human beings is critical to promoting peace and prosperity.”
In the Commonwealth Charter (2013), the Commonwealth discusses gender equality and respect for diversity when it “recognise[s] that gender equality and women’s empowerment are essential components of human development and basic human rights,” and “recall[s] that respect for the dignity of all human beings is critical to promoting peace and prosperity.” The Commonwealth concludes with “accept[ing] that diversity and understanding the richness of our multiple identities are fundamental to the Commonwealth’s principles and approach.”

**Terrorism and Human Rights**

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

**Transitional Justice**

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

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

**Unilateral Coercive Measures**

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

**Violent Extremism**

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

In the same statement, the Commonwealth “agree[s] that such threats must be countered through strong national, regional and international action and cooperation,” “renews their “commitment to implement national strategies to counter threats and to support each other,” and concludes by welcoming the Commonwealth Countering Violent Extremism Unit mandated “to advance the Commonwealth’s role in international efforts to counter extremism, especially through civil society networks and education.”
The Commonwealth addresses the right to water in the Commonwealth Charter (2013) and “recognise[s] the necessity of access to affordable health care, education, clean drinking water, sanitation and housing for all citizens,” and “emphasise[s] the importance of promoting health and well-being in combating communicable and non-communicable diseases.”
CHAPTER IV

African Commonwealth Countries

Regional Overview

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

<table>
<thead>
<tr>
<th>Country</th>
<th>Botswana</th>
<th>Cameroon</th>
<th>Ghana</th>
<th>Kenya</th>
<th>Mauritius</th>
<th>Namibia</th>
<th>Nigeria</th>
<th>Sierra Leone</th>
<th>South Africa</th>
<th>Uganda</th>
<th>Zambia</th>
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<tr>
<td>Resolutions</td>
<td>12</td>
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The voting record of African Commonwealth countries shows that there is no uniform approach to resolutions and decisions, nor a consistent response to situations of grave human rights violations on the continent or in other parts of the world.

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

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

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

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

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

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

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

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

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

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

i. Botswana

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

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

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

Business and Human Rights: In 2011, Botswana joined the consensus to support a resolution\textsuperscript{30} concerning human rights and transnational corporations, sponsored by India and Nigeria, and again in 2014, Botswana supported a resolution\textsuperscript{31} concerning human rights and transnational corporations, sponsored by the same two Commonwealth member countries. In 2014, however, Botswana abstained from voting on a resolution\textsuperscript{32} concerning the elaboration of an internationally binding treaty on human rights and transnational corporations of which South Africa was a main sponsor.

\begin{itemize}
\item[31] Resolution 26/22 Human rights and transnational corporations and other business enterprises (2014).
\item[32] Resolution 26/9 Elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights (2014).
\end{itemize}
**Death Penalty:** In 2011, Botswana voted with the consensus to support a decision, reporting by the Secretary-General on the question of the death penalty. In 2013, Botswana voted against a decision on the question of the death penalty. In 2014 and 2015, Botswana voted against a resolution on the question of the death penalty.

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

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

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

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

**Comments**

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

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33 Decision 18/117 Reporting by the Secretary-General on the question of the death penalty (2011).
34 Decision 22/117 High-level panel discussion on the question of the death penalty (2013).
35 Resolution 26/2 The question of the death penalty (2014); Resolution 30/5 The question of the death penalty (2015).
36 Resolution 21/19 Promotion and protection of the human rights of peasants and other people working in rural areas (2012); Resolution 26/26 Promotion and protection of the human rights of peasants and other people working in rural areas (2014).
37 Resolution 30/13 Promotion and protection of the human rights of peasants and other people working in rural areas (2015).
39 Resolution 32/2 Protection against violence and discrimination based on sexual orientation and gender identity (2016).
40 Resolution 19/19 Protection of human rights and fundamental freedoms while countering terrorism (2012); Resolution 22/8 Protection of human rights and fundamental freedoms while countering terrorism: Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2013); Resolution 25/7 Protection of human rights and fundamental freedoms while countering terrorism (2014).
42 Resolution 29/9 Protection of human rights and fundamental freedoms while countering terrorism (2015); Resolution 31/3 Protection of human rights and fundamental freedoms while countering terrorism: Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2016).
43 Resolution 30/13 Effects of terrorism on the enjoyment of all humans (2016); Resolution 33/21 Protection of human rights and fundamental freedoms while countering terrorism (2016).
44 Resolution 21/3 Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind: Best practices (2012).
during the follow up procedure expressed its regret that Botswana had not taken any measures regarding the return of bodies of executed persons to their respective families for private burial. In one SOGI vote, Botswana abstained from voting on the resolution and noted that the terms “sexual orientation” and “gender identity” were not incorporated in international law. Botswana currently criminalises homosexual behaviour. Botswana further asserted that the “Independent Expert’s mandate lacked the required specificity to be carried out fairly.” Botswana stated that in the absence of accepted terminology, it was important to “respect local cultural, religious and historic circumstances and values.”

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

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


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

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


48 Amnesty International, Botswana Human Rights. Available at [link].


50 Ibid.

51 Ibid.

52 Office of the High Commissioner for Human Rights, Display news. Available at [link].

53 Resolution 20/13 Situation of human rights in Belarus (2012); Resolution 23/15 Situation of human rights in Belarus (2013);


56 Resolution 18/24 Advisory services and technical assistance for Burundi (2011).


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

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

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

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

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

In 2013, Botswana voted in favour of a resolution\textsuperscript{64} on the follow-up report of the Gaza conflict, a resolution\textsuperscript{65} concerning Israeli settlements, a resolution\textsuperscript{66} concerning Palestinian self-determination, a resolution\textsuperscript{67} concerning the human rights situation in the OPT, and a resolution\textsuperscript{68} on a follow-up to the report of the Israeli settlements. All these resolutions were sponsored by Pakistan.

In 2014, Botswana abstained from voting on a resolution\textsuperscript{69} concerning respect for the law in the OPT of which Pakistan was a main sponsor. Botswana voted in favour of the remainder of the resolutions in 2014, including: a resolution\textsuperscript{70} concerning Palestinian self-determination, a resolution\textsuperscript{71} on Israeli settlements, a resolution\textsuperscript{72} concerning the human rights situation in the OPT, and a resolution\textsuperscript{73} concerning the follow-up report on the Gaza conflict. All these were sponsored by Pakistan.

In 2015, Botswana abstained from voting on a resolution\textsuperscript{74} concerning the human rights situation in the OPT but joined the consensus on all other resolutions in 2015 to support: a resolution\textsuperscript{75} concerning Palestinian self-determination, a resolution\textsuperscript{76} concerning Israeli settlements, and a resolution\textsuperscript{77} concerning accountability and justice in the OPT.

In 2016, Botswana abstained from voting on a resolution\textsuperscript{78} concerning the human rights situation in the OPT and a resolution\textsuperscript{79} concerning accountability and justice in the OPT. Botswana then joined the consensus to support a resolution\textsuperscript{80} concerning Palestinian self-determination and a resolution\textsuperscript{81} on Israeli settlements.

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

**Occupied Syrian Golan (OSG):** From 2012 through 2014, Botswana voted every year in favour of a resolution\textsuperscript{82} concerning human rights in the OSG, all sponsored by Pakistan. Botswana abstained from voting on resolutions\textsuperscript{83} in 2015 and 2016 concerning human rights in the OSG, both of which were sponsored by Pakistan.

\textsuperscript{64} Resolution 22/25 \textit{Follow-up to the report of the United Nations independent international Fact-Finding Mission on the Gaza Conflict} (2013).
\textsuperscript{65} Resolution 22/26 \textit{Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan} (2013).
\textsuperscript{66} Resolution 22/27 \textit{Right of the Palestinian people to self-determination} (2013).
\textsuperscript{67} Resolution 22/28 \textit{Human rights situation in the Occupied Palestinian Territory, including East Jerusalem} (2013).
\textsuperscript{68} Resolution 22/29 \textit{Follow-up to the report of the independent international Fact-Finding Mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem} (2013).
\textsuperscript{69} Resolution S-21/1 \textit{Ensuring respect for international law in the Occupied Palestinian Territory, including East Jerusalem} (2014).
\textsuperscript{70} Resolution 25/27 \textit{Right of the Palestinian people to self-determination} (2014).
\textsuperscript{71} Resolution 25/28 \textit{Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan} (2014).
\textsuperscript{72} Resolution 25/29 \textit{Human rights situation in Occupied Palestinian Territory, including East Jerusalem} (2014).
\textsuperscript{73} Resolution 25/30 \textit{Follow-up to the report of the United Nations independent international Fact-Finding Mission on the Gaza Conflict} (2014).
\textsuperscript{74} Resolution 28/27 \textit{Human rights situation in the Occupied Palestinian Territory, including East Jerusalem} (2015).
\textsuperscript{75} Resolution 28/25 \textit{Right of the Palestinian people to self-determination} (2015).
\textsuperscript{76} Resolution 28/26 \textit{Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan} (2015).
\textsuperscript{77} Resolution 29/25 \textit{Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem} (2015).
\textsuperscript{78} Resolution 31/34 \textit{Human rights situation in the Occupied Palestinian Territory, including East Jerusalem} (2016).
\textsuperscript{79} Resolution 31/35 \textit{Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem} (2016).
\textsuperscript{80} Resolution 31/33 \textit{Right of the Palestinian people to self-determination} (2016).
\textsuperscript{81} Resolution 31/36 \textit{Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan} (2016).
\textsuperscript{83} Resolution 28/24 \textit{Human rights in the occupied Syrian Golan} (2015); Resolution 31/25 \textit{Human rights in the occupied Syrian Golan} (2016).
**Sri Lanka:** In 2012 and 2013, Botswana abstained from voting on resolutions\(^{84}\) concerning accountability and reconciliation in Sri Lanka. In 2014, Botswana voted in favour of a resolution\(^{85}\) concerning accountability and reconciliation in Sri Lanka, co-sponsored by the UK and Mauritius, and then joined the consensus in 2015 to support a resolution\(^{86}\) concerning accountability and reconciliation in Sri Lanka, co-sponsored by the UK.

**Ukraine:** In 2014 and 2015, Botswana voted in favour of resolutions\(^ {87} \) concerning human rights cooperation and assistance to the Ukraine. In 2016, Botswana then abstained on a resolution\(^ {88} \) concerning human rights cooperation and assistance to the Ukraine.

**Comments**

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

### ii. Cameroon

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

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

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

**Defamation of Religions:** In 2007, 2008, and 2009, Cameroon voted each year in favour of a resolution\(^ {90} \) combating the defamation of religions. In 2010, Cameroon abstained from voting on a resolution\(^ {91} \) combating the defamation of religions. These resolutions were sponsored by Pakistan.

**Religious Discrimination:** In 2007, Cameroon joined the consensus to support a resolution\(^ {92} \) concerning the elimination of religious intolerance and discrimination. The same year, Cameroon then abstained from voting on a resolution\(^ {93} \) concerning the elimination of religious intolerance and discrimination.

In 2009, Cameroon abstained from voting on a resolution\(^ {94} \) concerning the impact of religious discrimination on the enjoyment of economic, social, and cultural rights. In 2010, Cameroon joined the consensus to support a resolution\(^ {95} \) extending the mandate of the Special Rapporteur on religious freedom or belief for three years.

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84 Resolution 19/2 Promoting reconciliation and accountability in Sri Lanka (2012); Resolution 22/1 Promoting reconciliation and accountability in Sri Lanka (2013).
87 Resolution 26/30 Cooperation and assistance to Ukraine in the field of human rights (2014); Resolution 29/23 Cooperation and assistance to Ukraine in the field of human rights (2015).
88 Resolution 32/25 Cooperation and assistance to Ukraine in the field of human rights (2016).
91 Resolution 13/16 Combating defamation of religions (2010).
92 Resolution 4/10 Elimination of all forms of intolerance and of discrimination based on religion or belief (2007).
93 Resolution 6/37 Elimination of all forms of intolerance and of discrimination based on religion or belief (2007).
94 Resolution 10/25 Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights (2009).
95 Resolution 14/11 Freedom of religion or belief: Mandate of the Special Rapporteur on freedom of religion or belief (2010).
In 2011, Cameroon joined the consensus to support a resolution\(^96\) on religious freedom and another resolution\(^97\) concerning religious intolerance, stereotyping, stigmatization, discrimination and violence against persons of which Pakistan was the main sponsor.

In 2012, Cameroon joined the consensus to support a resolution\(^98\) concerning religious intolerance, stereotyping, stigmatization, discrimination and violence against persons of which Pakistan was the main sponsor.

**Sexual Orientation and Gender Identity (SOGI):** In 2011, Cameroon voted against a resolution\(^99\) on SOGI, sponsored by South Africa.

**Comments**

On the issue of SOGI, Cameroon voted against the resolution and endorsed statements by the African Group and the OIC. When joining the HRC, Cameroon affirmed the HRC’s mandate to promote the “universal respect and protection of all human rights in a fair and equal manner,” and sought to not establish “superior castes.”\(^100\) Cameroon noted that “sexual orientation and gender identity were undefined in international law.”\(^101\) Multiple incidents of the arrest of suspected gay men were reported in Cameroon.\(^102\) During UPR II, the Human Rights Committee raised its concerns over the criminalisation of consensual sexual acts between adults of the same sex and inhumane and degrading treatment of persons detained for having sexual relations with a person of the same sex.\(^103\)

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

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

**Belarus:** In 2011 and 2012, Cameroon abstained on resolutions\(^104\) concerning human rights in Belarus.

**The Islamic Republic of Iran:** In 2011 and 2012, Cameroon abstained from voting on resolutions\(^105\) concerning human rights in Iran. Zambia sponsored the 2011 resolution.

**Lebanon:** In 2006, Cameroon abstained from voting on a resolution\(^106\) concerning human rights in Lebanon and Israeli military operations.

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96 Resolution 16/13 Freedom of religion or belief (2011).
97 Resolution 16/18 Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief (2011).
98 Resolution 19/25 Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief (2012).
100 Ibid.
101 Ibid.
103 Ibid.
105 Resolution 16/9 Situation of human rights in the Islamic Republic of Iran (2011); Resolution 19/12 Situation of human rights in the Islamic Republic of Iran (2012).
The Democratic People's Republic of Korea: In 2008 Cameroon abstained from voting on a resolution\textsuperscript{107} concerning human rights in North Korea. In 2009, Cameroon voted in favour of a resolution\textsuperscript{108} concerning human rights in North Korea. In 2010 and 2011 Cameroon abstained from voting on resolutions\textsuperscript{109} concerning the human rights situation in North Korea. In 2012, Cameroon joined the consensus to adopt a resolution\textsuperscript{110} concerning the human rights situation in North Korea.

The Occupied Palestinian Territory and Israel (OPT): In 2006, Cameroon abstained from voting on: a decision\textsuperscript{111} concerning human rights in the OPT, a resolution\textsuperscript{112} concerning Israeli settlements in occupied territories, and two resolutions\textsuperscript{113} concerning human rights in the OPT. Cameroon joined the consensus to support a resolution\textsuperscript{114} concerning human rights violations from Israeli military incursions in the OPT.

In 2007, Cameroon joined the consensus to adopt two resolutions\textsuperscript{115} concerning human rights in the OPT and abstained from voting on a resolution\textsuperscript{116} concerning religious and cultural rights in the OPT.

In 2008, Cameroon abstained from voting on three resolutions\textsuperscript{117} concerning human rights violations caused by Israeli military attacks in the OPT. Cameroon joined the consensus to support a resolution\textsuperscript{118} concerning the Palestinian people’s right to self-determination and voted in favour of a resolution\textsuperscript{119} concerning Israeli settlements in the OPT.

In 2009, Cameroon abstained from voting on a resolution\textsuperscript{120} concerning the Palestinian people’s right to self-determination, a resolution\textsuperscript{121} concerning human rights in the OPT and two resolutions\textsuperscript{122} concerning human rights violations due to Israeli military attacks in the OPT. Cameroon voted in favour of a resolution\textsuperscript{123} concerning Israeli settlements in the OPT.


\textsuperscript{108}Resolution 10/16 Situation of human rights in the Democratic People’s Republic of Korea (2009).


\textsuperscript{110}Resolution 19/13 The situation of human rights in the Democratic People’s Republic of Korea (2012).

\textsuperscript{111}Decision 1/106 Human rights situation in Palestine and other occupied Arab territories (2006).

\textsuperscript{112}Resolution 2/4 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan (2006).

\textsuperscript{113}S-1/1 Human rights situation in the Occupied Palestinian Territory (2006); Resolution 3/1 Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolution S-1/1 (2006).

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


\textsuperscript{116}Resolution 6/19 Religious and cultural rights in the Occupied Palestinian Territory, including East Jerusalem (2007).

\textsuperscript{117}Resolution 7/1 Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian territory, particularly the recent ones in the occupied Gaza Strip (2008); Resolution 8/6/1 Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip (2008); Resolution 9/18 Follow-up to Resolution S-3/1: Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory and the shelling of Beit Hanoun (2008).

\textsuperscript{118}Resolution 7/17 Right of the Palestinian people to self-determination (2008).

\textsuperscript{119}Resolution 7/18 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2008).

\textsuperscript{120}Resolution 10/20 Right of the Palestinian people to self-determination (2009).

\textsuperscript{121}Resolution S-1/1 The human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2009).

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

\textsuperscript{123}Resolution 10/18 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2009).
In 2010, Cameroon did not vote on a resolution\textsuperscript{124} concerning the Palestinian people’s right to self-determination and a resolution\textsuperscript{125} concerning the Israeli military attack against the humanitarian boat convoy. Cameroon abstained from voting on a resolution\textsuperscript{126} concerning human rights violations by Israel in the OPT, a resolution\textsuperscript{127} concerning the independent fact-finding mission’s report on the Gaza conflict, a resolution\textsuperscript{128} concerning the follow-up to the independent fact-finding mission’s report on the incident of the humanitarian flotilla, and a resolution\textsuperscript{129} concerning the report of the Committee of Independent Experts in international humanitarian and human rights law. Cameroon voted in favour of a resolution\textsuperscript{130} concerning Israeli settlements in the OPT, East Jerusalem, and the OSG. From 2006 to 2010, all the resolutions were sponsored by Pakistan.

In 2011, Cameroon abstained from voting on a resolution\textsuperscript{131} concerning human rights in the OPT, including East Jerusalem, a resolution\textsuperscript{132} concerning the report of the UN fact-finding mission on the Gaza conflict, and two resolutions\textsuperscript{133} concerning the report of the international Fact-Finding mission on the incident of the humanitarian flotilla, both sponsored by Pakistan. Cameroon voted in favour of a resolution\textsuperscript{134} concerning the Palestinian people’s right to self-determination and a resolution\textsuperscript{135} concerning Israeli settlements in the OPT, including East Jerusalem, and the OSG.

In 2012, Cameroon voted in favour of a resolution\textsuperscript{136} concerning the Palestinian people’s right to self-determination. Cameroon abstained from voting on a resolution\textsuperscript{137} concerning human rights in the OPT, a resolution\textsuperscript{138} concerning Israeli settlements in the OPT, including East Jerusalem and OSG and a resolution\textsuperscript{139} concerning the UN fact-finding mission’s report on the Gaza conflict. In 2014, Cameroon joined the consensus to support a resolution\textsuperscript{140} concerning international law in the OPT, including East Jerusalem, sponsored by Pakistan.

The Occupied Syrian Golan (OSG): In 2006, Cameroon abstained from voting on a resolution\textsuperscript{141} concerning human rights in the OSG, sponsored by Pakistan. From 2008 through 2012, Cameroon abstained from voting on a resolution\textsuperscript{142} every year, concerning human rights in the OSG. All the resolutions were sponsored by Pakistan, on behalf of the OIC.

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\textsuperscript{124} Resolution 13/6 \textit{Right of the Palestinian people to self-determination} (2010).

\textsuperscript{125} Resolution 14/1 \textit{The grave attacks by Israeli forces against the humanitarian boat convoy} (2010).

\textsuperscript{126} Resolution 13/8 \textit{The grave human rights violations by Israel in the Occupied Palestinian Territory, including East Jerusalem} (2010).

\textsuperscript{127} Resolution 13/9 \textit{Follow-up to the report of the United Nations independent international Fact-Finding Mission on the Gaza Conflict} (2010).

\textsuperscript{128} Resolution 15/1 \textit{Follow-up to the report of the independent international Fact-Finding Mission on the incident of the humanitarian flotilla} (2010).

\textsuperscript{129} Resolution 15/6 \textit{Follow-up to the report of the Committee of Independent Experts in international humanitarian and human rights law established pursuant to Council Resolution 13/9} (2010).

\textsuperscript{130} Resolution 13/7 \textit{Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan} (2010).

\textsuperscript{131} Resolution 16/29 \textit{The human rights situation in the Occupied Palestinian Territory, including East Jerusalem} (2011).


\textsuperscript{133} Resolution 16/20 \textit{Follow-up to the report of the international independent Fact-Finding Mission on the incident of the humanitarian flotilla} (2011); Resolution 17/10 \textit{Follow-up to the report of the independent international fact-Finding Mission on the incident of the humanitarian flotilla} (2011).

\textsuperscript{134} Resolution 16/30 \textit{Right of the Palestinian people to self-determination} (2011).

\textsuperscript{135} Resolution 16/31 \textit{Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan} (2011).

\textsuperscript{136} Resolution 19/15 \textit{Right of the Palestinian people to self-determination} (2012).

\textsuperscript{137} Resolution 19/16 \textit{Human rights situation in the Occupied Palestinian Territory, including East Jerusalem} (2012).

\textsuperscript{138} Resolution 19/17 \textit{Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan} (2012).

\textsuperscript{139} Resolution 19/18 \textit{Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict} (2012).

\textsuperscript{140} Resolution S-21/1 \textit{Ensuring respect for international law in the Occupied Palestinian Territory, including East Jerusalem} (2014).

\textsuperscript{141} Resolution 2/3 \textit{Human rights in the occupied Syrian Golan} (2006).

\textsuperscript{142} Resolution 7/30 \textit{Human rights in the occupied Syrian Golan} (2008), sponsored by Pakistan; Resolution 10/17 \textit{Human rights in the occupied Syrian Golan} (2009); Resolution 13/5 \textit{Human rights in the occupied Syrian Golan} (2010); Resolution 14/6 \textit{Human rights in the occupied Syrian Golan} (2011); Resolution 19/14 \textit{Human rights in the occupied Syrian Golan} (2012).
**Sudan:** In 2006, Cameroon did not vote on a decision\(^{143}\) concerning Darfur. In 2007, Cameroon joined the consensus to support a resolution\(^{144}\) concerning the HRC Group of Experts and human rights in Darfur, a resolution\(^{145}\) concerning human rights in Darfur, and a resolution\(^{146}\) and a decision\(^{147}\) concerning the Special Rapporteur’s mandate on human rights in Sudan. In 2008, Cameroon joined the consensus to support two resolutions\(^{148}\) concerning human rights in Sudan.

In 2009, Cameroon voted against a resolution\(^{149}\) concerning human rights in Sudan. In 2010, Cameroon joined the consensus to support a decision\(^{150}\) concerning the Independent Expert’s position on human rights in Sudan and then voted against a resolution\(^{151}\) concerning human rights in Sudan, sponsored by Nigeria. In 2011 and 2012, Cameroon joined the consensus to support resolutions\(^{152}\) concerning technical assistance to Sudan in the field of human rights.

In 2011, Cameroon abstained from voting on two resolutions\(^{153}\) concerning human rights in Syria and a resolution\(^{154}\) concerning the current situation of human rights in Syria in the context of recent events.

In 2012, Cameroon voted in favour of a resolution\(^{155}\) concerning the deterioration of human rights in Syria and the recent killings in El-Houleh, a resolution\(^{156}\) concerning human rights violations and the deteriorating situation in Syria, and three resolutions\(^{157}\) concerning human rights in Syria.

**Comments**

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

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

c. **Procedural**

**Publication of Reports by the Subcommission on the Promotion and Protection of Human Rights:** In 2009, Cameroon abstained from voting on a decision\(^{159}\) on the publication of reports completed by the

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\(^{143}\) Decision 2/115 *Darfur* (2006).


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


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

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


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


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


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

iii. Ghana

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

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

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

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

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

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

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

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

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160 Resolution 30/5 The question of the death penalty (2015).
162 Resolution 1/2 Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994 in annex I to the report of the working group on its eleventh session (E/CN.4/2006/79).
164 Resolution 6/16 Informal meeting to discuss the most appropriate mechanisms to continue the work of the Working Group on Indigenous Populations (2007).
166 Resolution 9/7 Human rights and indigenous peoples (2008); Resolution 12/13 Human rights and indigenous peoples (2009); Resolution 15/7 Human rights and indigenous peoples (2010).
167 Resolution 15/14 Human rights and indigenous peoples: Mandate of the Special Rapporteur on the rights of indigenous peoples (2010).
In 2016, Ghana joined the consensus to support a resolution\(^{170}\) concerning the expert mechanism on the rights of indigenous peoples, a resolution\(^{172}\) on human rights and indigenous peoples, and a resolution\(^{172}\) concerning the mandate of the Special Rapporteur on the rights of indigenous peoples.

**International Order:** In 2008, Ghana abstained from voting on a resolution\(^{173}\) concerning the promotion of a democratic and equitable international order. In 2015 and 2016, Ghana voted in favour of resolutions\(^{174}\) concerning the promotion of a democratic and equitable international order.

**Mercenaries:** In 2008, Ghana voted in favour of a resolution\(^{175}\) concerning the mandate of the Working Group on the use of mercenaries for violating human rights and impeding the exercise of the right to self-determination. In 2009, Ghana voted in favour of a resolution\(^{176}\) concerning the use of mercenaries for violating human rights and impeding the exercise of the right to self-determination, sponsored by Pakistan.

In 2010, Ghana voted in favour of a resolution\(^{177}\) concerning the use of mercenaries for violating human rights and impeding the exercise of the right to self-determination and a resolution\(^{178}\) concerning the Intergovernmental Working Group to elaborate an international framework on the regulation of activities of private military and security companies, sponsored by South Africa.

In 2015, Ghana voted in favour of a resolution\(^{179}\) concerning the renewal of the mandate of the intergovernmental Working Group to elaborate an international framework on the regulation of activities of private military and security companies and a resolution\(^{180}\) concerning the use of mercenaries for violating human rights and impeding the exercise of the right to self-determination. In 2016, Ghana abstained from voting on a resolution\(^{181}\) concerning the use of mercenaries for violating human rights and impeding the exercise of the right to self-determination.

**Religious Discrimination:** In 2009, Ghana abstained from voting on a resolution\(^{182}\) concerning religious discrimination and its impact on the enjoyment of economic, social and cultural rights.


\(^{171}\) Resolution 33/13 *Human rights and indigenous people* (2016).

\(^{172}\) Resolution 33/12 *Human rights and indigenous people: Mandate of the Special Rapporteur on the rights of indigenous people* (2016).

\(^{173}\) Resolution 8/5 *Promotion of a democratic and equitable international order* (2008).

\(^{174}\) Resolution 30/29 *Promotion of a democratic and equitable international order* (2015); Resolution 33/3 *Promotion of a democratic and equitable international order* (2016).


\(^{176}\) Resolution 10/11 *The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination* (2009).

\(^{177}\) Resolution 15/12 *The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination* (2010).

\(^{178}\) Resolution 15/26 *Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, of which South Africa was a main sponsor* (2010).

\(^{179}\) Resolution 28/7 *Renewal of the mandate of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, of which South Africa was a main sponsor* (2015).

\(^{180}\) Resolution 30/6 *The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination* (2015).

\(^{181}\) Resolution 33/4 *The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination* (2016).

\(^{182}\) Resolution 10/25 *Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights* (2009).
Sexual Orientation and Gender Identity (SOGI): In 2011, Ghana voted against a resolution\textsuperscript{183} concerning human rights and SOGI, sponsored by South Africa. In 2016, Ghana abstained from voting on a resolution\textsuperscript{184} concerning protection against violence and discrimination based on SOGI.

Terrorism and Human Rights: In 2006, Ghana joined the consensus to support a decision\textsuperscript{185} concerning persons deprived of liberty in counter-terrorism measures. In 2007, Ghana joined the consensus to support a resolution\textsuperscript{186} concerning the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

From 2008 through 2010, Ghana joined the consensus every year to support a resolution\textsuperscript{187} concerning the protection of human rights and fundamental freedoms while countering terrorism. In 2010, Ghana joined the consensus to support a resolution\textsuperscript{188} concerning the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

In 2015, Ghana abstained from voting on a resolution\textsuperscript{189} concerning the effects of terrorism on human rights. Ghana joined the consensus to support a resolution\textsuperscript{190} concerning the protection of human rights and freedoms while countering terrorism.

In 2016, Ghana voted in favour of a resolution\textsuperscript{191} concerning the effects of terrorism on human rights and a resolution\textsuperscript{192} concerning the protection of human rights and freedoms while countering terrorism. Ghana joined the consensus to support a resolution\textsuperscript{193} concerning the mandate of the Special Rapporteur on the protection of human rights and fundamental freedoms while countering terrorism.

Torture: In 2007, Ghana joined the consensus on a President’s statement\textsuperscript{194} on the twentieth anniversary of the Convention against Torture. In 2009, Ghana abstained from voting on a resolution\textsuperscript{195} concerning torture and the responsibility of medical personnel. In 2010, Ghana joined the consensus to support a resolution\textsuperscript{196} concerning torture and the responsibility of judges. In 2011 and 2016, Ghana joined the consensus on a resolution that urges all States to deny all forms of support for terrorist groups, including financial support, and to deny safe havens to those who incite, plan, finance, support or commit terrorist acts. Ghana joined the consensus to support a resolution\textsuperscript{197} concerning the protection of human rights and fundamental freedoms while countering terrorism.

In 2015, Ghana abstained from voting on a resolution\textsuperscript{198} concerning the effects of terrorism on human rights. Ghana joined the consensus to support a resolution\textsuperscript{199} concerning the protection of human rights and freedoms while countering terrorism.

In 2016, Ghana voted in favour of a resolution\textsuperscript{200} concerning the effects of terrorism on human rights and a resolution\textsuperscript{201} concerning the protection of human rights and freedoms while countering terrorism. Ghana joined the consensus to support a resolution\textsuperscript{202} concerning the mandate of the Special Rapporteur on the protection of human rights and fundamental freedoms while countering terrorism.

\textsuperscript{183} Resolution 17/19 \textit{Human rights, sexual orientation and gender identity} (2011).
\textsuperscript{184} Resolution 32/2 \textit{Protection against violence and discrimination based on sexual orientation and gender identity} (2016).
\textsuperscript{186} Resolution 6/28 \textit{Protection of human rights and fundamental freedoms while countering terrorism: Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism} (2007).
\textsuperscript{188} Resolution 15/15 \textit{Protection of human rights and fundamental freedoms while countering terrorism: Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism} (2010).
\textsuperscript{190} Resolution 29/9 \textit{Protection of human rights and fundamental freedoms while countering terrorism} (2015).
\textsuperscript{191} Resolution 31/30 \textit{Effects of terrorism on the enjoyment of all human rights} (2016).
\textsuperscript{192} Resolution 32/21 \textit{Protection of human rights and fundamental freedoms while countering terrorism} (2016).
\textsuperscript{193} Resolution 31/3 \textit{Protection of human rights and fundamental freedoms while countering terrorism: Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism} (2016).
\textsuperscript{194} Presidential statement 6/2 \textit{The twentieth anniversary of the entry into force of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment} (2007).
\textsuperscript{195} Resolution 10/24 \textit{Torture and other cruel, inhuman or degrading treatment or punishment: The role and responsibility of medical and other health personnel} (2009).
\textsuperscript{196} Resolution 13/19 \textit{Torture and other cruel, inhuman or degrading treatment or punishment: The role and responsibility of judges, prosecutors and lawyers} (2010).
resolution\textsuperscript{197} on torture and the mandate of the Special Rapporteur, and a resolution\textsuperscript{198} on torture during police custody, respectively.

\textbf{Traditional Values:} In 2009, Ghana abstained from voting on a resolution\textsuperscript{199} concerning the promotion of human rights and freedoms through a better understanding of traditional values. In 2011, Ghana voted in favour of a resolution\textsuperscript{200} concerning the promotion of human rights and freedoms through a better understanding of traditional values.

\textbf{Comments}

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

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

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

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

\begin{itemize}
  \item Resolution 16/23 \textit{Torture and other cruel, inhuman or degrading treatment or punishment: Mandate of the Special Rapporteur} (2011).
  \item Resolution 31/31 \textit{Torture and other cruel, inhuman or degrading treatment or punishment: Safeguards to prevent torture during police custody and pretrial detention} (2016).
  \item Resolution 12/2/1 \textit{Promoting human rights and fundamental freedom through a better understanding of traditional values of humankind} (2009).
  \item Resolution 16/3 \textit{Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind} (2011).
  \item Ibid.
  \item UN Human Rights Committee, Concluding observations on the initial reports of Ghana, CCPR/C/GHA/CO/1, August 9, 2016. Available at http://tbinternet.ohchr.org/Treaties/CCPR/Pages/Display.aspx?symbolno=CCPR%2fC%2fGHA%2fCO%2f1&Lang=en.
\end{itemize}

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

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

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

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

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

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213 Resolution S-3/1 Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory, including the recent one in northern Gaza and the assault on Beit Hanoun (2006); Resolution 9/18 Follow-up to Resolution S-3/1: Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory and the shelling of Beit Hanoun (2008).
215 Resolution S-1/1 Human rights situation in the Occupied Palestinian Territory (2006); Resolution 3/1 Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council resolution S-1/1 (2006).
217 Resolution 7/18 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2008).
218 Resolution 7/1 Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian territory, particularly the recent ones in the occupied Gaza Strip (2008).
220 Resolution S-6/1 Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip (2008).
221 Resolution S-12/1 The human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2009).
222 Resolution 10/20 Right of the Palestinian people to self-determination (2009).
223 Resolution 10/18 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2009).
settlements in the OPT, East Jerusalem and the OSG, a resolution\(^{224}\) concerning human rights violations due to Israeli military attacks in the OPT, and a resolution\(^ {225}\) concerning grave human rights violations in the OPT due to Israeli military operations in the Gaza Strip. These resolutions were sponsored by Pakistan.

In 2010, Ghana voted in favour of a resolution\(^ {226}\) concerning the Palestinian people’s right to self-determination, a resolution\(^ {227}\) concerning Israeli settlements in the OPT, East Jerusalem and the OSG, a resolution\(^ {228}\) concerning human rights violation by Israel in the OPT and East Jerusalem, a resolution\(^ {229}\) concerning the attack by Israeli forces on a humanitarian boat convoy, a resolution\(^ {230}\) concerning the report of the UN fact-finding mission’s report on the Gaza conflict. Ghana abstained from voting on a resolution\(^ {231}\) concerning the report of the UN fact-finding mission’s report on the incident of the humanitarian flotilla. These resolutions were sponsored by Pakistan.

In 2011, Ghana voted in favour of a resolution\(^ {232}\) concerning the Palestinian people’s right to self-determination, a resolution\(^ {233}\) concerning human rights in the OPT and East Jerusalem, a resolution\(^ {234}\) concerning Israeli settlements in the OPT, East Jerusalem and the OSG, and a resolution\(^ {235}\) concerning the UN fact-finding mission’s report on the Gaza conflict. Ghana also voted in favour of resolutions\(^ {236}\) concerning the international fact-finding mission’s report on the incident of the humanitarian flotilla.

In 2015, Ghana voted in favour of a resolution\(^ {237}\) concerning human rights in the OPT and East Jerusalem, a resolution\(^ {238}\) concerning Israeli settlements in the OPT, East Jerusalem and the OSG and a resolution\(^ {239}\) concerning accountability and justice for international law violations in the OPT and East Jerusalem. Ghana abstained from voting on a resolution\(^ {240}\) concerning the Palestinian people’s right to self-determination. These resolutions were sponsored by Pakistan.

In 2016, Ghana abstained from voting on a resolution\(^ {241}\) concerning Israeli settlements in the OPT, East Jerusalem and the OSG, a resolution\(^ {242}\) concerning human rights in the OPT and East Jerusalem, and a

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224 Resolution 10/19 Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory (2009).
225 Resolution 5-9/1 The Grave Violations of Human Rights in the Occupied Palestinian Territory particularly due to the recent Israeli military aggression on the occupied Gaza Strip (2009); Resolution 10/21 Follow-up to Council Resolution 5-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip (2009).
226 Resolution 13/6 Right of the Palestinian people to self-determination (2010).
227 Resolution 13/7 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2010).
228 Resolution 13/8 The grave human rights violations by Israel in the Occupied Palestinian Territory, including East Jerusalem (2010).
229 Resolution 14/1 The grave attacks by Israeli forces against the humanitarian boat convoy (2010).
231 Resolution 15/1 Follow-up to the report of the independent international Fact-Finding Mission on the incident of the humanitarian flotilla (2010).
233 Resolution 16/29 The human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2011).
234 Resolution 16/31 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2011).
236 Resolution 16/20 Follow-up to the report of the independent international Fact-Finding Mission on the incident of the humanitarian flotilla (2011); Resolution 17/10 Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla (2011).
237 Resolution 28/27 Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2015).
238 Resolution 28/26 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2015).
239 Resolution 29/25 Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem (2015).
241 Resolution 31/36 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2016).
242 Resolution 31/34 Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2016).
resolution concerning accountability and justice for violations of international law in the OPT and East Jerusalem. Ghana joined the consensus to support a resolution concerning the Palestinian people’s right to self-determination. These resolutions were sponsored by Pakistan.

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

Sudan: In 2006, Ghana abstained from voting on a decision concerning Darfur. In 2007, Ghana joined the consensus to support two resolutions concerning human rights in Darfur, and a decision and a resolution concerning the mandate of the Special Rapporteur on human rights in Sudan. In 2008, Ghana joined the consensus to support two resolutions concerning human rights in Sudan.


Comments

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

c. Procedural

243 Resolution 31/35 Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem (2016).
244 Resolution 31/33 Right of the Palestinian people to self-determination (2016).
Publication of Reports by the Subcommission on the Promotion and Protection of Human Rights: In 2009, Ghana abstained on a decision\(^\text{259}\) on the publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights.

iv. Kenya

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

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

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

**Civil Society Space:** In 2013, Kenya joined the consensus to support a resolution\(^\text{260}\) concerning the creation of a safe environment for civil society, sponsored by Sierra Leone. Kenya joined the consensus to support a decision\(^\text{261}\) concerning the establishment of a fund for the participation of civil society in forums. In 2014, Kenya joined the consensus to support a resolution\(^\text{262}\) concerning civil society space, sponsored by Sierra Leone. In 2016, Kenya, abstained from voting on a resolution\(^\text{263}\) on civil society space, sponsored by Sierra Leone.

**Death Penalty:** In 2013, Kenya voted against a decision\(^\text{264}\) concerning a high-level panel discussion on the death penalty. In 2014 and 2015, Kenya abstained from voting on a resolution\(^\text{265}\) each year concerning the question of the death penalty.

**Human Rights Defenders:** In 2013, Kenya joined the consensus to support a resolution\(^\text{266}\) concerning the protection of human rights defenders. In 2014, Kenya joined the consensus to support a resolution\(^\text{267}\) concerning the mandate of the Special Rapporteur on human rights defenders. In 2016, Kenya abstained from voting on a resolution\(^\text{268}\) concerning the protection of human rights defenders and addressing of economic, social, and cultural rights.

**International Order:** In 2012, Kenya joined the consensus to support a resolution\(^\text{269}\) concerning the promotion of a democratic and equitable international order. In 2014, Kenya voted in favour of a resolution concerning the promotion of a democratic and equitable international order.

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\(^{259}\) Decision 10/117 *Publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights* (2009).

\(^{260}\) Resolution 24/21 *Civil society space: Creating and maintaining, in law and in practice, a safe and enabling environment* (2013).


\(^{262}\) Resolution 27/31 *Civil society space* (2014).

\(^{263}\) Resolution 32/31 *Civil society space* (2016).

\(^{264}\) Decision 22/117 *High-level panel discussion on the question of the death penalty* (2013).

\(^{265}\) Resolution 26/2 *The question of the death penalty* (2014); Resolution 30/05 *The question of the death penalty* (2015).

\(^{266}\) Resolution 22/6 *Protecting human rights defenders* (2013).


\(^{268}\) Resolution 31/32 *Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights* (2016).

\(^{269}\) Resolution 21/9 *Promotion of a democratic and equitable international order* (2012).
resolution\textsuperscript{270} concerning the promotion of a democratic and equitable international order and a resolution\textsuperscript{271} concerning the mandate of the Independent Expert on the promotion of international order.

In 2015, Kenya voted in favour of a resolution\textsuperscript{272} concerning the promotion of a democratic and equitable international order. In 2016, Kenya abstained from voting on a resolution\textsuperscript{273} concerning the promotion of a democratic and equitable international order.

**Judicial System:** In 2013, Kenya joined the consensus to support a resolution\textsuperscript{274} concerning the independence and impartiality of judges and lawyers, sponsored by Australia, Botswana, and the Maldives. In 2014, Kenya abstained from voting on a resolution\textsuperscript{275} concerning the integrity of the judicial system.

In 2015, Kenya joined the consensus to support a resolution\textsuperscript{276} concerning the independence and impartiality of judges and lawyers, sponsored by Australia, Botswana, and the Maldives. In 2016, Kenya joined the consensus to support a resolution\textsuperscript{277} concerning the integrity of the judicial system.

**Peaceful Protests:** In 2013, Kenya joined the consensus to support a resolution\textsuperscript{278} concerning the protection of human rights in the context of peaceful protests. In 2014, Kenya voted against a resolution\textsuperscript{279} concerning the protection of human rights in the context of peaceful protests. In 2016, Kenya voted in favour of a resolution\textsuperscript{280} concerning the protection of human rights in the context of peaceful protests.

**Reprisals:** In 2013, Kenya abstained from voting on a resolution\textsuperscript{281} concerning reprisals against those who cooperate with the UN and its mechanisms in the field of human rights.

**Sexual Orientation and Gender Identity (SOGI):** In 2014, Kenya voted against a resolution\textsuperscript{282} concerning human rights and SOGI. In 2016, Kenya voted against a resolution\textsuperscript{283} concerning protection against violence and discrimination based on SOGI.

**Transitional Justice:** In 2012, Kenya joined the consensus to support a resolution\textsuperscript{284} concerning human rights and transitional justice. In 2016, Kenya abstained from voting on a resolution\textsuperscript{285} concerning human rights and transitional justice.

\textsuperscript{270} Resolution 25/15 Promotion of a democratic and equitable international order (2014).
\textsuperscript{271} Resolution 27/9 Mandate of the Independent Expert on the promotion of a democratic and equitable international order (2014).
\textsuperscript{272} Resolution 30/29 Promotion of a democratic and equitable international order (2015).
\textsuperscript{273} Resolution 33/3 Promotion of a democratic and equitable international order (2016).
\textsuperscript{274} Resolution 23/6 Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers (2013).
\textsuperscript{275} Resolution 25/4 Integrity of the judicial system (2014).
\textsuperscript{276} Resolution 29/6 Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers (2015).
\textsuperscript{277} Resolution 31/2 Integrity of the judicial system (2016).
\textsuperscript{278} Resolution 22/10 The promotion and protection of human rights in the context of peaceful protests (2013).
\textsuperscript{279} Resolution 25/38 The promotion and protection of human rights in the context of peaceful protests (2014).
\textsuperscript{280} Resolution 31/37 The promotion and protection of human rights in the context of peaceful protests (2016).
\textsuperscript{281} Resolution 24/24 Cooperation with the United Nations, its representatives and mechanisms in the field of human rights (2013).
\textsuperscript{282} Resolution 27/32 Human rights, sexual orientation and gender identity (2014).
\textsuperscript{283} Resolution 32/2 Protection against violence and discrimination based on sexual orientation and gender identity (2016).
\textsuperscript{284} Resolution 21/15 Human rights and transitional justice (2012).
\textsuperscript{285} Resolution 33/19 Human rights and transitional justice (2016).
Water (Right to): From 2012 through 2014, Kenya joined the consensus every year to support resolutions concerning the human right to safe drinking water and sanitation. In 2016, Kenya abstained from voting on a resolution concerning the human rights to safe drinking water and sanitation.

Comments

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

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

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

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


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


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

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


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


291 Ibid.


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


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

resolutions concerning human rights in the Islamic Republic of Iran.


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

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

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

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

297 Resolution 31/19 Situation of human rights in the Islamic Republic of Iran (2016).
300 Resolution 31/18 Situation of human rights in the Democratic People’s Republic of Korea (2016).
301 Resolution 22/27 Right of the Palestinian people to self-determination (2013).
302 Resolution 22/28 Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2013).
303 Resolution 22/29 Follow-up to the report of the independent international Fact-Finding Mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem (2013).
304 Resolution 22/26 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem and Occupied Syrian Golan (2013).
307 Resolution 25/29 Human rights situation in Occupied Palestinian Territory, including East Jerusalem (2014).
308 Resolution S-21/1 Ensuring respect for international law in the Occupied Palestinian Territory, including East Jerusalem (2014).
309 Resolution 25/28 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2014).
312 Resolution 28/27 Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2015).
313 Resolution 28/26 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2015).
314 Resolution 29/25 Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem (2015).
315 Resolution 31/33 Right of the Palestinian people to self-determination (2016).
316 Resolution 31/36 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2016).
OSG. Kenya voted in favour of a resolution\textsuperscript{317} concerning human rights in the OPT and East Jerusalem and a resolution\textsuperscript{318} concerning accountability and justice for violations of international law in the OPT and East Jerusalem. All these resolutions were sponsored by Pakistan.

**Occupied Syrian Golan (OSG):** In 2013, Kenya abstained from voting on a resolution\textsuperscript{319} concerning human rights in the OSG. From 2014 through 2016, Kenya voted every year in favour of a resolution\textsuperscript{320} concerning human rights in the OSG. All these resolutions were sponsored by Pakistan.

**Sri Lanka:** In 2013, Kenya abstained from voting on a resolution\textsuperscript{321} concerning reconciliation and accountability in Sri Lanka. In 2014, Kenya voted against a resolution\textsuperscript{322} concerning reconciliation, accountability and human rights in Sri Lanka, sponsored by the UK and Mauritius. In 2015, Kenya joined the consensus to support a resolution\textsuperscript{323} concerning reconciliation, accountability, and human rights in Sri Lanka, sponsored by the UK.

**The Syrian Arab Republic:** In 2012, Kenya joined the consensus to support a resolution\textsuperscript{324} concerning human rights in Syria. In 2013, Kenya voted in favour of a resolution\textsuperscript{325} concerning human rights in Syria and a resolution\textsuperscript{326} concerning the human rights in Syria and the need to grant access to the Commission of Inquiry, sponsored by the UK. Kenya abstained from voting on a resolution\textsuperscript{327} concerning the deterioration of human rights in Syria and the killings in Al-Qusayr and a resolution\textsuperscript{328} concerning the grave human rights and humanitarian situation in Syria.

In 2014, Kenya abstained from voting on three resolutions\textsuperscript{329} concerning the deteriorating human rights and humanitarian situation in Syria, sponsored by the UK. In 2015, Kenya abstained from voting on resolutions\textsuperscript{330} concerning the deteriorating human rights and humanitarian situation in Syria. In 2015, Kenya abstained from voting on three resolutions\textsuperscript{331} concerning human rights in Syria. These resolutions were sponsored by the UK.

**Ukraine:** In 2014, Kenya abstained from voting on a resolution\textsuperscript{332} concerning cooperation and assistance for human rights to Ukraine. In 2015, Kenya voted in favour of a resolution\textsuperscript{333} concerning cooperation and assistance for human rights to Ukraine. In 2016, Kenya abstained from voting on a resolution\textsuperscript{334} concerning cooperation and assistance to Ukraine in the field of human rights (2016).

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\textsuperscript{317} Resolution 31/34 Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2016).
\textsuperscript{318} Resolution 31/35 Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem (2016).
\textsuperscript{319} Resolution 22/17 Human rights in the occupied Syrian Golan (2013).
\textsuperscript{321} Resolution 22/1 Promoting reconciliation and accountability in Sri Lanka (2013).
\textsuperscript{322} Resolution 25/1 Promoting reconciliation, accountability and human rights in Sri Lanka (2014).
\textsuperscript{323} Resolution 30/1 Promoting reconciliation, accountability and human rights in Sri Lanka (2015).
\textsuperscript{324} Resolution 21/26 Situation of human rights in the Syrian Arab Republic (2012).
\textsuperscript{326} Resolution 23/26 The deterioration of the situation of human rights in the Syrian Arab Republic, and the need to grant immediate access to the commission of inquiry (2013).
\textsuperscript{327} Resolution 23/1 The deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in Al-Qusayr (2013).
\textsuperscript{328} Resolution 24/22 The continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic (2013).
\textsuperscript{332} Resolution 26/30 Cooperation and assistance to Ukraine in the field of human rights (2014).
\textsuperscript{333} Resolution 29/23 Cooperation and assistance to Ukraine in the field of human rights (2015).
\textsuperscript{334} Resolution 32/29 Cooperation and assistance to Ukraine in the field of human rights (2016).
cooperation and assistance for human rights to Ukraine.

Comments

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

v. Mauritius

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

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

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

Defamation of Religions: In 2007, Mauritius voted in favour of a resolution\textsuperscript{336} to combat the defamation of religions. From 2008 through 2010, Mauritius abstained every year from voting on resolutions\textsuperscript{337} to combat the defamation of religions. These resolutions were sponsored by Pakistan.

Peasants’ Rights: In 2012, Mauritius abstained from voting on a resolution\textsuperscript{338} concerning the protection of human rights of peasants and people working in rural areas, sponsored by South Africa.

Traditional Values: In 2009, 2011, and 2012, Mauritius voted against resolutions\textsuperscript{339} concerning the promotion of human rights and freedoms through a better understanding of traditional values of humankind.

Comment

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

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

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

The Democratic People’s Republic of Korea: In 2008, Mauritius abstained from voting on a resolution\textsuperscript{340} concerning human rights in North Korea. From 2009 through 2011, Mauritius voted every year in favour of


\textsuperscript{337} Resolution 7/19 \textit{Combating defamation of religions} (2008); Resolution 10/22 \textit{Combating defamation of religions} (2009); Resolution 13/16 \textit{Combating defamation of religions} (2010).

\textsuperscript{338} Resolution 21/19 \textit{Promotion and protection of the human rights of peasants and other people working in rural areas} (2012).

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

resolutions\textsuperscript{341} concerning human rights in North Korea. In 2012, Mauritius joined the consensus to support a resolution\textsuperscript{342} concerning human rights in North Korea.

\textbf{The Islamic Republic of Iran:} In 2011 and 2012, Mauritius abstained from voting on resolutions\textsuperscript{343} concerning human rights in Iran, sponsored by Zambia.


\textbf{Sudan:} In 2006, Mauritius abstained from voting on a decision\textsuperscript{346} concerning Darfur. In 2007, Mauritius joined the consensus to support a resolution\textsuperscript{347} concerning human rights in Darfur, a resolution\textsuperscript{348} concerning HRC experts on human rights in Darfur and a decision\textsuperscript{349} and resolution\textsuperscript{350} concerning the mandate of the Special Rapporteur on human rights in Sudan. In 2008, Mauritius joined the consensus to support two resolutions\textsuperscript{351} concerning human rights in Sudan.

In 2009, Mauritius voted in favour of a resolution\textsuperscript{352} concerning human rights in Sudan. In 2010, Mauritius joined the consensus to support a decision\textsuperscript{353} concerning the Independent Expert on human rights in Sudan. Mauritius abstained from voting on a resolution\textsuperscript{354} concerning human rights in Sudan, sponsored by Nigeria.

In 2011 and 2012, Mauritius joined the consensus to support resolutions\textsuperscript{355} concerning technical assistance in the field of human rights in Sudan.

\textbf{Comments}

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

c. \quad \textbf{Procedural}

\textit{Publication of Reports by the Subcommission on the Promotion and Protection of Human Rights:} In 2009, Mauritius abstained on a decision\textsuperscript{356} on the publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights.

\begin{itemize}
  \item Resolution 10/16 \textit{Situation of human rights in the Democratic People’s Republic of Korea} (2009);
  \item Resolution 13/14 \textit{Situation of human rights in the Democratic People’s Republic of Korea} (2010);
  \item Resolution 16/8 \textit{Situation of human rights in the Democratic People’s Republic of Korea} (2012).
  \item Resolution 19/13 \textit{The situation of human rights in the Democratic People’s Republic of Korea} (2012).
  \item Resolution 16/9 \textit{Situation of human rights in the Islamic Republic of Iran} (2011);
  \item Resolution 19/12 \textit{Situation of human rights in the Islamic Republic of Iran} (2012).
  \item Resolution S-11/1 \textit{Assistance to Sri Lanka in the promotion and protection of human rights} (2011);
  \item Resolution 19/2 \textit{Promoting reconciliation and accountability in Sri Lanka} (2012).
  \item Decision 2/115 \textit{Darfur} (2006).
  \item Decision 6/103 \textit{Mandate of the Special Rapporteur on the situation of human rights in the Sudan} (2007).
  \item Resolution 6/34 \textit{Mandate of the Special Rapporteur on the situation of human rights in the Sudan} (2007).
  \item Resolution 7/16 \textit{Situation of human rights in the Sudan} (2008);
  \item Resolution 11/10 \textit{Situation of human rights in the Sudan} (2009).
  \item Decision 14/117 \textit{The Independent Expert on the situation of human rights in the Sudan} (2010).
  \item Resolution 15/27 \textit{Situation of human rights in the Sudan} (2010).
  \item Resolution 18/16 \textit{Technical assistance for the Sudan in the field of human rights} (2011);
  \item Resolution 21/27 \textit{Technical assistance for the Sudan in the field of human rights} (2012).
  \item Decision 10/117 \textit{Publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights} (2009).
\end{itemize}
vi. Namibia

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

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

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

**Human Rights Defenders:** In 2014, Namibia joined the consensus to support a resolution\(^{357}\) concerning the mandate of the Special Rapporteur on human rights defenders. In 2016, Namibia abstained from voting on a resolution\(^{358}\) concerning the protection of human rights defenders.

**Peaceful Protests:** In 2014 and 2016, Namibia abstained from voting on resolutions\(^{359}\) concerning the protection of human rights in peaceful protests.

**Racism:** In 2012, Namibia joined the consensus to support a resolution\(^{360}\) concerning action against racism, racial discrimination, xenophobia and related intolerance, sponsored by South Africa, and a resolution\(^{361}\) concerning elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination, sponsored by South Africa.

In 2014, Namibia joined the consensus to support a resolution\(^{362}\) concerning the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. In 2015, Namibia voted against a resolution\(^{363}\) concerning action against racism, racial discrimination, xenophobia and related intolerance. In 2016, Namibia joined the consensus to support a resolution\(^{364}\) combating intolerance, stereotyping, discrimination and violence based on religion, sponsored by Pakistan.

**Remotely Piloted Aircraft or Armed Drones in Counter-Terrorism:** In 2014, Namibia abstained from voting on a resolution\(^{365}\) concerning the use of armed drones in counter-terrorism and military operations in accordance with international law, sponsored by Pakistan. In 2015, Namibia voted in favour of a resolution\(^{366}\) concerning the use of armed drones in counter-terrorism and military operations in accordance with international law.

**Sexual Orientation and Gender Identity (SOGI):** In 2014, Namibia abstained from voting on a resolution\(^{367}\) concerning human rights and SOGI. In 2016, Namibia abstained from voting on a resolution\(^{368}\) concerning protection against violence and discrimination based on SOGI.

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\(^{358}\) Resolution 31/32 *Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights* (2016).

\(^{359}\) Resolution 25/38 *The promotion and protection of human rights in the context of peaceful protests* (2014); Resolution 31/37 *The promotion and protection of human rights in the context of peaceful protests* (2016).

\(^{360}\) Resolution 21/33 *From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance* (2012).


\(^{362}\) Resolution 25/32 *Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance* (2014).

\(^{363}\) Resolution 30/16 *From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance* (2014).

\(^{364}\) Resolution 31/26 *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief* (2016).

\(^{365}\) Resolution 25/22 *Ensuring use of remotely piloted aircraft or armed drones in counter-terrorism and military operations in accordance with international law, including international human rights and humanitarian law* (2014).

\(^{366}\) Resolution 28/3 *Ensuring use of remotely piloted aircraft or armed drones in counter-terrorism and military operations in accordance with international law, including international human rights and humanitarian law* (2015).


\(^{368}\) Resolution 32/2 *Protection against violence and discrimination based on sexual orientation and gender identity* (2016).
Terrorism and Human Rights: In 2014 and 2015, Namibia joined the consensus to support a resolution concerning the protection of human rights and freedoms in counter-terrorism measures. In 2015, Namibia abstained from voting on a resolution concerning the effects of terrorism on human rights.

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

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

Comments

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

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

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

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

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

Namibia abstained from voting on twenty two resolutions concerning human rights in Syria, Burundi, Belarus, Iran, North Korea, cooperation and assistance in Ukraine, and accountability and human rights in...
Sri Lanka. Namibia did not vote against any country situation resolutions.

**Belarus:** From 2014 through 2016, Namibia abstained every year from voting on resolutions\(^{379}\) concerning human rights in Belarus.

**Burundi:** In 2015, Namibia joined the consensus to support a resolution\(^{380}\) concerning technical cooperation and capacity-building for Burundi in the field of human rights. In 2016, Namibia abstained from voting on a resolution\(^{381}\) concerning human rights in Burundi.

**The Islamic Republic of Iran:** From 2014 through 2016, Namibia abstained every year from voting on resolutions\(^{382}\) concerning human rights in Iran.

**The Democratic People’s Republic of Korea:** In 2014 and 2015, Namibia abstained from voting on resolutions\(^{383}\) concerning human rights in North Korea. In 2016, Namibia joined the consensus to support a resolution\(^{384}\) concerning human rights in North Korea.

**Sri Lanka:** In 2014, Namibia abstained from voting on a resolution\(^{385}\) concerning reconciliation, accountability, and human rights in Sri Lanka, sponsored by the UK and Mauritius. In 2015, Namibia joined the consensus to support a resolution\(^{386}\) concerning reconciliation, accountability, and human rights in Sri Lanka, sponsored by the UK.

**The Syrian Arab Republic:** In 2014, Namibia abstained from voting on three resolutions\(^{387}\) concerning the deterioration of human rights in Syria, sponsored by the UK. In 2015, Namibia abstained from voting on three resolutions\(^{388}\) concerning the deterioration of human rights in Syria, sponsored by the UK. In 2016, Namibia abstained from voting on three resolutions\(^{389}\) concerning human rights in Syria, sponsored by the UK.

**Ukraine:** From 2014 through 2016, Namibia abstained every year from voting on resolutions\(^{390}\) concerning cooperation and assistance to Ukraine in the field of human rights.

**Comments**

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

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\(^{380}\) Resolution 30/27 *Technical cooperation and capacity building for Burundi in the field of human rights* (2015)

\(^{381}\) Resolution 33/24 *Human rights situation in Burundi* (2016).


\(^{384}\) Resolution 31/18 *Situation of human rights in the Democratic People’s Republic of Korea* (2016).


\(^{390}\) Resolution 26/30 *Cooperation and assistance to Ukraine in the field of human rights* (2014); Resolution 29/23 *Cooperation and assistance to Ukraine in the field of human rights* (2015); Resolution 32/29 *Cooperation and assistance to Ukraine in the field of human rights* (2016).
underlying principle of its foreign policy.” However, Namibia’s voting pattern demonstrates a reluctance to engage and defend human rights in many country situations.

vii. Nigeria

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

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

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

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

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

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

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

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


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

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

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


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


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

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


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

In 2008 and 2009, Nigeria joined the consensus each year to support a resolution concerning human rights and indigenous peoples. In 2010, Nigeria joined the consensus to support a resolution concerning human rights and indigenous peoples, and a resolution concerning the mandate of the Special Rapporteur on indigenous peoples’ rights. In 2011 and 2012, Nigeria joined the consensus to support resolutions concerning human rights and indigenous peoples.

In 2015, Nigeria joined the consensus to support a resolution concerning human rights and indigenous peoples and a resolution concerning the mandate of the expert mechanism on indigenous peoples’ rights. In 2016, Nigeria joined the consensus to support a resolution concerning the mandate of the Special Rapporteur on indigenous peoples’ rights, a resolution concerning human rights and indigenous peoples, and a resolution concerning the expert mechanism on indigenous peoples’ rights.

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

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

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

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

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405 Resolution 9/7 Human rights and indigenous peoples (2008); Resolution 12/13 Human rights and indigenous peoples (2009).
406 Resolution 15/7 Human rights and indigenous peoples (2010).
408 Resolution 18/8 Human rights and indigenous peoples (2011); Resolution 21/24 Human rights and indigenous peoples (2012).
415 Resolution 33/12 Human rights and indigenous peoples: Mandate of the Special Rapporteur on the rights of indigenous people (2016).
417 Resolution 31/12 Panel on the promotion and protection of human rights in the context of peaceful protests (2011).
418 Resolution 19/35 The promotion and protection of human rights in the context of peaceful protests (2012).
419 Resolution 31/37 The promotion and protection of human rights in the context of peaceful protests (2016).
421 Resolution 21/19 Promotion and protection of the human rights of peasants and other people working in rural areas (2012).
422 Resolution 30/13 Promotion and protection of the human rights of peasants and other people working in rural areas (2015), sponsored by South Africa.
423 Resolution 4/10 Elimination of all forms of intolerance and of discrimination based on religion or belief (2007).
424 Resolution 6/37 Elimination of all forms of intolerance and of discrimination based on religion or belief (2007).
425 Resolution 10/25 Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights (2009).
426 Resolution 14/11 Freedom of religion or belief: Mandate of the Special Rapporteur on freedom of religion or belief (2010).
427 Resolution 16/13 Freedom of religion or belief (2011); Resolution 19/8 Freedom of religion or belief (2012).
428 Resolution 16/18 Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief (2011); Resolution 19/25 Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against persons based on religion or belief (2012).
429 Resolution 28/29 Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against persons based on religion or belief (2015).
intolerance, stereotyping, discrimination, and violence based on religion, sponsored by Pakistan. In 2015 and 2016, Nigeria joined the consensus to support resolutions concerning the freedom of religion.

**Rule of Law:** In 2012, Nigeria voted in favour of a resolution concerning human rights, democracy, and the rule of law. In 2015, Nigeria abstained from voting on a resolution concerning human rights, democracy, and the rule of law.

**Sexual Orientation and Gender Identity (SOGI):** In 2011, Nigeria voted against a resolution concerning SOGI, sponsored by South Africa. In 2016, Nigeria voted against a resolution concerning protection against violence and discrimination based on SOGI.

**Traditional Values:** In 2009 and 2011, Nigeria voted in favour of resolutions concerning the promotion of human rights and freedoms through traditional values. In 2012, Nigeria abstained from voting on a resolution concerning the best practices for promotion of human rights and freedoms through traditional values.


**Water (Right to):** In 2006, Nigeria joined the consensus to support a decision concerning human rights and access to water. From 2007 through 2010, Nigeria joined the consensus every year to support resolutions concerning human rights and access to safe drinking water and sanitation.

In 2011 and 2012, Nigeria joined the consensus to support resolutions concerning the human right to safe drinking water and sanitation. In 2016, Nigeria abstained from a resolution concerning the human rights to safe drinking water and sanitation.

**Unilateral Coercive Measures:** In 2007, Nigeria abstained from voting on a decision concerning human rights and unilateral coercive measures.
coercive measures, and then voted in favour of a resolution\textsuperscript{441} concerning human rights and unilateral coercive measures.

From 2008 through 2012, Nigeria voted every year in favour of resolutions\textsuperscript{442} concerning human rights and unilateral coercive measures. In 2015, Nigeria voted in favour of a resolution\textsuperscript{443} concerning human rights and unilateral coercive measures.

\textbf{Comments}

Nigeria voted against a death penalty resolution and stated that the resolution “failed to address all the ramifications of the issue.”\textsuperscript{444} Nigeria reiterated the “right of countries to choose their justice systems.”\textsuperscript{445} During the UPR I in 2009, Nigeria committed to a de facto moratorium on the death penalty but it failed to act and in 2013 four executions were reported.\textsuperscript{446}

Nigeria voted against a SOGI resolution and spoke on behalf of the OIC. Nigeria opposed the resolution on account of “defects in substance and form,” citing the lack of definitions of sexual orientation and gender identity, and the attached responsibility on States in carrying out an imposed scope of human rights and freedoms. However, when Nigeria passed a domestic bill in 2014 criminalising same-sex marriage, Nigeria defined relevant SOGI categories.\textsuperscript{447} Nigeria opposed the appointment of an Independent Expert on the issue and asserted that “LGBT rights did not have the general acceptance necessary for their adoption as universally accepted rights.”\textsuperscript{448} Consensual same-sex relations are criminalised under Nigeria’s criminal penal code and are punishable by a maximum of 14 years of imprisonment. In addition, the Sharia penal code applies to Muslims in many northern states and makes same-sex relations punishable by caning, imprisonment, or death by stoning.\textsuperscript{449}

Nigeria abstained from voting on a resolution to protect human rights during peaceful protests, despite joining the consensus in 2011 and 2012 to support the resolution. Amnesty International reports that between August 2015 and late 2016 “the [Nigerian] security forces have killed at least 150 members and supporters of the pro-Biafran organization IPOB (Indigenous People of Biafra) and injured hundreds during non-violent meetings, marches and other gatherings,” and that “the military openly fired on peaceful protestors.”\textsuperscript{450}

\textbf{b. \quad Country Resolutions and Decisions (Procedural, Situations, Capacity-Building, and Technical Assistance)}

Nigeria abstained from voting on twenty one resolutions concerning cooperation and assistance in Ukraine and human rights in Syria, Burundi, Iran, Belarus, North Korea, Lebanon, and the OPT. Nigeria voted against four resolutions concerning human rights in Belarus, Sudan, and North Korea.

\textsuperscript{441} Resolution 6/7 \textit{Human rights and unilateral coercive measures} (2007).
\textsuperscript{442} Resolution 9/4 \textit{Human rights and unilateral coercive measures} (2008); Resolution 12/22 \textit{Human rights and unilateral coercive measures} (2009); Resolution 15/24 \textit{Human rights and unilateral coercive measures} (2010); Decision 18/120 \textit{Human rights and unilateral coercive measures} (2011); Resolution 19/32 \textit{Human rights and unilateral coercive measures} (2012).
\textsuperscript{443} Resolution 30/2 \textit{Human rights and unilateral coercive measures} (2015).
\textsuperscript{445} Ibid.

Burundi: In 2007 and 2008, Nigeria joined the consensus to support resolutions454 concerning advisory services and technical assistance for Burundi. In 2011, Nigeria joined the consensus to support resolutions455 concerning advisory services and technical assistance for Burundi. In 2015, Nigeria joined the consensus to support a resolution456 concerning technical cooperation and capacity-building in human rights for Burundi. In 2016, Nigeria abstained from voting on a resolution457 concerning human rights in Burundi.


In 2012, Nigeria joined the consensus to support a resolution461 concerning human rights in North Korea. In 2015, Nigeria abstained from voting on a resolution462 concerning human rights in North Korea. In 2016, Nigeria then joined the consensus to support a resolution463 concerning human rights in North Korea.


Lebanon: In 2006, Nigeria joined the consensus to support a resolution466 concerning the report of the Commission of Inquiry in Lebanon, sponsored by Pakistan, and abstained from voting on a resolution467 concerning human rights in Lebanon and Israeli military operations.

Occupied Palestinian Territory and Israel (OPT): In 2006, Nigeria abstained from voting on a decision468 concerning human rights in Palestine and other occupied Arab territories and a resolution469 concerning human rights in the OPT. Nigeria also voted in favour of a resolution470 concerning human rights in the OPT,

454 Resolution 6/5 Advisory services and technical assistance for Burundi (2007); Resolution 9/19 Advisory services and technical assistance for Burundi (2008).
455 Resolution 16/34 Advisory services and technical assistance for Burundi (2011); Resolution 18/24 Advisory services and technical assistance for Burundi (2015).
457 Resolution 33/24 Human rights situation in Burundi (2016).
469 Resolution S-1/1 Human rights situation in the Occupied Palestinian Territory (2006).
a resolution\textsuperscript{471} concerning Israeli settlements in the OPT, East Jerusalem and the OSG, and a resolution\textsuperscript{472} concerning human rights violations caused by the Israeli military in the OPT. The 2006 resolutions and decisions were sponsored by Pakistan.

In 2007, Nigeria voted in favour of a resolution\textsuperscript{473} concerning religious and cultural rights in the OPT and East Jerusalem, and joined the consensus to support resolutions\textsuperscript{474} concerning human rights in the OPT. These resolutions were sponsored by Pakistan.

In 2008, Nigeria voted in favour of a resolution\textsuperscript{475} concerning Israeli settlements in the OPT, East Jerusalem, and the OSG, and three resolutions\textsuperscript{476} concerning human rights violations emanating from Israeli military attacks in the OPT. Nigeria also joined the consensus to support a resolution\textsuperscript{477} concerning the Palestinian peoples’ right to self-determination. These resolutions were sponsored by Pakistan.

In 2009, Nigeria voted in favour of a resolution\textsuperscript{478} concerning human rights in the OPT and East Jerusalem, a resolution\textsuperscript{479} concerning Israeli settlements in the OPT, East Jerusalem, and the OSG, and a resolution\textsuperscript{480} concerning the Palestinian peoples’ right to self-determination. Nigeria also voted in favour of a resolution\textsuperscript{481} concerning human rights violations emanating from Israeli military operations in the OPT and resolutions\textsuperscript{482} concerning human rights violations in the OPT due to Israeli military attacks against the occupied Gaza Strip. These resolutions were sponsored by Pakistan.

In 2010, Nigeria voted in favour of a resolution\textsuperscript{483} concerning the Palestinian peoples’ right to self-determination, a resolution\textsuperscript{484} concerning Israeli settlements in the OPT, East Jerusalem, and the OSG, sponsored by Pakistan, and a resolution\textsuperscript{485} concerning human rights violations in the OPT and East Jerusalem, sponsored by Pakistan. Nigeria also voted in favour of a resolution\textsuperscript{486} concerning the report of the UN fact-finding mission on the Gaza conflict, sponsored by Pakistan, a resolution\textsuperscript{487} concerning attacks by the Israeli forces against the humanitarian boat convoy, sponsored by Pakistan, and a resolution\textsuperscript{488} concerning the

\textsuperscript{471} Resolution 2/4 \textit{Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan} (2006).

\textsuperscript{472} Resolution 5-3/1 \textit{Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory, including the recent one in northern Gaza and the assault on Beit Hanoun} (2006).

\textsuperscript{473} Resolution 6/19 \textit{Religious and cultural rights in the Occupied Palestinian Territory, including East Jerusalem} (2007).

\textsuperscript{474} Resolution 4/2 \textit{Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolutions S-1/1 and S-3/1} (2007); Resolution 6/18 \textit{Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolutions S-1/1 and S-3/1}(2007).

\textsuperscript{475} Resolution 7/18 \textit{Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan} (2008).

\textsuperscript{476} Resolution 7/1 \textit{Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip} (2008); Resolution 5-6/1 \textit{Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip} (2008); Resolution 9/18 \textit{Follow-up to Resolution S-3/1: Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory and the shelling of Beit Hanoun} (2008).

\textsuperscript{477} Resolution 7/17 \textit{Right of the Palestinian people to self-determination} (2008).

\textsuperscript{478} Resolution 5-12/1 \textit{The human rights situation in the Occupied Palestinian Territory, including East Jerusalem} (2009).

\textsuperscript{479} Resolution 10/18 \textit{Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan} (2009).

\textsuperscript{480} Resolution 10/20 \textit{Right of the Palestinian people to self-determination} (2009).

\textsuperscript{481} Resolution 10/19 \textit{Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory} (2009).

\textsuperscript{482} Resolution 5-9/1 \textit{The Grave Violations of Human Rights in the Occupied Palestinian Territory particularly due to the recent Israeli military aggression on the occupied Gaza Strip} (2009); Resolution 10/21 \textit{Follow-up to Council Resolution 5-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip} (2009).

\textsuperscript{483} Resolution 13/6 \textit{Right of the Palestinian people to self-determination} (2010).

\textsuperscript{484} Resolution 13/7 \textit{Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan} (2010).

\textsuperscript{485} Resolution 13/8 \textit{The grave human rights violations by Israel in the Occupied Palestinian Territory, including East Jerusalem} (2010).

\textsuperscript{486} Resolution 13/9 \textit{Follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict} (2010).

\textsuperscript{487} Resolution 14/1 \textit{The grave attacks by Israeli forces against the humanitarian boat convoy} (2010).

\textsuperscript{488} Resolution 15/1 \textit{Follow-up to the report of the independent international Fact-Finding Mission on the incident of the humanitarian flotilla} (2010).
report of the fact-finding mission on the incident of the humanitarian flotilla, sponsored by Pakistan.

In 2011, Nigeria voted in favour of a resolution concerning human rights in the OPT and East Jerusalem, a resolution concerning the Palestinian peoples’ right to self-determination, and two resolutions, sponsored by Pakistan concerning the report of the fact-finding mission on the incident of the humanitarian flotilla. Nigeria also voted in favour of a resolution concerning Israeli settlements in the OPT, East Jerusalem, and the OSG, and a resolution concerning the report of the UN fact-finding mission on the Gaza conflict.

In 2012, Nigeria voted in favour of a resolution concerning the Palestinian peoples’ right to self-determination, sponsored by Pakistan, a resolution concerning human rights in the OPT and East Jerusalem, a resolution concerning Israeli settlements in the OPT, East Jerusalem, and the OSG, and a resolution concerning accountability and justice for violations of international law in the OPT and East Jerusalem. All 2014 and 2015 resolutions were sponsored by Pakistan.

In 2014, Nigeria joined the consensus to support a resolution concerning respect for international law in the OPT and East Jerusalem. In 2015, Nigeria voted in favour of a resolution concerning the Palestinian peoples’ right to self-determination, a resolution concerning Israeli settlements in the OPT, East Jerusalem, and the OSG, a resolution concerning human rights in the OPT and East Jerusalem, and a resolution concerning accountability and justice for violations of international law in the OPT and East Jerusalem. All 2014 and 2015 resolutions were sponsored by Pakistan.

In 2016, Nigeria voted in favour of a resolution concerning the Palestinian peoples’ right to self-determination, a resolution concerning human rights in the OPT and East Jerusalem, a resolution concerning accountability and justice for violations of international law in the OPT and East Jerusalem, and a resolution concerning Israeli settlements in the OPT, East Jerusalem and the OSG. All 2016 resolutions were sponsored by Pakistan.

**Sudan:** In 2006, Nigeria voted in favour of a decision concerning Darfur. In 2007, Nigeria joined the consensus to support a resolution concerning human rights in Darfur, a resolution concerning the HRC

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489 Resolution 16/29 The human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2011).
490 Resolution 16/30 Right of the Palestinian people to self-determination (2011).
491 Resolution 16/20 Follow-up to the report of the independent international Fact-Finding Mission on the incident of the humanitarian flotilla (2011); Resolution 17/10 Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla (2011).
492 Resolution 16/31 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2011).
494 Resolution 19/15 Right of the Palestinian people to self-determination (2012).
495 Resolution 19/16 Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2012).
496 Resolution 19/17 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2012).
498 Resolution 5-21/1 Ensuring respect for international law in the Occupied Palestinian Territory, including East Jerusalem (2014).
500 Resolution 28/26 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2015).
501 Resolution 28/27 Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2015).
502 Resolution 29/25 Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem (2015).
503 Resolution 31/33 Right of the Palestinian people to self-determination (2016).
504 Resolution 31/34 Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2016).
505 Resolution 31/35 Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem (2016).
506 Resolution 31/36 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2016).
expert group on human rights in Darfur, and a decision\textsuperscript{510} and a resolution\textsuperscript{511} concerning the mandate of the Special Rapporteur on human rights in Darfur. In 2008, Nigeria joined the consensus to support two resolutions\textsuperscript{512} concerning human rights in Sudan.

In 2009 and 2010, Nigeria voted against resolutions\textsuperscript{513} concerning human rights in Sudan, sponsored by Nigeria. In 2010, Nigeria joined the consensus to support a decision\textsuperscript{514} concerning the Independent Expert on human rights in Sudan. In 2011 and 2012, Nigeria joined the consensus each year to support a resolution\textsuperscript{515} concerning technical assistance to Sudan in human rights. In 2015 and 2016, Nigeria joined the consensus to support resolutions\textsuperscript{516} concerning technical assistance and capacity-building for human rights to Sudan. The 2016 resolution was sponsored by South Africa.

**Syrian Arab Republic:** In 2011, Nigeria voted in favour of two resolutions\textsuperscript{517} concerning human rights in Syria. Nigeria also abstained from voting on a resolution\textsuperscript{518} concerning human rights in Syria. In 2012, Nigeria voted in favour of a resolution\textsuperscript{519} concerning human rights in Syria and the killings in El-Haouleh, a resolution\textsuperscript{520} concerning the human rights and humanitarian situation in Syria, and three resolutions\textsuperscript{521} concerning human rights in Syria.

In 2015, Nigeria abstained from voting on resolutions\textsuperscript{522} concerning the human rights and humanitarian situation in Syria, all sponsored by the UK. In 2016, Nigeria abstained from three resolutions\textsuperscript{523} concerning human rights in Syria, all sponsored by the UK.

**Ukraine:** In 2015, Nigeria abstained from voting on a resolution\textsuperscript{524} concerning cooperation and assistance to Ukraine in the field of human rights. In 2016, Nigeria then voted in favour of a resolution\textsuperscript{525} concerning cooperation and assistance to Ukraine in the field of human rights.

**Comments**

During its HRC candidacy, Nigeria pledged to: submit itself to the Universal Periodic Review (UPR), cooperate with UN mechanisms, implement measures to strengthen the right to development, and to reduce discrimination.\textsuperscript{526} Nigeria’s voting record contradicts their pledges as evidenced by voting against or abstaining

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\textsuperscript{510} Decision 6/103 *Mandate of the Special Rapporteur on the situation of human rights in the Sudan* (2007).
\textsuperscript{511} Resolution 6/34 *Mandate of the Special Rapporteur on the situation of human rights in the Sudan* (2007).
\textsuperscript{513} Resolution 11/10 *Situation of human rights in the Sudan* (2009); Resolution 15/27 *Situation of human rights in the Sudan* (2010).
\textsuperscript{515} Resolution 18/16 *Technical assistance for the Sudan in the field of human rights* (2011); Resolution 21/27 *Technical assistance for the Sudan in the field of human rights* (2012).
\textsuperscript{516} Resolution 30/22 *Technical assistance and capacity-building to improve human rights in the Sudan* (2015); Resolution 33/26 *Technical assistance and capacity-building to improve human rights in Sudan* (2016).
\textsuperscript{519} Resolution 520 *The escalating grave human rights violations and deteriorating humanitarian situation in the Syrian Arab Republic* (2012).
\textsuperscript{524} Resolution 528/23 *Cooperation and assistance to Ukraine in the field of human rights* (2015).
\textsuperscript{525} Resolution 529/29 *Cooperation and assistance to Ukraine in the field of human rights* (2016).
from voting on resolutions concerning Belarus, Sudan, North Korea, Syria, Burundi, Iran, Ukraine, Lebanon, and the OPT. Nigeria agreed with the African Group’s position to support action only on resolutions focusing on an African country if the concerned country agrees with the resolution. Nigeria’s stance ignores the fact that intransigent States are often those in which the HRC’s engagement is most necessary. Furthermore, Nigeria’s votes against belie the spirit behind the pledge to “cooperate with UN mechanisms.”

c. Procedural

Publication of Reports by the Subcommission on the Promotion and Protection of Human Rights: In 2009, Nigeria abstained on a decision\(^{527}\) on the publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights.

viii. Sierra Leone

Sierra Leone served on the HRC from January 2013 to December 2015.

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

Sierra Leone abstained from voting on two resolutions concerning SOGI, business and human rights, and one decision concerning the question of the death penalty.

Business and Human Rights: In 2014, Sierra Leone joined the consensus to support a resolution\(^{528}\) concerning human rights, transnational corporations, and business enterprises. Sierra Leone then abstained from voting on a resolution\(^{529}\) sponsored by South Africa concerning the elaboration of an internationally legally binding instrument on transnational corporations with respect to human rights.

Death Penalty: In 2013, Sierra Leone abstained from voting on a decision\(^{530}\) concerning the panel discussion on the question of the death penalty. In 2014 and 2015, Sierra Leone voted in favour of resolutions\(^{531}\) concerning the question of the death penalty.

Sexual Orientation and Gender Identity (SOGI): In 2014, Sierra Leone abstained from voting on a resolution\(^{532}\) concerning human rights and SOGI.

Comments

Sierra Leone abstained from voting on a SOGI resolution. Sierra Leone’s Offences against the Person Act (1861) allows for a life sentence for same-sex activity\(^{533}\) between men. During UPR II, Sierra Leone noted the recommendation to decriminalise homosexuality. Harassment discrimination and violence against the LGBTI community in Sierra Leone persists.\(^{534}\)

Sierra Leone abstained from voting on a business and human rights resolution. Some multinational corporations in Sierra Leone failed to comply with the UN Guiding Principles on Business and Human Rights.

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\(^{527}\) Decision 10/117 Publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights (2009).

\(^{528}\) Resolution 26/22 Human rights and transnational corporations and other business enterprises (2014).

\(^{529}\) Resolution 26/9 Elaboration of an internationally legally binding instrument on transnational corporations and other business enterprises with respect to human rights (2014).

\(^{530}\) Decision 22/117 High-level panel discussion on the question of the death penalty (2013).

\(^{531}\) Resolution 26/2 The question of the death penalty (2014); Resolution 30/5 The question of the death penalty (2015).

\(^{532}\) Resolution 27/32 Human rights, sexual orientation and gender identity (2014).


and violate human rights through forced acquisitions of land and inadequate compensation.535

Sierra Leone improved their record on the issue of the death penalty. Sierra Leone at first abstained from voting on a decision concerning the death penalty, but later voted in favour of two death penalty resolutions in 2014 and 2015. In its pledge before joining the HRC, Sierra Leone affirmed that it would implement recommendations accepted in the UPR. Sierra Leone accepted recommendations on the abolition of the death penalty in the UPR I and the UPR II but has not officially declared a moratorium on the death penalty.

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

Sierra Leone abstained from voting on six resolutions concerning the human rights situation in Iran, the OSG, and Belarus.

Belarus: In 2013, Sierra Leone abstained from voting on a resolution536 concerning human rights in Belarus. In 2014 and 2015, Sierra Leone voted in favour of resolutions537 concerning human rights in Belarus.

The Islamic Republic of Iran: In 2013, Sierra Leone voted in favour of a resolution538 concerning human rights in Iran. In 2014 and 2015, Sierra Leone abstained from voting on resolutions539 concerning human rights in Iran.

The Occupied Syrian Golan (OSG): In 2013 and 2014, Sierra Leone voted in favour of resolutions540 concerning human rights in the OSG. In 2015, Sierra Leone abstained from voting on a resolution541 concerning human rights in the OSG. All resolutions were sponsored by Pakistan.

Comments

In the pledge made during its HRC candidacy, Sierra Leone committed to “international initiatives for the promotion and protection of human rights through the provision of human and technical resources.”542 Irrespective of the pledge, Sierra Leone was reluctant to constructively engage concerns about violations and deteriorations in country situations. Nevertheless, Sierra Leone voted in favour of resolutions concerning the deterioration of human rights in Belarus and did not vote against any other country situation preferring to abstain.

ix. South Africa

South Africa served at the HRC from June 2006 to June 2010 and then from January 2014 to December 2016.

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

South Africa abstained from voting on four resolutions concerning: SOGI, peaceful protests, the rule of law, and religious discrimination. South Africa voted against seven resolutions concerning: civil society space, the effects of terrorism on human rights, preventing violent extremism, protection of the family, peaceful protests, and religious discrimination.

**Civil Society Space:** In 2014, South Africa joined the consensus to support a resolution concerning civil society space. In 2016, South Africa voted against a resolution concerning civil society space. Both resolutions were sponsored by Sierra Leone.

**Protection of the Family:** In 2014, South Africa voted in favour of a resolution concerning protection of the family. In 2015, South Africa voted against a resolution on protection of the family, poverty eradication and sustainable development, co-sponsored by Namibia, Bangladesh, and Sierra Leone. In 2016, South Africa voted in favour of a resolution concerning protection of the family and the human rights of persons with disabilities, sponsored by Bangladesh and Uganda.

**Peaceful Protests:** In 2014, South Africa voted against a resolution concerning the protection of human rights in peaceful protests. In 2016, South Africa abstained from voting on a resolution concerning the protection of human rights in peaceful protests.

**Religious Discrimination:** In 2007, South Africa joined the consensus to support a resolution concerning the elimination of religious intolerance and discrimination. In the same year, South Africa later abstained from voting on a resolution concerning the elimination of religious intolerance and discrimination. In 2009, South Africa voted against a resolution concerning religious discrimination and its impact on the enjoyment of rights. In 2010, South Africa joined the consensus to support a resolution concerning the mandate of the Special Rapporteur on religious freedom. In 2014, South Africa joined the consensus to support a resolution concerning the freedom of religion and a resolution combating intolerance, stereotyping, discrimination and violence based on religion, sponsored by Pakistan.

In 2015, South Africa joined the consensus to support a resolution concerning the freedom of religion.
and a resolution\textsuperscript{557} on combating intolerance, stereotyping, discrimination and violence based on religion, sponsored by Pakistan. In 2016, South Africa joined the consensus to support a resolution\textsuperscript{558} concerning the freedom of religion.

**Rule of Law:** In 2015, South Africa abstained from voting on a resolution\textsuperscript{559} concerning human rights, democracy and the rule of law.

**Sexual Orientation and Gender Identity (SOGI):** In 2014, South Africa voted in favour of a resolution\textsuperscript{560} on human rights and SOGI. In 2016, South Africa abstained from voting on a resolution\textsuperscript{561} concerning protection against violence and discrimination based on SOGI.

**Terrorism and Human Rights:** In 2006, South Africa joined the consensus to support a decision\textsuperscript{562} concerning persons deprived of liberty in counter-terrorism measures. In 2007, South Africa joined the consensus to support a resolution\textsuperscript{563} concerning the mandate of the Special Rapporteur on the protection of human rights and freedoms while countering terrorism. From 2008 through 2010, South Africa joined the consensus every year to support a resolution\textsuperscript{564} concerning the protection of human rights and freedoms while countering terrorism.

In 2012, South Africa joined the consensus to support a resolution\textsuperscript{565} concerning human rights related to terrorist hostage-taking. In 2014 and 2015, South Africa joined the consensus to support resolutions\textsuperscript{566} concerning the protection of human rights and freedoms while countering terrorism. In 2015, South Africa also voted against a resolution\textsuperscript{567} concerning the effects of terrorism on human rights.

In 2016, South Africa joined the consensus to support a resolution\textsuperscript{568} concerning the mandate of the Special Rapporteur on the protection of human rights and freedoms while countering terrorism, South Africa voted in favour of a resolution\textsuperscript{569} concerning the protection of human rights and freedoms while countering terrorism, and South Africa voted against a resolution\textsuperscript{570} concerning the effects of terrorism on human rights.

**Violent Extremism:** In 2015, South Africa voted against a resolution\textsuperscript{571} on preventing and countering violent extremism, sponsored by Bangladesh and Cameroon.

**Comments**

\textsuperscript{557} Resolution 28/29 *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief* (2015).

\textsuperscript{558} Resolution 31/16 *Freedom of religion or belief* (2016).

\textsuperscript{559} Resolution 28/14 *Human rights, democracy and the rule of law* (2015).

\textsuperscript{560} Resolution 27/32 *Human rights, sexual orientation and gender identity* (2014).

\textsuperscript{561} Resolution 32/2 *Protection against violence and discrimination based on sexual orientation and gender identity* (2016).

\textsuperscript{562} Decision 2/112 *Persons deprived of liberty in the context of counter-terrorism measures* (2006).

\textsuperscript{563} Resolution 6/28 *Protection of human rights and fundamental freedoms while countering terrorism: Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism* (2007).

\textsuperscript{564} Resolution 7/7 *Protection of human rights and fundamental freedoms while countering terrorism* (2008); Resolution 10/15 *Protection of human rights and fundamental freedoms while countering terrorism* (2009); Resolution 13/26 *Protection of human rights and fundamental freedoms while countering terrorism* (2010).

\textsuperscript{565} Resolution 21/18 *Human rights and issues related to terrorist hostage-taking* (2012).


\textsuperscript{568} Resolution 31/3 *Protection of human rights and fundamental freedoms while countering terrorism: Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism* (2016).

\textsuperscript{569} Resolution 33/21 *Protection of human rights and fundamental freedoms while countering terrorism* (2016).

\textsuperscript{570} Resolution 31/30 *Effects of terrorism on the enjoyment of all human rights* (2016).

\textsuperscript{571} Resolution 30/15 *Human rights and preventing and countering violent extremism* (2015).
From 2006 to 2014, South Africa voted against one resolution on peaceful protest and another on nonreligious discrimination. From 2015 to 2016, South Africa voted against six resolutions, concerning civil society space, terrorism, violent extremism, peaceful protests, SOGI, the rule of law, and religious freedom. This significant increase in against votes displays a worrying trend in the rejection of Commonwealth values.

South Africa abstained from voting on a resolution concerning protection against violence and discrimination based on SOGI. South Africa affirmed that “its approach to the protection of lesbian, gay, bisexual, transgender and intersex persons was focussed on maximum unity within the Council,” and added that the issue is increasingly sensitive and they “disagree with most others on the African continent.” South Africa explained that its abstention was premised in the Constitution that “years of painful struggle, black and white, 'straight and not straight,' South Africa had come together to bury discrimination once and for all,” and that it was “still healing from wounds caused by discrimination, and would not add fresh ones.”

Thus, South Africa prioritised its interpretation of discrimination and their commitment to the dominant continental opinion over the rights of LGBTI people in South Africa. In 2016, The UN Human Rights Committee noted the “persistence of stigma against persons based on their real or perceived sexual or gender orientation, gender identity or bodily diversity, and that such persons are subject to harassment, acts of discrimination and sexual and physical violence.” Amnesty International reports that “hate crimes, hate speech and discrimination against LGBTI people, including killings and assaults,” continued in South Africa.

While voting against a resolution on civil society space, South Africa asserted that the role of “civil society in post-apartheid South Africa was established in the Constitution, in a context which was clear, and with separation of powers.” South Africa stated that the resolution wrongfully claimed “that there was a clampdown on civil society in South Africa,” and “that the registration of civil society organizations was contrary to international law.” South Africa further opposed the resolution stating that it “placed obligations on States that allowed transfer of funding, provided tax incentives for donors, and allowed unregistered organizations to operate,” and “deliberately omitted the Economic and Social Council resolution governing the participation of civil society.”

On the issue of discrimination based on religion, South Africa abstained from voting on the resolution and stated that the “resolution did not conform to the minimum requirements for a structured format in the context of the processes of review, realization and improvements of mandates.” South Africa stated that “the terms of reference of the mandate of the Special Rapporteur could be so silent on the issue of monitoring the role that could be played by the media in inciting religious hatred.” South Africa further affirmed the need to “take cognizance of the contemporary challenges that face the international human rights system in this matter.”

South Africa voted against a resolution on the effects of terrorism on the enjoyment of human rights. South Africa stated that the resolution failed to differentiate “legitimate struggles by liberation movements for

577 Ibid.
578 Ibid.
579 South Africa’s explanation of vote:Resolution on the elimination of all forms of intolerance and of discrimination based on religion of belief. Available at http://www.humanrightsvotes.org/assets/attachments/documents/6081.pdf
580 Ibid.
581 Ibid.
freedom, statehood and dignity” that “could not be equated with terrorism,” and “reiterated their support to the peoples of Palestine and Western Sahara.”\textsuperscript{582} South Africa further stated that the HRC was “yet to act on the recommendations contained in the reports by Special Procedures on this matter,” and that such inaction contributed to impunity.\textsuperscript{583}

South Africa voted against a resolution on the protection of the family, and stated that “various forms of the family were found in all parts of the world and expressed its concern that the co-sponsors refused to recognize this reality in the corresponding resolution on this matter.”\textsuperscript{584} South Africa urged the co-sponsors to reconsider the matter and asserted that the draft resolution “failed to refer to previously agreed language.”\textsuperscript{585}

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

South Africa abstained from voting on twenty four resolutions concerning cooperation and assistance in Ukraine, accountability in Sri Lanka, and the human rights situations in Syria, Burundi, Belarus, Iran, and North Korea. South Africa voted against one resolution concerning human rights in Iran.

Belarus: From 2014 through 2016, South Africa abstained every year from voting on resolutions\textsuperscript{586} concerning human rights in Belarus.

Burundi: In 2007 and 2008, South Africa joined the consensus to support resolutions\textsuperscript{587} concerning advisory services and technical assistance for Burundi. In 2015, South Africa joined the consensus to support a resolution\textsuperscript{588} concerning technical cooperation and human rights capacity-building for Burundi. In 2016, South Africa abstained from voting on a resolution\textsuperscript{589} concerning human rights in Burundi.

The Islamic Republic of Iran: In 2014 and 2015, South Africa abstained from voting on resolutions\textsuperscript{590} concerning human rights in Iran. In 2016, South Africa voted against a resolution\textsuperscript{591} concerning human rights in Iran.

The Democratic People’s Republic of Korea: From 2008 through 2010, South Africa abstained everyear from voting on resolutions\textsuperscript{592} concerning human rights in North Korea. In 2014 and 2015, South Africa abstained from voting on resolutions\textsuperscript{593} concerning human rights in North Korea. In 2016, South Africa joined the consensus to support a resolution\textsuperscript{594} concerning human rights in North Korea.


\textsuperscript{585} Ibid.


\textsuperscript{587} Resolution 6/5 \textit{Advisory services and technical assistance for Burundi} (2007); Resolution 9/19 \textit{Advisory services and technical assistance for Burundi} (2008).

\textsuperscript{588} Resolution 30/27 \textit{Technical cooperation and capacity building for Burundi in the field of human rights} (2015).

\textsuperscript{589} Resolution 33/24 \textit{Human rights situation in Burundi} (2016).


\textsuperscript{591} Resolution 31/19 \textit{Situation of human rights in the Islamic Republic of Iran} (2016).


\textsuperscript{594} Resolution 31/18 \textit{Situation of human rights in the Democratic People’s Republic of Korea} (2016).
**Sri Lanka:** In 2009, South Africa voted in favour of a resolution 595 on assistance to Sri Lanka in the protection of human rights, sponsored by Sri Lanka. In 2014, South Africa abstained from voting on a resolution 596 concerning reconciliation, accountability, and human rights in Sri Lanka, co-sponsored by the UK and Mauritius. In 2015, South Africa then joined the consensus to support a resolution 597 concerning reconciliation, accountability and human rights in Sri Lanka, co-sponsored by the UK.

**Sudan:** In 2006, South Africa voted in favour of a decision 598 concerning Darfur. In 2007, South Africa joined the consensus to support a resolution 599 concerning human rights in Darfur, a resolution 600 concerning HRC experts on human rights in Darfur and a decision 601 and a resolution 602 concerning the mandate of the Special Rapporteur on human rights in Sudan.


In 2012, South Africa joined the consensus to support a resolution 606 concerning technical assistance in human rights for Sudan. In 2014, 2015, and 2016, South Africa joined the consensus to support resolutions 607 concerning technical assistance and capacity building for human rights in Sudan, sponsored by South Africa.

**The Syrian Arab Republic:** In 2012, South Africa joined the consensus to support a resolution 608 concerning human rights in Syria. In 2014 and 2015, South Africa abstained from voting on three resolutions 609 each year concerning the deteriorating human rights and humanitarian situation in Syria. In 2016, South Africa abstained from voting on four resolutions 610 concerning human rights in Syria. All the resolutions were co-sponsored by the UK.

**Ukraine:** From 2014 through 2016, South Africa abstained every year from voting on resolutions 611 concerning cooperation and assistance to Ukraine in the field of human rights.

**Comments**

595 Resolution 5-11/1 Assistance to Sri Lanka in the promotion and protection of human rights (2009).


611 Resolution 26/30 Cooperation and assistance to Ukraine in the field of human rights (2014); Resolution 29/23 Cooperation and assistance to Ukraine in the field of human rights (2015); Resolution 32/29 Cooperation and assistance to Ukraine in the field of human rights (2016).
In its pledge to join the HRC, South Africa committed to coordinating with UN mechanisms, to promote civil and political rights.612

Nevertheless, South Africa abstained from voting on multiple resolutions that acknowledged ongoing concerns about civil and political rights in Syria, Burundi, Belarus, Ukraine, Iran, North Korea, and Sri Lanka.

On the resolution on reconciliation and accountability in Sri Lanka, South Africa abstained from voting and stated that the “people of Sri Lanka should speedily agree on a process that would allow for a meaningful political process that would bring about a Constitution acceptable to all Sri Lankans.”613 In addition, South Africa “encouraged Sri Lanka to implement the recommendations made by the Lessons Learnt and Reconciliation Commission and had also supported the establishment of an efficient, inclusive and transparent mechanism to deal with human rights violations.”614

c. Procedural

Publication of Reports by the Subcommission on the Promotion and Protection of Human Rights: In 2009, South Africa abstained from voting on a decision615 on the publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights.

x. Uganda

Uganda served the HRC from June 2010 to December 2013.

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

Uganda abstained from voting on one resolution concerning reprisals and voted against one resolution concerning SOGI and one decision on the question of the death penalty.

Death Penalty: In 2011, Uganda joined the consensus to support a decision616 concerning reporting by the Secretary-General on the question of the death penalty. In 2013, Uganda voted against a decision617 concerning the panel discussion of the question of the death penalty.

Reprisals: In 2011, Uganda joined the consensus to support a decision618 concerning reprisals against those that cooperate with the UN human rights mechanisms. In 2013, Uganda abstained from voting on a resolution619 concerning a report on reprisals against those that cooperate with UN human rights mechanisms.

Sexual Orientation and Gender Identity (SOGI): In 2011, Uganda voted against a resolution620 on human rights and SOGI, sponsored by South Africa.

Comments

614 Ibid.
615 Decision 10/117 Publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights (2009).
616 Decision 18/117 Reporting by the Secretary-General on the question of the death penalty (2011).
617 Decision 22/117 High-level panel discussion on the question of the death penalty (2013).
Uganda did not submit a written pledge during their candidacy for the HRC to document their human rights commitments or set a benchmark for future accountability.

Uganda voted against a death penalty resolution and while rejecting a UPR recommendation on the death penalty stated that “the recommendation did not enjoy the support, during the course of country-wide constitution-making consultative processes,” and that “the Supreme Court has ruled, and the Government accepts that after three years, a death sentence which is not enforced is automatically commuted to life imprisonment, without remission.”

The Report of the Working Group on the UPR added that “the last execution had been carried out in 1999.”

Uganda voted against the only SOGI resolution up for a vote during their tenure. Uganda continues to criminalise same-sex behaviour. Human Rights Watch reports that at an LGBTI event “police arrested [LGBTI] activists,” “beat and humiliated hundreds of [LGBTI] people,” and continue to “carry out forced anal examinations on men and transgender women accused of consensual same-sex conduct.” Amnesty International adds that in the aftermath of the legal controversy surrounding Uganda’s anti-homosexuality bill in 2014, “LGBTI people, and those perceived as being so, continu[e] to face arbitrary arrests and beatings, evictions from homes, loss of jobs and mob attacks.”

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

Uganda abstained from voting on 17 resolutions concerning human rights in: Syria, Belarus, Iran, and North Korea. Uganda voted against two resolutions concerning reconciliation and accountability in Sri Lanka.

**Belarus:** From 2011 through 2013, Uganda abstained every year from voting on resolutions concerning human rights in Belarus.

**The Islamic Republic of Iran:** From 2011 through 2013, Uganda abstained every year from voting on resolutions concerning human rights in Iran, sponsored by Zambia.

**The Democratic People’s Republic of Korea:** In 2011, Uganda abstained from voting on a resolution concerning human rights in North Korea. In 2012 and 2013, Uganda joined the consensus to support resolutions concerning human rights in North Korea.

**Sri Lanka:** In 2012 and 2013, Uganda voted each year against a resolution concerning reconciliation and accountability in Sri Lanka.


624 Ibid.


In 2013, Uganda abstained from voting on a resolution635 concerning human rights in Syria, a resolution636 on the deterioration of human rights in Syria and the need to grant immediate access to the Commission of Inquiry sponsored by the UK, and a resolution637 concerning the deterioration of human rights in Syria and the killings in Al-Qusayr. Uganda also voted in favour of a resolution638 on the deterioration of the human rights and humanitarian situation in Syria, sponsored by the UK.

Comments

Uganda supported all resolutions in 2010 at the beginning of its HRC tenure and never voted against any resolution. On country situations, Uganda voted against all resolutions concerning reconciliation and accountability in Sri Lanka. Uganda abstained from voting on all resolutions that pointed to deteriorating human rights situations in Iran and Belarus. Uganda abstained from voting on all resolutions on Syria except for one occasion in 2013.

xi. Zambia

Zambia served two terms at the HRC from June 2006 to June 2011.

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

Zambia abstained from voting on six resolutions concerning: SOGI, defamation of religions, the impact of financial crises on human rights, foreign debt, religious discrimination, and unilateral coercive measures. Zambia voted against one resolution on defamation of religions.

Defamation of Religions: In 2008, Zambia abstained from voting on a resolution639 concerning the defamation of religions. In 2009, Zambia abstained on a resolution640 concerning the defamation of religions. In 2010, Zambia voted against a resolution641 concerning the defamation of religions. All these were sponsored by Pakistan.

Financial Crises: In 2009, Zambia did not vote on a resolution642 concerning the impact of the global economic

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631 Resolution S-16/1 The current human rights situation in the Syrian Arab Republic in the context of recent events (2011); Resolution S-17/1 The human rights situation in the Syrian Arab Republic (2011); Resolution S-18/1 The human rights situation in the Syrian Arab Republic (2011).
634 Resolution 19/1 The escalating grave human rights violations and deteriorating humanitarian situation in the Syrian Arab Republic (2012).
636 Resolution 23/26 The deterioration of the situation of human rights in the Syrian Arab Republic, and the need to grant immediate access to the commission of inquiry (2013).
641 Resolution 13/16 Combating defamation of religions (2010).
and financial crises on human rights and joined the consensus to support a similar resolution.643

**Foreign Debt:** In 2006, Zambia voted in favour of a decision644 concerning the effects of economic reform policies and foreign debt on human rights. In 2008, Zambia voted in favour of a resolution645 concerning the mandate of the Independent Expert on the effects of foreign debt and other international financial obligations of countries on human rights.

In 2009, Zambia did not vote on a decision646 concerning the effects of foreign debt and other international financial obligations of States on human rights. Zambia then voted in favour of a resolution647 concerning the effects of foreign debt and other international financial obligations of States on human rights.

In 2010, Zambia voted in favour of a resolution648 concerning the effects of foreign debt and other international financial obligations of States on human rights. In 2011, Zambia voted in favour of a resolution649 concerning the mandate of the Special Rapporteur on the effects of foreign debt and other international financial obligations of States on human rights and a resolution650 concerning the effects of foreign debt and other international financial obligations of States on human rights.

**Religious Discrimination:** In 2007, Zambia joined the consensus to support a resolution651 concerning the elimination of religious intolerance and discrimination.

In 2009, Zambia abstained from voting on a resolution652 concerning religious discrimination and its impact on rights. In 2010, Zambia joined the consensus to support a resolution653 concerning the mandate of the Special Rapporteur on the freedom of religion. In 2011, Zambia joined the consensus to support a resolution654 concerning the freedom of religion and a resolution,655 sponsored by Pakistan, concerning intolerance, stereotyping, discrimination and violence based on religion.

**Sexual Orientation and Gender Identity (SOGI):** In 2011, Zambia abstained from voting on a resolution656 concerning human rights and SOGI.

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645 Resolution 7/4 *Mandate of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights* (2008).
646 Decision 12/119 *The effect of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights* (2009).
647 Resolution 11/5 *The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights* (2009).
648 Resolution 14/4 *The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights* (2010).
649 Resolution 16/14 *Mandate of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic social and cultural rights* (2011).
650 Resolution 17/7 *The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights* (2011).
651 Resolution 4/10 *Elimination of all forms of intolerance and of discrimination based on religion or belief* (2007).
652 Resolution 10/25 *Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights* (2009).
653 Resolution 14/11 *Freedom of religion or belief: Mandate of the Special Rapporteur on freedom of religion or belief* (2010).
655 Resolution 16/18 *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief* (2011).

**Comments**

Zambia’s voting record generally furthers the cause of human rights. However, Zambia did not support anti-discrimination resolutions relating to the rights of LGBT people. Same-sex behaviour remains criminalised in Zambia and there are multiple reports of the police harassing, arresting, and subjecting those accused of same-sex behaviour to invasive body-cavity searches.\(^\text{661}\) In addition, magistrates do not dismiss the charges and subject the accused to Zambia’s inhumane prison conditions where prisoners “suffer malnutrition, overcrowding, grossly inadequate medical care, and the risk of rape or torture.”\(^\text{662}\)

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

Zambia abstained from voting on six resolutions and one decision concerning human rights in the OPT, North Korea, and Sudan. Zambia did not vote against any country-situation resolution.

**Democratic People’s Republic of Korea:** In 2008, Zambia abstained from voting on a resolution\(^\text{663}\) concerning human rights in North Korea. From 2009 through 2011, Zambia voted every year in favour of a resolution\(^\text{664}\) concerning human rights in North Korea.

**Occupied Palestinian Territory Israel (OPTI):** In 2006, Zambia voted in favour of a decision\(^\text{665}\) concerning human rights in Palestine and other occupied Arab territories and two resolutions\(^\text{666}\) concerning human rights in the OPT. Zambia also voted in favour of a resolution\(^\text{667}\) concerning Israeli settlements in the OPT, East Jerusalem, and the OSG, and a resolution\(^\text{668}\) concerning human rights violations caused by Israeli military incursions in the OPT. All 2006 resolutions were sponsored by Pakistan.

In 2007, Zambia joined the consensus to support resolutions\(^\text{669}\) concerning human rights in the OPT, sponsored by Pakistan. In 2008, Zambia voted in favour of a resolution\(^\text{670}\) concerning the Palestinian peoples’ right to self-determination, a resolution\(^\text{671}\) concerning Israeli settlements in the OPT, East Jerusalem and the

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\(^{657}\) Decision 4/103 Human rights and unilateral coercive measures (2007).

\(^{658}\) Resolution 6/7 Human rights and unilateral coercive measures (2007); Resolution 9/4 Human rights and unilateral coercive measures (2008).

\(^{659}\) Resolution 12/22 Human rights and unilateral coercive measures (2009).

\(^{660}\) Resolution 15/24 Human rights and unilateral coercive measures (2010).


\(^{665}\) Decision 1/106 Human rights situation in Palestine and other occupied Arab territories (2006).

\(^{666}\) Resolution S-1/1 Human rights situation in the Occupied Palestinian Territory (2006); Resolution 3/1 Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolution S-1/1 (2006).


\(^{668}\) Resolution S-3/1 Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory, including the recent one in northern Gaza and the assault on Beit Hanoun (2006).


\(^{670}\) Resolution 7/17 Right of the Palestinian people to self-determination (2008).

\(^{671}\) Resolution 7/18 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2008).
OSG, and resolutions concerning human rights violations emanating from Israeli military incursions in the OPT. Zambia voted in favour of a resolution concerning religious and cultural rights in the OPT and East Jerusalem and a resolution on the elimination of religious intolerance and discrimination. All resolutions were sponsored by Pakistan.

In 2009, Zambia voted in favour of a resolution concerning human rights in the OPT and East Jerusalem, a resolution concerning Israeli settlements in the OPT, East Jerusalem and the OSG, and a resolution concerning the Palestinian peoples’ right to self-determination. Zambia also voted in favour of three resolutions concerning human rights violations caused by the Israeli military in the OPT. All the resolutions were sponsored by Pakistan.

In 2010, Zambia voted in favour of a resolution concerning the Palestinian peoples’ right to self-determination, a resolution concerning Israeli settlements in the OPT, East Jerusalem and the OSG, a resolution concerning human rights violations by Israel in the OPT and East Jerusalem, and a resolution concerning the report of the UN fact-finding mission on the Gaza conflict. Zambia abstained from voting on a resolution concerning attacks by Israeli forces against a humanitarian convoy, a resolution concerning the report of the independent fact-finding mission on the incident of the humanitarian flotilla, and a resolution concerning the committee of experts in international humanitarian and human rights law. All these were sponsored by Pakistan.

In 2011, Zambia abstained from voting on a resolution concerning human rights in the OPT and East Jerusalem, a resolution concerning the report of the UN fact-finding mission on the Gaza conflict, and two resolutions concerning the report of the independent fact-finding mission on the incident of the humanitarian flotilla, sponsored by Pakistan. Zambia also voted in favour of a resolution concerning the Palestinian peoples’ right to self-determination and a resolution concerning Israeli settlements in the OPT, East Jerusalem and the OSG.

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

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

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

675 Resolution 10/20 Right of the Palestinian people to self-determination (2009).

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

677 Resolution 13/6 Right of the Palestinian people to self-determination (2010).

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

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


681 Resolution 14/1 The grave attacks by Israeli forces against the humanitarian boat convoy (2010).

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

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

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


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

687 Resolution 16/30 Right of the Palestinian people to self-determination (2011).

688 Resolution 16/31 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2011).
**Sudan:** In 2006, Zambia abstained from voting on a decision\(^{689}\) concerning Darfur. In 2007, Zambia joined the consensus to support resolutions\(^{690}\) concerning human rights in Darfur and a decision\(^{691}\) and a resolution\(^{692}\) concerning the mandate of the Special Rapporteur on human rights in Sudan.

In 2008, Zambia joined the consensus to support two resolutions\(^{693}\) concerning human rights in Sudan. In 2009 and 2010, Zambia voted in favour of resolutions\(^{694}\) concerning human rights in Sudan. Both resolutions were sponsored by Nigeria. In 2010, Zambia joined the consensus to support a decision\(^{695}\) concerning the Independent Expert on human rights in Sudan.

**Comments**

In the later part of its tenure, Zambia’s stance on OPT resolutions became less progressive as it began abstaining on OPT resolutions. Zambia improved its record on resolutions concerning Sudan and North Korea.

c. Procedural

*Publication of Reports by the Subcommission on the Promotion and Protection of Human Rights:* In 2009, Zambia abstained from voting on a decision\(^{696}\) on the publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights.

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\(^{696}\) Decision 10/117 *Publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights* (2009).
CHAPTER V

Asian-Pacific Commonwealth Countries

Regional Overview

In the last ten years, six Commonwealth countries (Bangladesh, India, Maldives, Malaysia, Pakistan, and Sri Lanka) served at the HRC. Asian-Pacific Commonwealth countries have the second highest representation on the HRC. In the last decade, these countries together constituted 37.7% of Commonwealth countries on average per session and accounted for 53.7% of statements and interventions on average per session. Pakistan and the Maldives are the most active in terms of sponsoring resolutions, with 64 and 23 resolutions respectively.

Asian-Pacific countries are usually selected for the HRC in uncontested regional elections. Some Asian-Pacific countries failed to make HRC pledges as mandated by Resolution 60/251, and thereby avoided scrutiny and responsibilities.

<table>
<thead>
<tr>
<th>Country</th>
<th>Pakistan</th>
<th>India</th>
<th>Bangladesh</th>
<th>Malaysia</th>
<th>Maldives</th>
<th>Sri Lanka</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolutions sponsored</td>
<td>64</td>
<td>4</td>
<td>7</td>
<td>1</td>
<td>23</td>
<td>0</td>
</tr>
</tbody>
</table>

On thematic issues, no Asian-Pacific Commonwealth country ever abstained from voting or voted against a thematic resolution on economic, social, and cultural rights. Records from previous UPR cycles shed light on the voting pattern of these countries on civil and political rights: all the members have at some point voted against or abstained from voting on resolutions concerning SOGI and on the formation of a high-level panel to discuss the death penalty or on the question of the death penalty, except for Sri Lanka.697

On the issue of the death penalty and SOGI, there is stark contrast between the Asia-Pacific countries and Western European and other countries. Same-sex conduct remains criminalised and carries severe punishment in most of the Commonwealth countries in the Asia-Pacific region.

Throughout the Asia-Pacific region, there are multiple incidents of reprisals against people cooperating with the UN human rights mechanisms. Regional reprisals translate into HRC voting patterns. For example, in 2013, India, Pakistan, and Malaysia abstained from voting on the resolution concerning reprisals against those who cooperate with the UN human rights mechanisms and there are reported reprisal cases in India, Pakistan, and Malaysia. In addition, voting in favour of the reprisal resolution does not always signify that there will not be reprisals in a country. For instance, the Maldives voted in favour of the reprisal resolution but government reprisals in the Maldives remain commonplace.

In Asian-Pacific countries there is a discernible trend on religious intolerance. Apart from India and the Maldives, all members of this group have at some point abstained from voting on resolutions that sought to address religious intolerance or discrimination based on religion or belief.

India, Pakistan, and Bangladesh voted against or abstained from voting on resolutions concerning peaceful protests which follows from their trend of excessive use of force by public authorities against peaceful

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697 During the tenure of Sri Lanka no resolution on death penalty came up for voting.
protests. Similar circumstances exist in Sri Lanka, Malaysia, and the Maldives, but their official stance cannot be ascertained as there was no resolution on peaceful protests during their tenure at the HRC.

India was the only Asian-Pacific Commonwealth country to abstain from voting on resolutions on defamation of religions. Resolutions on defamation of religions are regarded by the international community as an attempt to pass an anti-blasphemy resolution in the HRC.

During the ten-year period, Sri Lanka was the only Commonwealth country discussed at the HRC. Asian-Pacific Commonwealth countries supported a resolution promoting reconciliation and accountability in Sri Lanka when Sri Lanka was a sponsor. India, Pakistan, and the Maldives, either voted against or abstained from voting on Resolution 25/1 that requested a comprehensive investigation into human rights abuses committed by both parties in Sri Lanka during the conflict. Subsequently, when Sri Lanka initiated and sponsored HRC Resolution 30/1 that mandated an implementation of a comprehensive transitional justice agenda including the establishment of an accountability mechanism, truth-seeking, and reparations programmes, and institutional reforms giving the government of Sri Lanka authority to implement the measures domestically, all regional Commonwealth members joined to the consensus to support the resolution.

All Asian-Pacific Commonwealth countries supported some country situation resolutions on the OPTI, except for India which changed its stand in 2015 and 2016 and voted against OPTI resolutions. These resolutions were either self-sponsored by Palestine or sponsored by the OIC. Four out of the six Asian-Pacific Commonwealth countries are OIC members.

Asian-Pacific Commonwealth countries generally supported procedural resolutions. However, India and Malaysia voted against and abstained, respectively, on a resolution related to increasing transparency in the HRC. On the other hand, Pakistan and Bangladesh voted in favour of the same resolution.

i. Bangladesh

Bangladesh served at the HRC from June 2006 to June 2012 and is currently serving a term that began in January 2015 and ends in December 2017.

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

Bangladesh abstained from voting on six resolutions concerning: religious discrimination, peaceful protest, drones, torture, and transitional justice. Bangladesh voted against three resolutions concerning: SOGI, and the death penalty.

Death Penalty: In 2011, Bangladesh joined the consensus to support a decision on reporting by the Secretary-General on the question of the death penalty. In 2015, Bangladesh voted against a resolution on the question of the death penalty.


702 Reports of the Subcommission on the Promotion and Protection of Human Rights mandated by the Commission on Human Rights that have been completed and submitted to the Office of the United Nations High Commissioner for Human Rights.

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

704 Resolution 30/5 The question of the death penalty (2015).
Sexual Orientation and Gender Identity (SOGI): In 2011, Bangladesh joined the consensus to support a decision705 on the promotion and protection of human rights in the context of peaceful protests. A year later it held to that position while joining the consensus to support a resolution706 on the promotion and protection of human rights in the context of peaceful protests. However, in 2016, Bangladesh abstained from voting on a resolution707 concerning the promotion and protection of human rights in the context of peaceful protests.

Religious Discrimination: In 2007, Bangladesh joined the consensus to support a resolution708 concerning discrimination based on religion, and then abstained from voting on a resolution709 concerning discrimination based on religion. In 2009, Bangladesh abstained from voting on a resolution710 concerning discrimination based on religion.

Remotely Piloted Aircraft or Armed Drones in Counter-Terrorism: In 2015, Bangladesh abstained from voting on a resolution711 concerning the use of remotely piloted aircraft or armed drones while countering terrorism. The resolution was sponsored by Pakistan.

Sexual Orientation and Gender Identity (SOGI): In 2011, Bangladesh voted against a resolution712 concerning SOGI, sponsored by South Africa. In 2015, Bangladesh voted against a resolution713 concerning protection against violence and discrimination based on SOGI.

Torture: In 2007, Bangladesh joined the consensus on a President’s statement on the twentieth anniversary of the Convention against Torture. In 2009, Bangladesh abstained from voting on a resolution714 concerning torture and the responsibility of medical personnel. In 2010, Bangladesh joined the consensus to support a resolution715 on torture and the role and responsibility of judges. In 2011, Bangladesh joined the consensus on a resolution716 concerning torture and the mandate of the Special Rapporteur.717 In 2016, Bangladesh joined the consensus to support a resolution718 concerning torture while in police custody.


705 Decision 17/120 Panel on the promotion and protection of human rights in the context of peaceful protests (2011).
706 Resolution 19/35 The promotion and protection of human rights in the context of peaceful protests (2012).
707 Resolution 31/37 The promotion and protection of human rights in the context of peaceful protests (2016).
708 Resolution 4/10 Elimination of all forms of intolerance and of discrimination based on religion or belief (2007).
709 Resolution 6/37 Elimination of all forms of intolerance and of discrimination based on religion or belief (2007).
710 Resolution 10/25 Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural right (2009).
711 Resolution 28/3 Ensuring use of remotely piloted aircraft or armed drones in counter-terrorism and military operations in accordance with international law, including international human rights and humanitarian law (2015).
713 Resolution 32/2 Protection against violence and discrimination based on sexual orientation and gender identity (2015).
714 President’s statement 6/2 The twentieth anniversary of the entry into force of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2007).
715 Resolution 10/24 Torture and other cruel, inhuman or degrading treatment or punishment: The role and responsibility of medical and other health personnel (2009).
716 Resolution 13/19 Torture and other cruel, inhuman or degrading treatment or punishment: The role and responsibility of judges, prosecutors and lawyers (2010).
717 Resolution 16/23 Torture and other cruel, inhuman or degrading treatment or punishment: Mandate of the Special Rapporteur (2011).
718 Resolution 31/31 Torture and other cruel, inhuman or degrading treatment or punishment: Safeguards to prevent torture during police custody and pretrial detention (2016).
720 Resolution 9/10 Human rights and transitional justice (2008); Resolution 12/11 Human rights and transitional justice (2009); Resolution 21/15 Human rights and transitional justice (2012).
721 Resolution 33/19 Human rights and transitional justice (2016).
Comments

During its candidacy for a second HRC term, Bangladesh stated that its Constitution “provides for fundamental rights that guarantee, inter alia, equality before law and equal protection of law, protection of life and liberty and prohibition of discriminatory treatment,” and that “discrimination on grounds of race, religion, caste or sex is prohibited.”

Bangladesh then voted against two SOGI resolutions. Same-sex conduct is criminalised in Bangladesh and carries a maximum sentence of life imprisonment. Human Rights Watch notes that Bangladesh rejected UPR recommendations to repeal the law twice. Discrimination and violence are pervasive against the LGBTI community. Human Rights Watch notes that two prominent LGBTI activists “were hacked to death in April,” and that “in June and July 2015, a group of hijras were subjected to harassment and invasive and abusive physical examinations at a government hospital as a requirement to join a government employment program.”

During its HRC candidacy, Bangladesh stated that the “protection of life and liberty” is guaranteed by the Constitution and that Bangladesh is party to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Bangladesh’s abstention on a torture resolution is not consistent with their Constitution or CAT. Human Rights Watch further notes that “security forces reportedly arbitrarily detained and in many cases killed suspected militants,” and that “a kitchen assistant, initially suspected to be one of the attackers, was allegedly tortured to death.” The year before, Human Rights Watch noted that “security forces committed serious abuses including killings, ‘disappearances’, and arbitrary arrests, with few investigations or prosecutions of those responsible,” and that “The Detective Branch of the police, the Bangladesh Border Guards (BGB), and the Rapid Action Battalion (RAB) have been responsible for serious abuses, including arbitrary arrests, torture, enforced disappearances, and killings.” Amnesty International reported that “torture and other ill-treatment in custody was widespread; however, complaints were rarely investigated. The 2013 Torture and Custodial Death (Prevention) Act was poorly enforced due to a lack of political will and awareness among law enforcement agencies,” and that “torture was carried out to extract ‘confessions’, for extortion or to punish political opponents of the government.”

After voting against a resolution on the death penalty, Bangladesh noted that “a moratorium on the use of the death penalty, with a view to its abolition, required a comprehensive appraisal of the international justice system” that had not been undertaken. During the UPR II, Bangladesh claimed that it used the death penalty only as exemplary punishment for heinous crimes and maintains an extremely low rate of executions. In the same UPR, Amnesty International reported that “over 1,000 people are on death row” and that

726 Ibid.
“very few are likely to be pardoned or have their death sentence commuted.”

On the issue of religious discrimination, Bangladesh abstained from voting, and stated that it could not vote in favour because the ongoing international intolerance of Islam was not satisfactorily addressed. During its HRC candidacy, Bangladesh stated that their Constitution “provides for fundamental rights that guarantee, inter alia, equality before law and equal protection of law,” and that discrimination on the grounds of religion is prohibited. Bangladesh further added that it would “continue to promote and protect the rights of the religious and ethnic minorities and work towards maintaining the traditional communal harmony by upholding the secular, pluralist and inclusive values of the State and the society in general.”

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

Bangladesh abstained from voting on twenty resolutions concerning accountability and human rights in Sri Lanka, and the human rights situations in Syria, North Korea, Iran, and Sudan. Bangladesh voted against seven resolutions concerning human rights situations in Belarus, North Korea, Syria, Burundi, and Ukraine.


Burundi: In 2007, 2008, 2011, and 2015, Bangladesh joined the consensus every year to support resolutions concerning advisory services and technical assistance for Burundi. In 2015, Bangladesh joined the consensus to support a resolution concerning the prevention of a deterioration of the human rights situation in Burundi. In 2016, Bangladesh abstained from voting on a resolution concerning the human rights situation in Burundi.

The Democratic People’s Republic of Korea: In 2008, Bangladesh abstained from voting on a resolution concerning the situation of human rights in North Korea. In 2009, Bangladesh joined the consensus to support a resolution concerning human rights in North Korea. In 2010 and 2011, Bangladesh

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737 Ibid.


739 Resolution 6/5 Advisory services and technical assistance for Burundi (2007); Resolution 9/19 Advisory services and technical assistance for Burundi (2008); Resolution 16/34 Advisory services and technical assistance for Burundi (2011); Resolution 18/24 Advisory services and technical assistance for Burundi (2011); Resolution 30/27 Technical cooperation and capacity building for Burundi in the field of human rights (2015).


741 Resolution 33/24 Human rights situation in Burundi (2016).


abstained from voting on resolutions\textsuperscript{744} concerning the situation of human rights in North Korea. In 2012, Bangladesh joined the consensus to support a resolution\textsuperscript{745} concerning human rights in North Korea. In 2015, Bangladesh abstained from voting on a resolution\textsuperscript{746} concerning the human rights situation in North Korea. In 2016, Bangladesh again joined the consensus to support a resolution\textsuperscript{747} concerning human rights in North Korea.

\textbf{The Islamic Republic of Iran:} In 2011, 2012, 2015, and 2016, Bangladesh voted every year against a resolution\textsuperscript{748} on the human rights situation in Iran.

\textbf{Sri Lanka:} In 2009, Bangladesh voted in favour of a resolution\textsuperscript{749} on assistance for the promotion and protection of human rights in Sri Lanka. Sri Lanka was the main sponsor of the resolution. In 2012, Bangladesh voted against a resolution\textsuperscript{750} on promoting reconciliation and accountability in Sri Lanka. In 2015, Bangladesh joined the consensus to support a resolution\textsuperscript{751} on promoting reconciliation and accountability in Sri Lanka.

\textbf{Sudan:} In 2006, Bangladesh voted in favour of a decision\textsuperscript{752} on Darfur. In 2007, Bangladesh joined the consensus to support a resolution\textsuperscript{753} concerning follow up to the decision on Darfur, a resolution\textsuperscript{754} and a decision\textsuperscript{755} on the mandate of the Special Rapporteur, and a resolution\textsuperscript{756} concerning the situation of human rights in Darfur. In 2008, Bangladesh joined the consensus on two resolutions\textsuperscript{757} concerning the human rights situation in Sudan.

In 2010, Bangladesh voted against a resolution\textsuperscript{758} on the human rights situation in Sudan, sponsored by Nigeria, on behalf of the African Group. In 2011 and 2012, Bangladesh joined the consensus to support resolutions\textsuperscript{759} concerning technical assistance to improve the human rights situation in Sudan.

In 2015, Bangladesh joined the consensus to support a resolution\textsuperscript{760} on technical assistance for Sudan. In 2016, Bangladesh joined the consensus to support a resolution\textsuperscript{761} on technical assistance to improve the human rights situation in Sudan.

\textbf{The Syrian Arab Republic:} In 2011, Bangladesh voted against a resolution\textsuperscript{762} concerning the current human


\textsuperscript{745} Resolution 19/13 \textit{The situation of human rights in the Democratic People’s Republic of Korea} (2012).


\textsuperscript{747} Resolution 31/18 \textit{Situation of human rights in the Democratic People’s Republic of Korea} (2016).


\textsuperscript{749} Resolution S-11/1 \textit{Assistance to Sri Lanka in the promotion and protection of human rights} (2009).

\textsuperscript{750} Resolution 19/2 \textit{Promoting reconciliation and accountability in Sri Lanka} (2012).

\textsuperscript{751} Resolution 30/1 \textit{Promoting reconciliation, accountability and human rights in Sri Lanka} (2015).

\textsuperscript{752} Decision 2/115 \textit{Darfur} (2006).


\textsuperscript{754} Resolution 6/34 \textit{Mandate of the Special Rapporteur on the situation of human rights in the Sudan} (2007).

\textsuperscript{755} Decision 6/103 \textit{Mandate of the Special Rapporteur on the situation of human rights in the Sudan} (2007).


\textsuperscript{758} Resolution 15/27 \textit{Situation of human rights in the Sudan} (2010).

\textsuperscript{759} Resolution 18/16 \textit{Technical assistance for the Sudan in the field of human rights} (2011); Resolution 21/27 \textit{Technical assistance for the Sudan in the field of human rights} (2012).

\textsuperscript{760} Resolution 30/22 \textit{Technical assistance and capacity-building to improve human rights in the Sudan} (2015).

\textsuperscript{761} Resolution 33/26 \textit{Technical assistance and capacity-building to improve human rights in Sudan} (2016).

\textsuperscript{762} Resolution S-16/1 \textit{The current human rights situation in the Syrian Arab Republic in the context of recent events} (2011).
rights situation in Syria and two resolutions\textsuperscript{763} on the human rights situation in Syria. In 2012, Bangladesh voted in favour of five resolutions\textsuperscript{764} concerning the human rights situation in Syria.

In 2015 and 2016, Bangladesh abstained from voting on resolutions\textsuperscript{765} concerning the deterioration of the human rights situation in Syria. The UK was a sponsor of these resolutions.

\textbf{Ukraine}: In 2015 and 2016, Bangladesh abstained from voting on resolutions\textsuperscript{766} concerning cooperation and assistance to Ukraine.

\section*{Comments}

During its HRC candidacy, Bangladesh stated that at the international level it would “engage constructively with all parties, on the basis of dialogue and cooperation, to resolve challenges to the full realization of all human rights and to prevent human rights violations throughout the world,” and that it would “continue to work for the full realization of human rights and fundamental freedoms for all, emphasizing, the promotion of democracy, rule of law and good governance at all levels.”\textsuperscript{767} Bangladesh either abstained from voting or voted against multiple resolutions that drew attention to the deteriorating human rights situations and technical assistance in Belarus, Burundi, Ukraine, Syria, Iran, Sudan and Sri Lanka. Bangladesh’s voting record on country situations and human rights abuses departs from their pledge and reflect its resistance to take a definitive stance towards ongoing human rights crises.

\section*{ii. India}

India is currently serving a fourth term at the HRC that began in January 2015 and ends in December 2017. India previously served at the HRC from June 2006 to June 2010 and from June 2011 to December 2014.

\subsection*{a. Thematic Resolutions and Decisions (Civil, Political, Economic, Social and Cultural)}

India abstained from voting on sixteen resolutions concerning: SOGI, defamation of religions, the right to peace, the use of drones, transitional justice, torture, and reprisal killings against those who cooperate with UN human rights mechanisms. India voted against four resolutions and one decision concerning: peaceful protests, the question of the death penalty, and the protection of human rights while countering terrorism.

\textbf{Death Penalty}: In 2011, India voted with the consensus to support a decision\textsuperscript{768} on reporting by the Secretary-General on the question of the death penalty. In 2013, India voted against a decision\textsuperscript{769} on a high-level panel discussion on the question of the death penalty. In 2014 and 2015, India voted against resolutions\textsuperscript{770} on the question of the death penalty.

\begin{itemize}
  \item Resolution S-17/1 \textit{The human rights situation in the Syrian Arab Republic} (2011);
  \item Resolution S-18/1 \textit{The human rights situation in the Syrian Arab Republic} (2011);
  \item Resolution 29/23 \textit{Cooperation and assistance to Ukraine in the field of human rights} (2015); Resolution 32/29 \textit{Cooperation and assistance to Ukraine in the field of human rights} (2016).
  \item Decision 18/117 \textit{Reporting by the Secretary-General on the question of the death penalty} (2011).
  \item Decision 22/117 \textit{High-level panel discussion on the question of the death penalty} (2013).
  \item Resolution 26/2 \textit{The question of the death penalty} (2014); Resolution 30/5 \textit{The question of the death penalty} (2015).
\end{itemize}
Defamation of Religions: From 2007 through 2010, India voted every year against resolutions\(^771\) on combating the defamation of religions. All defamation of religions resolutions were sponsored by Pakistan.

Peaceful Protests: From 2011 through 2013, India voted with the consensus every year to support decisions\(^772\) or resolutions\(^773\) on the promotion and protection of human rights in the context of peaceful protests. India then voted in 2014, against a resolution\(^774\) on the promotion and protection of human rights in the context of peaceful protests. In 2016, India voted in favour of a similar resolution\(^775\) concerning peaceful protests.

Remotely Piloted Aircraft or Armed Drones in Counter-Terrorism: In 2014 and 2015, India abstained from voting on resolutions\(^776\) concerning the use of drones while countering terrorism. Pakistan sponsored both these resolutions.

Reprisals: In 2009 and 2010, India joined the consensus to adopt a resolution\(^777\) and a decision,\(^778\) respectively concerning reprisals against those who cooperate with United Nations human rights mechanisms. In 2013, India abstained from voting on a resolution\(^779\) concerning reprisals against those who cooperate with United Nations human rights mechanisms.

Right to Peace: In 2008, 2009, and 2010, India abstained from voting on resolutions\(^780\) concerning the right to peace. In 2011, India voted with the consensus to support a resolution\(^781\) on the right to peace. In 2012 and 2013, India abstained from voting on resolutions\(^782\) on the right to peace. From 2014 through 2016, India voted every year in favour of resolutions\(^783\) on the right to peace.

Sexual Orientation and Gender Identity (SOGI): In 2014, India abstained from voting on a resolution\(^784\) concerning human rights and SOGI. In 2016, India abstained from voting on a resolution\(^785\) concerning discrimination based on SOGI.

Terrorism and Human Rights: In 2006, India voted with the consensus to support a decision\(^786\) on counter-terrorism measures. In 2007, 2013, and 2016, India voted with the consensus every year to

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\(^771\) Resolution 4/9 Combating defamation of religions (2007); Resolution 7/19 Combating defamation of religions (2008); Resolution 10/22 Combating defamation of religions (2009); Resolution 13/16 Combating defamation of religions (2010).

\(^772\) Decision 17/120 Panel on the promotion and protection of human rights in the context of peaceful protests (2011).

\(^773\) Resolution 19/35 The promotion and protection of human rights in the context of peaceful protests (2012); Resolution 22/10 The promotion and protection of human rights in the context of peaceful protests (2013).

\(^774\) Resolution 25/38 The promotion and protection of human rights in the context of peaceful protests (2014).

\(^775\) Resolution 31/37 The promotion and protection of human rights in the context of peaceful protests (2016).

\(^776\) Resolution 25/22 Ensuring use of remotely piloted aircraft or armed drones in counter-terrorism and military operations in accordance with international law, including international human rights and humanitarian law (2014); Resolution 28/3 Ensuring use of remotely piloted aircraft or armed drones in counter-terrorism and military operations in accordance with international law, including international human rights and humanitarian law (2015).

\(^777\) Resolution 12/2 Cooperation with the United Nations, its representatives and mechanisms in the field of human rights (2009).

\(^778\) Decision 18/118 Cooperation with the United Nations, its representatives and mechanisms in the field of human rights (2010).

\(^779\) Resolution 24/24 Cooperation with the United Nations, its representatives and mechanisms in the field of human rights (2013).

\(^780\) Resolution 8/9 Promotion of the right of peoples to peace (2008); Resolution 11/4 Promotion of the right of peoples to peace (2009); Resolution 14/3 Promotion of the right of peoples to peace (2010).

\(^781\) Resolution 17/16 Promotion of the right of peoples to peace (2011).

\(^782\) Resolution 20/15 Promotion of the right of peoples to peace (2012); Resolution 23/16 Promotion of the right of peoples to peace (2013).

\(^783\) Resolution 30/12 Promotion of the right of peoples to peace (2015); Resolution 32/28 Declaration on the right to peace (2016).

\(^784\) Resolution 27/32 Human rights, sexual orientation and gender identity (2014).

\(^785\) Resolution 32/2 Protection against violence and discrimination based on sexual orientation and gender identity (2016).

\(^786\) Decision 2/112 Persons deprived of liberty in the context of counter-terrorism measures (2006).

**Torture:** In 2007, India joined the consensus on a President’s statement on the twentieth anniversary of the Convention against Torture. In 2009, India abstained from voting on a resolution concerning torture and the responsibility of medical personnel. In 2010 and 2013, India joined the consensus on a resolution concerning torture and the responsibility of judges, and a resolution on rehabilitation of torture victims, respectively. In 2014 and 2016, India joined the consensus on a resolution on torture and the mandate of the Special Rapporteur and a resolution on torture during police custody, respectively.

**Transitional Justice:** In 2007, India joined the consensus to adopt a decision on transitional justice. In 2008, 2009, and 2012, India joined the consensus every year on resolutions concerning transitional justice. In 2016, India abstained from voting on a resolution concerning transitional justice.

**Comments**

India did not consistently support thematic issues related to civil and political rights including the death penalty, reprisals, defamation of religions, torture, drones, the right to peace, peaceful protests, and SOGI. Prior to 2013, India had never voted against any thematic resolution.

After India joined the consensus in 2012 and 2013 on the issue of peaceful protests India voted against a resolution on peaceful protests in 2014. India stated that even though the limitations are enshrined in the International Covenant on Civil and Political Rights (ICCPR), the resolution “fail[ed] to acknowledge the responsibility of protesters to operate peacefully within the national legal framework and ensure that such protests do not turn violent resulting in destruction of property or any loss of life.”

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787 Resolution 6/28 Protection of human rights and fundamental freedoms while countering terrorism: Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2007); Resolution 22/8 Protection of human rights and fundamental freedoms while countering terrorism: Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2007); Resolution 31/3 Protection of human rights and fundamental freedoms while countering terrorism: Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2009).


789 Resolution 33/21 Protection of human rights and fundamental freedoms while countering terrorism (2016).


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

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

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

794 Resolution 22/21 Torture and other cruel, inhuman or degrading treatment or punishment: Rehabilitation of torture victims (2013).

795 Resolution 25/13 Torture and other cruel, inhuman or degrading treatment or punishment: Mandate of the Special Rapporteur (2014).

796 Resolution 31/31 Torture and other cruel, inhuman or degrading treatment or punishment: Safeguards to prevent torture during police custody and pre-trial detention (2016).


798 Resolution 9/10 Human rights and transitional justice (2008); Resolution 12/11 Human rights and transitional justice (2009); Resolution 21/15 Human rights and transitional justice (2012).

799 Resolution 33/19 Human rights and transitional justice (2016).

During UPR II, it was noted that public authorities use excessive force during anti-government protests. There are repeated incidents where authorities use section 144 of the Criminal Procedure Code to prevent public gathering to protest. Illustratively, in 2015 a peaceful protest led by Kanhar Bandh Virodhi Sangarsh Samiti and the All Indian Union of Forest Working People was dispersed forcefully by the security forces in Uttar Pradesh. In 2016, Jammu and Kashmir authorities reportedly used excessive use of force, including pellet guns. Over 400 people including children were detained and more than 500 people were injured.

India abstained from voting on a resolution concerning reprisals against those that cooperate with United Nations human rights mechanisms. There are multiple reports that Indian authorities sometimes intimidate individuals and NGOs who attempt to cooperate with the UN. In 2016, Indian authorities detained a Kashmiri human rights activist to prevent him from speaking at the HRC.

India abstained from voting on all resolutions combating the defamation of religions. India stated that the resolution addresses “the issue from a narrow perspective while linking it to racism, and improperly singles out one religion as its focus.” Therefore, India submitted that the “issue is best addressed under the rubric of either religious intolerance or the abuse of the freedom of expression.”

India took an oblique stance on resolutions concerning SOGI, explaining that there are curative petitions pending in the Supreme Court of India and therefore India maintained that the matter was sub judicesthe court had not pronounced its judgement In 2013, the Supreme Court of India reversed a Delhi High Court ruling and re-criminalised homosexuality under section 377 of the Indian Penal Code (IPC). Since the re-criminalisation, there has been a significant increase in the number of cases registered against people accused of same-sex conduct. The publicity around these developments have drawn attention to the violence and discrimination LGBTI people face. Increased reporting seems to suggest the strong and ongoing vulnerability of the LGBTI community in the absence of statutory protection. While section 377 serves as a tool of prosecution, LGBTI people face discrimination in both public and private domains. Human Rights Watch notes that “LGBTI individuals continue to face harassment, extortion, intimidation, and abuse, including by the police.” In 2015, there were 1,347 complaints reported under section 377 of the IPC.

India abstained from voting on the resolution restricting the use of remotely piloted aircraft and armed drones while countering terrorism, stating that the “resolution’s scope was too broad and many of the aspects included needed to be appropriately deliberated upon at different fora.”

On the issue of the death penalty, India maintained that it is “the sovereign right of each nation to choose
its legal system and to punish crimes in accordance with its domestic legislation.’”812 In the UPR II, India maintained that the death penalty is awarded only in the rarest of rare cases and that the last death sentence was given in 2004.813 Months after India’s UPR II statement, India resumed death penalty executions and a person was executed each year in 2012, 2013, and 2015. In 2016, there were 397 prisoners on death row. The death sentence is also given for non-homicide offences.814

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

India abstained from voting on thirty four resolutions concerning: cooperation and assistance in Ukraine, accountability and human rights in Sri Lanka, the human rights situation in Syria, North Korea, Iran, Sudan, the OPTI, and Burundi. India voted against eight resolutions concerning the human rights situations in Belarus and Iran.

Belarus: In 2011, India joined the consensus to support a resolution815 on the human rights situation in Belarus. From 2012 through 2016, India voted every year against a resolution on human rights in Belarus.816

Burundi: In 2007, 2008, and 2011, India joined the consensus every year on resolutions817 concerning technical assistance for Burundi. In 2015, India joined the consensus on a resolution818 concerning the deterioration of the human rights situation in Burundi and on a resolution819 concerning technical assistance and capacity-building for Burundi. In 2016, India abstained from voting on a resolution concerning the human rights situation in Burundi.


The Islamic Republic of Iran: In 2012 and 2013, India abstained from voting on resolutions823 concerning the human rights situation in Iran. From 2014 through 2016, India voted every year against resolutions824

817 Resolution 6/5 Advisory services and technical assistance for Burundi (2007); Resolution 9/19 Advisory services and technical assistance for Burundi (2008); Resolution 18/24 Advisory services and technical assistance for Burundi (2011).
818 Resolution 5-24/1 Preventing the deterioration of the human rights situation in Burundi (2015).
820 Resolution 33/24 Human rights situation in Burundi (2016).
In 2007, India joined the consensus on two resolutions following up on human rights violations in the OPT. In 2008, India voted in favour of two resolutions concerning Israeli military attacks, a follow-up resolution to Israeli military incursions and a resolution on Israeli settlements in the OPT. India joined the consensus on a resolution concerning the self-determination of the Palestinian people.

In 2009, India voted in favour of resolutions concerning human rights violations in the OPT, a resolution on Israeli settlements, and a resolution on Palestinian self-determination.

In 2010, India voted in favour of a resolution on follow-up to the report on the Gaza conflict, a resolution on human rights violations by Israel in the OPT, a resolution on Palestinian self-determination, a resolution on Israeli settlements, and a resolution on the Israeli attack of a humanitarian convoy.

In 2011, India joined the consensus on a resolution concerning the follow-up report to the fact-finding mission on the humanitarian flotilla. In 2012, India voted in favour of a resolution on the follow-up report to the Gaza conflict, a resolution on the human rights situation in the OPT, a resolution on Palestinian self-determination.

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827 Resolution S-1/1 Human rights situation in the Occupied Palestinian Territory (2006); Resolution 3/1 Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolution S 1/1 (2006);
828 Resolution 2/4 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan (2006); Resolution S-3/1 Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory, including the recent one in northern Gaza and the assault on Beit Hanoun (2006).
830 Resolution S-6/1 Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip (2008); Resolution 7/1 Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian territory, particularly the recent ones in the occupied Gaza Strip (2008).
831 Resolution 9/18 Follow-up to Resolution S-3/1: Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory and the shelling of Beit Hanoun (2008).
832 Resolution 7/18 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2008).
834 Resolution S-9/1 The Grave Violations of Human Rights in the Occupied Palestinian Territory particularly due to the recent Israeli military aggression on the occupied Gaza Strip (2009); Resolution 10/21 Follow-up to Council Resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip (2009); Resolution 10/19 Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory (2009); Resolution S-12/1 The human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2009).
835 Resolution 10/18 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2009).
836 Resolution 10/20 Right of the Palestinian people to self-determination (2009).
838 Resolution 13/8 The grave human rights violations by Israel in the Occupied Palestinian Territory, including East Jerusalem (2010);
839 Resolution 13/6 Right of the Palestinian people to self-determination (2010).
840 Resolution 13/7 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2010).
841 Resolution 14/1 The grave attacks by Israeli forces against the humanitarian boat convoy (2010).
842 Resolution 17/10 Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla (2011).
844 Resolution 19/16 Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2012).
845 Resolution 19/15 Right of the Palestinian people to self-determination (2012).
self-determination, and a resolution\textsuperscript{846} on Israeli settlements.

In 2013, India voted in favour of resolutions\textsuperscript{847} on the follow up reports on Israeli settlements and the Gaza conflict, a resolution\textsuperscript{848} on the human rights situation in the OPT, a resolution\textsuperscript{849} on Palestinian self-determination, and a resolution\textsuperscript{850} on Israeli settlements.

In 2014, India voted in favour of a resolution\textsuperscript{851} on the follow-up report on the Gaza conflict, a resolution\textsuperscript{852} on the human rights situation in the OPT, a resolution\textsuperscript{853} on Palestinian self-determination, a resolution\textsuperscript{854} on Israeli settlements, and a resolution\textsuperscript{855} concerning the respect of international law in the OPT.

In 2015, India voted in favour of a resolution\textsuperscript{856} on the human rights situation in the OPT, a resolution\textsuperscript{857} on Palestinian self-determination, and a resolution\textsuperscript{858} on Israeli settlements. India then abstained from voting on a resolution\textsuperscript{859} on accountability and justice in the OPT.

In 2016, India voted in favour of a resolution\textsuperscript{860} on the human rights situation in the OPT, and a resolution\textsuperscript{861} on Israeli settlements. India then abstained on a resolution\textsuperscript{862} on accountability and justice in the OPT. India joined the consensus on a resolution\textsuperscript{863} concerning Palestinian self-determination. Except for the resolutions in 2012, Pakistan was a sponsor of all the OPT resolutions.

**Sri Lanka:** In 2009, 2012, and 2013, India voted in favour of resolutions\textsuperscript{864} concerning reconciliation and accountability in Sri Lanka. In 2014, India abstained from voting on a resolution\textsuperscript{865} concerning reconciliation and accountability in Sri Lanka; the UK and Mauritius were the co-sponsors of the resolution. In 2015, India joined the consensus to support a resolution\textsuperscript{866} on reconciliation and accountability in Sri Lanka; the UK was a co-sponsor of the resolution.

\textsuperscript{846} Resolution 19/17 *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan* (2012).

\textsuperscript{847} Resolution 22/29 *Follow-up to the report of the independent international Fact-Finding Mission to investigate the implications of Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem* (2013); Resolution 22/25 *Follow-up to the report of the United Nations independent international Fact Finding Mission on the Gaza conflict* (2013).

\textsuperscript{848} Resolution 22/28 *Human rights situation in the Occupied Palestinian Territory, including East Jerusalem* (2013).

\textsuperscript{849} Resolution 22/27 *Right of the Palestinian people to self-determination* (2013).

\textsuperscript{850} Resolution 22/26 *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan* (2013).


\textsuperscript{852} Resolution 25/29 *Human rights situation in Occupied Palestinian Territory, including East Jerusalem* (2014).

\textsuperscript{853} Resolution 25/27 *Right of the Palestinian people to self-determination* (2014).

\textsuperscript{854} Resolution 25/28 *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan* (2014).

\textsuperscript{855} Resolution S-21/1 *Ensuring respect for international law in the Occupied Palestinian Territory, including East Jerusalem* (2014).

\textsuperscript{856} Resolution 28/27 *Human rights situation in the Occupied Palestinian Territory, including East Jerusalem* (2015).


\textsuperscript{858} Resolution 28/26 *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan* (2015).

\textsuperscript{859} Resolution 29/25 *Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem* (2015).

\textsuperscript{860} Resolution 31/34 *Human rights situation in the Occupied Palestinian Territory, including East Jerusalem* (2016).

\textsuperscript{861} Resolution 31/36 *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan* (2016).

\textsuperscript{862} Resolution 31/35 *Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem* (2016).

\textsuperscript{863} Resolution 31/33 *Right of the Palestinian people to self-determination* (2016).


Sudan: In 2006, India voted in favour of a decision\textsuperscript{867} on Darfur. In 2007, India joined the consensus to support a resolution\textsuperscript{868} and a decision\textsuperscript{869} concerning the mandate of the Special Rapporteur on the human rights situation in Sudan. In 2008, India joined the consensus to support two resolutions\textsuperscript{870} on the situation of human rights in Sudan. In 2009, India abstained from voting on a resolution\textsuperscript{871} concerning the human rights situation in Sudan.

In 2010, India joined the consensus to support a decision\textsuperscript{872} concerning the Independent Expert on the human rights situation in Sudan. From 2011 through 2016, India joined the consensus every year on resolutions\textsuperscript{873} concerning technical assistance to improve human rights in Sudan. South Africa sponsored the 2016 resolution.

The Syrian Arab Republic: In 2011, India abstained from voting on two resolutions\textsuperscript{874} concerning the human rights situation in Syria. In 2012, India voted in favour, voted against, then voted in favour again, on Syria-related resolutions\textsuperscript{875} during a special session.

From 2012 through 2016, India abstained from voting every year on multiple resolutions\textsuperscript{876} concerning the human rights situation in Syria. The UK was a co-sponsor of the resolutions put to vote between 2013 and 2016.

Ukraine: In 2014, 2015, and 2016, India abstained from voting on resolutions\textsuperscript{877} concerning cooperation and assistance to Ukraine in the field of human rights.

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\textsuperscript{867} Decision 2/115 \textit{Darfur} (2006).

\textsuperscript{868} Resolution 6/34 \textit{Mandate of the Special Rapporteur on the situation of human rights in the Sudan} (2007).

\textsuperscript{869} Decision 6/103 \textit{Mandate of the Special Rapporteur on the situation of human rights in the Sudan} (2007).


\textsuperscript{871} Resolution 11/10 \textit{Situation of human rights in the Sudan} (2009).

\textsuperscript{872} Decision 14/117 \textit{The Independent Expert on the situation of human rights in the Sudan} (2010).


\textsuperscript{874} Resolution S-17/1 \textit{The human rights situation in the Syrian Arab Republic} (2011); Resolution S-18/1 \textit{The human rights situation in the Syrian Arab Republic} (2011).

\textsuperscript{875} Resolution 19/22 \textit{Situation of human rights in the Syrian Arab Republic} (2012); Resolution 19/1 \textit{The escalating grave human rights violations and deteriorating humanitarian situation in the Syrian Arab Republic} (2012); Resolution S-19/1 \textit{The deteriorating situation of human rights in the Syrian Arab Republic, and the recent killings in El-Houleh} (2012).


\textsuperscript{877} Resolution 26/30 \textit{Cooperation and assistance to Ukraine in the field of human rights} (2014); Resolution 29/23 \textit{Cooperation and assistance to Ukraine in the field of human rights} (2015); Resolution 32/29 \textit{Cooperation and assistance to Ukraine in the field of human rights} (2016).
Comments

In 2011, India pledged to “cooperate with other United Nations member states, especially developing countries, least developed countries and small island States, upon request, in their implementation of human rights obligations through capacity-building by way of technical cooperation, [and] human rights dialogues.”\(^ {878}\) India’s HRC voting record demonstrates repeated opposition to country situation resolutions.

In June 2016, India voiced its concern over putting a spotlight on country situations at the HRC by stating that it supports greater cooperation and dialogue, but rejects the “perpetuation and proliferation of country specific mandates under this agenda item, focusing only on developing countries.”\(^ {879}\) India abstained from voting on multiple resolutions that pointed to human rights violations in Syria, Burundi, Ukraine, the OPT, North Korea, Sri Lanka and Iran, and voted against resolutions on Belarus and Iran.

In case of its neighbour, Sri Lanka, India voted in favour of the 2012 and 2013 resolutions on accountability and reconciliation in Sri Lanka. India then abstained from voting on a 2014 resolution to set up a UN inquiry into allegations of wartime violations, arguing that “adopting an intrusive approach that undermines national sovereignty and institutions is counterproductive.”\(^ {880}\)

Most of India’s abstentions and votes against occurred after 2012, indicating a further deterioration of India’s support for the HRC’s action on country-specific human rights situations.

c. Procedural

Publication of Reports by the Subcommission on the Promotion and Protection of Human Rights: In 2009, India voted against a decision\(^ {881}\) on the publishing of reports completed by the Subcommission on the Promotion and Protection of Human Rights.

iii. Malaysia

Malaysia served one term at the HRC between June 2006 and June 2009 and another term between June 2010 and December 2013.

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

Malaysia abstained from voting on four resolutions concerning religious discrimination, torture, and reprisals. Malaysia voted against one resolution concerning SOGI and a decision on the death penalty.

Death Penalty: In 2011, Malaysia joined the consensus to support a decision\(^ {882}\) on reporting by the Secretary-General on the question of the death penalty. In 2013, Malaysia then voted against a decision\(^ {883}\) on a high-level panel discussion on the question of the death penalty.

Religious Discrimination: In 2007, Malaysia joined the consensus to support a resolution\(^ {884}\) concerning


\(^{881}\) Decision 10/117 Publication of reports completed by the Sub-commission on the Promotion and Protection of Human Rights, (2009).

\(^{882}\) Decision 18/117 Reporting by the Secretary-General on the question of the death penalty (2011).

\(^{883}\) Decision 22/117 High-level panel discussion on the question of the death penalty (2013).

\(^{884}\) Resolution 4/10 Elimination of all forms of intolerance and of discrimination based on religion or belief (2007).

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

Reprisals: In 2011, Malaysia joined the consensus on a decision concerning reprisals against those who cooperate with UN human rights mechanisms. In 2013, Malaysia abstained from voting on a resolution concerning reprisals against those who cooperate with UN human rights mechanisms.

Sexual Orientation and Gender Identity (SOGI): In 2011, Malaysia voted against a resolution on human rights and SOGI, sponsored by South Africa.

Torture: In 2006 and 2007, Malaysia joined the consensus to support a President's statement on the entry into force of optional protocol on torture and a President's statement on the twentieth anniversary of the Convention against Torture (CAT). In 2008, Malaysia joined the consensus to support a resolution on torture. In 2009, Malaysia abstained from voting on a resolution concerning torture and the responsibility of medical personnel. In 2011 and 2013, Malaysia joined the consensus on a resolution concerning torture and the mandate of the Special Rapporteur, and a resolution on rehabilitation of torture victims, respectively.

Comments

Malaysia voted against a death penalty decision, and commented that there is no international consensus on a moratorium or abolition of the death penalty and therefore it requires a balanced approach from the international community. Malaysia raised its concern over the fact that the draft decision failed to recognise the sovereign right of each country to decide on its own criminal justice system. During the UPR II, Malaysia stated that it would consider replacing mandatory death sentences with prison sentences but no action was taken. In the UPR II, Amnesty International noted that “in October 2012, the Government

885 Resolution 6/37 Elimination of all forms of intolerance and of discrimination based on religion or belief (2007); Resolution 10/25 Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights (2009).
886 Resolution 18/18 Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief (2011); Resolution 19/25 Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against persons based on religion or belief (2012); Resolution 22/31 Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against persons based on religion or belief (2013).
887 Resolution 16/13 Freedom of religion or belief (2011); Resolution 19/8 Freedom of religion or belief (2012); Resolution 22/20 Freedom of religion or belief (2013).
891 Presidential Statement 1/1 Entry into force of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2006).
892 Presidential Statement 6/2 The twentieth anniversary of the entry into force of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2007).
893 Resolution 8/8 Torture and other cruel, inhuman or degrading treatment or punishment (2008).
894 Resolution 10/24 Torture and other cruel, inhuman or degrading treatment or punishment: The role and responsibility of medical and other health personnel (2009).
895 Resolution 16/23 Torture and other cruel, inhuman or degrading treatment or punishment: Mandate of the Special Rapporteur (2011).
896 Resolution 22/21 Torture and other cruel, inhuman or degrading treatment or punishment: Rehabilitation of torture victims (2013).
898 Ibid.
reported that there were more than 930 prisoners on death row. Between 2014 and 2017, 14 Malaysians and two foreigners were executed by Malaysia.

On the resolution concerning the elimination of all forms of intolerance and of discrimination based on religion or belief, Malaysia associated itself with the OIC and stated that the right to change one’s religion or belief included in the resolution had no legal validity or effect. Malaysia highlighted that its constitutional provisions provide the right to freedom of religion for its culturally and religiously diverse society. The United Nations Country Team (UNCT) of Malaysia, noted in their UPR II submission that “the rise in state-led conservative Muslim ideology threatened the ability of Muslims to practice their religion in a form and content other than as prescribed by the religious authorities,” and that State and non-State actors used Sharia and civil laws punitively. Shias were restricted from public celebration or practice and Susan and content other than as prescribed by the religious authorities,” and that State and non-State actors used Sharia and civil laws punitively. Shias were restricted from public celebration or practice and Susan and content other than as prescribed by the religious authorities. The provisions provide the right to freedom of religion for its culturally and religiously diverse society. The United Nations Country Team (UNCT) of Malaysia, noted in their UPR II submission that “the rise in state-led conservative Muslim ideology threatened the ability of Muslims to practice their religion in a form and content other than as prescribed by the religious authorities,” and that State and non-State actors used Sharia and civil laws punitively. Shias were restricted from public celebration or practice and Susan and content other than as prescribed by the religious authorities.

The UNCT also noted bans on a number of publications of different religions, including the official newspaper of the Roman Catholic Church (The Herald), and the books Muslim Women and the Challenges of Islamic Extremism and Allah, Liberty and Love. While voting against the resolution on SOGI, Malaysia noted that cultural beliefs had a bearing on societal and normative views of sexual behaviour. During the UPR II, Malaysia stated that “matters involving lesbian, gay, bisexual, and transgender persons and adherents of other schools of Islamic thought would be handled carefully and consistent with cultural traditions, religious doctrine and societal norms, and domestic laws and regulations.” However, the UNCT pointed out that the practice of discrimination against lesbian, gay, bisexual and transgender children is growing continuously. Human Rights Watch notes that “Article 377A of the [Malaysian] penal code criminalizes same-sex activity between men with punishments of up to 20 years in prison and whippings,” in addition there are “numerous Sharia-based laws and regulations” that target LGBTI persons.

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

Malaysia abstained from voting on eleven resolutions concerning human rights situations in: Sri Lanka, Belarus, Iran, Syria, and North Korea. Malaysia voted against four resolutions concerning human rights situations in: Sudan, Syria, and North Korea.


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903 Ibid.

904 Ibid.

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


The Democratic People's Republic of Korea: In 2008 Malaysia voted against a resolution concerning the human rights situation in North Korea. In 2009 and 2011, Malaysia then abstained from voting on resolutions concerning the human rights situation in North Korea. In 2012 and 2013, Malaysia joined the consensus on resolutions concerning the human rights situation in North Korea.

The Islamic Republic of Iran: From 2011 through 2013, Malaysia abstained every year from voting on resolutions concerning the human rights situation in Iran.


Sudan: In 2006, Malaysia joined the consensus to support a resolution on Darfur. In 2007, Malaysia joined the consensus to support a resolution concerning the human rights situation in Darfur, a resolution concerning the group of experts on the situation in Sudan, and a resolution and a decision on the mandate of the Special Rapporteur. In 2008, Malaysia joined the consensus on resolutions concerning the human rights situation in Sudan. In 2009 and 2010, Malaysia voted against resolutions concerning the human rights situation in Sudan. From 2011

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914 Resolution S-11/1 Assistance to Sri Lanka in the promotion and protection of human rights (2009).
916 Resolution S-16/1 The current human rights situation in the Syrian Arab Republic in the context of recent events (2011).
917 Resolution S-17/1 The human rights situation in the Syrian Arab Republic (2011).
through 2013, Malaysia joined the consensus every year to support resolutions\textsuperscript{929} concerning technical assistance and capacity building in Sudan.

**Comments**

Malaysia pledged to support the OHCHR, help achieve development goals, and advance the rights of vulnerable groups.\textsuperscript{930} However, Malaysia’s voting record reflects its reluctance to follow the HRC’s mandate and address ongoing human rights crises in countries as evidenced by repeated abstention or against votes on country situations except when joining the consensus.

c. **Procedural**

*Publication of Reports by the Subcommission on the Promotion and Protection of Human Rights*: In 2009, Malaysia abstained from voting on a decision\textsuperscript{931} concerning the publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights.

iv. **The Maldives**

The Maldives served at the HRC for two terms between June 2010 and December 2016.

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

The Maldives abstained from voting on eleven resolutions concerning: the death penalty, business and human rights, peasant’s rights, the judicial system, mercenaries, and People of African Descent. The Maldives voted against three resolutions concerning SOGI.

**Business and Human Rights**: In 2011, 2012, and 2014, the Maldives joined the consensus to support resolutions\textsuperscript{932} on human rights and transnational corporations. India and Nigeria were co-sponsors of the 2011 resolution, and Ghana was a co-sponsor of the 2012 and 2014 resolutions. In 2014, the Maldives abstained from voting on a resolution\textsuperscript{933} concerning an international legally binding instrument on business and human rights, of which South Africa was a co-sponsor. In 2016, the Maldives joined the consensus to support a resolution\textsuperscript{934} concerning business and human rights.

**Death Penalty**: In 2011, the Maldives joined the consensus to support a decision\textsuperscript{935} on reporting by the Secretary-General on the question of the death penalty. In 2013, the Maldives abstained from voting on a decision\textsuperscript{936} on the high-level panel discussion on the question of the death penalty. In 2014 and 2015, the Maldives

\textsuperscript{929} Resolution 18/16 *Technical assistance for the Sudan in the field of human rights* (2011); Resolution 21/27 *Technical assistance for the Sudan in the field of human rights* (2012); Resolution 24/28 *Technical assistance for the Sudan in the field of human rights* (2013);


\textsuperscript{931} Decision 10/117 *Publication of reports completed by the Sub-commission on the Promotion and Protection of Human Rights* (2009).

\textsuperscript{932} Resolution 17/4 *Human rights and transnational corporations and other business enterprises* (2011); Resolution 21/5 *Contribution of the United Nations system as a whole to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles on Business and Human Rights; Resolution 26/22 Human rights and transnational corporations and other business enterprises*.

\textsuperscript{933} Resolution 26/9 *Elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights* (2014).

\textsuperscript{934} Resolution 32/10 *Business and human rights: Improving accountability and access to remedy* (2016).

\textsuperscript{935} Decision 18/117 *Reporting by the Secretary-General on the question of the death penalty* (2011).

\textsuperscript{936} Decision 22/117 *High-level panel discussion on the question of the death penalty* (2013).
In 2012, the Maldives joined the consensus to support a resolution949 to establish an open-ended Intergovernmental Working Group on transnational corporations and other business enterprises with respect to human rights; whose mandate shall be to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises.

“Decides to establish an open-ended intergovernmental working group Intergovernmental Working Group on transnational corporations and other business enterprises with respect to human rights; whose mandate shall be to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises.”

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

Judicial System: From 2010 through 2013, the Maldives joined the consensus every year to support resolutions concerning: the independence of the judiciary,938 the mandate of the Special Rapporteur on the independence of judges,939 the administration of justice and human rights,940 and integrity of the judicial system.941 In 2014, the Maldives abstained from voting on a resolution942 concerning the integrity of the judicial system.

From 2014 through 2016, the Maldives joined the consensus to support resolutions concerning: the mandate of the Special Rapporteur on the independence of judges,943 the independence of judges,944 the administration of justice and human rights,945 and the integrity of the judicial system.946 The Maldives was the co-sponsor of resolutions on the mandate of the Special Rapporteur on the independence of judges, and the independence of the judiciary.

Mercenaries: In 2010, the Maldives abstained from voting on a resolution947 to set up an open-ended Intergovernmental Working Group to consider the possibility of elaborating the regulatory framework and oversight of the activities of private militaries and security companies. The resolution was sponsored by South Africa. In 2010 and 2011, the Maldives abstained from voting on resolutions948 concerning the use of mercenaries as a means of violating human rights.

In 2012, the Maldives joined the consensus to support a resolution949 to establish an open-ended Intergovernmental Working Group to consider the possibility of elaborating the regulatory framework and oversight of the activities of private militaries and security companies. The Maldives voted in favour of a resolution950 concerning the use of mercenaries as a means of violating human rights.

In 2013, the Maldives voted in favour of a resolution951 concerning an open-ended Intergovernmental Working Group to consider the possibility of elaborating the regulatory framework and oversight of the activities of private militaries and a resolution952 concerning the use of mercenaries as a means of violating human rights.

937 Resolution 26/2 The question of the death penalty (2014); Resolution 30/5 The question of the death penalty (2015).
938 Resolution 15/3 Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (2010); Resolution 23/6 Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers (2013).
939 Resolution 17/2 Mandate of the Special Rapporteur on the independence of judges and lawyers (2011).
940 Resolution 18/12 Human rights in the administration of justice, in particular juvenile justice (2011); Resolution 24/12 Human rights in the administration of justice, including juvenile justice (2013).
941 Resolution 19/31 Integrity of the judicial system (2012).
943 Resolution 26/7 Mandate of the Special Rapporteur on the independence of judges and lawyers (2014).
944 Resolution 29/6 Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers (2015).
945 Resolution 30/7 Human rights in the administration of justice, in particular juvenile justice (2015).
946 Resolution 31/2 Integrity of the judicial system (2016).
947 Resolution 15/26 Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies (2010).
948 Resolution 15/12 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (2010); Resolution 18/4 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (2011).
949 Resolution 21/29 Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies (2012).
950 Resolution 21/8 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (2012).
951 Resolution 22/33 Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies (2013).
952 Resolution 24/13 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (2013).
human rights. In 2014, the Maldives voted in favour of a resolution\(^{953}\) concerning the use of mercenaries as a means of violating human rights.

In 2015, the Maldives voted in favour of a resolution\(^{954}\) concerning a renewal of the mandate of the open-ended Intergovernmental Working Group to consider the possibility of elaborating the regulatory framework and oversight of the activities of private militaries, and a resolution\(^{955}\) concerning the use of mercenaries as a means of violating human rights. In 2016, the Maldives voted in favour of a resolution\(^{956}\) concerning the use of mercenaries as a means of violating human rights.

**Peasants’ Rights:** In 2012 and 2014, the Maldives abstained from voting on resolutions\(^{957}\) concerning the protection of peasant’s human rights. In 2015, the Maldives voted in favour of a resolution\(^{958}\) concerning the protection of peasant’s human rights. South Africa co-sponsored all resolutions.

**People of African Descent:** In 2011, the Maldives joined the consensus to support a resolution\(^{959}\) concerning the mandate of the Working Group on People of African descent, sponsored by South Africa. In 2014, the Maldives joined the consensus to support a resolution\(^{960}\) concerning the international decade for People of African Descent, a follow-up resolution\(^{961}\) on implementation of the international decade, and a resolution\(^{962}\) on the mandate of the Working Group on People of African Descent. In 2015, the Maldives abstained from voting on a resolution\(^{963}\) on the forum on People of African Descent.

**Sexual Orientation and Gender Identity (SOGI):** In 2011 and 2014, the Maldives voted against resolutions\(^{964}\) on human rights and SOGI. South Africa was the sponsor of the resolution in 2011. In 2016, the Maldives voted against a resolution\(^{965}\) on discrimination based on SOGI.

**Comments**

The Maldives showed constructive engagement by sponsoring resolutions on the environment, the independence of the judiciary, and the freedom of peaceful assembly.

However, while it has pledged to promote a culture of respect, incorporate human rights into development,

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954 Resolution 28/7 *Renewal of the mandate of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies* (2015).

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

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

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

958 Resolution 30/13 *Promotion and protection of the human rights of peasants and other people working in rural areas* (2015).


965 Resolution 32/2 *Protection against violence and discrimination based on sexual orientation and gender identity* (2016).
and work for vulnerable communities, the Maldives’ voting record on the issues of peasant’s rights, business and human rights, and integrity of the judiciary falls short of their pledge. The Maldives consistently voted against SOGI and the death penalty resolutions.

During UPR I, the Maldives committed to maintain the independence and impartiality of the judiciary and noted that judges must be people of integrity and the highest educational and professional standing. The Maldives also accepted the UPR recommendation on building a strong and independent judiciary. In 2013, the Special Rapporteur on the independence of judges and lawyers stated that “the current composition of the Judicial Service Commission was inadequate and politicized.” In 2014, when the resolution on the integrity of judges came to a vote the Maldives abstained from voting. In 2014, the same Special Rapporteur indicated that “since her visit in 2013 there had been a serious deterioration in respect for the rule of law and independence of the judiciary.” In 2015, during the UPR II, the Maldivian government stated that “the Judiciary, with other institutions, must be given the time and space to grow organically into a robust democratic institution.”

The Maldives voted against every SOGI resolution. During the UPR II, the Maldives maintained that anything contrary to Islam including lesbian, gay, bisexual and transgender people, would not be entertained by the people of the Maldives. In 2016, the Maldives voted against the resolution on discrimination based on sexual orientation and gender identity. The Maldives criminalises same-sex behaviour under a new legislation passed in 2014 and under Sharia law. Sharia law criminalises same-sex behaviour for men and women; for men, the punishment is banishment for nine months to one year or a whipping of 10 to 30 strokes, while the punishment for women is house arrest for nine months to one year. Several incidents have been reported under the new regulation.

In 2014 and 2015, the Maldives abstained from voting on resolutions on the question of the death penalty. During the UPR I, the Maldives rejected the recommendations to abolish the death penalty but said, “the Maldives is committed to maintaining a moratorium on the death penalty.” In 2014, the Maldives introduced “procedural regulations on investigating and penalising the crime of murder,” these regulations prescribe the death penalty and may indicate the intention to carry out executions. Maldives has not carried out any death sentences for the past 60 years. There were none during its term at the HRC but there

969 Ibid.
The Maldives abstained from voting on five resolutions concerning: cooperation and assistance to Ukraine, and the human rights situations in Burundi, Belarus, and Iran. The Maldives voted against three resolutions concerning reconciliation and accountability in Sri Lanka. The Maldives did not vote on one resolution concerning the human rights situation in Iran.

Belarus: Between 2011 and 2015, the Maldives voted in favour of five resolutions on the human rights situation in Belarus. In 2016, the Maldives then abstained from voting on a resolution concerning the human rights situation in Belarus.

Burundi: In 2011, the Maldives joined the consensus to support two resolutions concerning technical assistance for Burundi. In 2015, the Maldives joined the consensus to support a resolution concerning capacity-building for the Burundi and a resolution concerning the deterioration of human rights in Burundi. In 2016, the Maldives abstained on a resolution concerning the human right situation in Burundi.

The Islamic Republic of Iran: From 2011 through 2013, the Maldives voted every year in favour of resolutions on the human rights situation in Iran. In 2014, the Maldives did not vote on a resolution concerning the human rights situation in Iran. In 2015 and 2016, the Maldives abstained from voting on resolutions concerning the human rights situation in Iran.

Sri Lanka: In 2012, 2013, and 2014, the Maldives voted against resolutions on reconciliation and accountability in Sri Lanka. In 2015, the Maldives then joined the consensus on a resolution concerning reconciliation and accountability in Sri Lanka. The UK was a co-sponsor of the 2014 and 2015 resolutions.

Ukraine: In 2014 and 2015, the Maldives voted in favour of resolutions on cooperation and assistance to Ukraine. In 2016, the Maldives abstained from voting on a resolution concerning cooperation and assistance to Ukraine.

981 Resolution 16/34 Advisory services and technical assistance for Burundi (2011); Resolution 18/24 Advisory services and technical assistance for Burundi (2011).
983 Resolution 5-24/1 Preventing the deterioration of the human rights situation in Burundi (2015).
984 Resolution 33/24 Human rights situation in Burundi (2016).
990 Resolution 26/30 Cooperation and assistance to Ukraine in the field of human rights (2014); Resolution 29/23 Cooperation and assistance to Ukraine in the field of human rights (2015).
991 Resolution 32/29 Cooperation and assistance to Ukraine in the field of human rights (2016).
Comments

The Maldives actively engages with country situation resolutions at the HRC. The Maldives joined the consensus on most of the resolutions and voted in favour of several resolutions that highlighted the human rights situation in countries. The Maldives supported most of the resolutions on Syria and the OPT.

In sharp contrast, the Maldives voted against almost all resolutions on promoting reconciliation and accountability in Sri Lanka, and voted against a resolution creating an independent international mechanism to investigate the final months of the conflict. The Maldives expressed its support for Sri Lanka’s sovereignty and territorial integrity and further affirmed that the international community must refrain from taking any initiatives that would negatively impact reconciliation in Sri Lanka. In 2015, the Maldives changed its position and joined the consensus to support a resolution on reconciliation and accountability in Sri Lanka. The Maldives was reluctant to support resolutions against Iran.

The Maldives frequently joins the positions, decisions, and interventions made by the OIC at the HRC. On procedural issues, the Maldives showed a keen interest and even co-sponsored a resolution to establish the Voluntary Technical Assistance Trust Fund to support the participation of Least Developed Countries (LDCs) and Small Island Developing States (SIDS) in the work of the HRC.

v. Pakistan

Pakistan served two terms on the Council between June 2006 and June 2011 and another term between January 2013 and December 2015.

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

Pakistan abstained from voting on five resolutions and one decision concerning: religious discrimination, torture, the death penalty, violent extremism, and reprisal killings. Pakistan voted against five resolutions concerning: SOGI, peaceful protests, and the death penalty.

Death Penalty: In 2013, Pakistan abstained from voting on a decision on the question of the death penalty. In 2014 and 2015, Pakistan voted against resolutions concerning the question of the death penalty.

Violent Extremism: In 2015, Pakistan abstained from voting on a resolution concerning violent extremism. Bangladesh was the co-sponsor of the resolution.

Peaceful Protests: In 2011 and 2013, Pakistan voted with the consensus to support a decision and a resolution, respectively, on the promotion and protection of human rights in the context of peaceful protests. In 2014, Pakistan then voted against a resolution on the promotion and protection of human rights in the context of peaceful protests.

994 Decision 22/117 High-level panel discussion on the question of the death penalty (2013).
995 Resolution 26/2 The question of the death penalty (2014); Resolution 30/5 The question of the death penalty (2015).
996 Resolution 30/15 Human rights and preventing and countering violent extremism (2015).
997 Decision 17/120 Panel on the promotion and protection of human rights in the context of peaceful protests (2011).
998 Resolution 22/10 The promotion and protection of human rights in the context of peaceful protests (2013).
999 Resolution 25/38 The promotion and protection of human rights in the context of peaceful protests (2014).
Religious Discrimination: In 2007, Pakistan joined the consensus to support a resolution 1000 concerning discrimination based on religion and later abstained from voting on a resolution 1001 concerning discrimination based on religion. In 2009, Pakistan again abstained from voting on a resolution 1002 concerning discrimination based on religion.

Reprisals: In 2009, Pakistan joined the consensus to support a decision 1003 concerning reprisals against those who cooperate with the UN in the field of human rights. In 2013, Pakistan abstained from voting on a resolution 1004 concerning reprisals against those who cooperate with the UN in the field of human rights.

Sexual Orientation and Gender Identity (SOGI): In 2011 and 2014, Pakistan voted against resolutions 1005 concerning human rights and SOGI. South Africa was the sponsor of 2011 resolution.

Torture: In 2006 and 2007, Pakistan joined the consensus to support the President’s statement 1006 on the entry into force of the Optional Protocol on CAT and a President’s statement 1007 on the twentieth anniversary of CAT. In 2008, Pakistan joined the consensus to support a resolution 1008 on torture. In 2009, Pakistan abstained from voting on a resolution 1009 concerning torture and the responsibility of medical personnel. In 2010, Pakistan joined the consensus to support a resolution 1010 concerning torture and the role and responsibility of judges. In 2011 and 2014, Pakistan joined the consensus to support resolutions 1011 concerning torture and the mandate of the Special Rapporteur. In 2013, Pakistan joined the consensus to support a resolution 1012 on the rehabilitation of torture victims.

Comments

Pakistan abstained from voting on a resolution concerning the death penalty in 2013 that urged the international community to abolish the death penalty. In June 2014, Pakistan then voted against repealing the death penalty. While voting against the resolution, Pakistan affirmed that each country has “the sovereign right to decide its own criminal justice system, including whether to maintain or abolish the death penalty or to impose a moratorium on the use of death penalty.” 1013 Pakistan lifted an informal moratorium on the death penalty and has since executed 423 people. 1014 According to Human Rights Watch, “those on

1000 Resolution 4/10 Elimination of all forms of intolerance and of discrimination based on religion or belief (2007).
1001 Resolution 6/37 Elimination of all forms of intolerance and of discrimination based on religion or belief (2007).
1002 Resolution 10/25 Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural right (2009).
1006 President’s statement 1/1 Entry into force of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2006).
1007 President’s statement 6/2 The twentieth anniversary of the entry into force of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2007).
1008 Resolution 8/8 Torture and other cruel, inhuman or degrading treatment or punishment (2008).
1009 Resolution 10/24 Torture and other cruel, inhuman or degrading treatment or punishment: The role and responsibility of medical and other health personnel (2009).
1010 Resolution 13/19 Torture and other cruel, inhuman or degrading treatment or punishment: The role and responsibility of judges, prosecutors and lawyers (2010).
1011 Resolution 16/23 Torture and other cruel, inhuman or degrading treatment or punishment: Mandate of the Special Rapporteur (2011); Resolution 25/13 Torture and other cruel, inhuman or degrading treatment or punishment: Mandate of the Special Rapporteur (2014).
1012 Resolution 22/21 Torture and other cruel, inhuman or degrading treatment or punishment: Rehabilitation of torture victims (2013).
1014 The Justice Project of Pakistan http://www.jpp.org.pk/, Reprieve accorded that by June of 2016, 404 people had been executed http://www.reprieve.org.uk/400_executions_in_pakistan/, Amnesty International reports that between December 2014 and December 2015, 326 people were executed.
death row are often from the most marginalized sections of society, including people with disabilities.”

In addition, 8,200 people remain on death row convicted in unfair trials where information is extracted through torture or there is not an adequate public defense attorney for the accused.

Pakistan abstained from voting on a resolution concerning the elimination of all forms of intolerance and of discrimination based on religion or belief. Pakistan objected on behalf of the OIC based on norms in Muslim countries that prohibit leaving Islam. Pakistan disassociated itself from the phrase “including the right to change one’s religion or belief” as mentioned in the draft resolution. On the contrary, in the UPR II Pakistan claimed that the “Protection of the rights of minorities is a Constitutional requirement. The Constitution of Pakistan guarantees equal rights and status to all citizens, irrespective of race, religion, caste, or place of work.”

Pakistan’s Foreign Minister further affirmed that the “Constitution guaranteed the rights of minorities to freely profess their religion and visit their places of worship.” However, violence often affects religious minorities and there is persistent State-sanctioned discrimination against the Ahmaddiya community. In their national report submitted to the HRC, Pakistan accepted the growing discourse on defamation of religions, alongside blasphemy laws to combat dissent and criticism of religions or beliefs. For example, of the 19 people on death row convicted of blasphemy the majority are religious minorities.

Pakistan abstained from voting on a resolution countering violent extremism. However, during UPR II, Pakistan’s Minister for Foreign Affairs stated that “extremists were targeting the vast majority of Muslims who were moderate and did not subscribe to their extremist agenda.”

Pakistan spoke on behalf of the OIC and voted against a SOGI resolution, stating that it is against all acts of violence or discrimination committed against any individual. Pakistan’s criminal code specifically penalizes sexual relations between men and there have been reports of abuse of sexual minorities while in police custody. Pakistan asserted that it did not recognize and support certain notions promoted through the HRC on SOGI, as they did not believe that they were universal issues. However, attacks against transgender people continue and in May 2016 a transgender woman died after she was shot eight times. At the HRC,
Pakistan stated that wider connotations of sexual orientation could be detrimental and that religious and cultural values of Muslims should be respected.1029

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

Pakistan abstained from voting on eighteen resolutions concerning: the human rights situation in Syria, North Korea, Iran, Sudan, Belarus, and accountability and human rights in Sri Lanka. Pakistan voted against ten resolutions concerning: the human rights situation in Belarus, North Korea, Syria, and Ukraine.

**Belarus:** In 2011, 2013, 2014, and 2015, Pakistan abstained from voting on resolutions1030 concerning the human rights situation in Belarus.

**The Democratic People's Republic of Korea:** In 2008 Pakistan abstained from voting on a resolution1031 concerning the situation of human rights in North Korea. In 2009, Pakistan joined the consensus to support a resolution1032 on the human rights situation in North Korea. In 2010 and 2011, Pakistan abstained from voting on resolutions1033 on the human rights situation in North Korea. In 2013 Pakistan then joined the consensus to support a resolution1034 on the human rights situation in North Korea. In 2014 and 2015, Pakistan voted against and abstained, respectively, on resolutions1035 on the situation of human rights in North Korea.

**The Islamic Republic of Iran:** In 2011 and then from 2013 through 2015, Pakistan voted against resolutions1036 on the human rights situation in Iran.

**The Syrian Arab Republic:** In 2011, Pakistan voted against a resolution1037 concerning the human rights situation in Syria. In 2013, Pakistan voted in favour of a resolution1038 on the human rights situation in Syria. Pakistan then abstained from voting on a resolution1039 on the deteriorating situation of human rights in Syria, sponsored by the UK and subsequently voted in favour of two resolutions1040 on the deterioration of the human rights situation in Syria.

In 2014 and 2015, Pakistan abstained from voting on six resolutions1041 concerning the deterioration of the human rights situation in Syria. The UK was a main sponsor of these resolutions.

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1037 Resolution 5-16/1 The current human rights situation in the Syrian Arab Republic in the context of recent events (2011).
1039 Resolution 23/26 The deterioration of the situation of human rights in the Syrian Arab Republic, and the need to grant immediate access to the commission of inquiry (2013).
**Sri Lanka:** In 2009, Pakistan voted in favour of a resolution\textsuperscript{1042} concerning assistance for the promotion and protection of human rights in Sri Lanka. Sri Lanka was the main sponsor of this resolution.\textsuperscript{1043} In 2013 and 2014, Pakistan voted against resolutions on promoting reconciliation and accountability in Sri Lanka. The UK and Mauritius were the sponsors of the resolution in 2014. In 2015, Pakistan joined the consensus to support a resolution\textsuperscript{1044} on promoting reconciliation and accountability in Sri Lanka.

**Sudan:** In 2006, Pakistan voted in favour of a resolution\textsuperscript{1045} on Darfur. In 2007, Pakistan joined the consensus to support a resolution\textsuperscript{1046} concerning the follow up to the decision on Darfur, a resolution\textsuperscript{1047} and a decision\textsuperscript{1048} on the mandate of the Special Rapporteur, and a resolution\textsuperscript{1049} concerning the group of experts on the situation of human rights in Darfur. In 2008, Pakistan joined the consensus to support two resolutions\textsuperscript{1050} concerning the human rights situation in Sudan.

In 2010, Pakistan voted against a resolution\textsuperscript{1051} on the human rights situation in Sudan, sponsored by Nigeria, on behalf of the African Group.

In 2013, Pakistan joined the consensus to support a resolution\textsuperscript{1052} concerning technical assistance to Sudan in the field of human rights. In 2014, Pakistan joined the consensus to support a resolution\textsuperscript{1053} concerning technical assistance to improve human rights in Sudan. In 2015, Pakistan joined the consensus to support a resolution\textsuperscript{1054} on technical assistance to improve human rights in Sudan.

**Ukraine:** In 2014 and 2015, Pakistan abstained from voting each year on a resolution\textsuperscript{1055} concerning cooperation and assistance to Ukraine.

**Comments**

Pakistan’s voting record at the HRC is mixed. Pakistan was most constructive at the HRC between 2006 and 2010 when it voted against only one resolution. After 2010, Pakistan voted against thirteen resolutions.\textsuperscript{1056} Pakistan sponsored more resolutions than any other Commonwealth member country,\textsuperscript{1057} but most of them were primarily focused on the human rights situation in the OPT and the OSG.

Apart from the OPT and OSG, Pakistan voted against or abstained from voting on multiple resolutions concerning country situations in Iran, Sri Lanka, North Korea, Syria, Sudan, Belarus, and Ukraine.

Pakistan voted against a 2014 resolution on promoting reconciliation, accountability and human rights in Sri Lanka, with a view that an “international investigation by the Office of the High Commissioner was violative of Sri Lanka’s sovereignty and territorial integrity, and in contradiction with the Charter of the

\textsuperscript{1042} Resolution S-11/1 \textit{Assistance to Sri Lanka in the promotion and protection of human rights} (2009).


\textsuperscript{1044} Resolution 30/1 \textit{Promoting reconciliation, accountability and human rights in Sri Lanka} (2015).

\textsuperscript{1045} Decision 2/115 \textit{Darfur} (2006).


\textsuperscript{1047} Resolution 6/34 \textit{Mandate of the Special Rapporteur on the situation of human rights in the Sudan} (2007).

\textsuperscript{1048} Decision 6/103 \textit{Mandate of the Special Rapporteur on the situation of human rights in the Sudan} (2007).


\textsuperscript{1051} Resolution 15/27 \textit{Situation of human rights in the Sudan} (2010).

\textsuperscript{1052} Resolution 24/28 \textit{Technical assistance for the Sudan in the field of human rights} (2013).

\textsuperscript{1053} Resolution 27/29 \textit{Technical assistance and capacity-building to improve human rights in the Sudan} (2014).

\textsuperscript{1054} Resolution 30/22 \textit{Technical assistance and capacity-building to improve human rights in the Sudan} (2015).

\textsuperscript{1055} Resolution 26/30 \textit{Cooperation and assistance to Ukraine in the field of human rights} (2014); Resolution 29/23 \textit{Cooperation and assistance to Ukraine in the field of human rights} (2015).

\textsuperscript{1056} Pakistan abstained only on the Democratic Republic of Korea up to 2010, but from 2011 onwards Pakistan voted against resolutions on the Islamic republic of Korea, Syria, Democratic Republic of Korea and Sri Lanka and abstained to vote on Belarus, Ukraine and Syria.

\textsuperscript{1057} Out of 64 resolutions sponsored/co-sponsored by Pakistan, 49 are on country situations.
United Nations.” Pakistan expressed concerns that the proposed time period covered by this investigation was biased against Sri Lanka as it would not include abuses perpetrated by the Liberation Tigers of Tamil Eelam (LTTE) before 2002.

vi. Sri Lanka

Sri Lanka served one term on the HRC from June 2006 to June 2008.

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

Sri Lanka abstained from voting on one resolution concerning religious discrimination and voted against one resolution concerning good governance.

Good Governance: In 2008, Sri Lanka voted against a resolution on good governance.


Comments

During its HRC candidacy, Sri Lanka reiterated that it “is a party to the International Covenant on Civil and Political Rights (ICCPR),” and that it “will be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind in a fair and equal manner.” However, Sri Lanka abstained from voting on a resolution concerning the freedom of religion and belief, citing reasons similar to Pakistan, in that they objected to the corresponding resolution not taking into account the norms in Muslim countries that prohibit leaving Islam as a religion.

Sri Lanka’s abstained from voting on a good governance resolution, and explained its vote by saying a “particular grouping should not be singled out,” and that the resolution “gave the impression of preferential treatment.” During its HRC candidacy, Sri Lanka stated that if elected it would “participate actively and constructively in all deliberations of the Council for the promotion and protection of human rights in all parts of the world and for the furtherance of international human rights and humanitarian law.”

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

Sri Lanka abstained from voting on only one resolution on country situations.
The Democratic People’s Republic of Korea: In 2008, Sri Lanka abstained from voting on a resolution\textsuperscript{1067} concerning the human rights situation in North Korea.

Comments

Sri Lanka only abstained from voting on one North Korea related resolution. However, during their candidacy, Sri Lanka stated that it would “participate actively and constructively in all deliberations of the Council for the promotion and protection of human rights in all parts of the world and for the furtherance of international human rights and humanitarian law.”\textsuperscript{1068}

CHAPTER VI

Western European and Other Commonwealth Countries

Regional Overview

During the ten-year period analysed, the only Western European and other Commonwealth (WEOC) countries at the HRC were the United Kingdom (UK) and Canada. WEOC countries comprised 9.73% of Commonwealth countries on average per session, and accounted for 15.2% of statements and interventions on average per session. The average is also low because there was no WEOC representation from session 18 through session 24. The UK and Canada jointly sponsored a total of 28 resolutions.

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<thead>
<tr>
<th>Country</th>
<th>The United Kingdom</th>
<th>Canada</th>
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<td>Resolutions sponsored</td>
<td>24</td>
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In several respects, the voting records of Canada and the UK contrast starkly with the trends observed among Asian-Pacific and African Commonwealth countries. On thematic issues, the UK and Canada repeatedly voted against resolutions relating to: international solidarity, foreign debt, unilateral coercive measures, promotion of the right of peoples to peace, combating defamation of religions, and multiple resolutions regarding racism. Some of these votes are due to specific wordings in the resolutions.

While voting against resolutions on unilateral coercive measures and foreign debt, the UK and Canada objected to the HRC as an appropriate forum to discuss these issues.

The UK and Canada repeatedly voted in favour of resolutions concerning: SOGI, support for civil society space, human rights in the context of peaceful protests, and resolutions on the abolition of the death penalty, which is not the case with Asia-Pacific and African countries. Both the UK and Canada voted in favour of the resolution condemning religious discrimination, but voted against every resolution that focused on prohibiting the defamation of religions, sponsored by Pakistan, on behalf of OIC. The UK and Canada claimed that the approach is inconsistent with international human rights law that protects individuals.

Despite a rise in the incidents of racism, racial discrimination, and xenophobia in Canada and the UK, both countries persistently opposed resolutions against racism and a resolution on the elaboration of international complementary standards to the International Convention on the Elimination of all Forms of Racial Discrimination. Other issues which both Commonwealth countries of this group were reluctant to support include: the regulation of mercenaries, discussions on terrorism and counter-terrorism’s effect on human rights, and the right to peace.

On country-specific resolutions, there was a stance to either abstain from or vote against resolutions that would condemn Israel’s role in the OPT and OSG, but resolutions that supported the self-determination of the Palestinian people were viewed with favour. On resolutions concerning Sudan, the UK and Canada initially voted against the 2006 resolution, but then voted in favour of every subsequent resolution or decision. Overall, WEOC countries actively participate in reviewing specific human rights situations.

On procedural issues, Canada and the UK both voted against a resolution on enhancing the geographical diversity of OHCHR staff and a resolution on establishing a Working Group to review human rights mandates and mechanisms. On other occasions, both countries usually joined the consensus on procedural votes but never voted in favour of any procedural resolution.
i. Canada

Canada served at the HRC from June 2006 to June 2009.

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

Canada abstained from voting on three resolutions concerning: freedom of opinion and expression, the impact of the financial crises on human rights, and the composition of the OHCHR. Canada voted against twenty two resolutions concerning: human rights and international solidarity, mercenaries, foreign debt, racism, globalisation, unilateral coercive measures, and religious discrimination. Canada voted against three decisions concerning: racism, foreign debt, and unilateral coercive measures.

Defamation of Religions: In 2007, 2008, and 2009, Canada voted against resolutions\(^{1069}\) combating the defamation of religions. All resolutions were sponsored by Pakistan.

Foreign Debt: In 2006, Canada voted against a decision\(^{1070}\) concerning the effects of economic reform policies and foreign debt on human rights. In 2008, Canada voted against a resolution\(^{1071}\) concerning the mandate of the Independent Expert on the effects of foreign debt and other international financial obligations of States on human rights.

Freedom of Opinion and Expression: In 2008, Canada abstained from voting on a resolution\(^{1072}\) sponsored by itself concerning the mandate of the Special Rapporteur on the protection of the right to freedom of opinion and expression.\(^{1073}\)

Globalisation: In 2007, Canada voted against a resolution\(^{1074}\) on globalisation and its impact on human rights, co-sponsored by South Africa.

International Solidarity: In 2007, Canada voted against a resolution\(^{1075}\) concerning human rights and international solidarity. In 2008, Canada voted against a resolution\(^{1076}\) concerning the mandate of the Independent Expert on human rights and international solidarity, and a resolution\(^{1077}\) concerning human rights and international solidarity.

Mercenaries: In 2008, Canada voted against a resolution\(^{1078}\) concerning the mandate of the Working Group on the use of mercenaries for violating human rights and impeding the exercise of the right of peoples to self-determination (2008).


\(^{1070}\) Decision 2/109 Effects of economic reform policies and foreign debt on the full enjoyment of all human rights (2006).

\(^{1071}\) Resolution 7/A Mandate of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (2008).

\(^{1072}\) Resolution 7/36 Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (2008).

\(^{1073}\) Canada sponsored a resolution to extend the mandate of the Special Rapporteur on freedom of opinion and expression; however, subsequent amendments changed the text, instructing the Special Rapporteur to report on instances in which the abuse of the right of freedom of expression constitutes an act of racial or religious discrimination, and noting the importance for all forms of media to repeat and to deliver information in a fair and partial manner. Therefore, Canada abstained from voting. See for details see: Standing Senate Committee on Human Rights, Canada and the UN Human Rights Council: A Time for Serious Re-evaluation (2008). Available at \(\text{http://publications.gc.ca/collections/collection_2011/sen/yc32-0/\text{YC32-0-392-13-eng.pdf}}\)

\(^{1074}\) Resolution 4/5 Globalization and its impact on the full enjoyment of all human rights (2007).

\(^{1075}\) Resolution 6/3 Human rights and international solidarity (2007).


\(^{1077}\) Resolution 9/2 Human rights and international solidarity (2008).

of the right to self-determination. In 2009, Canada voted against a resolution\textsuperscript{1079} concerning the use of mercenaries for violating human rights and impeding the exercise of the right to self-determination.

**Racism:** In 2006, Canada joined the consensus to support a decision\textsuperscript{1080} concerning the incompatibility between democracy and racism. Canada then voted against a resolution\textsuperscript{1081} concerning preparations for the Durban review conference, and a decision\textsuperscript{1082} concerning global efforts for the elimination of racism, racial discrimination, xenophobia, intolerance and the implementation of the Durban Declaration and Programme of Action.

In 2007, Canada joined the consensus to support a decision\textsuperscript{1083} concerning the report of the Preparatory Committee on the Durban review conference. Canada then voted against a resolution\textsuperscript{1084} concerning preparations for the Durban review conference, a resolution\textsuperscript{1085} concerning action against racism, racial discrimination, xenophobia and related intolerance, and a resolution\textsuperscript{1086} concerning the elaboration of international complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination.

In 2008, Canada joined the consensus to support a resolution\textsuperscript{1087} concerning the mandate of the Special Rapporteur on forms of racism, racial discrimination, xenophobia and related intolerance. Canada then voted against a resolution\textsuperscript{1088} concerning action against racism, racial discrimination, xenophobia and related intolerance.

In 2009, Canada joined the consensus to support a resolution\textsuperscript{1089} on action against racism, racial discrimination, xenophobia and related intolerance, sponsored by South Africa. Canada voted against a resolution\textsuperscript{1090} on the elaboration of international complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination, sponsored by South Africa.

**Right to Peace:** In 2008 and 2009, Canada voted each year against a resolution\textsuperscript{1091} concerning the promotion of the right of people to peace.

\textsuperscript{1079} Resolution 10/11 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (2009).

\textsuperscript{1080} Decision 2/106 Incompatibility between democracy and racism (2006).


\textsuperscript{1082} Decision 3/103 Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the effective implementation of the Durban Declaration and Programme of Action (2006).


\textsuperscript{1085} Resolution 6/22 From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance (2007).

\textsuperscript{1086} Resolution 6/21 Elaboration of international complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination (2007).

\textsuperscript{1087} Resolution 7/34 Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (2008).

\textsuperscript{1088} Resolution 7/33 From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance (2008).

\textsuperscript{1089} Resolution 10/31 From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance (2009).

\textsuperscript{1090} Resolution 10/30 Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination (2009).

\textsuperscript{1091} Resolution 8/9 Promotion of the right of peoples to peace (2008); Resolution 11/4 Promotion of the right of peoples to peace (2009).
Strengthening of the OHCHR: In 2007, Canada abstained from a resolution strengthening the OHCHR, co-sponsored by South Africa.


Comments

During its HRC candidacy, Canada pledged to support the human rights of indigenous people and fight racism. Canada opposed multiple resolutions concerning racism. Canada consistently voted against all resolutions concerning mercenaries, international solidarity, unilateral coercive measures, foreign debt, globalisation, and the defamation of religions.

Canada abstained from voting on the resolution to renew the mandate of the Special Rapporteur on the promotion of the right to freedom of opinion and expression, due to an amendment in the resolution. Canada stated that Amendment L.39 was hostile, as it shifted the focus away from States as duty bearers towards the actions of individuals. Canada objected to an amendment to the preambular paragraph as it restricted the parameters of free speech by imposing subjective conditions upon independent media. In 2015, the Human Rights Committee highlighted the incidents of repression against mass protests during the G-20 summit in Toronto in 2010 and Quebec in 2012. The Human Rights Committee raised its concern over imposing unreasonable restrictions on freedom of expression and the disproportionate number of arrests made. In its concluding observations, the Human Rights Committee noted that repressive laws were used to curb activities and voices of NGOs that are defending human rights.

Canada voted against a resolution on the Durban Review Conference related to global efforts for the total elimination of racism, racial discrimination, and xenophobia. In 2012, the United Nations Committee on the Elimination of Racial Discrimination noted its concern over the racial profiling of African Canadians and noted that Black Canadians are subjected to harsher treatment by police and judicial officers with respect to arrests, stops, searches, releases, investigations and rates of incarceration as compared to the rest of the population.

In 2007, Canada voted against a resolution on defamation of religions without making a statement. However, on other occasions Canada maintained that the “resolution failed to address the issue of freedom of expression.” Canada consistently stated that the resolution “focused on only one religion,” and “that freedom of religion is an individual right and not a right belonging to a religion.”
b. Country Resolutions and Decisions (Procedural, Situations, Capacity-Building and Technical Assistance)

Canada abstained from voting on one resolution concerning the human rights situation in the Democratic Republic of the Congo, and voted against eighteen resolutions concerning human rights situations in: Sudan, Lebanon, the OPT, and the OSG, and one decision concerning Darfur.

The Democratic People’s Republic of Korea: In 2008 and 2009, Canada voted against resolutions concerning human rights in North Korea.

The Democratic Republic of the Congo: In 2008, Canada joined the consensus to support a resolution concerning technical cooperation and advisory services in the Democratic Republic of the Congo and a resolution concerning human rights in the East of the Democratic Republic of the Congo. In 2009, Canada abstained from voting on a resolution concerning human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services.

Lebanon: In 2006, Canada joined the consensus to support a resolution on the report of the Commission of Inquiry on Lebanon, sponsored by Pakistan. Canada voted against a resolution concerning the human rights situation in Lebanon caused by Israeli military operations.

The Occupied Palestinian Territory and Israel (OPTI): In 2006, Canada voted against a resolution concerning human rights in the OPT, a resolution concerning human rights violations emanating from Israeli military incursions in the OPT and Northern Gaza, a resolution concerning human rights in the OPT, and a resolution concerning Israeli settlements in the OPT, East Jerusalem, and the OSG. All resolutions were sponsored by Pakistan.

In 2007, Canada joined the consensus to support two resolutions concerning human rights in the OPT, sponsored by Pakistan. Canada then voted against a resolution concerning religious and cultural rights in the OPT.

[1110] Resolution 5-1/1 Human rights situation in the Occupied Palestinian Territory (2006).
[1111] Resolution 5-3/1 Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory, including the recent one in northern Gaza and the assault on Beit Hanoun (2006).
[1115] Resolution 6/19 Religious and cultural rights in the Occupied Palestinian Territory, including East Jerusalem (2007).
In 2008, Canada joined the consensus to support a resolution concerning the Palestinian peoples’ right to self-determination. Canada voted against a resolution concerning Israeli settlements in the OPT, East Jerusalem, and the OSG, and a resolution concerning human rights violations emanating from Israeli military incursions in the OPT and the shelling of Beit Hanoun. Canada also voted against two resolutions concerning human rights violations emanating from Israeli military attacks in the OPT and the Gaza Strip. All resolutions were sponsored by Pakistan.

In 2009, Canada joined the consensus to support a resolution concerning the Palestinian peoples’ right to self-determination. Canada voted against a resolution concerning Israeli settlements in the OPT, East Jerusalem, and the OSG, and a resolution concerning human rights violations emanating from the Israeli military operations in the OPT. Canada also voted against two resolutions concerning human rights violations due to Israeli military activities in the OPT and the occupied Gaza strip. All resolutions were sponsored by Pakistan.

**The Occupied Syrian Golan (OSG):** In 2006, 2008 and 2009, Canada voted against resolutions concerning human rights in the OSG. All resolutions were sponsored by Pakistan.

**Sri Lanka:** In 2009, Canada voted against a resolution on assistance to Sri Lanka for the protection of human rights, sponsored by Sri Lanka.

**Sudan:** In 2006, Canada voted against a decision concerning Darfur. In 2007, Canada joined the consensus to support a resolution concerning a group of experts on the human rights in Darfur, a resolution concerning human rights in Darfur, a decision and a resolution concerning the mandate of the Special Rapporteur on human rights in Sudan. In 2008, Canada joined the consensus to support two resolutions concerning human rights in Sudan.

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1117 Resolution 7/18 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2008).
1118 Resolution 9/18 Follow-up to Resolution S-3/1: Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory and the shelling of Beit Hanoun (2008).
1119 Resolution S-6/1 Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip (2008); Resolution 7/01 Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian territory, particularly the recent ones in the occupied Gaza Strip (2008).
1120 Resolution 10/20 Right of the Palestinian people to self-determination (2009).
1121 Resolution 10/18 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem and in the occupied Syrian Golan (2009).
1122 Resolution 10/19 Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory (2009).
1123 Resolution S-9/1 The Grave Violations of Human Rights in the Occupied Palestinian Territory particularly due to the recent Israeli military aggression on the occupied Gaza Strip (2009); Resolution 10/21 Follow-up to Council Resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip (2009).
1125 Resolution S-11/1 Assistance to Sri Lanka in the promotion and protection of human rights (2009).
Comments

Canada voted against most OPTI resolutions. In 2007, Canada called for fairness and impartiality in the HRC’s work and urged the HRC to move beyond a disproportionate focus on one country’s situation and extend its scrutiny to other pressing human rights issues. In 2008, while voting against the resolution on OPT, Canada stated that the proposed resolution did not present an accurate picture as it failed to take into consideration the roles and responsibilities of all concerned parties and without recognising Israel’s right to defend itself, the resolution focused mostly on Israel’s actions. During the follow-up resolution on the OPT, Canada voted against the resolution and further stated that “adding additional mechanisms or fora on this matter did not change the fundamentally flawed and one-sided nature of the original resolution” on this subject.

Canada initially voted against the issue of human rights in Sudan, but improved its record towards the end and supported resolutions concerning the human rights situation in Sudan.

c. Procedural

Canada voted against two resolutions related to special procedures and the composition of the OHCHR.

*Composition of the Staff of the OHCHR and Representative Institutions:* In 2008 and 2009, Canada voted against resolutions concerning the composition of the staff of the OHCHR.

*Special Procedures:* In 2006, Canada voted against a resolution concerning the Intergovernmental Working Group on the review of mandates. In 2007, Canada joined the consensus to support a resolution concerning the Intergovernmental Working Group on the review of mandates.

Comments

On the review of the mandate of the Intergovernmental Working Group, Canada expressed its concern pertaining to the independence and credibility of mandate holders. Canada explained its opposition by stating that a “code of conduct was a means of monitoring and controlling the special procedures by states that wanted to avoid scrutiny.” Canada voted against resolutions concerning the composition of OHCHR staff and representative institutions. Canada noted that the resolution duplicates work as the “General Assembly rules of procedure stated that a resolution had already been adopted to address geographical imbalance in the composition of OHCHR staff.”

ii. The United Kingdom of Great Britain and Northern Ireland (UK)

The UK served at the HRC from June 2006 to December 2011 and then again from January 2014 to December 2016.

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

The UK abstained from voting on thirteen resolutions concerning: the right to development, civilian possession

1132 Explanation of vote by Canada, September 2007.
1133 UN Human Rights Council, Canada’s intervention: Item 7, 6 March 2008.
1134 Explanation of vote by Canada, 24 September 2008.
1139 Ibid.
of firearms, freedom of opinion and expression, peasant’s rights, and the repatriation of funds. The UK voted against seventy resolutions and five decisions concerning: arms transfers, transnational corporations and human rights, defamation of religions, international order, drones, protection of the family, the right to development, impact on financial crises on human rights, foreign debt, international solidarity, mercenaries, migrants and asylum-seekers, the right to peace, peasant’s rights, the Forum on People of African Descent, racism, terrorism and human rights, traditional values, and unilateral coercive measures.

Business and Human Rights: In 2011 and 2014, the UK joined the consensus to support resolutions 1140 concerning human rights and transnational corporations and other business enterprises. In 2014, the UK voted against a resolution1141 concerning the elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights, co-sponsored by South Africa. In 2016, the UK joined the consensus to support a resolution1142 improving accountability and access to remedy.

Civilian Acquisition and Possession of Firearms: In 2014, the UK voted in favour of a resolution1143 on the regulation of civilian acquisition, possession, and use of firearms. In 2015, the UK abstained from voting on a resolution1144 on the regulation of civilian acquisition, possession, and use of firearms.

Defamation of Religions: From 2007 through 2010, the UK voted every year against resolutions1145 combating the defamation of religions. All resolutions were sponsored by Pakistan.

International Order: In 2014, the UK voted against a resolution1146 concerning the mandate of the International Expert on the promotion of a democratic and equitable international order. From 2014 through 2016, the UK voted every year against resolutions1147 concerning the promotion of a democratic and equitable international order.

Foreign Debt: In 2006, the UK voted against a decision1148 concerning the effects of economic reform policies and foreign debt on human rights. In 2008, the UK voted against a resolution1149 concerning the mandate of the Independent Expert on the effects of foreign debt and other international financial obligations of States on human rights. In 2009 and 2011, the UK voted against a decision1150 and a resolution1151 respectively, on the effects of foreign debt and other international financial obligations of States on human rights.

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1140 Resolution 17/4 Human rights and transnational corporations and other business enterprises (2011); Resolution 26/22 Human rights and transnational corporations and other business enterprises (2014).
1141 Resolution 26/09 Elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights (2014).
1142 Resolution 32/10 Business and human rights: Improving accountability and access to remedy (2016).
1143 Resolution 26/16 Human rights and the regulation of civilian acquisition, possession and use of firearms (2014).
1144 Resolution 29/10 Human rights and the regulation of civilian acquisition, possession and use of firearms (2015).
1147 Resolution 27/9 Mandate of the Independent Expert on the promotion of a democratic and equitable international order (2014); Resolution 30/29 Promotion of a democratic and equitable international order (2015); Resolution 33/3 Promotion of a democratic and equitable international order (2016).
1149 Resolution 7/4 Mandate of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (2008).
1150 Decision 12/119 The effect of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (2009).
1151 Resolution 17/7 The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (2011).
In 2014, the UK joined the consensus to support a resolution\textsuperscript{1157} on protection of the right to freedom of opinion and expression.

In 2009, the UK joined the consensus to support a resolution\textsuperscript{1155} concerning the independence and impartiality of the judiciary. In 2011, the UK joined the consensus to support a resolution\textsuperscript{1162} concerning freedom of opinion and expression.

In 2014, 2015, and 2016, the UK voted against resolutions\textsuperscript{1153} concerning the effects of economic reform policies and foreign debt on human rights.

**Freedom of Opinion and Expression:** In 2008, the UK abstained from voting on a resolution\textsuperscript{1154} concerning the mandate of the Special Rapporteur on the protection of the right to freedom of opinion and expression, sponsored by Canada. In 2009, the UK joined the consensus to support a resolution\textsuperscript{1155} concerning freedom of opinion and expression.

In 2011 and 2014, the UK joined the consensus to support resolutions\textsuperscript{1156} concerning the mandate of the Special Rapporteur on protection of the right to freedom of opinion and expression. In 2014, the UK joined the consensus to support a resolution\textsuperscript{1157} concerning the protection and enjoyment of human rights on the Internet.

**The Impact of Arms Transfers on Human Rights:** In 2016, the UK voted against a resolution\textsuperscript{1158} concerning the impact of arms transfers on human rights.

**Judicial System:** In 2006, the UK joined the consensus to support a decision\textsuperscript{1159} on the integrity of the judicial system. In 2009, the UK joined the consensus to support resolutions\textsuperscript{1160} concerning the independence and impartiality of the judiciary. In 2010, the UK joined the consensus to support a resolution\textsuperscript{1161} concerning the independence and impartiality of the judiciary. In 2011, the UK joined the consensus to support a resolution\textsuperscript{1162} on the mandate of the Special Rapporteur on the independence of judges and lawyers.

In 2014, the UK abstained from voting on a resolution\textsuperscript{1163} concerning the integrity of the judicial system.

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\textsuperscript{1152} Resolution 16/14 *Mandate of the Independent Expert on the effects of foreign debt and other international financial obligations of States on the full enjoyment of all human rights, particularly economic social and cultural rights* (2011); Resolution 25/16 *Mandate of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights* (2014).

\textsuperscript{1153} Resolution 27/30 *Effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights: The activities of vulture funds* (2014); Resolution 28/8 *The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights* (2015); Resolution 31/11 *The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights* (2016).

\textsuperscript{1154} Resolution 7/36 *Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression* (2008).

\textsuperscript{1155} Resolution 12/16 *Freedom of opinion and expression* (2009).

\textsuperscript{1156} Resolution 16/4 *Freedom of opinion and expression: Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression* (2011); Resolution 25/02 *Freedom of opinion and expression: Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression* (2014).

\textsuperscript{1157} Resolution 26/13 *The promotion, protection, and enjoyment of human rights on the Internet* (2014).

\textsuperscript{1158} Resolution 32/12 *Impact of arms transfers on human rights* (2016).

\textsuperscript{1159} Decision 2/110 *Integrity of the judicial system* (2006).

\textsuperscript{1160} Resolution 12/3 *Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers* (2009).

\textsuperscript{1161} Resolution 15/3 *Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers* (2010).

\textsuperscript{1162} Resolution 17/2 *Mandate of the Special Rapporteur on the independence of judges and lawyers* (2011).

\textsuperscript{1163} Resolution 25/4 *Integrity of the judicial system* (2014).
In 2011, the UK voted against a decision\(^{1169}\) concerning the postponement of the mandate of the Independent Expert on human rights and international solidarity.

**International Solidarity:** In 2007, the UK voted against a resolution\(^{1166}\) concerning human rights and international solidarity. In 2008, the UK voted against a resolution\(^{1167}\) concerning the mandate of the Independent Expert on human rights and international solidarity. From 2008 through 2011, and from 2014 through 2016, the UK voted every year against resolutions\(^{1168}\) concerning human rights and international solidarity.

In 2011, the UK voted against a decision\(^{1169}\) concerning the postponement of the mandate of the Independent Expert on human rights and international solidarity.

**Mercenaries:** In 2008, the UK voted against a resolution\(^{1170}\) concerning the mandate of the Working Group on the use of mercenaries for violating human rights and impeding the exercise of the right to self-determination. In 2009, the UK voted against a resolution\(^{1171}\) concerning the use of mercenaries for violating human rights and impeding the exercise of the right to self-determination.

In 2010, the UK voted against a resolution\(^{1172}\) on the elaboration of an international regulatory framework on regulating and monitoring the activities of private military and security companies by the open-ended Intergovernmental Working Group, sponsored by South Africa. In 2010 and 2014, the UK voted each year against a resolution\(^{1173}\) concerning the use of mercenaries for violating human rights and impeding the exercise of the right to self-determination.

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\(^{1164}\) Resolution 29/6 Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers (2015).

\(^{1165}\) Resolution 31/2 Integrity of the judicial system (2016).

\(^{1166}\) Resolution 6/3 Human rights and international solidarity (2007).


\(^{1168}\) Resolution 9/2 Human rights and international solidarity (2008); Resolution 12/9 Human rights and international solidarity (2009); Resolution 15/13 Human rights and international solidarity (2010); Resolution 17/6 Mandate of the Independent Expert on human rights and international solidarity (2011); Resolution 26/5 Mandate of the Independent Expert on human rights and international solidarity (2014); Resolution 29/3 Human rights and international solidarity (2015); Resolution 32/9 Human rights and international solidarity (2016).

\(^{1169}\) Decision 16/118 Postponement of the renewal of the mandate of the Independent Expert on human rights and international solidarity (2011).


\(^{1171}\) Resolution 10/11 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (2009).

\(^{1172}\) Resolution 15/26 Open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies (2010).

\(^{1173}\) Resolution 15/12 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (2010); Resolution 27/10 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (2014).
In 2015, the UK voted against a resolution\textsuperscript{1174} concerning the renewal of the mandate of the open-ended Intergovernmental Working Group to consider the elaboration of an international regulatory framework on regulation and monitoring of the activities of private military and security companies. In 2015 and 2016, the UK voted each year against a resolution\textsuperscript{1175} concerning the use of mercenaries for violating human rights and impeding the exercise of the right to self-determination.

**Migrants:** In 2008, the UK joined the consensus to support a resolution\textsuperscript{1176} concerning the human rights of migrants. In 2009, the UK joined the consensus to support a resolution\textsuperscript{1177} concerning the human rights of child migrants. In 2010, the UK joined the consensus to support a resolution\textsuperscript{1178} concerning the human rights of migrants.

In 2011, the UK voted against a resolution\textsuperscript{1179} concerning migrants and asylum seekers fleeing in North Africa, sponsored by Nigeria. The UK joined the consensus to support a resolution\textsuperscript{1180} concerning the mandate of the Special Rapporteur on the human rights of migrants.

In 2014, the UK joined the consensus to support a resolution\textsuperscript{1181} concerning the right of migrants to enjoy the highest attainable standard of physical and mental health, and a resolution\textsuperscript{1182} concerning the mandate of the Special Rapporteur on the human rights of migrants. In 2015, the UK joined the consensus to support a resolution\textsuperscript{1183} concerning unaccompanied migrant children, adolescents, and human rights, and a resolution\textsuperscript{1184} concerning migrants in transit. In 2016, the UK joined the consensus to support a resolution\textsuperscript{1185} concerning the protection of human rights of migrants in large movements, and a resolution\textsuperscript{1186} concerning unaccompanied migrant children, adolescents, and human rights.

**Peasants’ Rights:** In 2014, the UK voted against a resolution\textsuperscript{1187} concerning the protection of human rights of peasants and people working in rural areas. In 2015, the UK abstained from voting on a resolution\textsuperscript{1188} concerning the protection of human rights of peasants and people working in rural areas.

**People of African Descent:** In 2008, the UK joined the consensus to support a resolution\textsuperscript{1189} on the mandate of the Intergovernmental Working Group to consider the possibility of elaborating an international regulatory framework on the protection of the human rights of migrants. In 2009, the UK voted for a resolution\textsuperscript{1190} concerning the human rights of migrants including in large movements and a resolution\textsuperscript{1191} concerning unaccompanied migrant children, adolescents, and human rights.

\[1174 \text{ Resolution 28/7 Renewal of the mandate of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies (2015).} \]

\[1175 \text{ Resolution 30/6 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (2015); Resolution 33/4 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (2016).} \]

\[1176 \text{ Resolution 9/5 Human rights of migrants (2008).} \]

\[1177 \text{ Resolution 12/6 Human rights of migrants: Migration and the human rights of the child (2009).} \]

\[1178 \text{ Resolution 15/16 Human rights of migrants (2010).} \]

\[1179 \text{ Resolution 17/22 Migrants and asylum-seekers fleeing recent events in North Africa (2011).} \]

\[1180 \text{ Resolution 17/12 Human rights of migrants: Mandate of the Special Rapporteur on the human rights of migrants (2011).} \]

\[1181 \text{ Resolution 26/21 Promotion of the right of migrants to the enjoyment of the highest attainable standard of physical and mental health (2014).} \]

\[1182 \text{ Resolution 26/19 Human rights of migrants: Mandate of the Special Rapporteur on the human rights of migrants (2014).} \]

\[1183 \text{ Resolution 29/12 Unaccompanied migrant children and adolescents and human rights (2015).} \]

\[1184 \text{ Resolution 29/2 Protection of the human rights of migrants: Migrants in transit (2015).} \]

\[1185 \text{ Resolution 32/14 Protection of the human rights of migrants - Strengthening the promotion and protection of the human rights of migrants including in large movements (2016).} \]

\[1186 \text{ Resolution 33/7 Unaccompanied migrant children and adolescents and human rights (2016).} \]

\[1187 \text{ Resolution 26/26 Promotion and protection of the human rights of peasants and other people working in rural areas (2014).} \]

\[1188 \text{ Resolution 30/13 Promotion and protection of the human rights of peasants and other people working in rural areas (2015).} \]

\[1189 \text{ Resolution 9/14 Mandate of the Working Group of Experts on People of African Descent (2008).} \]
Working Group on people of African descent, sponsored by South Africa. In 2014, the UK joined the consensus to support a resolution\(^{1190}\) concerning the international decade for people of African descent, a resolution\(^{1191}\) concerning the implementation of the international decade for people of African descent, and a resolution\(^{1192}\) concerning the mandate of the Working Group on people of African descent. In 2015, the UK voted against a resolution\(^{1193}\) concerning the forum on people of African descent.

**Protection of the Family:** In 2014, the UK voted against a resolution\(^{1194}\) concerning protection of the family. In 2015, the UK voted against a resolution\(^{1195}\) on the contribution of the family to the right to an adequate standard of living through poverty eradication and achieving sustainable development. In 2016, the UK voted against a resolution\(^{1196}\) concerning the family’s role in supporting the protection of human rights of persons with disabilities. All resolutions were co-sponsored by Bangladesh.

**Racism:** In 2006, the UK joined the consensus to support a decision\(^{1197}\) concerning the incompatibility between democracy and racism. The UK voted against a resolution\(^{1198}\) concerning preparations for the Durban Review Conference and voted against a decision\(^{1199}\) concerning global efforts for the elimination of racism, racial discrimination, xenophobia, intolerance, and implementation of the Durban Declaration and Programme of Action.

In 2007, the UK joined the consensus to support a decision\(^{1200}\) concerning the report of the Preparatory Committee on the Durban review conference. In 2007, the UK voted against a resolution\(^{1201}\) concerning preparations for the Durban review conference, a resolution\(^{1202}\) on action against racism, racial discrimination, xenophobia and related intolerance, and a resolution\(^{1203}\) concerning the elaboration of international complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination.

In 2008, the UK joined the consensus to support a resolution\(^{1204}\) concerning the mandate of the Special Rapporteur on forms of racism, racial discrimination, xenophobia and intolerance. The UK voted against a resolution\(^{1205}\) concerning action against racism, racial discrimination, xenophobia and related intolerance. In 2009, the UK joined the consensus to support a resolution\(^{1206}\) on action against racism, racial discrimination, xenophobia and related intolerance, sponsored by South Africa. The UK voted against a resolution\(^{1207}\) on the


\(^{1192}\) Resolution 27/25 *Mandate of the working group of experts on people of African descent* (2014).


\(^{1194}\) Resolution 29/22 *Protection of the family: Contribution of the family to the realization of the right to an adequate standard of living for its members, particularly through its role in poverty eradication and achieving sustainable development* (2015).

\(^{1195}\) Resolution 32/23 *Protection of the family: The role of the family in supporting the protection and promotion of human rights of persons with disabilities* (2016).

\(^{1196}\) Decision 2/106 *Incompatibility between democracy and racism* (2006).


\(^{1199}\) Resolution 6/22 *From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance* (2007).


\(^{1201}\) Resolution 7/34 *Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance* (2008).

\(^{1202}\) Resolution 7/33 *From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance* (2008).

\(^{1203}\) Resolution 10/31 *From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance* (2009).

elaboration of international complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination, sponsored by South Africa.

In 2010, the UK joined the consensus to support a resolution1208 concerning the elaboration of international complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination and a resolution1209 on the Nelson Mandela International Day, sponsored by Nigeria. In 2011, the UK joined the consensus to support a resolution1210 on the mandate of the Special Rapporteur on forms of racism, racial discrimination, xenophobia and related intolerance, sponsored by Nigeria.

In 2014, the UK joined the consensus to support a resolution1211 concerning the mandate of the Special Rapporteur on forms of racism, racial discrimination, xenophobia and related intolerance. In 2015, the UK voted against a resolution1212 concerning action against racism, racial discrimination, xenophobia and related intolerance. In 2016, the UK joined the consensus to support a resolution1213 combating intolerance, stereotyping, discrimination and violence against persons based on religion, sponsored by South Africa.

**Repatriation of Funds:** In 2011, the UK abstained from voting on a resolution1214 concerning the impact of non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, sponsored by Nigeria. From 2014 through 2016, the UK abstained every year from voting on resolutions1215 concerning the impact of non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights.

**Remotely Piloted Aircraft or Armed Drones in Counter-Terrorism:** In 2014 and 2015, the UK voted against resolutions1216 on the use of remotely piloted aircraft or armed drones in counter-terrorism and military operations in accordance with international law. Both resolutions were sponsored by Pakistan.

In 2011, the UK voted in favour of a decision1217 concerning the right to development. In 2014, the UK abstained from voting on a resolution1218 concerning the right to development. In 2015 and 2016, the UK voted against resolutions1219 concerning the right to development.

**The Right to Development:** In 2007 and 2008, the UK joined the consensus to support resolutions1220

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1210 Resolution 16/33 Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (2011).
1212 Resolution 30/16 From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance (2015).
1213 Resolution 31/26 Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief (2016).
1214 Resolution 17/23 The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights (2011).
1215 Resolution 25/9 The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation (2014); Resolution 28/5 The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation (2015); Resolution 31/22 The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation (2016).
1216 Resolution 25/22 Ensuring use of remotely piloted aircraft or armed drones in counter-terrorism and military operations in accordance with international law, including international human rights and humanitarian law (2014); Resolution 28/3 Ensuring use of remotely piloted aircraft or armed drones in counter-terrorism and military operations in accordance with international law, including international human rights and humanitarian law (2015).
1217 Decision 16/117 Right to development (2011).
1218 Resolution 27/2 The right to development (2014).
1219 Resolution 30/28 Right to development (2015); Resolution 33/14 The right to development (2016).
1220 Resolution 4/4 The right to development (2007); Resolution 9/3 The right to development (2008).
concerning the right to development. In 2009, the UK abstained from voting on a resolution concerning the right to development. In 2010, the UK voted in favour of a resolution concerning the right to development.

**The Right to Peace:** In 2011, the UK voted against a resolution concerning the promotion of the right of peoples to peace. In 2014 and 2015, the UK voted against resolutions concerning the promotion of the right to peace. In 2016, the UK voted against a resolution concerning the declaration on the right to peace.

**Strengthening the OHCHR:** In 2007, the UK abstained from a resolution concerning the strengthening of the OHCHR, co-sponsored by South Africa.

**Terrorism and Human Rights:** In 2006, the UK joined the consensus to support a decision concerning persons deprived of liberty in counter-terrorism measures. From 2008 through 2010, the UK joined the consensus every year to support resolutions concerning the protection of human rights and freedoms while countering terrorism. In 2010, the UK joined the consensus to support a decision concerning human rights and terrorist hostage-taking.

In 2011, the UK joined the consensus to support a decision concerning the panel on human rights of victims of terrorism and a resolution concerning the International Day of Remembrance and Tribute to the Victims of Terrorism. In 2014, the UK joined the consensus to support a resolution concerning human rights and freedoms while countering terrorism.

In 2015, the UK joined the consensus to support a resolution concerning the protection of human rights and freedoms while countering terrorism, and a resolution concerning atrocities committed by Boko Haram and its effects on human rights. The UK voted against a resolution concerning the effect of terrorism on human rights.

In 2016, the UK voted against a resolution concerning the effects of terrorism on human rights. The UK joined the consensus to support a resolution concerning the mandate of the Special Rapporteur on the protection of human rights and freedoms while countering terrorism. The UK voted in favour of a resolution concerning the right to development.
concerning the protection of human rights and freedoms while countering terrorism.

**Traditional Values:** In 2009 and 2011, the UK voted against resolutions concerning the promotion of human rights and freedoms through traditional values of humankind.

**Unilateral Coercive Measures:** In 2007, the UK voted against a decision concerning human rights and unilateral coercive measures. From 2007 through 2010, the UK voted every year against resolutions on human rights and unilateral coercive measures. In 2014 and 2015, the UK voted against resolutions on human rights and unilateral coercive measures.

**Comments**

The UK consistently opposed every resolution concerning: drones, mercenaries, international solidarity, protection of the family, foreign debt, unilateral coercive measures, traditional values, democratic and equitable international order, strengthening of the OHCHR staff, and the defamation of religions.

The UK voted against every foreign debt resolutions. In 2014, in its explanation before the vote, the UK asserted that it “delivered debt relief to developing countries as a member of the Paris Club.” The UK further stated that the HRC “was not the right forum to discuss the management of sovereign debt as it was already being discussed in other relevant fora.”

On the issue of unilateral coercive measures, the UK voted along with the European Union (EU). In the explanation before the vote, the Netherlands stated, on behalf of the EU, that they would vote against the resolution as the proposed resolution did not incorporate any of the EU’s concerns. The Netherlands affirmed that “restrictive measures taken by the European Union were not punitive, they minimized the impact on those not responsible for their government’s abuses and were in compliance with international law, including international human rights law.” The Netherlands further noted that HRC is not the proper forum to deliberate on this issue.

The UK opposed all resolutions concerning the right to peace. The UK asserted that the right to peace does not exist under international law and, that “there was no agreement on the meaning of ‘peace’, and on the duty-bearer of such right.” The UK further stated that the absence of peace was not related to the failure to protect human rights.

The UK joined the consensus or supported resolutions concerning the protection of rights and freedoms during counter-terrorism measures. However, the UK regularly voted against resolutions concerning the effects of terrorism on human rights. The Human Rights Committee noted its concern over the misuse of a broadly formulated definition of terrorism under the UK’s Terrorism Act of 2000 that failed to place sufficient

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1239 Resolution 12/21 *Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind* (2009); Resolution 16/3 *Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind* (2011).


1244 Ibid.


1246 Ibid.


1248 Ibid.
safeguards on: the arrest of a person suspected of terrorism, necessary warrants, and uniform denials of bail.\textsuperscript{1249} During the UPR I and the UPR II, the UK accepted the recommendation to “review all counter-terrorism legislation and ensure that it complies with the highest human rights standards.”\textsuperscript{1250}

On the issue of business and human rights, the UK voted against the resolution concerning an international legally binding instrument on transnational corporations. The EU stated that “national action plans were the best way to achieve progress, including at the regulatory and legal level,” and that “no international mechanism would be able to replace robust domestic legislation and mechanisms.”\textsuperscript{1251} In its 2006 HRC candidacy, the UK stated that it would advocate for “international efforts to advance the issues of corporate responsibility and human rights.”\textsuperscript{1252} In its pledge made in 2013, the UK stated that it “will promote [a] widespread international uptake of the Guiding Principles [on Business and Human Rights].”\textsuperscript{1253} The UK further stated that “the issue was one of the rule of law, the national rule of law, within individual States. It was only through a rigorous application of a fair and just legal system that victims could be protected and legitimate business could thrive.”\textsuperscript{1254}

The UK consistently abstained from voting on the issue of repatriation of funds. The Netherlands, speaking on behalf of the EU, asserted that “the European Union would have preferred a resolution focusing on the root causes, including transnational crime,”\textsuperscript{1255} and that it does not support the “creation of an intergovernmental mechanism, which would create unnecessary duplication and which would not be efficient.”\textsuperscript{1256} During the UPR II, the UK rejected the recommendation to “set up a mechanism to carry out the repatriation of funds of illicit origin and illegally acquired assets to their countries of origin and to ensure cooperation with the requesting states.”\textsuperscript{1257}

The UK mostly joined the consensus on judicial integrity resolutions with the exception of one abstention in 2014. The UK asserted that the principles of rule of law and independence of the judiciary were fundamentally reflected in its Constitution. The UK did not subscribe to the resolution on a matter related to civilian courts and asserted that the wording of the Convention against Torture was not reflected faithfully.\textsuperscript{1258}

The UK voted against resolutions on the protection of family and stated that “the family as a unit was not a rights-holder under international law; rights were held by individuals.”\textsuperscript{1259} The UK also noted that the draft resolution gave incorrect reference to the 2030 agenda.\textsuperscript{1260}
The UK has a mixed record on the issue of racism. On several occasions the UK either abstained from voting or voted against the resolutions. In 2016, the Committee on the Elimination of Racial Discrimination highlighted the growing trend of racist hate crimes in various parts of England, Northern Ireland, and Wales during the EU referendum on Brexit.\textsuperscript{1261} The Committee raised its concern over the fact that despite the report of a high number of cases on hate speeches, there is a significantly low prosecution rate.\textsuperscript{1262} In 2015, the Human Rights Committee, emphasised the increasing incidences of racist and xenophobic expressions in the media and on the Internet that may amount to incitement to discrimination, hostility, or violence.\textsuperscript{1263} During the UPR II, the UK accepted recommendations to “take appropriate measures to combat prejudices and negative stereotypes, which may result in racial discrimination or incitement to racial hatred”\textsuperscript{1264} and noted the recommendation “to revise the policies that involve racial and ethnic profiling such as ‘stop and search’ practice.”\textsuperscript{1265}

The UK voted against two resolutions on drones. In a letter written to the UN Security Council the UK stated that “On 21 August 2015, armed forces of the United Kingdom of Great Britain and Northern Ireland carried out a precision air strike.”\textsuperscript{1266} Three people were killed in the drone strike and the Joint Committee for Human Rights published an inquiry that “called on the government to clarify its policy of targeted killings in armed conflict and its role in targeted killing by other states outside armed conflict.”\textsuperscript{1267}

In 2015, the UK voted against a resolution on the Forum on people of African descent in the diaspora, and in 2016, the Committee on the Elimination of Racial Discrimination noted the issue of institutional racism against persons of African descent in the form of enjoyment of rights including: health, employment, education, stop and search practices, and the criminal justice system.\textsuperscript{1268} The Committee on the Elimination of Racial Discrimination also raised its concern over the fact that “persons of African and Asian descent continue to be disproportionately targeted throughout the criminal justice system.”\textsuperscript{1269}

The UK joined the consensus or voted in favour of all resolutions related to migrants except for a resolution concerning migrants and asylum-seekers fleeing recent events in North Africa. The UNHCR notes that the “UK relies on and utilises detention in asylum procedures more frequently than most other countries in the EU,” and that “In 2015, of the 33,000 individuals who were detained in immigration detention, almost 15,000 were asylum-seekers.”\textsuperscript{1270} The UNHCR further adds that the UK does not have a “maximum time limit on immigration detention and 2015 saw an increase in long-term detention with over 100 detainees detained for over a year.”\textsuperscript{1271} Human Rights Watch notes that “the UN Committee on the Rights of the Child called on the UK to stop detaining asylum-seeking and migrant children and expedite family reunification for unaccompanied children outside the UK.”\textsuperscript{1272}

\begin{flushright}
\textsuperscript{1262} Ibid.
\textsuperscript{1265} Ibid.
\textsuperscript{1268} Ibid at para 22.
\textsuperscript{1269} Ibid at para 28.
\textsuperscript{1271} Ibid.
\end{flushright}
b. Country Resolutions and Decisions (Procedural, Situations, Capacity-Building and Technical Assistance)

The UK abstained from voting on twenty two resolutions concerning human rights situations in: the OSG, the OPT, and the Democratic Republic of the Congo. The UK voted against seven resolutions concerning assistance to Sri Lanka in promotion and protection of human rights and on the human rights situations in Sudan, Lebanon, and the OPT.

The Democratic Republic of the Congo: In 2008, the UK joined the consensus to support a resolution\textsuperscript{1273} concerning technical cooperation and advisory services in the Democratic Republic of the Congo and a resolution\textsuperscript{1274} concerning human rights in the East of the Democratic Republic of the Congo. In 2009, the UK abstained from voting on a resolution\textsuperscript{1275} concerning human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services.

In 2010 and 2011, the UK joined the consensus to support resolutions\textsuperscript{1276} concerning human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services, sponsored by Nigeria. From 2014 through 2016, the UK joined the consensus every year to support resolutions\textsuperscript{1277} concerning technical assistance and capacity-building for human rights in the Democratic Republic of the Congo.

Lebanon: In 2006, the UK joined the consensus to support a resolution\textsuperscript{1278} on the report of the Commission of Inquiry on Lebanon, sponsored by Pakistan. The UK voted against a resolution\textsuperscript{1279} concerning the human rights situation in Lebanon caused by Israeli military operations.

The Occupied Palestinian Territory and Israel (OPTI): In 2006, the UK voted against a resolution\textsuperscript{1280} concerning human rights in the OPT and a resolution\textsuperscript{1281} concerning human rights violations emanating from Israeli military incursions in the OPT and Northern Gaza. The UK abstained from voting on a resolution\textsuperscript{1282} concerning human rights in the OPT. The UK voted in favour of a resolution\textsuperscript{1283} concerning Israeli settlements in the OPT.

In 2007, the UK joined the consensus to support resolutions\textsuperscript{1284} concerning human rights in the OPT. All resolutions were sponsored by Pakistan.

\textsuperscript{1273} Resolution 7/20 Technical cooperation and advisory services in the Democratic Republic of the Congo (2008).
\textsuperscript{1275} Resolution 10/33 Situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services (2009).
\textsuperscript{1276} Resolution 13/22 Situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services (2010); Resolution 16/35 The human rights situation in the Democratic Republic of the Congo and the strengthening of technical cooperation and advisory services (2011).
\textsuperscript{1279} Resolution S-2/1 The grave situation of human rights in Lebanon caused by Israeli military operations (2006).
\textsuperscript{1280} Resolution S-1/1 Human rights situation in the Occupied Palestinian Territory (2006).
\textsuperscript{1281} Resolution S-3/1 Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory, including the recent one in northern Gaza and the assault on Beit Hanoun (2006).
\textsuperscript{1282} Resolution 3/1 Human rights situation in the Occupied Palestinian Territory: Follow-up to Human Rights Council Resolution S-1/1 (2006).
\textsuperscript{1283} Resolution 2/4 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan (2006).
In 2008, the UK voted in favour of a resolution\textsuperscript{1285} concerning Israeli settlements in the OPT. The UK joined the consensus to support a resolution\textsuperscript{1286} concerning the Palestinian peoples’ right to self-determination. The UK voted against a resolution\textsuperscript{1287} concerning human rights violations emanating from Israeli military incursions in the OPT and the shelling of Beit Hanoun. The UK abstained from voting on resolution\textsuperscript{1288} concerning human rights violations emanating from Israeli military attacks in the OPT and the Gaza Strip. All resolutions were sponsored by Pakistan.

In 2009, the UK voted in favour of a resolution\textsuperscript{1289} concerning Israeli settlements in the OPT. The UK joined the consensus to support a resolution\textsuperscript{1290} concerning the Palestinian peoples’ right to self-determination and a resolution\textsuperscript{1291} concerning human rights in the OPT and East Jerusalem. The UK abstained from voting on a resolution\textsuperscript{1292} concerning human rights violations emanating from the Israeli military operations in the OPT and resolutions\textsuperscript{1293} concerning human rights violations due to Israeli military activities in the OPT and the occupied Gaza strip. All these resolutions were sponsored by Pakistan.

In 2010, the UK voted against a resolution\textsuperscript{1294} concerning human rights violations in the OPT and East Jerusalem. The UK voted in favour of a resolution\textsuperscript{1295} concerning the Palestinian peoples’ right to self-determination and a resolution\textsuperscript{1296} concerning Israeli settlements in the OPT. The UK abstained from voting on a resolution\textsuperscript{1297} concerning the report of the international fact-finding mission on the incident of the humanitarian flotilla and a resolution\textsuperscript{1298} concerning the report of the international fact-finding mission on the Gaza conflict. All resolutions were sponsored by Pakistan. The UK abstained from voting on a resolution\textsuperscript{1299} concerning the report of the committee of Independent Experts in international humanitarian and human rights law.

In 2011, the UK voted against a resolution\textsuperscript{1300} concerning the report of the fact-finding mission on the Gaza conflict. The UK abstained from voting on a resolution\textsuperscript{1301} concerning human rights in the OPT and East Jerusalem. The UK voted in favour of a resolution\textsuperscript{1302} concerning the Palestinian peoples’ right to self-

\begin{itemize}
  \item Resolution 7/18 \textit{Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan} (2008).
  \item Resolution 7/17 \textit{Right of the Palestinian people to self-determination} (2008).
  \item Resolution 9/18 \textit{Follow-up to Resolution S-3/1: Human rights violations emanating from Israeli military incursions in the Occupied Palestinian Territory and the shelling of Beit Hanoun} (2008).
  \item Resolution 5-6/1 \textit{Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian Territory, particularly in the occupied Gaza Strip} (2008); \textit{Resolution 7/1 Human rights violations emanating from Israeli military attacks and incursions in the Occupied Palestinian territory, particularly the recent ones in the occupied Gaza Strip} (2008).
  \item Resolution 10/18 \textit{Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem and in the occupied Syrian Golan} (2009).
  \item Resolution 10/20 \textit{Right of the Palestinian people to self-determination} (2009).
  \item Resolution S-12/1 \textit{The human rights situation in the Occupied Palestinian Territory, including East Jerusalem} (2009).
  \item Resolution 10/19 \textit{Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory} (2009).
  \item Resolution S-9/1 \textit{The Grave Violations of Human Rights in the Occupied Palestinian Territory particularly due to the recent Israeli military aggression on the occupied Gaza Strip} (2009); \textit{Resolution 10/21 Follow-up to Council Resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip} (2009).
  \item Resolution 13/8 \textit{The grave human rights violations by Israel in the Occupied Palestinian Territory, including East Jerusalem} (2010).
  \item Resolution 13/6 \textit{Right of the Palestinian people to self-determination} (2010).
  \item Resolution 13/7 \textit{Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan} (2010).
  \item Resolution 15/1 \textit{Follow-up to the report of the independent international Fact-Finding Mission on the incident of the humanitarian flotilla} (2010).
  \item Resolution 13/9 \textit{Follow-up to the report of the United Nations independent international Fact-Finding Mission on the Gaza Conflict} (2010).
  \item Resolution 15/6 \textit{Follow-up to the report of the Committee of Independent Experts in international humanitarian and human rights law established pursuant to Council Resolution 13/9} (2010).
  \item Resolution 16/32 \textit{Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict} (2011).
  \item Resolution 16/29 \textit{The human rights situation in the Occupied Palestinian Territory, including East Jerusalem} (2011).
  \item Resolution 16/30 \textit{Right of the Palestinian people to self-determination} (2011).
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determination, a resolution\textsuperscript{1303} concerning Israeli settlements in the OPT, and resolutions\textsuperscript{1304} concerning the report of the international fact-finding mission on the incident of the humanitarian flotilla, sponsored by Pakistan.

In 2014, the UK abstained from voting on a resolution\textsuperscript{1305} concerning respect for international law in the OPT and East Jerusalem. The UK voted in favour of a resolution\textsuperscript{1306} concerning the Palestinian peoples’ right to self-determination. The UK voted in favour of a resolution\textsuperscript{1307} concerning human rights in the OPT and East Jerusalem, and a resolution\textsuperscript{1308} concerning Israeli settlements in the OPT. The UK voted in favour of a resolution\textsuperscript{1309} concerning the report of the fact-finding mission on the incident of the humanitarian flotilla and a resolution\textsuperscript{1310} concerning the report of the fact-finding mission on the Gaza conflict. All resolutions were sponsored by Pakistan.

In 2015, the UK voted in favour of a resolution\textsuperscript{1311} concerning the Palestinian peoples’ right to self-determination, a resolution\textsuperscript{1312} concerning human rights in the OPT and East Jerusalem and a resolution\textsuperscript{1313} concerning Israeli settlements in the OPT, East Jerusalem, and the OSG. The UK voted in favour of a resolution\textsuperscript{1314} concerning accountability and justice for violations of international law in the OPT and East Jerusalem. All resolutions were sponsored by Pakistan.

In 2016, the UK joined the consensus to support a resolution\textsuperscript{1315} concerning the Palestinian people’s right to self-determination. The UK voted in favour of a resolution\textsuperscript{1316} concerning human rights in the OPT and East Jerusalem. The UK abstained from voting on a resolution\textsuperscript{1317} concerning Israeli settlements in the OPT and a resolution\textsuperscript{1318} concerning accountability and justice for violations of international law in the OPT and East Jerusalem. All resolutions were sponsored by Pakistan.

\textit{The Occupied Syrian Golan (OSG):} In 2006, the UK abstained from voting on a resolution\textsuperscript{1319} concerning human rights in the OSG. From 2008 through 2011, the UK abstained every year from voting on resolutions\textsuperscript{1320} concerning human rights in the OSG. In 2014 and 2015, the UK abstained from voting on resolutions\textsuperscript{1321}
concerning human rights in the OSG. In 2016, the UK joined the consensus to support a resolution concerning human rights in the OSG. All resolutions were sponsored by Pakistan.

**Sri Lanka:** In 2009, the UK voted against a resolution on assistance to Sri Lanka for the protection of human rights, sponsored by Sri Lanka. In 2014, the UK voted in favour of a resolution concerning reconciliation, accountability, and human rights in Sri Lanka. In 2015, the UK joined the consensus to support a resolution concerning reconciliation, accountability and human rights in Sri Lanka. The 2014 and 2015 resolutions were co-sponsored by the UK.

**Sudan:** In 2006, the UK voted against a decision concerning Darfur. In 2007, the UK joined the consensus to support a resolution concerning Human Rights Council experts on human rights in Darfur, a resolution concerning human rights in Darfur, and a decision on the mandate of the Special Rapporteur on human rights in Sudan.

In 2008, the UK joined the consensus to support resolutions concerning human rights in Sudan. In 2010, the UK voted in favour of a resolution on improving human rights in Sudan. In 2014 and 2015, the UK joined the consensus to support resolutions on technical assistance and capacity-building to improve human rights in Sudan. In 2016, the UK joined the consensus to support a resolution on technical assistance and capacity-building to improve human rights in Sudan, sponsored by South Africa.

**Comments**

During its 2016 HRC candidacy, the UK stated that “the Human Rights Council should respond to situations of human rights concern, wherever and whenever they occur,” and “pledge[d] to tackle human rights situations and crises, through either support and dialogue or greater scrutiny, in accordance with their specific requirements.” In the same pledge, the UK further “committed to promoting human rights within the development and peace and security pillars of the United Nations,” and specified that “this includes ensuring that the Security Council has access to the necessary human rights information on which to base its decisions.”

The UK served on the HRC for eight of the ten years analysed and mostly maintained a consistent voting pattern except for resolutions on OPT. For example, the UK initially opposed one decision concerning human rights in Sudan but then joined the consensus or voted in favour of all resolutions and decisions concerning human rights in Sudan. Similarly, the UK supported all but one resolution on the issue of technical assistance and capacity-building in the Democratic Republic of the Congo. The UK primarily votes in favour or joins the consensus on OPT resolutions but also abstains from voting or votes against a significant number of OPT resolutions.

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1323 Resolution 5-11/1 *Assistance to Sri Lanka in the promotion and protection of human rights* (2009).
1336 Ibid.
c. Procedural

The UK abstained from voting on a resolution concerning the composition of the staff of the OHCHR and voted against two resolutions related to special procedures.

*Composition of the Staff of the OHCHR and Representative Institutions:* In 2015 and 2016, the UK voted against resolutions\textsuperscript{1337} concerning the composition of the staff of the OHCHR.

*Special Procedures:* In 2006, the UK voted against a resolution\textsuperscript{1338} concerning the Intergovernmental Working Group on the review of mandates. In 2007, the UK joined the consensus to support a resolution\textsuperscript{1339} concerning the Intergovernmental Working Group on the review of mandates.

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Chapter VII

Recommendations

If the Commonwealth is to champion human rights and good governance, its member countries must recall and abide by their membership agreements and obligations, to promote and protect human rights at the HRC. Some practical steps are provided here, for member countries, the Commonwealth Secretariat, and Commonwealth Heads of Government to undertake to further human rights at the HRC.

Commonwealth Member Countries Must:

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

The Commonwealth Secretariat Must:

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

Commonwealth Heads of Government Must:

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

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

CHRI’s objectives are to promote awareness of and adherence to the Commonwealth Harare Principles, the Universal Declaration of Human Rights and other internationally recognised human rights instruments, as well as to provide strategic instruments supporting human rights in Commonwealth member states.

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

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


Executive Committee (Ghana): Sam Okudzeto – Chairperson. Members: Akofo Ampaw, Yashpal Ghasi, Wajahat Habibullah, Neville Linton, Kofi Quashigah, Juliette Tukuiki and Sanjaya Hazarika.

Executive Committee (UK): Clare Doue - Chairperson. Members: Richard Bourne, Menakshi Dhar, Joanna Ewart-James, Frances Harrison, Sadaquat Kadi, Neville Linton, Sassy Nathan, Katherine O’Byrne, Rita Payne and Michael Stone.


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CHRI Programmes

CHRI believes that the Commonwealth and its member countries must be held to high standards and functional mechanisms for accountability and participation. This is essential if human rights, genuine democracy and development are to become a reality in people’s lives. CHRI furthers this belief through strategic initiatives and advocacy on human rights, access to justice and access to information. It does so through research, publications, workshops, information dissemination and advocacy.

Access to Justice

Police Reform: In too many countries the police are seen as an oppressive instrument of state rather than as protectors of citizens’ rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that the police act as upholders of the rule of law rather than as instruments of the current regime. In India, CHRI’s programme aims at mobilising public support for police reform. In South Asia, CHRI works to strengthen civil society engagement on police reforms. In East Africa and Ghana, CHRI is examining police accountability issues and political interference.

Prison Reform: CHRI’s work is focused on increasing transparency of a traditionally closed system and exposing malpractices. A major area is focused on highlighting failures of the legal system that result in terrible overcrowding and unconscionably long pre-trial detention and prison stays, and engaging in interventions to ease this. Another area of concentration is aimed at reviving the prison oversight systems that have completely failed. We believe that attention to these areas will bring improvements to the administration of prisons as well as have a knock-on effect on the administration of justice overall.

Access to Information

CHRI is acknowledged as one of the main organizations working to promote access to information across the Commonwealth. It encourages countries to pass and implement effective right to information laws. We routinely assist in the development of legislation and have been particularly successful in promoting right to information in India, Bangladesh and Ghana where we are the Secretariat for the RTI civil society coalition. We regularly critique new bills and intervene to bring best practices into governments and civil society knowledge both in the time when laws are being formulated and when they are first being implemented. Our experience of working across even in hostile environments as well as culturally varied jurisdications allows CHRI to bring valuable insights into countries seeking to evolve and implement new laws on right to information. In Ghana, for instance we have been promoting knowledge about the value of access to information which is guaranteed by law while at the same time pushing for introduction of an effective and progressive law. In Ghana as and when the access to information law comes into being we intend to build public knowledge in parallel with monitoring the law and using it in ways which indicate impact of the law on system accountability – most particularly in the area of policing and the working of the criminal justice system.

Strategic Initiatives Programme

CHRI monitors member states’ compliance with human rights obligations and advocates around human rights exigencies where such obligations are breached. CHRI strategically engages with regional and international bodies including the Commonwealth Ministerial Action Group, the UN and the African Commission for Human and People’s Rights. Ongoing strategic initiatives include: advocating for and monitoring the Commonwealth’s reform; reviewing Commonwealth countries’ human rights promises at the UN Human Rights Council; the Universal Periodic Review; advocating for the protection of human rights defenders and civil society space; and monitoring the performance of National Human Rights Institutions in the Commonwealth while advocating for their strengthening.

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

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