

CHRI 2019



Easier Said Than Done

40th Regular Session

Pledges and Performance:

Holding Commonwealth members to account at HRC



CHRI

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

Australia Bangladesh Cameroon India Nigeria Fiji Pakistan
Rwanda South Africa The Bahamas The United Kingdom
of Great Britain and Northern Ireland

Commonwealth Human Rights Initiative

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

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

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

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**40th Regular Session
(February-March 2019)**

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List of Abbreviations

ACHPR: African Commission on Human and Peoples' Rights
AFSPA: Armed Forces Special Powers Act
AML/CTF: Anti-Money Laundering and Counter-Terrorist Financing
AU: Africa Union
AJO: Avenir Jeune de l'Ouest
CAR: Central African Republic
CARICOM: Caribbean Community
CAT: Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment
CAT-OP: Optional Protocol to the Convention against Torture
CCPR: Covenant on Civil and Political Rights
CCPR-OP2-DP: Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty
CED: Convention for the Protection of All Persons from Enforced Disappearances
CEDAW: Convention on the Elimination of Discrimination Against Women
CEDAW-OP: Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
CERD: Committee on the Elimination of Racial Discrimination
CESCR: Covenant on Economic, Social and Cultural Rights
CESCR-OP: Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
CMW: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
COI: Commission of Inquiry
CPC: Country of Particular Concern
CRC: Convention on the Rights of the Child
CRC-OP-AC: Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
CRC-OP-SC: Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography
CRC-OP-IC: Third Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure
CRPD: Convention on the Rights of Persons with Disabilities
CRPD-OP: Optional Protocol to the Convention on the Rights of Persons with Disabilities
CSO: Civil Society Organisation
CTC: Counter Terrorism Committee
CTED: Counter-Terrorism Executive Directorate (UN)
CTI: Convention against Torture Initiative
CTTC: Counter Terrorism and Transnational Crime
DDPA: Durban Declaration and Programme of Action
DPRK: Democratic People's Republic of Korea
DRC: Democratic Republic of the Congo
EU: European Union
FDMN: Forcibly Displaced Myanmar Nationals
GBV: Gender-based Violence
GCTF: Global Counterterrorism Forum
GDP: Gross Domestic Product
GNA: Government of National Accord
HRC: Human Rights Council
HRL: Human Rights Law

ICC: International Criminal Court
ICT: Information and Communication Technology
IE: Independent Expert
ILO: International Labour Organization
IPID: Independent Police Investigative Directorate
ISIS (ISIL): Islamic State of Iraq and the Levant
LGBTI+: Lesbian, Gay, Bisexual, Transgender and Intersex
NAP: National Action Plan
NCAT: National Committee against Torture
NCCWD: National Commission for Child Welfare and Development
NCMEI: National Commission for Minority Educational Institutions
NCRDP: National Council for Rehabilitation of Disabled Persons
NFSA: National Food Security Act
NGO: Non-Governmental Organization
NHRC: National Human Rights Commission
NHRI: National Human Rights Institution
NMIRF: National Mechanism for Implementation, Reporting and Follow-Up
NPM: National Preventive Mechanisms
OHCHR: Office of the High Commissioner for Human Rights
OIC: Organisation of Islamic Cooperation
PACT: Pakistan's Action to Counter Terrorism
PCRDP: Provincial Councils for Rehabilitation of Disabled Persons
PSA: Public Safety Act
PSIDS: Pacific Small Island Developing States
PWD: Person with Disabilities
RAB: Rapid Action Battalion
RIB: Rwanda Investigation Bureau
R-ARCSS: Revitalised Agreement on the Resolution to the Conflict in the Republic of South Sudan
SADC: Southern Africa Development Community
SAHRC: South African Human Rights Commission
SDG: Sustainable Development Goals
SG: Secretary General
SIDS: Small Island Developing States
SPLA: Sudan People's Liberation Army
SR: Special Rapporteur
TTP: Tehrik-i-Taliban Pakistan
UAPA: Unlawful Activities Prevention Act
UDHR: Universal Declaration of Human Rights
UK: The United Kingdom of Great Britain and Northern Ireland
UN: United Nations
UNCAC: United Nations Convention against Corruption
UNESCO: United Nations Educational, Scientific and Cultural Organization
UNFCCC: United Nations Framework Convention on Climate Change
UNICEF: United Nations Children's Fund
UNPFA: United Nations Population Fund
UPR: Universal Periodic Review
VDPA: Vienna Declaration and Programme of Action
WEOG: Western European and Others Group
WG: Working Group
WHO: World Health Organization

Acknowledgements

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

The concept has been redesigned and standardised by Yashasvi Nain, former Programme Lead at CHRI's International Advocacy Programme (IAP). The authors of this report are Aditi Patil, Research Officer with the IAP, and Sarthak Roy, Research Officer with the Office of the International Director. They compiled and analysed the research and led a team of colleagues, and volunteers to make this report possible amid pressing deadlines and parallel programme commitments.

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CHAPTER I

Introduction

a. An Overview of the Report

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

This ESTD report summarizes and presents an analysis of the performance of the following 11 Commonwealth member states during the 40th session of the HRC: Australia, The Bahamas, Bangladesh, Cameroon, Fiji, India, Nigeria, Pakistan, Rwanda, South Africa, and the United Kingdom of Great Britain and Northern Ireland (UK). It highlights the disparities between human rights promises made by Council members and their implementation at the national levels. Overall, the ESTD series seeks to bridge gaps between international human rights systems and local landscapes at the country level.

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

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

b. Methodology

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

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

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

c. Limitations

The ESTD report aims to provide a balanced review and objective, factual assessment of the Member States' performance. However, there were two key challenges in the completion of this report:

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

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

d. Structure

The first chapter provides an overview of the 40th session. It further discusses the performance of the 11 Commonwealth member states during the session and covers major findings and observations concerning voting on resolutions, engagement with special procedures, compliance with treaty bodies, participation in formats of discussion and domestic human rights challenges. Since this happens to be a study on Commonwealth member states, country-specific resolutions concerning countries not part of the Commonwealth have not been covered.

It is followed by the country profiles of Australia, The Bahamas, Bangladesh, Cameroon, Fiji, India, Nigeria, Pakistan, Rwanda, South Africa, and the UK. Each profile presents information of the respective member state's voluntary pledges, their participation in panel discussions, general debates and interactive dialogues, and voting on thematic and country-specific resolutions. The profile ends with an analysis of the country's compliance with pledges and international commitments, and the corresponding domestic human rights situation on ground.

The report concludes with key recommendations for Commonwealth member states to enhance meaningful engagement with the HRC, draw in the 40th session and the analysis of specific human rights issues at the national level.

Note: Given the dynamic nature of this study, there are newer developments every day, especially in relation to the States' compliance with the HRC and treaty body mechanisms. The data in this report is, therefore, as it was found on 1 June 2019. While every effort has been made to ensure accuracy of the data, CHRI does not take responsibility for the data provided by other sources.

CHAPTER II

The Commonwealth at the 40th Session of the Human Rights Council

a. An Overview of the 40th Session of the Human Rights Council

The 40th regular session of the Human Rights Council was held at the United Nations Office in Geneva from 25 February to 22 March 2019. The session addressed and passed resolutions on a range of human rights issues such as the negative impact of unilateral coercive measures on the enjoyment of human rights, the right to food, freedom of religion or belief, and protection of the rights of the child, including children with disabilities, among several others. The Council passed 29 resolutions, comprising of 14 thematic and 15 country-specific resolutions. 16 of these resolutions were adopted by consensus. The following table covers all resolutions along with short descriptions:

Table 2.1

Resolution No.	Title of the Resolution	Description
40/1	Promoting reconciliation, accountability and human rights in Sri Lanka	The Council requested the OHCHR to continue consultations with the Government of Sri Lanka in promotion and protection of human rights, truth, justice, reconciliation and accountability.
40/2	Promotion and protection of human rights in Nicaragua	The Council urged the Government of Nicaragua to respect the rights to freedom of peaceful assembly, of association and expression; to guarantee due process rights; and to ensure that any detention is compliant with its human rights obligations. It requested the United Nations High Commissioner for Human Rights to prepare a comprehensive written report at the 42nd session to be followed by an enhanced interactive dialogue and present an oral report at the 41st and 43rd session of the Human Rights Council on the human rights situation in Nicaragua.
40/3	The negative impact of unilateral coercive measures on the enjoyment of human rights	The Council strongly urged all States to refrain and remove unilateral coercive measures, contrary to the UN Charter. It also called upon the member States to resolve differences through dialogue and peaceful relations. The Council recommended States to promote and preserve multilateralism taking all necessary measures to address the negative impact of unilateral coercive measures.
40/4	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	The Council called upon all States to ratify the UN Convention against Corruption. It urged the States to adopt legislation in addressing offences by business enterprises, including multinational corporations. The Council recommended that the States consider the establishment of the intergovernmental working group on the negative impact of illicit finance flows. It requested the OHCHR to provide assistance and financial resources necessary to allow the Advisory Committee to carry out the mandate set out in the present resolution in this regard.
40/5	Elimination of discrimination against women and girls in sport	The Council recognised sport regulations and practices that discriminate women and girls based on race and gender can lead to exclusion from competing. It called States to ensure that sporting associations and bodies implement policies accordingly to the international human rights norms and standards. It also called to repeal rules, policies and practices that negate women and girls' rights to bodily integrity and autonomy. The Council requested the OHCHR to prepare a report on this issue. The report will be presented to the Human Rights Council at its 44th session.

40/6	Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity	The Council recognized cultural diversity as a source of enrichment for the humankind's life and reaffirmed cultural rights as an integral part of human rights. It also reaffirmed the responsibility of States to promote and protect, cultural rights without discrimination. The Council called all Governments to cooperate and to assist Special Rapporteur during the mandate. The Council requested the OHCHR to provide all the human and financial resources necessary for the effective fulfilment of the Special Rapporteur's mandate. Finally, it also requested the Special Rapporteur to continue working with relevant stakeholders in the promotion and protection of cultural rights.
40/7	The right to food	The Council reaffirmed food as a national responsibility and hunger as a violation of human rights. It called upon States, multilateral institutions and other relevant stakeholders to take necessary measures to ensure the realisation of the right to food, including freedom from hunger, and to review any policy that might have a negative impact. It also requested the OHCHR to provide human and financial support of the Special Rapporteur's mandate, calling States, UN agencies, funds and programmes, treaty bodies, civil society actors and the private sector to cooperate fully and assist it during its visit.
40/8	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	The Council, recognising human rights impact of the recent financial crisis, encouraged Governments, UN bodies and agencies, funds and programmes and other intergovernmental organizations to implement their economic reform policies and measures, in accordance with guiding principles. It also recalled States to promote the economic, social and cultural development of its people and to alleviate the debt problem of those developing countries. The Council urged States, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate with the Independent Expert in accordance with the mandate.
40/9	Human rights, democracy and the rule of law	The Council, recognising the link between human rights, democracy, the rule of law and good governance, decided the theme of the third session of the 2020 Forum: "Equal access to justice for all: a necessary element of democracy, the rule of law and human rights protection". It also encouraged States and stakeholders to ensure equitable participation in the Forum based on geographical, gender and age balance.
40/10	Freedom of religion or belief	The Council condemned all forms of violence, intolerance, discrimination and acts of terrorism based on religion or belief. It also urged States to promote and protect freedom of thought, conscience and religion or belief. It also provided guidelines in this regard. The Council, extending the mandate for further three years, urged the Governments to cooperate fully with the Special Rapporteur.
40/11	Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development	The Council was concerned by the situation of environmental human rights defenders worldwide, and called on States to ensure that all legal provisions in promotion and protection of human rights are implemented and any abuse is avoided. It urged States to take concrete steps to prevent and curtail arbitrary arrest and to combat impunity. It also called States to promote public participation promoting transparency, accountability and effective governability. It called States and business enterprises to respect human rights in accordance with the Guiding Principles on Business and Human Rights.
40/12	Question of the realization in all countries of economic, social and cultural rights	The Council urged States to give effect to economic, social and cultural rights. It called States to promote use of human rights indicators to address discriminations and inequalities. It encouraged cooperation and coordination between Committee on Economic, Social and Cultural Rights and other human rights treaty bodies, UN bodies and mechanisms of the HRC.

40/13	Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem	The Council called duty bearers and UN bodies to implement recommendations of independent international commission of inquiry's reports. It also emphasised the need to ensure that violators of IHL and IHRL are held accountable through appropriate, fair and independent national or international criminal justice mechanisms, also ensuring an effective remedy to victims. It called parties to cooperate with preliminary examination and investigation of the ICC.
40/14	Rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education	The Council urged the states to take all measures to respect, protect, and fulfil the human rights of children and to prevent and eliminate all forms of discrimination against children with disabilities, including girls with disabilities. It also urged States to ensure that children with disabilities enjoy the right to the highest attainable standard of physical and mental health and the right to education.
40/15	Thirtieth anniversary of the Convention on the Rights of the Child	The Council called parties for a full implementation of the Convention and its Optional Protocols and for a ratification by non-party States. It requested cooperation between the OHCHR, States, UN bodies and agencies, civil society and national and international human rights institutions to participate and to make provisions for the high-panel discussion during the 43rd session of the HRC.
40/16	Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism	The Council decided to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism for a period of three years. It requested the Governments to cooperate with the Special Rapporteur, and respond promptly and favourably to the requests during its visits.
40/17	The human rights situation in the Syrian Arab Republic	The Council, condemning the situation in Syria, called parties to the conflict to create conditions in support of negotiations for a political solution. It demanded the Syrian authorities to cooperate with the HRC and the COI. It decided to extend the mandate of the COI for a period of one year and requested update during the 41st, 42nd and 43rd sessions of the HRC.
40/18	Situation of human rights in the Islamic Republic of Iran	The Council decided to extend the mandate of the Special Rapporteur for a further period of one year. It called upon the Government to cooperate with the Special Rapporteur permitting access to visit the country and providing all necessary information to fulfil the mandate.
40/19	Situation of human rights in South Sudan	The Council, condemning ongoing human rights violations and abuses, demanded all parties to the conflict to stop all violations of IHL and called the Government to ensure protection and promotion of human rights and fundamental freedoms. It decided to extend the mandate of the Commission on Human Rights for one year.
40/20	Situation of human rights in the Democratic People's Republic of Korea	The Council, condemning ongoing systematic, widespread and gross human rights violations and other human rights abuses, urged the Government to take immediate steps to end all such crimes. It decided to extend the Special Rapporteur's mandate for a period of one year. It called UN bodies as well as States, regional intergovernmental organizations and forums, civil society organizations, foundations and engaged business enterprises and other stakeholders to implement recommendations made by the COI.
40/21	Human rights in the occupied Syrian Golan	The Council called Israel to desist from its continuous building of settlements, from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and from its repressive measures against them. It called Israel to release the Syrian detainees in Israeli prisons. The Council called UN member states not to recognize legislative or administrative Israel's measures.

40/22	Right of the Palestinian people to self-determination	The Council reaffirmed the UN engagement on the question of Palestine in accordance with international law. Reaffirmed the inalienable, permanent and unqualified right of the Palestinian people to self-determination and called Israel to end its occupation of the Occupied Palestinian Territory. It also urged all States to adopt measures in promotion of the right to self-determination of the Palestinian people.
40/23	Human rights situation in the Occupied Palestinian Territory, including East Jerusalem	The Council demanded Israel withdraw from the Palestinian territory and to comply with the Fourth Geneva Convention provisions. It urged Member States for urgent measures to ensure the safety and protection of the Palestinian civilian population, as well as to provide emergency assistance and support. It also called for attention to be paid to the plight and the rights of Palestinian prisoners and detainees in Israeli Jails.
40/24	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan	The Council called for the cessation of the Israel's operation, the expropriation of Palestinian land, and the Israeli policies, laws and practices. It called upon Israel to end all human rights violations by fulfilling its international obligations to provide remedy to victims. The Council called States to implement the Guiding Principles on Business and Human Rights and to increase monitoring of settler violence. It requested all parties concerned to ensure the implementation of the recommendations of the independent international fact-finding mission.
40/25	Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief	The Council condemned the incidents of religious intolerance and discriminations across the world. It called upon States to take effective measures to ensure no discrimination against an individual on the basis of religion or belief and to promote respect and protection of religious sites. It called for international efforts for a global dialogue in promotion of a culture of tolerance and peace, respecting human rights and diversity of religions and beliefs. It requested the High Commissioner to prepare a comprehensive follow-up report for the 43rd session of the HRC.
40/26	Technical assistance and capacity-building for Mali in the field of human rights	The Council, condemning violations and abuses of IHL and human rights, called parties to the conflict to respect civilian character of schools and was of the view that all perpetrators are to be held accountable before competent courts. It called the Government, along with UN Multidimensional Integrated Stabilization Mission in Mali and the international community, to continue efforts in reconciliation, prevent violence and protect, respect and fulfil human rights. It decided to extend the mandate of the Independent Expert for a period of one year, calling parties to cooperate and assist its mandate. Finally, urged the international community to provide necessary assistance to Mali in respect of human rights and to combat impunity.
40/27	Technical assistance and capacity-building to improve human rights in Libya	The Council requested the Government of National Accord to cooperate with the UN Support Mission and called the GNA to increase efforts to hold accountable those who are responsible for IHL and IHRL violations and abuses. It condemned all acts of violence in Libya. The Council encouraged the GNA to promote, protect and respect human rights of migrants, refugees and internally displaced persons. It requested the OHCHR to provide technical assistance and capacity-building in promotion, protection and prevention of human rights as well as, by ensuring accountability for violations and abuses.

40/28	Cooperation with Georgia	The Council expressing concerns about discriminations, violation of fundamental rights, deprivation of liberty, arbitrary detentions and kidnappings in the country, called for immediate and unimpeded access of the Office of the High Commissioner and international and regional human rights mechanisms to Abkhazia and to the Tskhinvali region. It also requested the OHCHR to provide technical assistance through the office in Tbilisi.
40/29	Situation of human rights in Myanmar	The Council called the Government to ensure protection and promotion of human rights and dignity of all persons and to end impunity for violations and abuses. It called the Government to cooperate with UN and human rights mechanisms. It called the Government to release political prisoners and journalists. It urged the Government to eliminate discrimination against members of ethnic and religious minorities, including against the Rohingya.

b. The Commonwealth at the 40th Session of the Human Rights Council

During the 40th session of the HRC, 11 Commonwealth countries participated as members of the Council. These countries were Australia, Bahamas, Bangladesh, Cameroon, Fiji, India, Nigeria, Pakistan, Rwanda, South Africa, and the UK¹. Australia and Rwanda are serving their first term in the Council. Rwanda's membership will end in 2019 and Australia will remain a member till 2020, having begun its term in the 37th session. Kenya is serving its second term, which will end in 2018. South Africa is serving its third term, which will end in 2019. Nigeria, Pakistan and the United Kingdom are serving their fourth terms. While the United Kingdom will end its term in 2019, Nigeria and Pakistan will remain members till 2020.

c. Voting Patterns of the Commonwealth Member States on Resolutions

i. Thematic Resolutions

Voting Key:

Favour: ✓

Against: ✗

Consensus: •

Abstention: –

Original Sponsor/Co-sponsor

Additional Co-sponsor

Table 2.2

TEXT	RESOLUTIONS	AUS	BAH	BAN	CAM	FIJI	IND	NIG	PAK	RWA	SA	UK
40/3	The negative impact of unilateral coercive measures on the enjoyment of human rights	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗
40/4	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	-	-	✓	✓	✓	✓	✓	✓	✓	✓	-
40/5	Elimination of discrimination against women and girls in sport	•	•	•	•	•	•	•	•	•	•	•

1 United Nations Human Rights Council, Current Membership of the Human Rights Council for the 13th cycle, 1 January - 31 December 2019. Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/CurrentMembers.aspx>.

40/6	Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity	•	•	•	•	•	•	•	•	•	•	•
40/7	The right to food	•	•	•	•	•	•	•	•	•	•	•
40/8	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	✘	-	✓	✓	✓	✓	✓	✓	✓	✓	✘
40/9	Human rights, democracy and the rule of law	•	•	•	•	•	•	•	•	•	•	•
40/10	Freedom of religion or belief	•	•	•	•	•	•	•	•	•	•	•
40/11	Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights,	•	•	•	•	•	•	•	•	•	•	•
40/12	Question of the realization in all countries of economic, social and cultural rights	•	•	•	•	•	•	•	•	•	•	•
40/14	Rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education	•	•	•	•	•	•	•	•	•	•	•
40/15	Thirtieth anniversary of the Convention on the Rights of the Child	•	•	•	•	•	•	•	•	•	•	•
40/16	Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism	•	•	•	•	•	•	•	•	•	•	•
40/25	Combating intolerance, negative stereotyping and stigmatisation of, and discrimination, incitement to violence and	•	•	•	•	•	•	•	•	•	•	•

ii. Country-situation Resolutions

Voting Key:

Favour: ✓

Against: ✗

Consensus: •

Abstention: –

■ Original Sponsor/Co-sponsor

■ Additional Co-sponsor

Table 2.3

TEXT	RESOLUTIONS	AUS	BAH	BAN	CAM	FIJI	IND	NIG	PAK	RWA	SA	UK
40/1	Promoting reconciliation, accountability and human rights in Sri Lanka	•	•	•	•	•	•	•	•	•	•	•
40/2	Promotion and protection of human rights in Nicaragua	✓	✓	-	-	✓	-	-	-	-	-	✓
40/13	Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem	✗	-	✓		✗	-	✓	■	-	✓	-
40/17	The human rights situation in the Syrian Arab Republic	✓	✓	-	-	✓	-	-	-	✓	-	✓
40/18	Situation of human rights in the Islamic Republic of Iran	✓	✓	-	-	✓	✗	-	-	-	-	✓
40/19	Situation of human rights in South Sudan	•	•	•	•	•	•	•	•	•	•	•
40/20	Situation of human rights in the Democratic People's Republic of Korea	•	•	•	•	•	•	•	•	•	•	•
40/21	Human rights in the occupied Syrian Golan	✗	✓	✓	-	-	✓	✓	■	-	✓	✗
40/22	Right of the Palestinian people to self-determination	✗	✓	✓	-	✓	✓	✓	■	✓	✓	✗
40/23	Human rights situation in the Occupied Palestinian Territory, including East Jerusalem	✗	✓	✓	-	✓	✓	✓	■	-	✓	✗
40/24	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan	✗	✓	✓	-	✓	✓	✓	■	-	✓	✗
40/26	Technical assistance and capacity-building for Mali in the field of human rights	•	•	•	•	•	•	•	•	•	•	•
40/27	Technical assistance and capacity-building to improve human rights in Libya	•	•	•	•	•	•	•	■	•	•	•
40/28	Cooperation with Georgia	✓	✓	-	✗	✓	-	-	-	-	-	✓
40/29	Situation of human rights in Myanmar	✓	✓	■	-	✓	-	✓	✓	✓	✓	✓

d. Overview of the Performance of the Commonwealth Member States

Table 2.4

TEXT	RESOLUTIONS	AUS	BAH	BAN	CAM	FIJI	IND	NIG	PAK	RWA	SA	UK
1.	Clean slate election	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓
2.	Voluntary pledges and commitments submitted	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓
3.	Thematic resolutions sponsored (in resolutions adopted during the session)	4	1	0	0	4	0	0	2	0	1	5
4.	Country situation resolutions sponsored (in resolutions adopted during the session)	10	0	1	0	0	0	0	6	0	0	6
5.	Issued Standing invitation to Special Procedures	✓	✓	✗	✓	✓	✓	✓	✗	✓	✓	✓
6.	Treaty Ratification (10 major treaties)	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
7.	Treaty reporting (outstanding report exceeding 5 years)	0	3	2	0	0	2	6	1	0	1	0
8.	Pending requests and reminders from Special Procedures	2	1	22	7	10	21	11	17	7	21	3

i. Compliance with Reporting Obligations to Treaty Bodies

When a country ratifies a treaty, in addition to its obligation to implement the substantive provisions of the treaty, it is also under an obligation to submit periodic reports to the relevant treaty body on the steps taken to implement these rights. Almost all Commonwealth Member States, in their voluntary pledges, committed to comply with their treaty body reporting obligations under the major human rights treaties. However, not all of these obligations have been fulfilled. Bangladesh and Fiji have their reports pending with both CAT and CERD; Bangladesh has its CAT report pending since 1999. Cameroon has three pending reports on CEDAW, CRC-OP-AC, and CERD. India has three reports pending with CERD, CESCR, and CCPR. India submitted its last report to the CCPR in 1995; its report to the CCPR has been due since 2001. Rwanda has two reports pending under the CCPR and the CESCR. Pakistan and South Africa each has one report pending with CRPD and CRC-OP-AC respectively. The Bahamas and Nigeria have failed to comply with most of the treaty body reporting obligations. The Bahamas has five reports pending, including, CCPR (since 2010), CESCR (since 2011), CRC (since 2008), CRC-OP-AC (since 2017), and CRPD (since 2017), while Nigeria has eight reports pending with the CAT (since 2002), CERD (since 2008), CESCR (since 2000), CMW (since 2018), CRC (since 2016), CRC-OP-AC (since 2014), CRC-OP-SC (since 2012), and CRPD (since 2012). The UK and Australia have submitted all their reports to date. However, throughout the submissions of these reports, often delays have been reported.

ii. Engagement with Special Procedures

The special procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. Despite voluntary pledges to support and enhance engagement with the Special Procedures, the record of most of the Commonwealth member states shows lack of satisfactory engagement. Australia's performance has been positive, affected only by its lack of engagement with the Special Rapporteur on torture and the Working Group on arbitrary detention. Bangladesh, India, and South Africa have about 20 to 22 pending visit requests from the Special Procedures, while Pakistan has 17 requests pending. Pakistan and Bangladesh have not extended standing invitations to Special Rapporteurs. Another exception within the Commonwealth Countries was observed in the Special Procedures' engagement of the UK that registered only three pending requests respectively on torture, on food, and on mercenaries.

iii. Treaty Ratification

None of the Commonwealth member states covered in this study has ratified or acceded to all the major human rights treaties. The overall trend of ratification shows that 10 of these 11 states under have not ratified the Convention for the Protection of All Persons from Enforced Disappearance (CED); only Nigeria has ratified the CED.² Similarly, eight states have not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW),³ including Australia, South Africa, and the UK. Cameroon, Nigeria, and Rwanda have showed a better ratification status across the countries under review. The only exceptions are: the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolish death penalty (CCPR-OP2-DP) that has not been ratified by Cameroon and Nigeria, and the CED that has not been ratified yet by Rwanda. Moreover, the Bahamas, Fiji, and Pakistan have not ratified the Optional Protocol of the Convention against Torture (CAT-OP), CCPR-OP2-DP, CED, and CMW. Likewise, Bangladesh has not ratified the CAT-OP, CCPR-OP2-DP, and CED, while India has not yet ratified the CAT, CAT-OP, CCPR-OP2-DP, and CMW.

iv. Thematic Resolutions

The Commonwealth member states joined the consensus in adopting 11 thematic resolutions in this session. Three thematic resolutions were voted upon, namely, *The negative impact of unilateral coercive measures on the enjoyment of human rights*,⁴ *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*,⁵ and *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*⁶ to name a few.

However, none of these three contested resolutions showed a unanimity of voting pattern among the Commonwealth member states. Australia and UK of the 'Western European and Others Group' (WEOG) followed an identical voting pattern: while they voted against resolutions concerning foreign debt and the negative impact of unilateral coercive measures, they abstained in the resolution on negative impact of the non-repatriation of funds.

None of the African or Asia-Pacific States voted against any thematic resolutions. The Bahamas, abstained from voting on two resolutions, namely, *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*,⁷ and *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*.⁸

v. Country Situation Resolutions

The Commonwealth member states scrutinised in this study joined the consensus in adopting five country situation resolutions during this session. Australia and the UK displayed a similar voting trend even in relation to the country situation resolutions, with the only exception on the resolution concerning *Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem*.⁹ While Australia voted

- 2 Office of the High Commissioner for Human Rights, Human Rights Bodies, Reporting status for Nigeria. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=NGA&Lang=EN.
- 3 Office of the High Commissioner for Human Rights, Committee on Migrant Workers. Available at: <https://www.ohchr.org/EN/HRBodies/CMW/Pages/CMWIndex.aspx>.
- 4 Resolution 40/3 The negative impact of unilateral coercive measures on the enjoyment of human rights (2019).
- 5 Resolution 40/4 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 (2019).
- 6 Resolution 40/8 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 (2019).
- 7 Resolution 40/4 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 (2019).
- 8 Resolution 40/8 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 (2019).
- 9 Resolution 40/13 Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem (2019).

against it, the UK abstained from voting; both have provided explanations of their respective votes. This resolution was also unique due to the uncollected vote of Cameroon. Cameroon was the only country that voted against or abstained in all country resolutions. In particular, in the resolution, namely, *Cooperation with Georgia*,¹⁰ it was the only Commonwealth member who voted against the resolution.

Bangladesh, Nigeria and South Africa abstained from voting on four country resolutions each. Rwanda, India, and Pakistan abstained from voting on seven, five and three country resolutions respectively. Additionally, India and Pakistan voted against the resolution regarding the *Situation of human rights in the Islamic Republic of Iran*.¹¹

e. Major Challenges

i. Pledges

Seven out of the 11 Commonwealth member states, namely, Australia, Bangladesh, Fiji, India, Pakistan, The Bahamas, and the UK, submitted a new pledge enumerating their human rights promises and commitments. Rwanda has not submitted a pledge at all. Nigeria last submitted its pledge in 2006, while South Africa submitted it in 2013, for the candidacy for membership for the period 2014-16, which has continued in its second consecutive term.

Most of these pledges are often vague and ambiguous, thereby, making it difficult to assess measurable outcomes or hold countries accountable to any objective commitments made by them. The pledge is an important consideration for selection to the HRC. The UN General Assembly Resolution 60/251, which established the HRC, states that human rights pledges made by countries should be considered while electing the members of the HRC. Pledges are essential, as members without formal pledges and commitments are able to avoid scrutiny from national and international stakeholders. This is particularly in the case of Rwanda, that has not submitted a pledge, nor did it make any statement during this session of the Council.

ii. Uncontested “Clean Slate” Elections

The performance of the Council is directly influenced by its composition. There has been a continuing and worrying trend of regional groupings running clean-slate elections – with the number of countries standing for election matching the number of open seats. The last Council election in 2017 was a clean-slate election for all five regional groups. Currently, the only Commonwealth member state which was elected to the Council through a contested, non-clean slate election is Pakistan. In the first decade of the Council, the Asia-Pacific regional elections were uncontested six out of 10 times; African regional elections were uncontested eight out of 10 times; and Western European and Other regional elections were uncontested six out of 10 times.

Competitive elections are critical to promote robust dialogue, geographical representation, diversity, and accountability, and the practice of clean-slate elections undermines the Council’s credibility, for among other issues, it also prevents States from submitting pledges on sincere human rights commitments.

iii. Lack of Follow-up and Implementation

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

During the term of a member state, there should be increased scrutiny on its adherence to the resolutions by Council member states in order to guarantee compliance with the membership obligations and to ensure accountability. This should be held at the highest standards in the Council. Such scrutiny could be applied through an annual report

¹⁰ Resolution 40/28 Cooperation with Georgia (2019).

¹¹ Resolution 40/18 Situation of human rights in the Islamic Republic of Iran (2019).

by the High Commissioner that focuses on cooperation by the Council members with resolutions and other UN mechanisms.

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

CHAPTER III

Country Profiles

AUSTRALIA

I. Introduction

Australia was elected for its first term on the HRC, after the conclusion of a clean slate election, in 2017.¹² Its current term ends in 2020.¹³

II. Voluntary Pledges and Commitments

In its voluntary pledge, Australia firmly committed to fundamental human rights and freedoms.¹⁴ It positioned itself as a “pragmatic and principled” candidate and a voice for the Pacific. Led by the then Foreign Minister, Julie Bishop, Australia’s campaign was based on “five pillars”,¹⁵ namely:

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

III. Participation at the 40th Session of the HRC

Australia participated very actively at the Council. The following is a representative selection of Australia’s participation in interactive dialogues, general debates, and panel discussions:

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

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

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

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

S. No.	High-Level Segment	Australia's Statement
1.	Statement delivered by H.E. Marise Payne, Minister of Foreign Affairs, Australia	<ul style="list-style-type: none"> • Affirmed that the freedoms of expression and religion and belief are inherent to its identity and that tolerance is fundamental to multicultural and resilient societies. • Disturbed by growing religious intolerance across the globe, the use of blasphemy laws to discriminate against religious practices and beliefs, and targeting of individuals and communities based on their religious adherence. • Confirmed support to the HRC in responding to human rights situations as highlighted in their UPR statements, complemented by bilateral and regional engagement with other States. • Expressed concerns over the challenges to democracy in Venezuela; the critical situation of the Rohingya in Myanmar and Bangladesh; treatment of Uyghurs in China; rights of women in Saudi Arabia; murder of journalist Jamal Khashoggi; restrictions and reprisals against journalists in many places; and the humanitarian conflict in Yemen and Syria. • Opposed the existence of Agenda Item 7 with the view that a separate agenda item focusing singly on Israel is inappropriate, and maintained the need to have a balanced agenda considering human rights challenges of all member states. • Informed about the valuable work in the Pacific to increase women's participation in public life, especially in rural and remote communities; welcomed Fiji as the first Pacific Island member to the Council; and supported Marshall Islands' candidacy for 2020. • Listed priority thematic issues for the term: abolition of the death penalty, ending discrimination and protecting the rights of the LGBTI community, freedom of religion, advancing indigenous peoples' rights, promoting gender equality, and supporting civil society and NHRIs.¹⁶

S. No.	Interactive Dialogue	Australia's Interventions
1.	Clustered interactive dialogue with the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	<ul style="list-style-type: none"> • Welcomed the address on women human rights defenders' contribution to the advancement of human rights and acknowledged the gendered and intersectional risks they face on account of their identity. • Expressed grave concern over the violence, intimidation and online abuse of the full spectrum of women human rights defenders and sought views to strengthen their protection. • Welcomed the focus on corruption and torture or ill-treatment as the concurrent effects of the failure of the governance system to prevent abuse of power. • Requested detailed recommendations on practical measures to better protect civil society, human rights defenders, and whistleblowers from reprisals.¹⁷

16 Statement by Senator the Hon. Marise Payne at the 40th Session of the Human Rights Council. Available at: https://foreignminister.gov.au/speeches/Pages/2019/mp_sp_190225.aspx.

17 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-national-statement-cid-human-rights-defenders-and-torture.pdf>.

2.	Clustered interactive dialogue with the Special Rapporteur on the right to privacy and the Special Rapporteur on cultural rights	<ul style="list-style-type: none"> • Reaffirmed that no person should be subject to arbitrary or unlawful interference with their privacy. • Maintained that its Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018, noted in the SR report, is reasonable and proportionate to address the use of encrypted technologies by criminals and terrorists. • Stated that the Act provides necessary access to law enforcement and also has strong safeguards ensuring that the privacy of Australians is not compromised and the security of the digital ecosystem is maintained.¹⁸
3.	Interactive dialogue with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism	<ul style="list-style-type: none"> • Agreed with the Special Rapporteur that diverse civil society actors should be constructively engaged as ‘agents of change’ in preventing violent extremism and welcomed her views on best practice for engagement of governments with the civil society in this regard. • Emphasised the importance of effective partnership as terrorism is a shared transnational challenge requiring sustained regional and global partnership. • Affirmed that there is a need for safeguards on counter-terrorism measures and stated that Australia’s laws appropriately balance the need for community safety with safeguarding individual rights and freedoms.¹⁹
4.	Clustered interactive dialogue with the Special Rapporteur on the rights of persons with disabilities and the Independent Expert on the enjoyment of human rights by persons with albinism	<ul style="list-style-type: none"> • Remained firmly committed to implementing the Convention on the Rights of Persons with Disabilities and stated that no one in Australia is unable to access quality health services based on their disability. • Recognised that persons with disability enjoy legal capacity, on an equal basis with others, in all aspects of life.²⁰
5.	Clustered interactive dialogue with the Special Rapporteur on Freedom of Religion or Belief and the Special Rapporteur on the Sale and Sexual Exploitation of Children	<ul style="list-style-type: none"> • Welcomed the report’s analysis of common limitations on expression involving religion and belief around the world. • Expressed their pride as a multicultural nation where freedom of religion or belief is an inherent part of the national identity. • Was deeply concerned at the abhorrent crime of sale and sexual exploitation of children, including in the context of sports.²¹
6.	Interactive dialogue with the Special Rapporteur on Myanmar	<ul style="list-style-type: none"> • Called upon Myanmar to re-engage with the Special Rapporteur and allow her visit to Myanmar to fulfil her mandate. • Was disturbed by the renewal of violence in Rakhine state and urged all parties to cease hostilities, respect international law, human rights and uphold commitments to dialogue for peace. • Welcomed unilateral ceasefire declared by the Myanmar forces in Kachin and Shan states and reiterated the call for lifting restrictions on humanitarian access in these states. • Supported the Independent Investigative Mechanism for Myanmar and called upon the Government and the Independent Commission of Enquiry to cooperate with the mechanism. • Requested the Special Rapporteur to suggest how regional partners can best help support the establishment of the Independent Investigative Mechanism.²²

18 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-national-statement-right-to-privacy-and-special-rapporteur-on-cultural-rights.pdf>.

19 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-national-statement-human-rights-and-fundamental-freedoms-while-countering-terrorism.pdf>.

20 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-national-statement-cid-rights-of-persons-with-disabilities.pdf>.

21 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=05/03/2019%2000:00:00>.

22 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-national-statement-id-human-rights-myanmar.pdf>.

7.	Interactive dialogue with the Special Rapporteur on the Democratic People's Republic of Korea	<ul style="list-style-type: none"> • Raised concerns about the grave human rights situation in the DPRK and called upon the Government to take urgent actions to halt these violations. • Noted that even after five years of the Commission of Inquiry's report, human rights violations have continued in the DPRK. • Called the international community to maintain pressure on the Government to improve the human rights situation.²³
8.	Enhanced interactive dialogue on Eritrea	<ul style="list-style-type: none"> • Welcomed Eritrea's peace agreement that may increase international cooperation and improve transparency and accountability. • Concerned about the ongoing reports on forced labour and prolonged national service, calling on the Government to introduce legislation prohibiting forced labour, limiting time on national service, and providing options for conscientious objection. • Raised concerns about reports of torture, arbitrary and indefinite detention in Eritrea despite acceding to the CAT. • Supported the Special Rapporteur's mandate and called upon Eritrea to fully cooperate with the mandate.²⁴
9.	Interactive dialogue with the Commission on Human Rights in South Sudan	<ul style="list-style-type: none"> • Welcomed the signing of Revitalised Agreement on the Resolution to the Conflict in the Republic of South Sudan (R-ARCSS), but remained concerned by continued obstructions to humanitarian assistance. • Strongly condemned the current violation against civilians, including sexual and gender-based violence and called on the Government to hold perpetrators to account. • Deplored the serious human rights violations and abuses committed by all parties in the conflict and shrinking space for the civil society. • Raised concerns about arbitrary arrests, detention and torture carried out by the National Security Service and SPLA Military Intelligence and urged the Government to end forced disappearances.²⁵
10.	Interactive dialogue with the Commission of Inquiry on the Syrian Arab Republic	<ul style="list-style-type: none"> • Concerned about the widespread human rights violations and abuses outlined in the Commission's report. • Supported the long-standing prohibition of the use of chemical weapons, as well as, the ongoing investigation made by the Commission into the alleged chemical attack in November 2018. • Troubled by reports of arbitrary arrests, detentions and reported custodial deaths in areas under the Syrian government control. • Underscored the importance of timely and unimpeded humanitarian access to all areas in Syria and called on the Government to create conditions for voluntary return of refugees. • Called on all parties to exercise restraint and to respect and protect human rights.²⁶

23 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-national-statement-id-human-rights-dprk.pdf>.

24 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-national-statement-enhanced-id-eritrea.pdf>.

25 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-national-statement-id-commission-south-sudan.pdf>.

26 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-national-statement-id-commission-inquiry-syrian-arab-republic.pdf>.

11.	Interactive dialogue with the Commission of Inquiry on Burundi	<ul style="list-style-type: none"> Concerned by the absence of independent international mechanisms in Burundi to investigate human rights violations and by the lack of cooperation between the Government and the Commission. Concerned by severe, arbitrary restrictions placed on NGOs, called on the Government to support and protect those promoting advancement of human rights, and inquired to the Commission if there have been reprisals against cooperating NGOs. Urged Burundi to adopt policy promoting gender and ethnic inclusivity through cooperation with international human rights bodies and national civil societies. Gravely concerned by the violations committed with impunity and urged the Government to show restraint and hold perpetrators to account.²⁷
12.	Enhanced interactive dialogue on the High Commissioner's oral update and report on the Democratic Republic of the Congo (DRC)	<ul style="list-style-type: none"> Commended the DRC for holding their recent elections and called on the new government to ensure accountability for human rights violations and abuses committed during the electoral period. Remained concerned by media restrictions and shutdowns and encouraged the government to safeguard freedoms of expression and assembly. Urged the Government to investigate alleged human rights violations by state actors ensuring the protection of civilians and combat impunity.²⁸
13.	Interactive dialogue with the Independent Expert on Mali	<ul style="list-style-type: none"> Concerned by the security situation, called on Mali to continue efforts to promote and protect human rights. Urged the Government to sustain efforts to restore state authority, conduct enquiries into human rights violations and abuses, and take steps to progress peace process. Concerned by the sexual and gender-based violence and encouraged the passage of the 2017 bill on the gender-based violence into law. Urged the government to make efforts to promote access to education.²⁹
14.	Interactive dialogue on the High Commissioner's oral report on Ukraine	<ul style="list-style-type: none"> Reiterated support for Ukraine's sovereignty and territorial integrity and called on all parties to implement their Minsk 2 obligations to resolve the crisis. Gravely concerned at the consistent reports of human rights abuses in Crimea and Eastern Ukraine, especially against vulnerable minorities. Called the Russian Federation to facilitate immediate, unimpeded access to Crimea and eastern Ukraine.³⁰

27 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-national-statement-id-commission-inquiry-burundi.pdf>.

28 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-national-statement-enhanced-id-democratic-republic-of-congo.pdf>.

29 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-national-statement-id-independent-expert-mali.pdf>.

30 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-national-statement-id-high-commissioners-oral-update-ukraine.pdf>.

15.	Interactive dialogue on the OHCHR report on Sri Lanka	<ul style="list-style-type: none"> • Commended Sri Lanka for constructively engaging with the UN human rights processes and for its commitment to implement Resolution 30/1. • Welcomed Sri Lanka's co-sponsorship of Resolution 40/1 as a positive demonstration of commitments and encouraged the delivery of its transitional justice agenda in an effective way. • Recognised the Government's efforts in establishing credible transitional justice mechanisms. • Endorsed the High Commissioner's call for Sri Lanka to demonstrate sustained commitment to move this agenda forward and offered practical support to Sri Lanka.³¹
16.	High-level interactive dialogue on the human rights situation in the Central African Republic	<ul style="list-style-type: none"> • Welcomed the signing of Political Agreement on Peace and Reconciliation by the Government of the Central African Republic (CAR) and other armed groups, and urged all parties to adhere to it. • Called the Government to ensure accountability for human rights violations and abuses. • Welcomed establishment of a Commission on Truth, Justice, Reparation and Reconciliation to address human rights abuses. • Encouraged the Government to develop transitional justice approaches focusing on victims' interests and their participation. • Raised concerns about prevalence of sectarian violence, sexual and gender-based violence and attacks on humanitarian aid workers, and called on the Government to ensure that perpetrators are brought to justice.³²

S. No.	General Debate	Australia's Interventions
1.	General debate on the oral update by the High Commissioner for Human Rights	<ul style="list-style-type: none"> • Expressed concern over the crackdowns and human rights violations during the elections, especially in the DRC. • Noted with concern that Sudan had declared a state of emergency and dissolved its Government. • Encouraged efforts by the UN-Libyan Government of National Accord to establish peace and stability in Libya. • Welcomed the decriminalisation of homosexuality in Angola and India. • Stated that all countries must protect the rights of LGBTI persons and noted concerns over the reports of their imprisonment and torture in the Russian Federation's Chechen Republic. • Noted the restrictions on freedom of expression and of assembly in Cambodia, the Philippines, and Zimbabwe. • Welcomed the release of Asia Bibi in Pakistan, but remained concerned about the use of blasphemy laws to discriminate against of religious belief or practice. • Supported a two-state solution between Israel and the future Palestinian state and urged both sides to refrain from taking unilateral actions. • Reaffirmed their opposition to death penalty, and voiced concern by reports of Sri Lanka's plans to recommence executions.³³

31 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-national-statement-id-high-commissioner-on-sri-lanka.pdf>.

32 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-national-statement-id-high-level-id-human-rights-central-african-republic.pdf>.

33 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-national-statement-id-un-high-comm-human-rights.pdf>.

2.	General Debate on human rights situations that require the Council's attention	<ul style="list-style-type: none"> • Deplored the widespread human rights violations and abuses in Syria, including reports of arbitrary arrests, enforced disappearances, torture in areas under the regime, and noted the importance of ensuring safe, voluntary return of refugees and internally displaced persons. • Remained concerned by the human rights situation in the DPRK and urged them to halt abuses and constructively engage with the UN processes. • Remained concerned by reports of enforced disappearances, arbitrary detention and restriction on freedom of movement in Xinjiang. • Called on the DRC to take urgent action to improve human rights, democracy and the rule of law and to ensure accountability. • Called for a return to democracy in Venezuela and urged all parties to work towards a peaceful resolution upholding human rights of the people. • Urged an end of the Yemen conflict and raised concerns over obstacles to humanitarian access; called on all parties to implement the Stockholm Agreement.³⁴
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S. No.	Panel Discussions	Australia's Interventions
1.	Annual interactive debate on the rights of persons with disabilities	<ul style="list-style-type: none"> • Affirmed that adequate services of rehabilitation optimise functions and participation of persons with disabilities in education, employment and community life. • Stressed that habilitation and rehabilitation are important elements of community-based inclusive development strategies and informed that they have worked towards implementing rehabilitation programs in such a way. • Highlighted that it has partnered with the WHO since 2011 to support disability-inclusive health, rehabilitation and assistive technologies in the Western Pacific region. • Informed about endorsing the draft Western Pacific Regional Framework on Rehabilitation at the 69th session of the WHO Western Pacific Region in 2018.³⁵

IV. Voting Pattern on Resolutions

Thematic Resolutions

Australia did not vote in favour of any thematic resolution during this session.

It voted against two thematic resolutions, namely, *The negative impact of unilateral coercive measures on the enjoyment of human rights*,³⁶ and *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*.³⁷

Australia provided explanations of its votes on both the thematic resolutions that it voted against:

- On the resolution concerning *The negative impact of unilateral coercive measures on the enjoyment of human rights*,³⁸ Australia disagreed with the inference that autonomous sanctions are inherently unjust or contrary to

34 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-national-statement-general-debate-item-4.pdf>.

35 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-national-statement-annual-debate-rights-persons-disabilities.pdf>.

36 Resolution 40/3 The negative impact of unilateral coercive measures on the enjoyment of human rights (2019).

37 Resolution 40/8 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 (2019).

38 Resolution 40/3 The negative impact of unilateral coercive measures on the enjoyment of human rights (2019).

international law concerns. It also raised concerns that some countries were trying to pursue their political goals. It stated that the resolution focused on the relations between States instead of the rights of individuals. Australia did not consider that the Council is not the appropriate forum for the resolution and voted against it.³⁹

- On the resolution on *The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights*,⁴⁰ Australia voted against the resolution as it fell outside the mandate of the Council, duplicating other international discussions on the issue.⁴¹

Australia abstained from voting on one thematic resolution concerning *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*.⁴²

In the explanation of its vote, Australia stated that while it broadly supported the intent of the resolution and recognised the importance of repatriation of funds of illicit origin, the resolution misinterpreted aspects of the United Nations Convention Against Corruption (UNCAC) and brought the same to the attention of the parties.⁴³

Australia sponsored the resolutions concerning *Human rights, democracy and the rule of law; Freedom of religion or belief*,⁴⁴ *Thirtieth anniversary of the Convention on the Rights of the Child*,⁴⁵ *Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development*,⁴⁶ and *Question of the realization in all countries of economic, social and cultural rights*⁴⁷ adopted by consensus.

Country Situation Resolutions

Australia voted in favour of five country situation resolutions, all of which it also sponsored, namely, *The human rights situation in the Syrian Arab Republic*,⁴⁸ *Promotion and protection of human rights in Nicaragua*,⁴⁹ *Situation of human rights in the Islamic Republic of Iran*,⁵⁰ *Situation of human rights in Myanmar*⁵¹ and *Cooperation with Georgia*.⁵²

Australia voted against five country situation resolutions concerning, *Human rights in the occupied Syrian Golan*,⁵³ *Human rights situation in the Occupied Palestinian Territory, including East Jerusalem*,⁵⁴ *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan*,⁵⁵ *Right of the Palestinian*

39 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-explanation-of-vote-unilateral-coercive-measures.pdf>.

40 Resolution 40/8 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 (2019).

41 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-explanation-of-vote-effects-of-foreign-debt.pdf>.

42 Resolution 40/4 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 (2019).

43 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-explanation-of-vote-non-repatriation-of-funds-of-illicit-origin.pdf>.

44 Resolution 40/9 Human rights, democracy and the rule of law (2019).

45 Resolution 40/15 Thirtieth anniversary of the Convention on the Rights of the Child (2019).

46 Resolution 40/11 Recognising the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development (2019).

47 Resolution 40/12 Question of the realization in all countries of economic, social and cultural rights (2019).

48 Resolution 40/17 The human rights situation in the Syrian Arab Republic (2019).

49 Resolution 40/2 Promotion and protection of human rights in Nicaragua (2019).

50 Resolution 40/18 Situation of human rights in the Islamic Republic of Iran (2019).

51 Resolution 40/29 Situation of human rights in Myanmar (2019).

52 Resolution 40/28 Cooperation with Georgia (2019).

53 Resolution 40/21 Human rights in the occupied Syrian Golan (2019).

54 Resolution 40/23 Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2019).

55 Resolution 40/24 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2019).

people to self-determination,⁵⁶ and Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem.⁵⁷

- In the explanation of its vote on the resolution concerning *Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem*,⁵⁸ Australia stated that the resolution failed to call for accountability and justice on both sides. It firmly committed to a two-state solution, where Israel and a future Palestinian state will exist side-by-side in peace and security. Keeping in line with its principled opposition to Item 7 of the HRC, Australia voted against the resolution.⁵⁹

Australia sponsored five country situation resolutions adopted by consensus, namely, *Promoting reconciliation, accountability and human rights in Sri Lanka*; *Technical assistance and capacity-building for Mali in the field of human rights*; *Technical assistance and capacity-building to improve human rights in Libya*; *Situation of human rights in South Sudan* and *Situation of human rights in the Democratic People's Republic of Korea* adopted by consensus.⁶⁰

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

Australia has extended a standing invitation to all thematic special procedures since 2008.⁶¹ It has largely complied with the special procedures. However, there are two exceptions to this.⁶² Australia has a visit request pending from the Special Rapporteur on torture.⁶³ This visit was postponed in 2016.⁶⁴ Second, Australia has postponed the visit of the Working Group on arbitrary detention on three occasions since 2017.⁶⁵ The visit is now due in the first quarter of 2020.⁶⁶

b. Compliance with Reporting Obligations to Treaty Monitoring Bodies

Australia is up to date with its reporting obligations under CAT, CCPR, CEDAW, CERD, CESC, CRC, and CRPD.⁶⁷ However, some of these reports, like that to the CCPR was submitted after a delay of three years, whereas that to CEDAW was submitted after a delay of two years.⁶⁸

Australia has not ratified two major treaties, namely, the *Convention for the Protection of All Persons from Enforced Disappearance* (CED) and the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (CMW).⁶⁹

c. Compliance with Thematic Issues

⁵⁶ Resolution 40/22 Right of the Palestinian people to self-determination (2019).

⁵⁷ Resolution 40/13 Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem (2019).

⁵⁸ Ibid.

⁵⁹ Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-explanation-of-vote-on-draft-resolution-l25.pdf>.

⁶⁰ Office of the High Commissioner for Human Rights, Human Rights Council 40th session. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

⁶¹ Office of the High Commissioner for the Human Rights, Special Procedures. Available at: https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/StandingInvitations.aspx.

⁶² Office of the High Commissioner for the Human Rights, Special Procedures. Available at: https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=AUS.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Office of the High Commissioner for the Human Rights, Human Rights Bodies. Available at: https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=AUS&Lang=EN

⁶⁸ Ibid.

⁶⁹ Ibid.

During the 40th session, Australia's support was visible on a number of thematic issues. It sponsored resolutions concerning *Human rights, democracy and the rule of law*; *Freedom of religion or belief*,⁷⁰ *Thirtieth anniversary of the Convention on the Rights of the Child*,⁷¹ *Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development*,⁷² *Question of the realization in all countries of economic, social and cultural rights*,⁷³ and *Elimination of discrimination against women and girls in sport*,⁷⁴ among others.

In its voluntary pledge, Australia confirmed **gender equality** as one of the five pillars of its advocacy at the HRC.⁷⁵ As a member, Australia has always expressed its support for gender issues at the HRC and sponsored resolutions in previous sessions on gender issues.⁷⁶ During this session, Australia sponsored the resolution on *Elimination of discrimination against women and girls in sport*.⁷⁷ Inequality is observed within sports federations that have pledged to achieve gender equality in pay for athletes and administrators. An initial step in addressing this issue was the "Pathway to Pay Equality" report 2019 prepared by the Male Champions of Change Institute detailing a milestone-based approach to achieving pay equity between male and female athletes.⁷⁸ Additionally, in the Global Gender Gap Report 2018 prepared by the World Economic Forum, Australia is ranked 39th out of 149 countries.⁷⁹ It fell further down from ranks 15 and 37 in 2016 and 2017 respectively. It ranked especially lower on the parameters of economic participation and opportunity, health and survival, and political empowerment.⁸⁰ It was reported that only 25.9% of senior leadership positions were held by women and approximately 80% of women interviewed have experienced sexism in both, formal and casual interactions in the workplace.⁸¹

In March 2019, the Australian Government did not sign an International Women's Day statement at the United Nations calling for access to safe abortions, comprehensive sexual education and sexual reproductive health.⁸² While Queensland decriminalised abortion in October 2018, it is still present on the criminal statute books in New South Wales, South Australia, and Western Australia.⁸³ The criminalisation of abortion harms women by making it harder for them to access safe and compassionate reproductive healthcare.⁸⁴ In April 2019, however, the Australian High Court confirmed the right of women to have access to abortion clinics safely without being accosted and intimidated by strangers.⁸⁵ The decision confirmed the laws creating 'safe access zones' around abortion clinics to prevent targeting of patients, staff and others within a specific radius of the clinics.⁸⁶

70 Resolution 40/9 Human rights, democracy and the rule of law (2019).

71 Resolution 40/15 Thirtieth anniversary of the Convention on the Rights of the Child (2019).

72 Resolution 40/11 Recognising the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development (2019).

73 Resolution 40/12 Question of the realization in all countries of economic, social and cultural rights (2019).

74 Resolution 40/5 Elimination of discrimination against women and girls in sport (2019).

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

76 Office of the High Commissioner for Human Rights, Draft resolutions, Decisions and President's statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/39thSession/Resolutions/Forms/ResoluonDS/docsethomepage.aspx?ID=121&FolderCTID=0x0120D520005A4381ABFFD48642897E02288D058A2200B87DBFCD97B1754EAEBEB2C8D39FC103&List=83d68204-d5df-49e>.

77 Resolution 40/5 Elimination of discrimination against women and girls in sport (2019).

78 Reuters, 'Australian sports sign up to gender pay equality scheme', 18 February 2019. Available at: <https://www.reuters.com/article/us-sport-australia-equality/australian-sports-sign-up-to-gender-pay-equality-scheme-idUSKCN1Q704T>.

79 World Economic Forum, Global Gender Gap Report 2018, p 20. Available at: http://www3.weforum.org/docs/WEF_GGGR_2018.pdf.

80 Ibid.

81 Property Council of Australia and EY, 'Grow the talent pool Insights on gender representation, diversity and inclusion in the property industry', 2018. Available at: [https://www.ey.com/Publication/vwLUAssets/ey-grow-the-talent-pool/\\$FILE/ey-grow-the-talent-pool-2018.pdf](https://www.ey.com/Publication/vwLUAssets/ey-grow-the-talent-pool/$FILE/ey-grow-the-talent-pool-2018.pdf).

82 Human Rights Law Centre, Morrison Government missing in action at UN on International Women's Day, 09 March 2019. Available at: <https://www.hrlc.org.au/news/2019/3/9/morrison-government-missing-in-action-at-un-on-international-womens-day>.

83 Ibid.

84 Ibid.

85 Human Rights Law Centre, Big win for women's reproductive freedom, but still a long way to go, 23 April 2019. Available at: <https://www.hrlc.org.au/opinion/2019/4/23/big-win-for-womens-reproductive-freedom-but-still-a-long-way-to-go>.

86 Sydney Morning Herald, 'Big win for women's reproductive freedom, but still a long way to go', 11 April 2019. Available at: <https://www.smh.com.au/national/big-win-for-women-s-reproductive-freedom-but-still-a-long-way-to-go-20190411-p51d94.html>.

Australia reiterated its commitment to ‘freedom of expression’ and ‘good governance’ as two of its five pillars in its voluntary pledges.⁸⁷ Australia further pledged to advocate for the protection of journalists, human rights defenders and civil society.⁸⁸ It is both a fundamental **human right and an essential check on state power**.⁸⁹ However, there have been instances of journalists and whistle-blowers being targeted for their work raising legitimate concerns over freedom of the press and public scrutiny of national security and defence matters.⁹⁰ There have been calls for greater protection of whistle-blowers and journalists in the country.⁹¹ The example of a whistle-blower, Richard Boyle, who revealed abuses of power at the Australian Tax Office and is currently facing more than 160 years in prison comes to mind. He allegedly broke laws on handling public documents and telephone tapping without consent when he spoke out on the Australian Tax Office’s mistreatment of taxpayers.⁹²

In June 2019, Australian Federal Police conducted two high-profile raids on journalists who have exposed government secrets and their sources in a document containing images of a “top secret” memo about possible war crimes in Afghanistan.⁹³ The most recent expansion of governmental secrecy came with an espionage bill that increased criminal penalties for sharing information deemed classified.⁹⁴ In June 2018, Australia enacted new espionage and foreign interference legislation, increasing penalties for unauthorised disclosure of information without providing a strong public-interest defence across all offenses and defining national security in an overly broad fashion.⁹⁵ While Australian journalists can invoke a “public interest” legal defence under national security laws, it does not stop them from being raided and charged with an offence.⁹⁶

Another area of concern is the Australian citizens’ **right to privacy**. In the clustered interactive dialogue with the Special Rapporteurs on the right to privacy and on cultural rights, Australia reaffirmed that no person should be subject to arbitrary or unlawful interference with their privacy.⁹⁷ It also maintained that the Australian law dealing with aspects of the right to privacy is reasonable and proportionate to address the use of encrypted technologies by criminals and terrorists.⁹⁸ However, the Special Rapporteur on the right to privacy raised this issue in his annual report, particularly, in relation to the *Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018*.⁹⁹ This law passed in December 2018 requires technology companies to provide law enforcement and security agencies with access to encrypted communications.¹⁰⁰ The government justified this saying that it was aimed to “thwart criminals and terrorists”.¹⁰¹ Critics and civil society have listed wide-ranging concerns, including that the

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

88 Ibid.

89 Sydney Morning Herald, ‘Media freedom is an essential safeguard’, 6 June 2019. Available at: <https://www.smh.com.au/national/media-freedom-is-an-essential-safeguard-20190605-h1f405.html>.

90 The New York Times, ‘Australia may well be the world’s most secretive democracy’, 5 June 2019. Available at: <https://www.nytimes.com/2019/06/05/world/australia/journalist-raids.html>.

91 Al Jazeera, ‘Widespread concern after Australian police media raids’, 6 June 2019. Available at: <https://www.aljazeera.com/news/2019/06/widespread-concern-australian-police-media-raids-190606034354876.html>.

92 Ibid.

93 Independent, ‘Police raid Australian public broadcaster over leaked Afghanistan war crimes documents’, 5 June 2019. Available at: <https://www.independent.co.uk/news/world/australasia/abc-raid-police-australia-leak-war-crimes-classified-afghanistan-sydney-a8945206.html>.

94 The New York Times, ‘Australia may well be the world’s most secretive democracy’, 5 June 2019. Available at: <https://www.nytimes.com/2019/06/05/world/australia/journalist-raids.html>.

95 Human Rights Watch, World Report 2018, Australia. Available at: <https://www.hrw.org/world-report/2019/country-chapters/australia>

96 SBS News, ‘Pendulum has swung too far: Senator pushes for US-style press freedom protections’, 6 June 2019. Available at: <https://www.sbs.com.au/news/pendulum-has-swung-too-far-senator-pushes-for-us-style-press-freedom-protections>.

97 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-national-statement-right-to-privacy-and-special-rapporteur-on-cultural-rights.pdf>.

98 Ibid.

99 Human Rights Council, 40th session, Report of the Special Rapporteur on the right to privacy, 27 February 2019. Available at: <https://www.ohchr.org/EN/Issues/Privacy/SR/Pages/AnnualReports.aspx>.

100 Reuters, ‘Australia passes bill to force tech firms to hand over encrypted data’, 6 December 2018. Available at: <https://www.reuters.com/article/us-australia-security-data/australia-passes-bill-to-force-tech-firms-to-hand-over-encrypted-data-idUSKBN1O42SR>

101 The New York Times, ‘Australian government passes contentious encryption law’, 6 December 2019. Available at: <https://www.nytimes.com/2018/12/06/world/australia/encryption-bill-nauru.html>.

law could undermine the overall security and privacy of users.¹⁰² There are also concerns that it being vaguely written could lead to abuses.¹⁰³ Opponents of the law also said it was being rushed through Parliament without adequate consultations with the public.¹⁰⁴

A related area of rights is that of **counter-terrorism**. In its statement in the interactive dialogue with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Australia affirmed that there is a need for safeguards on counter-terrorism measures and that its laws appropriately balance the need for community safety with safeguarding individual rights and freedoms.¹⁰⁵ Thus, the ambit of counter-terrorism laws in the Country has been expanding. In June 2018, the Western Australian Parliament passed the Terrorism (Extraordinary Powers) Amendment Bill 2018, providing greater legal protection for police officers to use force when responding to a terrorist incident.¹⁰⁶ On July 2018, the Victorian Parliament passed the Justice Legislation Amendment (Terrorism) Bill 2018, which adjusted preventive detention powers, bail and parole arrangements, and similarly clarified the scope for police use of lethal force.¹⁰⁷ On August 2018, the Australian Parliament adopted the Counter-Terrorism Legislation Amendment Bill (No. 1) 2018 that amended a range of existing counter-terrorism related powers, such as control orders, preventive detention orders, declared areas offences, questioning powers, and stop, search and seize powers.¹⁰⁸

Current provisions along with National Security agencies¹⁰⁹ and security authorities¹¹⁰ operate to detect, prevent and respond to acts of terrorism in the Australia.¹¹¹ However, the Global Terrorism Index ranked Australia at 68 out of 138 countries, classifying the likelihood of attacks as medium impact.¹¹² Additionally, the Government assessed the current threat of terrorism as probable, indicating that individuals and groups continue to possess the necessary intent and capability to conduct acts of terrorism.¹¹³

VI. Conclusions

Australia participated actively in the 40th Session of the HRC, by contributing to deliberations and co-sponsoring 14 resolutions during this Session. It has been compliant with the UN special procedures and has extended standing invitation to all thematic special procedures since 2008. It is up to date with reporting requirements under CERD, CRC, CEDAW, CRPD, CCPR, and CESC. However,

- Australia has not ratified the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (CMW) and *Convention for the Protection of All Persons from Enforced Disappearance* (CED), along with the UK, another HRC member of the Western European and Others Group (WEOG).
- While Australia has extended standing invitations, however, it has failed to accept two such visit requests: one from the Special Rapporteur on Torture which was cancelled, and second, from the Working Group on Arbitrary

102 BBC News, 'Australia data encryption laws explained', 7 December 2018. Available at: <https://www.bbc.com/news/world-australia-46463029>.

103 The New York Times, 'Australian government passes contentious encryption law', 6 December 2019. Available at: <https://www.nytimes.com/2018/12/06/world/australia/encryption-bill-nauru.html>.

104 Ibid.

105 Australian Government, Department of Foreign Affairs and Trade, 40th Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/40th-hrc-national-statement-human-rights-and-fundamental-freedoms-while-countering-terrorism.pdf>.

106 Australian Strategic Policy Institute and Counter-Terrorism Policy Centre, Counterterrorism Yearbook 2019. Available at: https://s3-ap-southeast-2.amazonaws.com/ad-aspi/2019-03/ASPI%20Counterterrorism%20YB2019_acc_1.pdf?VWvpiCRC_om4gXFvMB-HvSn0NIDNOrMvM.

107 Ibid.

108 Ibid.

109 Australian Government, Australian National Security. Available at: <https://www.nationalsecurity.gov.au/WhatAustraliaisdoing/Pages/NationalSecurityAgencies.aspx>.

110 Clive Williams, 'Terrorism in Australia in 2019: more of the same?', Australian Strategic Policy Institute, 31 January 2019. Available at: <https://www.aspistrategist.org.au/terrorism-in-australia-in-2019-more-of-the-same/>.

111 Australian Government, Australian National Security. Available at: <https://www.nationalsecurity.gov.au/WhatAustraliaisdoing/Pages/NationalSecurityAgencies.aspx>.

112 Global Terrorism Index 2018, Measuring the impact of terrorism. Available at: <http://visionofhumanity.org/app/uploads/2018/12/Global-Terrorism-Index-2018-1.pdf>.

113 Australian Government, Australian National Security. National Terrorism Threat Advisory System. Available at: <https://www.nationalsecurity.gov.au/Securityandyourcommunity/Pages/National-Terrorism-Threat-Advisory-System.aspx>.

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

- There were inconsistencies in its voluntary pledges as its 'advocacy pillars' at the HRC. Despite asserting gender equality as one of its five pillars in its voluntary pledges, concerns remain over Australia's position on the access to safe abortions. Similarly, although Australia restated its commitment to freedom of expression and good governance as another pillar of its advocacy, there have been instances of legislative enactments adversely impacting the freedoms, rights, and safety of journalists and whistle-blowers in the country.

I. Introduction

The Bahamas was elected to serve its first term as a member of the Council on 12 October 2018.¹¹⁴ Starting in 2019, The Bahamas' three-year term at the Council ends in 2022.¹¹⁵ The Bahamas is the first member of the Caribbean Community (CARICOM) to have been elected as a member of the HRC.¹¹⁶

II. Voluntary Pledges and Commitments

The Bahamas, in its voluntary pledge, fully committed itself to the realisation of the 2030 Agenda for Sustainable Development recognising the importance of advancing human rights as pillar of such efforts.¹¹⁷ The Bahamas spoke of its commitment to support all efforts and mechanisms aimed at guaranteeing effective responses by the international community to global human rights violations and new and existing human rights challenges.¹¹⁸

The Bahamas pledged to¹¹⁹:

- Contribute, at the international level, to the advancement and implementation of women's rights, children's rights, the rights of persons with disabilities and the advancement of human rights aspects of migration, health and sustainable development.
- Uphold the highest standards in the promotion and protection of human rights.
- Engage with regional partners, including civil society, on issues relating to human rights and to share best practices and lessons learned in this regard.
- Protect against and prevent discrimination in all its forms, in both law and in practice.
- Promote and support human rights and international discourse concerning to the Small Island Developing States (SIDS), in particular human rights and environment, climate change, public service delivery and local government.

III. Participation at the 40th Session of the HRC

The Bahamas is the first member of the CARICOM to be elected to serve as a member of the Council. It sponsored a resolution namely, *Thirtieth anniversary of the Convention on the Rights of the Child*. The following is a representative participation of The Bahamas in general debates and panel discussions is as follows:

114 The Government of the Bahamas: Ministry of Foreign Affairs. Statement. Available at: <http://mofa.gov.bs/bahamas-elected- united-nations-humans-rights-council-2019-2021/>.

115 Ibid.

116 Ibid.

117 Candidature of The Bahamas for election to the Human Rights Council (2019-2021). Available at: <https://www.ishr.ch/sites/default/files/files/Bahamas%20Voluntary%20pledges%20SGC%20%5BFINAL%5D.pdf>.

118 Ibid.

119 Ibid.

S. No.	High-Level Segment	The Bahamas' Statement
1.	H.E. Mr. Frankie A. Campbell, Member of Parliament and Minister of Social Services and Urban Development of The Bahamas	<ul style="list-style-type: none"> • Stressed on universality and indivisibility of the human rights and on the Council efforts on universal participation and indivisible responds for violations of fundamental rights and freedoms. • Stressed on the evident challenges and needs in addressing climate change and over the threat relationship between climate change and human rights. • Reported data on economic and social impacts during major hurricanes in 2015-2017 and called for an international focus on building resilience for humanitarian assistance and recovery. • Remained committed to sustainable development and implementation of the 2030 Agenda, including, leaving no one behind, reducing poverty and inequalities, promoting social and economic empowerment and promoting rights of vulnerable. • Stressed on the importance of gender equality and women empowerment in achievement economic and social developments. • Stressed on the development of its National Strategic Plan for Ending Gender Based, focusing on three principles: prevention, protection, and accountability. • Reminded the impact of unsafe migration, focusing on efforts to deal with trans-border criminal activities (smuggling and trafficking) as real threats of migrants' rights. • Underlined other issues that affect the country, such as unemployment and the transshipment of firearms and efforts through comprehensive policies and programmes. • Called for transparency and inclusivity of the international community in determining cooperation financial standards and for ending of skewed metrics that disqualify the Country from financial concessions. • Expressed support to the Council in addressing current and future challenges.¹²⁰

S. No.	Interactive Dialogue	The Bahamas' Intervention
1.	Interactive dialogue with the High Commissioner	<ul style="list-style-type: none"> • Reaffirmed its support for the work of the High Commissioner. • Looked forward to providing unique human rights perspectives as a new member of the HRC and one of the few SIDS ever elected as a member. • Calling itself as a developing country with particular vulnerabilities and resource constraints, stressed on the strides made by the government for the promotion of civil, economic, political, cultural and social rights, and on the protection of the rights of vulnerable groups (women, children, disabled, elderly and youth at risk). • Maintained that existential threats like climate change deny the opportunity to fulfil human rights and to achieve sustainable and inclusive development. • Raised concerns about the phenomenon of unsafe and irregular migration with unprecedented levels of complexity, including in their region, and supported the strengthening of migration governance at all levels.¹²¹

120 Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=26/02/2019%2000:00:00>.

121 Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=07/03/2019%2000:00:00>.

S. No.	Panel Discussion	The Bahamas' Interventions
1.	High-Level Panel Discussion on Human Rights Mainstreaming	<ul style="list-style-type: none"> Highlighted the definition of multilateralism where countries work together towards a common goal and stated that human rights are at the core of multilateralism as they require dialogue, tolerance and commitment to collaborate honestly and transparently. Stressed that such a multilateral system is the best mechanism for countries to achieve common goals of sustainable development, peace, security, democracy, rule of law, and protection of human rights in spite of there being some challenges. Reaffirmed its commitment to a strong multilateral system in which may have equal voice and vote. Focused on climate change and its impact on development, including direct impact on economic conditions and social progresses. Stressed on investments in disaster preparedness as a step to establish resilience and to reduce economic and human costs of SIDS.¹²²
2.	Annual full-day meeting on the rights of the child	<ul style="list-style-type: none"> Welcomed the discussion on the crucial issue of empowering children with disabilities. Underlined its commitment in promoting and protecting children's rights through strong institutional and legislative frameworks as well as its school setting. Recognised the need for more trained special education teachers for children with disabilities. Remained committed to its intention to fulfil commitment on the role of Minister of Education in establishing and maintaining integrated system of special education for disabled persons.¹²³
3.	Annual interactive debate on the rights of persons with disabilities	<ul style="list-style-type: none"> Explained its policies toward rights and protections of Persons with Disabilities, including the Equal Opportunities Act 2014 and the Disability Affairs Division of the Department of Social Services. Stressed cooperation between local stakeholders and their engagement with the WHO in accordance with the Rehabilitation 2030 Action Plan in the Americas. Highlighted that its services provided are needs-, gender-, age-appropriate and they are regularly monitored and evaluated.¹²⁴

S. No.	UPR Outcome	The Bahamas' Intervention
1.	Belize	<ul style="list-style-type: none"> Welcomed the delegation of Belize and congratulated them for the ongoing efforts in promotion and protection of human rights. Noted with pleasure that Belize had supported the Bahamas' recommendation. Encouraged Belize to consider recommendation on extending invitation to all special procedure mandate holders of the HRC. Encouraged Belize to continue strengthening climate change strategies and to call the international community for support.¹²⁵

122 Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=25/02/2019%2000:00:00>.

123 Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=04/03/2019%2000:00:00>.

124 Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=06/03/2019%2000:00:00>.

125 Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=14/03/2019%2000:00:00>.

IV. Voting Pattern on Resolutions

Thematic Resolutions

The Bahamas voted in favour of one thematic resolution concerning *The negative impact of unilateral coercive measures on the enjoyment of human rights*.¹²⁶ It did not vote against any thematic resolutions.¹²⁷

The Bahamas abstained from voting on two thematic resolutions, namely, *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*¹²⁸ and *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*.¹²⁹

The Bahamas sponsored the resolution on the *Thirtieth anniversary of the Convention on the Rights of the Child*,¹³⁰ that was adopted with consensus by the Council.¹³¹

Country Situation Resolutions

The Bahamas voted in favour of nine country situation resolutions, namely, *Human rights in the occupied Syrian Golan*,¹³² *The human rights situation in the Syrian Arab Republic*,¹³³ *Promotion and protection of human rights in Nicaragua*,¹³⁴ *Situation of human rights in the Islamic Republic of Iran*,¹³⁵ *Situation of human rights in Myanmar*,¹³⁶ *Cooperation with Georgia*,¹³⁷ *Human rights situation in the Occupied Palestinian Territory, including East Jerusalem*,¹³⁸ *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan*,¹³⁹ and *Right of the Palestinian people to self-determination*.¹⁴⁰

It did not vote against of any country situation resolution.¹⁴¹

The Bahamas abstained from voting on one resolution concerning *Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem*.¹⁴²

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

¹²⁶ Resolution 40/3 *The negative impact of unilateral coercive measures on the enjoyment of human rights* (2019).

¹²⁷ Office of the High Commissioner for Human Rights, Draft resolutions, decisions and President's statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

¹²⁸ Resolution 40/4 *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* (2019).

¹²⁹ Resolution 40/8 *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* (2019).

¹³⁰ Resolution 40/15 *Thirtieth anniversary of the Convention on the Rights of the Child* (2019).

¹³¹ Office of the High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

¹³² Resolution 40/21 *Human rights in the occupied Syrian Golan* (2019).

¹³³ Resolution 40/17 *The human rights situation in the Syrian Arab Republic* (2019).

¹³⁴ Resolution 40/2 *Promotion and protection of human rights in Nicaragua* (2019).

¹³⁵ Resolution 40/18 *Situation of human rights in the Islamic Republic of Iran* (2019).

¹³⁶ Resolution 40/29 *Situation of human rights in Myanmar* (2019).

¹³⁷ Resolution 40/28 *Cooperation with Georgia* (2019).

¹³⁸ Resolution 40/23 *Human rights situation in the Occupied Palestinian Territory, including East Jerusalem* (2019).

¹³⁹ Resolution 40/24 *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan* (2019).

¹⁴⁰ Resolution 40/22 *Right of the Palestinian people to self-determination* (2019).

¹⁴¹ Office of the High Commissioner for Human Rights, Draft resolutions, decisions and President's statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

¹⁴² Resolution 40/13 *Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem* (2019).

The Bahamas has extended standing invitations to the Special Procedures since June 2013, and maintains cooperation with them.¹⁴³ However, to date, only three Special Procedures have sent visit requests to the Bahamas.¹⁴⁴ The Special Rapporteur on trafficking completed the report in 2013, whereas the Special Rapporteur on violence against women completed the report in 2017.¹⁴⁵

Presently, the Bahamas has only one visit request due against it from the Working Group on arbitrary detention, which has been pending since March 2017.¹⁴⁶

b. Compliance with Reporting Obligation to Treaty Monitoring Bodies

The Bahamas has complied only with its reporting obligations to CEDAW and CERD.¹⁴⁷ It has five treaty body reports pending against it: the CCPR report has remained pending for over nine years (since 2010); the CESCR, since June 2011; the CRC report is pending since 2008, the CRC-OP-AC and CRPD reports are pending since 2017.¹⁴⁸

The Bahamas has not ratified two major human rights instruments, namely, the *Convention for the Protection of All Persons from Enforced Disappearance (CED)* and the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)*, and the optional protocols to UNCAT and ICCPR.¹⁴⁹

The Bahamas has not accepted individual complaints procedures under any of the treaties.¹⁵⁰

c. Compliance on Thematic Issues

The Bahamas is the first Caribbean State to be elected to serve as a member of the Council.¹⁵¹ Its participation in this session was focused on the issue of **gender equality**, among others. The Bahamas, according to its voluntary pledges, stressed on regional provisions aimed at protecting rights of vulnerable groups,¹⁵² including promotion and protection of gender equality and empowerment of women.¹⁵³ In a recent report on gender equality under the law,¹⁵⁴ the Bahamas ranked 62 out of 187 nations, scoring overall 83.75 out of 100.¹⁵⁵ In particular, in five categories (going places; starting a job; getting married; managing assets; and getting a pension) the country scored 100.¹⁵⁶ The Bahamas was notably ranked 30 out of 149 countries, specifically third in terms of economic participation of women and first in terms of education and health.¹⁵⁷ The Minister of Social Services and Urban Development, F. A. Campbell, defined gender equality as a human rights issue, a mutual respect, an economic empowerment and a balance between both

143 United Nations Human Rights Office of the High Commissioner, Standing invitations to Special Procedures. Available at: https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/StandingInvitations.aspx.

144 Office of the High Commissioner for Human Rights, Special Procedures, The Bahamas. Available at: https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=BHS.

145 Ibid.

146 Ibid.

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

148 Ibid.

149 Office of the High Commissioner for the Human Rights, Human Rights Bodies. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=12&Lang=EN.

150 Ibid.

151 The Government of the Bahamas: Ministry of Foreign Affairs. Statement. Available at: <http://mofa.gov.bs/bahamas-elected-united-nations-humans-rights-council-2019-2021/>.

152 Office of the High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=07/03/2019%2000:00:00>.

153 Candidature of The Bahamas for election to the Human Rights Council (2019-2021). Available at: <https://www.ishr.ch/sites/default/files/files/Bahamas%20Voluntary%20pledges%20SGC%20%5BFINAL%5D.pdf>.

154 World Bank Report, 'Women, Business and the Law 2019': A decade of reform. Available at: <https://openknowledge.worldbank.org/bitstream/handle/10986/31327/WBL2019.pdf?sequence=4&isAllowed=y>.

155 Tribune 242, The Bahamas Matches Us In Gender Equality Report, 1 April 2019. Available at: <http://www.tribune242.com/news/2019/apr/01/bahamas-matches-us-gender-equality-report/>.

156 Ibid.

157 Ibid.

genders.¹⁵⁸ However, despite the Department of Gender and Family Affairs being established in 2016,¹⁵⁹ the Bahamas voted against for the public referendum which requested to end discrimination on the basis of sex and to enshrine the equality treatment between women and men.¹⁶⁰ The referendum also failed to amend the ability to transmit citizenship from the mother to her children.¹⁶¹ Following the result, the Government has not tried again to modify the constitutional provisions in this regard.¹⁶² It has been reported that, in 2018,¹⁶³ violence against women, including domestic violence and marital rape continued to be a serious and widespread issue in the country.¹⁶⁴ From January to November 2018, there were reportedly 45 rapes, 12 attempted rapes, and 114 cases of unlawful sexual intercourse,¹⁶⁵ and shows the increased number of sexual abuses in the country.¹⁶⁶ The Royal Bahamas Police Force reported in 2018, 55 cases of rape, with an increase of 6 cases since 2017.¹⁶⁷

During the discussions concerning **rights of persons with disabilities** and in light of its commitments, the Bahamas confirmed that its services based on needs, gender and age-views.¹⁶⁸ In 2014, the Bahamas adopted the Persons with Disabilities (Equal Opportunities) Act to guarantee equal opportunities for persons with disabilities as well as to end discrimination against those persons.¹⁶⁹ The act created a statutory body who represent the disabled community.¹⁷⁰ The National Commission for Persons with Disabilities ensure the respect of rights, recommend measures to prevent discrimination, design programs and initiatives to promote employability, independence and the overall well-being of persons with disabilities.¹⁷¹ However, persons with disabilities continue to face with a lack of easy access to public buildings and other facilities, such as entry ways and exits, adequate restrooms, and lifts or elevators.¹⁷² These problems are also in relation to the access to public transportation and parking spaces.¹⁷³ There were also concerns about the 'Disabilities Commission' being in 'complete disarray' raising questions about the implementation of its mandate.¹⁷⁴ Despite the 2014 Act, its implementation is difficult and the level of access that persons with disabilities have to the Bahamian commercial buildings is still extremely limited.¹⁷⁵ A member of the Commission publicly stated that the Commission simply has no inspectors or regulations to ensure the private sector and public buildings comply with the 2014 Act.¹⁷⁶

In its voluntary pledges, the Bahamas committed to contribute, at the international level, to the advancement and implementation of **children's rights**, amongst others.¹⁷⁷ During this session, the Bahamas affirmed its commitment on

158 The Government of the Bahamas, 'Minister Campbell: Gender Equality is Human Rights Issue that does not Advance the Cause of Women at the Expense of Men', Press Release, March 2019. Available at: <https://bit.ly/31HTLzp>.

159 The Government of the Bahamas, 'Department of Gender and Family Affairs Established', Press Release, 2016. Available at: <https://bit.ly/2WTc8sU>.

160 Global Campaign for Equal Nationality Rights, 'A Loss for Gender Equality and Equal Nationality Rights in The Bahamas'. Available at: <https://equalnationalityrights.org/news/68-gender-equality-nationality-rights-bahamas-2>.

161 The Nassau Guardian, Bahamas could be 'ordered' to change gender equality laws, 13 May 2019. Available at: <https://thenassauguardian.com/2019/05/13/bahamas-could-be-ordered-to-change-gender-equality-laws/>.

162 Ibid.

163 Freedom House Report 2018. Available at: <https://freedomhouse.org/report/freedom-world/2018/bahamas>.

164 Ibid.

165 US Department of State, Human Rights Report 2018. Available at: <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/the-bahamas/>.

166 Eyewitness News, US Govt.: Violence against women in The Bahamas a "serious, widespread problem", 14 March 2019. Available at: <https://ewnews.com/us-govt-violence-against-women-in-the-bahamas-a-serious-widespread-problem>.

167 Royal Bahamas Police Force, Crime Statistics 2019. Available at: <http://www.royalbahamaspolice.org/Statistics/stats2019.pdf>.

168 Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=06/03/2019%2000:00:00>.

169 The National Commission for Persons with Disabilities, The Bahamas. Available at: <http://www.disabilitiescommissionbahamas.org/aboutus.html>.

170 Ibid.

171 Ibid.

172 Tribune 242, Special Report, 'Are We Geared Up For New Disability Law?', 29 December 2017. Available at: <http://www.tribune242.com/news/2017/dec/29/are-we-geared-new-disability-law/>.

173 Ibid.

174 Tribune 242, 'Minister blamed as disability commission left 'IN DISARRAY'', 2018. Available at: <http://www.tribune242.com/news/2018/mar/01/minister-blamed-disability-commission-left-disarra/>

175 Tribune 242, "Handicapped over disabled building access, Neil Hartnell, May 2019. Available at: <http://www.tribune242.com/news/2019/may/24/handicapped-over-disabled-building-access/>

176 Ibid.

177 The Government of the Bahamas: Ministry of Foreign Affairs. Statement. Available at: <http://mofa.gov.bs/bahamas-elected- united-nations-humans-rights-council-2019-2021/>.

the issue by focusing on the aspects of education and every form of discrimination, especially against children with disabilities.¹⁷⁸ It co-sponsored the resolution concerning the *Thirtieth anniversary of the Convention on the Rights of the Child*,¹⁷⁹ that was adopted with consensus by the Council.¹⁸⁰ However, there appear to be continuous lapses in the public protection for children and minors. In March 2019, an eight-year-old girl was abducted and allegedly molested, and it was the second abuse case in two weeks.¹⁸¹ In March 2019, five children were abducted in a three-week span in the Bahamas. Several cases of child abuse have been reported, including cases of corporal punishment in public schools.¹⁸²

The Bahamas also pledged to advance human rights aspects of migration as a pillar for the realisation of the 2030 Agenda for Sustainable Development.¹⁸³ However, discriminatory treatment has reportedly been put in place for **irregular migrants** during the pre-trial detention.¹⁸⁴ In particular, contrary to the 2014 immigration agreement between Bahamas and Haiti, physical abuse and forced repatriations have been reported.¹⁸⁵ In 2018, a Bahamian-born man of Haitian descendant was expelled to Haiti following a year of detention. The Supreme Court judge found that the man had been deprived of his liberty, unlawfully arrested, detained and expelled.¹⁸⁶ The large minority group of Haitians lives in shantytowns with limited sewage as well as garbage disposal, law enforcement, or other infrastructure services.¹⁸⁷

VI. Conclusions

The Bahamas' participation at the HRC was focused on climate change, gender issues, and unsafe migration.

- Since March 2017, it has a visit request pending from the Working Group on arbitrary detention.
- The Bahamas has not ratified two major treaties, namely, *Convention for the Protection of All Persons from Enforced Disappearance* (CED) and the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (CMW), and two major optional protocols concerning the CAT and the CCPR.
- The Bahamas, according to its voluntary pledges, stressed on promotion and protection of women rights. However, there has been increased reporting of domestic violence against women and gender discrimination.
- The Bahamas sponsored the resolution on the *Thirtieth anniversary of the Convention on the Rights of the Child*,¹⁸⁸ and pledged to stress on the advancement and implementation of the rights of child. However, there have been reports concerning abduction of children, corporal punishment in public schools, and violation of rights of the children.

178 Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=04/03/2019%2000:00:00>.

179 Resolution 40/15 Thirtieth anniversary of the Convention on the Rights of the Child (2019).

180 Office of the High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

181 Eyewitness News, 'Rights Bahamas: Govt. must defend children against abuse', Tamara McKenzie, 7 March 2019. Available at: <https://ewnews.com/rights-bahamas-govt-must-defend-children-against-abuse>.

182 The Nassau Guardian, Time to end corporal punishment in schools, 26 October 2018. Available at: <https://thenassauguardian.com/2018/10/26/editorial-time-to-end-corporal-punishment-in-schools/>.

183 Candidature of The Bahamas for election to the Human Rights Council (2019-2021). Available at: <https://www.ishr.ch/sites/default/files/files/Bahamas%20Voluntary%20pledges%20SGC%20%5BFINAL%5D.pdf>.

184 US Department of State, Human Rights Report 2018. Available at: <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/the-bahamas/>.

185 Ibid.

186 Amnesty International, Bahamas: Government must immediately enforce court ruling and bring back man unlawfully expelled to Haiti, 31 January 2018. Available at: <https://www.amnesty.org/en/latest/news/2018/01/bahamas-government-must-immediately-enforce-court-ruling-and-bring-back-man-unlawfully-expelled-to-haiti/>.

187 Minority Rights Group International, Haitians. Available at: <https://minorityrights.org/minorities/haitians/>.

188 Resolution 40/15 Thirtieth anniversary of the Convention on the Rights of the Child (2019).

I. Introduction

Bangladesh has served as a member of the HRC for three terms previously in 2007–2009, 2010–2012, and 2015–2017. Bangladesh was elected to serve its fourth term as a member from 2019 by virtue of a clean slate election.¹⁸⁹ Its current term ends in 2021.¹⁹⁰

II. Voluntary Pledges and Commitments

Bangladesh submitted its voluntary pledges and commitments in 2018.¹⁹¹ It pledged that it will:

At the domestic level::

- Continue to host the forcibly displaced Myanmar nationals until they return to their homeland in safety, security and dignity.
- Continue to take initiatives to develop national policies and strategies aimed at the realization of fundamental rights and principles as enshrined in the Constitution, the Universal Declaration of Human Rights and the international human rights instruments to which it is a party.
- Consider acceding to the remaining international and regional human rights instruments on the basis of consensus forged through national consultation processes, as appropriate.
- Continue to enact and/or update, to the extent necessary, national legislation to implement the international human rights instruments to which it is a party.
- Continue to cooperate and engage with OHCHR, as well as the special procedures mechanism of the Human Rights Council, with a view to further improving its human rights situation.
- Sustain the trend of further strengthening and empowering the statutory and watchdog bodies, such as the National Human Rights Commission, the National Election Commission, the Anti-Corruption Commission, the Public Service Commission and the Information Commission.
- Ensure effective parliamentary oversight, including through the parliamentary standing committees, and enhance the transparency and accountability of public accounts.
- Continue to preserve the independence of the judiciary.
- Continue to preserve freedom of the press and promote the constructive role of civil society and print, electronic and social media in the promotion of human rights at all levels.
- Continue to provide capacity-building and training programs in the field of human rights to law enforcement officials, judges, public prosecutors, lawyers, journalists, civil servants, parliamentarians and the media.
- Continue its pro-people development agenda, with particular attention to women, children, persons with disabilities and other vulnerable sections of the population, including through the continued application and innovation of home-grown concepts.
- Continue to widen the coverage of the social safety net with enhanced allocation of resources with a view to achieving further economic empowerment and social security of citizens.
- Continue to promote and protect the rights of religious and ethnic minorities and work towards maintaining the traditional communal harmony by upholding the secular, pluralist and inclusive values of the State and society in general.
- Continue to strengthen efforts to promote and protect the rights of workers and progressively realize decent working conditions across all sectors of the economy.

¹⁸⁹ United Nations General Assembly, Elections and Appointments, Elections of the Human Rights Council, 12 October 2018. Available at: <https://www.un.org/en/ga/73/meetings/elections/hrc.shtml>.

¹⁹⁰ United Nations Human Rights Council, Current Membership of the Human Rights Council for the 13th cycle. Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/CurrentMembers.aspx>.

¹⁹¹ Office of the High Commissioner for Human Rights, Bangladesh, Voluntary Pledges and Commitments, Letter dated 7 June 2018 from the Permanent Representative of Bangladesh to the United Nations addressed to the President of the General Assembly. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/73/90.

- Continue to take adequate social and developmental measures for promoting the education and well-being of women and girls, with a view to ending child marriage.
- Continue to strengthen its efforts to ensure the provision for the basic needs of its people, including for food, clothing, shelter, education, primary health care and access to water and sanitation, as a means to effectively ensure the enjoyment of all human rights.
- Further strengthen the legal and policy framework for the elimination of violence as well as discrimination against women, children and vulnerable groups in society, including transgender persons.
- Continue to take meaningful measures to prevent sexual exploitation and abuse and to ensure justice for the victims of such exploitation and abuse.
- Promote the role of women, youth, teachers, local leaders and other stakeholders in society in preventing violent extremism and intolerance in order to ensure the enjoyment of constitutionally guaranteed fundamental freedoms.

At the international level:

- Continue to extend its support to the Human Rights Council in its work towards the promotion and protection of all human rights and fundamental freedoms in a fair and equal manner.
- Strengthen its constructive engagement and cooperation with other members of the Human Rights Council to make it an efficient and effective body.
- 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.
- Continue to support the work of OHCHR in fulfilling its mandate.
- Continue to support the United Nations agencies, programs and funds that facilitate the promotion of human rights.
- Promote the realization of the right to development as an inalienable right for all peoples and individuals, and support ongoing efforts to further develop the concept and its operationalization on the basis of practical applications.
- Continue to combat climate change at the national and international levels in order to further enhance the interface between the human rights and the climate change communities.
- Continue to promote a culture of peace, take collective measures against racism, xenophobia and Islamophobia and protect victims against such crimes.
- Continue to promote and advocate for the rights and well-being of migrant workers throughout the entire migration cycle.
- Continue to participate in the international discourse towards the formulation of global compacts on migration and refugees in order to develop a just and equitable global regime on human mobility.
- Continue to work with the international community in creating awareness of genocide and crimes against humanity, promote collective action to prevent genocide and similar crimes anywhere and at any time and support initiatives aimed at ensuring justice for the victims of genocide.

III. Participation at the 40th Session of the HRC

Bangladesh participated actively in the interactive dialogues, general debates, and panel discussions during this session. It also co-sponsored the resolution concerning *Situation of Human Rights in Myanmar*.¹⁹² The following is a selected representation of Bangladesh's participation in the session:

¹⁹² Resolution 40/29 Situation of Human Rights in Myanmar (2019).

S.No.	Interactive Dialogue	Bangladesh's Interventions
1.	Clustered interactive dialogue with the Special Rapporteur on Food and the Independent Expert on Foreign Debt	<ul style="list-style-type: none"> • Stated that it has prioritised protection of natural fish-breeding grounds and conservation of juvenile Hilsa fish, and the artisanal fishers are compensated through 'vulnerable group feeding programme'. • Pointed out that the Government has paid due attention to prevent possible exploitation of Rohingya children in hazardous work in fisheries.¹⁹³
2.	Clustered interactive dialogue with the Special Rapporteur on Privacy and Special Rapporteur on Cultural Rights	<ul style="list-style-type: none"> • Remained committed to preserving its traditional, cultural harmony that is best exemplified by State support for the observance of all major religious and cultural festivals with the participation of cross section of people. • Stressed the need for promotion and protection of linguistic rights in the HRC and sought the Special Rapporteur's engagement on promoting the interface between culture and sustainable development.¹⁹⁴
3.	Clustered interactive dialogue with Special Rapporteur on Environment and Special Rapporteur on Adequate Housing	<ul style="list-style-type: none"> • Highlighted that Bangladesh recognises air pollution as a challenge and stated that the Environment Court Act and Environment Conservation Rules provide the legal basis for enforcing prescribed standards. • Decisively emphasised on renewable energy Green Transformation Fund, green banking guidelines and investments in multi-modal transit systems to reduce air pollution. • On the report presented by the Special Rapporteur on Adequate Housing, remained committed to achieving housing for all as per its own constitutional obligations; and that residential facilities are being developed for slum dwellers in urban areas, and community housing with income generating support for the homeless in rural areas.¹⁹⁵
4.	Clustered interactive dialogue with the Special Rapporteur on Freedom of Religion and Belief and the Special Rapporteur on the sale and sexual exploitation of children	<ul style="list-style-type: none"> • Stated that the analytical study on the interface between freedom of religion and freedom of expression is a useful contribution and that it would be counter-productive to situate the issue in a context without its longer historical perspective. • Informed that it has continued efforts to build an emancipated, knowledge-based society, and has invested in education and awareness to promote an inclusive, tolerant and pluralist polity consistent with their founding principles and aspirations.¹⁹⁶
5.	Clustered interactive dialogue with the Special Rapporteur on the rights of persons with disabilities and the Independent Expert on the enjoyment of human rights by persons with albinism	<ul style="list-style-type: none"> • Shared global concern on the gruesome treatments of persons with albinism in some societies. • Asserted that it enacted the "Persons with Disabilities' Rights and Protection Act", containing provisions safeguarding rights, such as the right to accessibility, education, employment, etc. • Stated that the aforementioned law establishes a complaint procedure to address any discrimination and ill treatment through judicial remedies.¹⁹⁷

193 Office of High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=28/02/2019%2000:00:00>.

194 Office of High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=01/03/2019%2000:00:00>.

195 Office of High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=04/03/2019%2000:00:00>

196 Office of High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=05/03/2019%2000:00:00>.

197 Office of High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=05/03/2019%2000:00:00>.

6.	Interactive dialogue with the Special Rapporteur on human rights in Myanmar	<ul style="list-style-type: none"> • Believed that continued monitoring is essential for ensuring the sustainable return and reintegration of Rohingyas to Myanmar, and called upon Myanmar to cooperate with the Special Rapporteur. • Noted an incongruity between the Special Rapporteur’s mandate and her statements on the Bangladesh’s activities in relation to displaced Myanmar nationals residing within Bangladesh and stated that her findings lacked clarity of understanding of the facts. • Stated that in cooperation with the UN agencies, including the UNHCR, it is making incremental progress in improving the living conditions of the FDMNs (Forcibly Displaced Myanmar Nationals) temporarily sheltered in Bangladesh.¹⁹⁸
7.	Interactive dialogue with Special Rapporteur on Minority Issues	<ul style="list-style-type: none"> • Remained committed to its pluralist identity with essential, secular and non-communal underpinnings, and that they particularly ensured that no vested quarters could cause harm to religious minorities. • Continued to advocate for the rights of linguistic minorities, including for multi-lingual education, and invited the Special Rapporteur’s thoughts on creating a mandate on linguistic rights. • Urged the Special Rapporteur and OHCHR to make appropriate use of the UN Programme of Action on a Culture of Peace in further carrying out their mandates.¹⁹⁹
8.	Interactive dialogue with the Special Rapporteur on the situation of human rights in Palestinian territories occupied since 1967	<ul style="list-style-type: none"> • Strongly condemned the excessive, disproportionate use of force by Israel against the demonstrators causing large number of deaths and injuries. • Further condemned the ongoing settlement expansion activities in the West Bank, and the subsequent grave human rights violations of Palestinians by Israeli security forces and due to settler violence. • Concurred with Special Rapporteur’s recommendations, and called for the immediate end to more than five decades of Israeli occupation in the OPT.²⁰⁰
9.	Interactive dialogue with the Independent International Commission of Inquiry (COI) on the civilian protests in the Occupied Palestinian Territory	<ul style="list-style-type: none"> • Aligned with the statement made by the OIC and noted that Israel’s non-cooperation with the COI as a blatant disregard of the expectation of the international community. • Called upon UN High Commissioner for Human Rights, in line with the COI’s recommendation under paragraph 126, to manage the dossiers of alleged perpetrators, in order to provide them to the International Criminal Court for pending investigations. • Asserted that Israel should ensure that rules of engagement do not authorise the use of lethal force against unarmed civilians.²⁰¹

198 Office of High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=11/03/2019%2000:00:00>.

199 Office of High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=13/03/2019%2000:00:00>.

200 Office of High Commissioner for Human Rights, Oral Statements, Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=18/03/2019%2000:00:00>.

201 Office of High Commissioner for Human Rights, Oral Statements, Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=18/03/2019%2000:00:00>.

S.No.	General Debate	Bangladesh's Interventions
1.	General Debate on Human rights situation in Palestine and other occupied Arab territories	<ul style="list-style-type: none"> Strongly condemned the recent acts of aggression, by Israeli settlers, on the Holy Al Aqsa mosque compound, Islam's third holiest place; Also condemned the adoption of the "Jewish Nation-State" bill in Israeli Parliament, practically making official the "de facto" apartheid; Reiterated their firm conviction that a two-state solution, with an independent Palestine within 1967 borders and East Jerusalem as its Capital, is the only solution that may bring peace and security in the region.²⁰²
2.	General Debate on Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action (DDPA)	<ul style="list-style-type: none"> Raised its concern about the xenophobic, fascist and anti-migrant manifesto of some political organisations and leaders in the West has resulted in rising Islamophobia and encouraging racist bigots and terrorists. Urged the global community to condemn these scourges in the strongest of terms. Reiterated the need to reinvigorate the efforts to implement the DDPA to create a world free of hate, racism, discrimination, xenophobia and religious intolerance and stereotyping.²⁰³
3.	General Debate on the Report of the UN High Commissioner for Human Rights	<ul style="list-style-type: none"> Focused on the human rights situation in Myanmar in the report, and stated that no initiative has been taken by Myanmar, as of yet, to review the 1982 Citizenship Law. Asserted that the discriminatory laws continue to exist in the country barring participation of Rohingyas in public life and their mobility and highlighted Myanmar's continued non-cooperation with the UN Human Rights mechanisms. Concurred with the conclusions and recommendations of calling upon Myanmar to end impunity and ensure accountability under international law, to take early action to restore citizenship and other rights of Rohingyas, and to prevent all rhetoric dehumanising or denigrating them.²⁰⁴

S.No	Panel Discussion	Bangladesh's Interventions
1.	Annual high-level panel discussion on human rights mainstreaming	<ul style="list-style-type: none"> Stated that multilateralism provides the tools to seek a right balance between the greater good of the humanity and national interest, without eroding the fundamental preserves of national sovereignty. Highlighted its principled commitment to multilateral instruments and standards has given it the courage to open up our borders to waves of forcibly displaced people from Myanmar. Asserted that its advocacy for strengthening the human rights provisions in the Global Compact for safe, orderly and regular migration. Urged the SG's High-level Panel on Digital Cooperation to help reduce gaps between law enforcement and human rights in combating cyber-crimes, including terrorism.²⁰⁵

202 Office of High Commissioner for Human Rights, Oral Statements, Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=18/03/2019%2000:00:00>.

203 Office of High Commissioner for Human Rights, Oral Statements, Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=19/03/2019%2000:00:00>.

204 Office of High Commissioner for Human Rights, Oral Statements, Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=20/03/2019%2000:00:00>.

205 Office of High Commissioner for Human Rights, Oral Statements, Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=25/02/2019%2000:00:00>.

2.	Biennial high-level panel discussion on the question of the death penalty	<ul style="list-style-type: none"> • Stated that it has opted not to incorporate death penalty in newly introduced bills, unless responding to overwhelming demand by the people to do so, and assured that its application is restricted to selective cases of the most heinous crimes. • Asserted that capital punishment can be executed only upon review and confirmation by the Supreme Court; minor or pregnant women are not sentenced to death; and the President can grant pardon or commute such sentence and that these safeguards have resulted in an exceptionally low rate of execution.²⁰⁶
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IV. Voting Pattern on Resolutions

Thematic Resolutions

Bangladesh voted in favour of three thematic resolutions: *The negative impact of unilateral coercive measures on the enjoyment of human rights*,²⁰⁷ *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*,²⁰⁸ and *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*.²⁰⁹

Bangladesh did not vote against any thematic resolution nor did it abstain from voting on any.

It joined consensus in adopting the remaining 12 thematic resolutions.

Country Situation Resolutions

Bangladesh voted in favour of six country situation resolutions: *Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem*,²¹⁰ *Human rights in the occupied Syrian Golan*,²¹¹ *Human rights situation in the Occupied Palestinian Territory, including East Jerusalem*,²¹² *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan*,²¹³ *Situation of human rights in Myanmar*,²¹⁴ and *The right of the Palestinian people to self-determination*.²¹⁵

It did not vote against any country situation resolution in this session.²¹⁶

It abstained from voting on four country situation resolutions, namely, *Promotion and protection of human rights in Nicaragua*,²¹⁷ *The human rights situation in the Syrian Arab Republic*,²¹⁸ *Situation of human rights in the Islamic Republic of Iran*,²¹⁹ and *Cooperation with Georgia*.²²⁰

206 Office of High Commissioner for Human Rights, Statements, Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=26/02/2019%2000:00:00>

207 Resolution 40/3 The negative impact of unilateral coercive measures on the enjoyment of human rights (2019)

208 Resolution 40/4 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 (2019)

209 Resolution 40/8 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 (2019)

210 Resolution 40/13 Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem (2019).

211 Resolution 40/21 Human rights in the occupied Syrian Golan (2019).

212 Resolution 40/23 Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2019).

213 Resolution 40/24 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2019).

214 Resolution 40/29 Situation of human rights in Myanmar (2019).

215 Resolution 40/22 Right of the Palestinian people to self-determination (2019).

216 Office of the High Commissioner for Human Rights, Draft resolutions, decisions and President's statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

217 Resolution 40/2 Promotion and protection of human rights in Nicaragua (2019).

218 Resolution 40/17 The human rights situation in the Syrian Arab Republic (2019).

219 Resolution 40/18 Situation of human rights in the Islamic Republic of Iran (2019).

220 Resolution 40/28 Cooperation with Georgia (2019).

It joined consensus in adopting the remaining four country situation resolutions.²²¹ Bangladesh also sponsored the resolution concerning the *Situation of human rights in Myanmar*²²² during this session.

V. Analysis: Compliance with Pledges and Commitments

a. *Engagement with UN Special Procedures*

Bangladesh pledged to “strengthen its constructive engagement and cooperation with other members of the Human Rights Council to make it an efficient and effective body”.²²³ However, it has not extended standing invitation to Special Procedures. It has currently accepted visit requests from two Special Procedure mandate holders, namely, the Special Rapporteur on Housing, and the Special Rapporteur on Myanmar, whose report is forthcoming.²²⁴

It currently has nine visit requests, 11 reminders, and two visit cancellations, making it a total of 22 visit requests pending against it from different thematic Special Procedures.²²⁵

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

Bangladesh has two treaty body reports outstanding against it, that is, CAT since 1999, and CERD since 2002.²²⁶ Both these reports have been pending for over 15 years.²²⁷ Reports to the CRC-OP-AC, CRC-OP-SC, and CRPD were submitted in 2017 after a delay of seven years.²²⁸

Bangladesh has not responded to any of the individual complaint procedures.²²⁹ It has accepted the inquiry procedure for CAT and CRPD-OP.²³⁰

c. *Compliance with Thematic Issues*

In its voluntary pledges, Bangladesh stated that it would continue its pro-people development agenda, with particular attention to women, children, persons with disabilities and other vulnerable sections of the population, including through the continued application and innovation of home-grown concepts.²³¹ Bangladesh pledged to work for **gender equality** and asserted to have taken steps to “to address gender gaps and to combat gender stereotypes”.²³² It identified the importance of affirmative actions for the same leading to the formulation of ‘National Action Plan to Prevent Violence Against Women and Children (2013-2025)’.²³³ Despite this, Bangladesh ranked 48th out of 149 countries in terms of the global ranking for gender equality in 2018,²³⁴ falling one rank compared to the previous year.²³⁵

221 Office of the High Commissioner for Human Rights, Draft resolutions, decisions and President’s statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

222 Resolution 40/29 Situation of human rights in Myanmar (2019)

223 United Nations General Assembly, Letter dated 7 June 2018 from the Permanent Representative of Bangladesh to the United Nations, addressed to the President of the General Assembly, 14 June 2018. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/73/90.

224 Office of the High Commissioner for Human Rights, Special Procedures. Available at: https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=BGD.

225 Ibid.

226 Office of the High Commissioner for the Human Rights, Human Rights Bodies. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BGD&Lang=EN.

227 Ibid.

228 Office of High Commissioner for Human Rights, Human Treaty Bodies, Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BGD&Lang=EN.

229 Ibid.

230 Ibid.

231 Office of the High Commissioner for Human Rights, Bangladesh’s voluntary pledges and commitments, 14 June 2018. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/73/90.

232 Office of the High Commissioner for Human Rights, Special Procedures, 31 August 2018. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/265/78/PDF/G1826578.pdf?OpenElement>

233 Ibid.

234 World Economic Forum, Global Gender Gap Report 2018. Available at: <https://www.weforum.org/reports/the-global-gender-gap-report-2018>.

235 World Economic Forum, Global Gender Gap Report 2017. Available at: http://www3.weforum.org/docs/WEF_GGGR_2017.pdf

It ranked 133rd out of 149 countries in terms of economic participation of women.²³⁶ With regard to educational attainment as well as health and survival, it was placed 116th and 117th respectively.²³⁷ However, it has succeeded in bridging the gap in the area of political empowerment, ranking as high as 5th out of the 149 countries on this front.²³⁸

There have been many instances of gender-based violence in the country. According to World Economic Forum's 'Global Gender Gap index', 53% of women in Bangladesh experience violence in their lifetime.²³⁹ In April 2019, a student, Nusrat Jahan Rafi, was burned to death for reporting her sexual harassment at the hands of her school's headmaster.²⁴⁰ When she went to the local police station to lodge the complaint, the policeman in-charge allegedly filmed her on his phone and is heard calling the complaint "no big deal".²⁴¹ Reports state that the authorities in Bangladesh have failed to firmly enforce laws to protect women in cases of sexual violence, rape, domestic abuse, and acid attacks,²⁴² leading to impunity for perpetrators.²⁴³

In 2014, Bangladesh recognised transgenders as a third gender²⁴⁴ and has since provided the transgender community with monthly allowances to ease their rehabilitation into society.²⁴⁵ However, there have been reported incidents of LGBTI+ community suffering from "harassment and violence" at the hands law enforcement, under the pretext of section 377 of the Bangladeshi Penal Code which criminalises intercourse between same-sex couples.²⁴⁶ Bangladesh was also one of 12 countries to vote against a UN resolution which asked countries imposing the death penalty, to do so in a manner that is neither arbitrary "nor imposed to punish consensual same-sex relations."²⁴⁷

Bangladesh pledged that it will continue to promote and protect the rights of religious and ethnic minorities and work towards maintaining the traditional communal harmony by upholding the secular, pluralist, and inclusive values of the State and society in general.²⁴⁸ Bangladesh also joined the consensus in adopting the resolution on *Freedom of religion or belief*.²⁴⁹ However, in the face of the general elections in 2018, UN experts expressed serious concerns over the rise of religious fundamentalism in Bangladesh and its effect on **religious freedom**.²⁵⁰ This was further exacerbated by the two main political parties seeking to appease religious fundamentalists resulting in religious minorities, particularly Hindus, fearing renewed targeting due to the elections.²⁵¹ Since religious freedom is intertwined with freedom of expression, this relationship has been used by fundamentalists in Bangladesh to persecute religious minorities.²⁵² Similarly, since 2013, there has been an increase in attacks and killings of atheists and secular writers, bloggers and journalists by religious fundamentalists.²⁵³ An atheist blogger, Asaduzzaman Noor, who was arrested for a critical social media post against Islam under the Information and Communication Technology (ICT) Act 2006, could, if found

236 World Economic Forum, Global Gender Gap Report 2018. Available at: <https://www.weforum.org/reports/the-global-gender-gap-report-2018>.

237 Ibid.

238 Ibid. Bangladesh is one of six countries "that have closed at least 50% of their gap" in the area of political empowerment of women.

239 World Economic Forum, Global Gender Gap Report 2018. Available at: <https://www.weforum.org/reports/the-global-gender-gap-report-2018>.

240 BBC News, 'Nusrat Jahan Rafi: Burned to death for reporting sexual harassment', 18 April 2019. Available at: <https://www.bbc.com/news/world-asia-47947117>.

241 Ibid.

242 Human Rights Watch, World Report 2018, Bangladesh. Available at: <https://www.hrw.org/world-report/2019/country-chapters/bangladesh>.

243 Ibid.

244 Office of High Commissioner for Human Rights, Bangladesh's voluntary pledges and commitments, 14 June 2018. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/73/90.

245 Ibid.

246 Amnesty International, "Bangladesh: Deteriorating Human Rights Situations", May 2018. Available at: <https://www.amnesty.org/download/Documents/ASA1379192017ENGLISH.pdf>.

247 Ibid.

248 Office of the High Commissioner for Human Rights, Bangladesh's voluntary pledges and commitments, 14 June 2018. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/73/90.

249 Resolution 40/10 Freedom of religion or belief (2019).

250 Office of the High Commissioner for Human Rights, Press releases, 20 December 2018. Available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24040&LangID=E>.

251 Ibid.

252 Office of the High Commissioner for Human Rights, Special Procedures, 19 February 2018. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/045/01/PDF/G1804501.pdf?OpenElement>.

253 The Daily Star, 'Assailants shoot publisher dead in Munshiganj', 12 June 2018. Available at: <https://www.thedailystar.net/front-page/ex-cpb-leader-shot-dead-munshiganj-1589782>.

guilty, face up to 14 years in jail.²⁵⁴ The newly enacted Digital Security Act (DSA) 2018 incorporates Section 57 of the ICT Act 2006. The latter has been described as the de facto “blasphemy law”, since it criminalises anyone who ‘hurts or may hurt religious beliefs’ and acts as ongoing source of suppression.²⁵⁵

Bangladesh has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1998.²⁵⁶ It has pledged to continue to take initiatives to develop national policies and strategies aimed at the realization of fundamental rights and principles as enshrined in the Constitution, the UDHR and the international human rights instruments to which it is a party.²⁵⁷ However, there have been allegations of practice of torture in its policing system.²⁵⁸ Between 2017 and 2018, it was reported that there were 30 and 15 alleged incidents of torture respectively.²⁵⁹ Of these 45 incidents, the Bangladeshi police were responsible for 37: 24 in 2017 and 13 in 2018 respectively.²⁶⁰ Bangladesh has not fulfilled its reporting obligations under the CAT since 1999²⁶¹ and the Committee has had to proceed in absence of a State Party report from Bangladesh.²⁶² According to reports, torture and other ill-treatment remain prevalent with complaints rarely investigated and the 2013 Torture and Custodial Death (Prevention) Act not being enforced rigorously.²⁶³

Bangladesh has pledged to continue to take initiatives to develop national policies and strategies aimed at the realisation of fundamental rights and principles as enshrined in its Constitution, the Universal Declaration of Human Rights and the international human rights instruments to which it is a party.²⁶⁴ However, from a legislative standpoint, concerns have been raised regarding Bangladesh’s attempt to restrict the freedom of expression in an attempt to intimidate and harass human rights defenders. The ICT Act continues to empower law enforcement officials to arrest and detain those individuals who have not acted in accordance with the act, particularly Section 57.²⁶⁵ Despite repeated calls to repeal its restrictive provisions by human rights mechanisms, the government has retained the controversial provision in the form of the DSA, which further restricts freedom of expression online.²⁶⁶ Journalists have been targeted and physically assaulted and one such incident led to the death of journalist, Abdul Hakim Shimul.²⁶⁷ The prolonged detention of the renowned photographer and activist, Shahidul Alam, for a period of a 107 days, is another instance.²⁶⁸ Apart from journalists, LGBTI activists have also been targeted and harassed.²⁶⁹ To this day, the 2016 killings of LGBTI activists Xulhaz Mannan, Mahbub Rabbi Tanoy, Avijit Roy and Niladry Niloy have not yet been resolved, although at least one arrest was made in 2017.²⁷⁰ Recently, the Counter Terrorism And Transnational Crime (CTTC) police unit has finalised charge sheets against six persons for the murder of the atheist blogger, Avijit Roy, four years after his murder.²⁷¹

254 The Dhaka Tribune, ‘Blogger arrested in the Dhaka airport in case filed under ICT Act’, 26 December 2017. Available at: <https://www.dhakatribune.com/bangladesh/crime/2017/12/26/blogger-arrested-dhaka-airport/>.

255 CIVICUS, ‘New Digital Security Act is a further blow to media freedom and free expression in Bangladesh’, 21 September 2018. Available at: <https://civicus.org/index.php/media-resources/news/3498-new-digital-security-law-a-further-blow-to-media-freedom-and-free-expression-in-bangladesh>.

256 United Nations Treaty Collection, Chapter IV, Human Rights. Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&lang=en.

257 Office of the High Commissioner for Human Rights, Bangladesh’s voluntary pledges and commitments, 14 June 2018. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/73/90.

258 World Organisation Against Torture (OMCT), ‘Bangladesh: torture prevails due to deep-rooted culture of impunity’, 26 June 2018. Available at: <http://www.omct.org/statements/bangladesh/2018/06/d24943/>.

259 Ibid.

260 Ibid.

261 Office of the High Commissioner for the Human Rights, Human Rights Bodies. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BGD&Lang=EN.

262 UN Treaty Body Database, Report of the Committee against Torture, 62nd session (6 November–6 December 2017).

263 Amnesty International, Annual Report 2017/2018, Bangladesh. Available at: <https://www.amnesty.org/en/countries/asia-and-the-pacific/bangladesh/report-bangladesh/>.

264 Office of the High Commissioner for Human Rights, Bangladesh’s voluntary pledges and commitments, 14 June 2018. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/73/90.

265 Amnesty International, ‘Bangladesh: New Digital Security Act is attack on freedom of expression’, 12 November 2018. Available at: <https://www.amnesty.org/en/latest/news/2018/11/bangladesh-muzzling-dissent-online/>.

266 Ibid.

267 Ibid.

268 Human Rights Watch, World Report 2019, Bangladesh. Available at: <https://www.hrw.org/world-report/2019/country-chapters/bangladesh>.

269 Ibid.

270 Ibid.

271 The Dhaka Tribune, ‘Blogger Avijit murder case charge sheet’, 18 February 2019. Available at: <https://www.dhakatribune.com/bangladesh/court/2019/02/18/blogger-avijit-murder-case-charge-sheet-finalized>.

Bangladesh joined the consensus in the resolution on the *Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*.²⁷² During the annual high-level panel discussion on human rights mainstreaming, Bangladesh's intervention saw them emphasise the importance of bridging gaps between law enforcement and human rights in combating cyber-crimes, which includes cyber-terrorism.²⁷³ The Dhaka Metropolitan Police, in its efforts to combat terrorism have established the "Counter Terrorism and Transnational Crime" unit which specialises in intelligence-based investigations and surveillance to arrest terrorists and trans-national criminals.²⁷⁴ Bangladesh ranks 25th out of 138 countries vis-à-vis the impact of terrorism.²⁷⁵ Bangladesh has made efforts to reduce the impact of terrorism since 2016 and this is partly credited to an initiative known as the Global Community Engagement and Resilience Fund (GCERF).²⁷⁶ Bangladesh's largest recent terrorist attack occurred in 2016, wherein the Islamic State (IS) claimed responsibility for the attack that took the lives of 28 people.²⁷⁷ On 29 April 2019, Bangladesh experienced a terrorist threat which required the attention of the Rapid Action Battalion (RAB).²⁷⁸ It was reported that the "militants" exchanged gunshots with the RAB before killing themselves by way of an explosion.²⁷⁹ However, it has been reported that there were 154 alleged extrajudicial killings by the law enforcement agencies in Bangladesh in 2017 alone.²⁸⁰ Out of these, 33 killings were attributed the RAB, while as many as 116 were allegedly committed by the police.²⁸¹ 2018 marked the highest number of encounter or extrajudicial killings at 466, especially in Bangladesh's anti-drug drive.²⁸²

VI. Conclusions

Bangladesh participated actively during the 40th session of the HRC.

- Lapses have been reported with regard to the Bangladesh's compliance with Special Procedures and reporting obligations under treaty monitoring bodies despite its voluntary pledges. It has not extended standing invitations to any thematic Special Procedures. It has treaty body reports pending against it with CAT and CERD for over 15 years.
- Bangladesh has pledged to take active measures to promote gender equality. Although it has attained the goal of political empowerment of women, in still ranks much lower in the areas of economic participation, educational attainment, and health and survival of women. Violence against women and girls continues to remain a cause of concern in the country.
- Freedom of expression remains a challenge in light of the passage of the DSA 2018, which contains several restrictive provisions from the earlier ICT Act and is an attempt at legislative muffling of free speech. Journalists, atheists, bloggers, and activists have been targeted and physically assaulted over the years.

272 Office of the High Commissioner for Human Rights, Bangladesh's voluntary pledges and commitments, 14 June 2018. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/73/90.

273 Office of High Commissioner for Human Rights, Oral Statements, Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=25/02/2019%2000:00:00>.

274 Ibid.

275 Global Terrorism Index 2018, Measuring the impact of terrorism. Available at: <http://visionofhumanity.org/app/uploads/2018/12/Global-Terrorism-Index-2018-1.pdf>.

276 Ibid.

277 Ibid.

278 Al Jazeera, 'Bangladesh police: Two 'militants' blow themselves up during raid', 29 April 2019. Available at: <https://www.aljazeera.com/news/2019/04/bangladesh-police-militants-blow-raid-190429091117526.html>.

279 Ibid.

280 International Centre for Not-for-Profit-Law, Bangladesh, Annual Human Rights Report 2017. Available on: <http://www.icnl.org/research/library/files/Bangladesh/annualhr.pdf>.

281 Ibid.

282 The Daily Star, 'Rights situation in 2018: Extremely alarming', January 2019. Available at: <https://www.thedailystar.net/country/highest-ever-extrajudicial-killings-in-bangladesh-in-2018-ask-1685563>

CAMEROON

I. Introduction

Cameroon was one of the 47 elected members of the Human Rights Council when it was established in 2006.²⁸³ It continued its tenure in the term 2009-2011.²⁸⁴ It was elected to serve a third term in 2018 by virtue of a clean slate election. Its current term ends in 2021.²⁸⁵

II. Voluntary Pledges and Commitments

Cameroon last submitted its pledges and commitments in 2006 and has not updated it since. In its voluntary pledges, Cameroon affirmed its commitment to the fundamental freedoms enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations, the African Charter on Human and Peoples' Rights, and all relevant and duly ratified international conventions. It also confirmed its determination to pursue resolutely its policy of personal fulfilment as well as the promotion and respect of its rights and freedoms.²⁸⁶

Cameroon pledged to:

- Continue to work for the effectiveness of human, civil, political, economic, social and cultural rights, including the right to development.
- Continue to cooperate with regional organizations, national human rights bodies and civil society for this purpose.
- Continue to work through dialogue and constructive cooperation at the international level for the effective enjoyment and diffusion of human rights.
- Continue its efforts to implement full compliance with the obligations of international human rights law.
- Continue to cooperate fully with the member States of the United Nations, and particularly those members of the Human Rights Council, so that this new body can effectively fulfil the tasks arising from its missions, while respecting the principles of universality, impartiality, objectivity and non-selection.
- Continue to work tirelessly for the credibility of the Human Rights Council.

III. Participation at the 40th Session of the HRC

The following is a representative selection of Cameroon's participation in the interactive dialogues, general debates and panel discussions:

S.No	Interactive Dialogue	Cameroon's Interventions
1.	Interactive Dialogue with High Commissioner	<ul style="list-style-type: none"> • Stated that its government made every effort to preserve the territorial integrity of Cameroon and has taken all security measures to comply with international conventions on human rights. • Confirmed that it will always continue to develop in terms of peace, security, the rule of law, democracy and human rights. Therefore, it condemned any biased opinion which does not take facts, issues, realities and induced constraints into account.²⁸⁷

²⁸³ Office of High Commissioner for Human Rights, Human Rights Council Elections, 2006. Available at: <https://www.un.org/ga/60/elect/hrc/>.

²⁸⁴ Office of High Commissioner for Human Rights, Human Rights Council Elections, 2009. Available at: https://www.un.org/en/ga/63/elections/hrc_elections.shtml.

²⁸⁵ United Nations, Meetings Coverage and Press Release. Available at: <https://www.un.org/press/en/2018/ga12077.doc.htm>

²⁸⁶ Office of High Commissioner for Human Rights, Cameroon Homepage, Voluntary Pledges and Commitments. Available at: <https://www.un.org/ga/60/elect/hrc/cameroun.pdf>.

²⁸⁷ Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=07/03/2019%2000:00:00>.

2.	Interactive Dialogue with the Survey Commission on Burundi	<ul style="list-style-type: none"> Adhered that promotion and protection of human rights are essential instruments for the achievement of peace and international security. Stated that it should favour all the ways through which international cooperation can be preserved with the countries concerned. Also stated that it supports the promotion and development for a healthy cooperation with Burundi.²⁸⁸
3.	Interactive Dialogue with the Special Rapporteur for minorities	<ul style="list-style-type: none"> Stated that its fundamental law invalidated the theory of the existence of an “Anglophone linguistic minority” in the country and stated that rights and duties are same for “Anglophones” and “Francophones”. Also stated that it remained clear that Article 1 (3) of the Constitution of 18 January 1996 established “the English and the French as official languages of equal value” of the Republic of Cameroon.²⁸⁹
4.	Interactive Dialogue strengthening the oral record and the report of the High Commission of Human Rights on the Democratic Republic of the Congo.	<ul style="list-style-type: none"> Appreciated Democratic Republic of Congo for the determination showed for associating democracy with rule of law in the country in spite of many circumstantial challenges. Encouraged that the bilateral and multilateral partners of the Democratic Republic of the Congo to give priority for preserving collaboration with it and to maintain mutual respect.²⁹⁰
5.	Interactive Dialogue with the Independent Expert on Mali	<ul style="list-style-type: none"> Reiterated that it will maintain solidarity with the people of Mali, who have been confronted with multiple and complex challenges, especially acts by violent armed extremist groups in the Centre and North of the country. Expressed its support to the initiative of three-year plan (2018-2020) which will focus at providing basic social services in the country and for the launch of its accelerated process of disarmament. Invited Mali’s bilateral and multilateral partner to work in the direction towards maintaining stability through the promotion of human rights.²⁹¹
6.	Interactive Dialogue on the human rights situation in the Central African Republic	<ul style="list-style-type: none"> Pointed out that protection and promotion of human rights can be achieved through, peace, security and stability. Appreciated Central African Republic on making institutional progress in human rights and for adopting its national report in the third cycle of UPR.²⁹²

S.No.	General Debate	Cameroon’s Interventions
1.	General Debate on Human Rights Bodies and Mechanisms	<ul style="list-style-type: none"> Provided an elaborated explanation regarding the significance and emergence of English and French language in the country. Asked UN to correct the mistake of terminology regarding the Anglophone Linguistic Minority in the different documents which it produced relating to Cameroon and its North-West and South-West regions.²⁹³

288 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=12/03/2019%2000:00:00>.

289 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=13/03/2019%2000:00:00>.

290 Office of the High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=19/03/2019%2000:00:00>

291 Office of the High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=19/03/2019%2000:00:00>.

292 Office of the High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=20/03/2019%2000:00:00>.

293 Office of the High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=13/03/2019%2000:00:00>.

S.No.	UPR Outcomes	Cameroon's Interventions
1.	Mauritius	<ul style="list-style-type: none"> Appreciated Mauritian delegation for the significant institutional progress made towards improvements all-out of the situation of human rights in Mauritius.²⁹⁴
2.	Nigeria	<ul style="list-style-type: none"> Encouraged Nigeria to continue to implement good practices initiated following the Universal Periodic Review of 2014, with a view to improve the human condition throughout the country.²⁹⁵

IV. Voting Pattern on Resolutions

a Thematic Resolutions

Cameroon voted in favour of three thematic resolutions concerning *The negative impact of unilateral coercive measures on the enjoyment of human rights*,²⁹⁶ *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*,²⁹⁷ and *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*.²⁹⁸

Cameroon did not vote against any thematic resolutions nor did it abstain from voting.²⁹⁹ Cameroon joined consensus for the adoption of remaining 12 thematic resolutions.³⁰⁰

b Country Situation Resolutions

Cameroon did not vote in favour of any country situation resolution.³⁰¹ It voted against only one country situation resolution concerning *Cooperation with Georgia*,³⁰² and abstained from voting on the remaining country situation resolutions,³⁰³ namely, *Promotion and protection of human rights in Nicaragua*,³⁰⁴ *The human rights situation in the Syrian Arab Republic*,³⁰⁵ *Situation of human rights in the Islamic Republic of Iran*,³⁰⁶ *Human rights in the occupied Syrian Golan*,³⁰⁷ *Human rights situation in the Occupied Palestinian Territory, including East Jerusalem*,³⁰⁸ *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan*,³⁰⁹ *Situation of human rights in Myanmar*,³¹⁰ and *Right of the Palestinian people to self-determination*.³¹¹

294 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=14/03/2019%2000:00:00>

295 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=14/03/2019%2000:00:00>

296 Resolution 40/3 The negative impact of unilateral coercive measures on the enjoyment of human rights (2019).

297 Resolution 40/4 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 (2019).

298 Resolution 40/8 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 (2019).

299 Office of the High Commissioner for Human Rights, Draft resolutions, decisions and President's statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

300 Ibid.

301 Ibid.

302 Resolution 40/28 Cooperation with Georgia (2019).

303 Office of the High Commissioner for Human Rights, Draft resolutions, decisions and President's statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

304 Resolution 40/2 Promotion and protection of human rights in Nicaragua (2019).

305 Resolution 40/17 The human rights situation in the Syrian Arab Republic (2019).

306 Resolution 40/18 Situation of human rights in the Islamic Republic of Iran (2019).

307 Resolution 40/21 Human rights in the occupied Syrian Golan (2019).

308 Resolution 40/23 Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2019).

309 Resolution 40/24 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan (2019).

310 Resolution 40/29 Situation of human rights in Myanmar (2019).

311 Resolution 40/22 Right of the Palestinian people to self-determination (2019).

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

Cameroon has maintained a standing invitation to all thematic Special Procedures since 2014.³¹² However, currently, Cameroon has seven visit requests and reminders from special procedures, including that from the Working Groups on arbitrary detention and discrimination against women, and the Special Rapporteur on freedom of assembly.³¹³

Cameroon has accepted three visit requests from the Special Rapporteurs on indigenous peoples, minorities, and sale of children.³¹⁴

b. Compliance with Reporting Obligations to Treaty Monitoring Bodies

Cameroon pledged to continue its efforts to implement full compliance with the obligations of international human rights law.³¹⁵ However, it has not been fully compliant with its reporting obligations to the treaty bodies. Cameroon has three treaty body reports outstanding against it, namely, CEDAW (since February 2018), CERD (since July 2017) and CRC-OP-AC (since February 2015).³¹⁶

c. Compliance with thematic issues

In its voluntary pledges, Cameroon committed to be compliant with the obligations under international human rights law.³¹⁷ Despite ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), there remain instances of **torture**, which pose a great challenge for the country. The CAT, in, 2017, observed that a number of people were severely beaten by members of the security and defence forces, at least 17 persons died from gunshot wounds, over 500 persons were arrested without a warrant, sometimes even while in hospital, and at least 362 persons were tried for terrorism before military court.³¹⁸ It has been reported that over 100 people, including children, have been arbitrarily arrested, tortured and killed in undisclosed locations in the presence of high-ranking Cameroonian military officials.³¹⁹ There were also 26 documented cases of incommunicado detention and enforced disappearance at the SED (Secrétariat d'Etat à la défense) detention site between January 2018 and January 2019, including 14 cases of torture.³²⁰ The conflict has been marked by violence and atrocities on both sides.³²¹ It has been reported that the fighting has forced some 20,000 Cameroonians to flee to Nigeria.³²² Another 160,000 are internally displaced.³²³ Nevertheless, Cameroon has taken the initiative to eradicate the practice of torture and detention. The national report³²⁴ submitted by Cameroon stated that between 2016 and 2017, the Committee

312 Office of High Commissioner for Human Rights, Special Procedures. Available at: https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en

313 Ibid.

314 Ibid.

315 Office of High Commissioner for Human Rights, Cameroon Homepage, Voluntary Pledges and Commitments. Available at: <https://www.un.org/ga/60/elect/hrc/cameroun.pdf>

316 Office of High Commissioner for Human Rights, Human Rights Bodies. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=CMR&Lang=EN

317 Office of High Commissioner for Human Rights, Cameroon Homepage, Voluntary Pledges and Commitments. Available at: <https://www.un.org/ga/60/elect/hrc/cameroun.pdf>

318 Office of High Commissioner for Human Rights, Treaty Body, Committee against Torture, (CAT/C/CMR/CO/5) Dated, 18 December, 2017. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT/C/CMR/CO/5&Lang=En

319 Amnesty International, "Secret Torture Chambers in Cameroon", 2017. Available at: <https://www.amnesty.org/en/latest/campaigns/2017/07/cameroon-torture-chambers/>

320 Human Rights Watch, "Cameroon: Routine Torture, Incommunicado Detention", 6 May 2019. Available at: <https://www.hrw.org/news/2019/05/06/cameroon-routine-torture-incommunicado-detention>

321 Human Rights Watch, "Cameroon: Killings, Destruction in Anglophone Regions, Government and Separatists Abuse Civilians", 19 July 2018. Available on: <https://www.hrw.org/news/2018/07/19/cameroon-killings-destruction-anglophone-regions>

322 Peter Zongo, 'This is a genocide': villages burn as war rages in blood-soaked Cameroon, The Guardian 30 May 2018. Available on: <https://www.theguardian.com/global-development/2018/may/30/cameroon-killings-escalate-anglophone-crisis>

323 Human Rights Watch, "Cameroon: Killings, Destruction in Anglophone Regions, Government and Separatists Abuse Civilians", 19 July 2018. Available on: <https://www.hrw.org/news/2018/07/19/cameroon-killings-destruction-anglophone-regions>

324 National report submitted in accordance with paragraph 5 of the annex to resolution 16/21 of the Human Rights Council – Cameroon, (A/HRC/WG.6/30/CMR/1), 5 March 2018. Available at: http://ap.ohchr.org/documents/dpage_e.aspx?c=32&su=43

conducted 96 visits to the places of detention throughout the country: 59 in 2016, and 37 in 2017, reflecting a decrease in number from previous years, and that the persons responsible for such cases of violence reported to the authorities will be or have already been punished.³²⁵ To further strengthen the nation's legal framework for the prevention of torture and the fight against impunity, government authorities can now be charged with torture as well as government officials.³²⁶

Cameroon joined the consensus in adopting the thematic resolution on **Freedom of religion and belief**.³²⁷ In its voluntary pledges, Cameroon promised to pursue “resolutely” its policy of personal fulfilment as well as the promotion and respect of its rights and freedoms.³²⁸ Over the past two years, violence has spurred in Cameroon as a result of a linguistic divide which has nearly brought the country to the brink of civil war.³²⁹ Hundreds have died, close to 500,000 have been displaced, and activists have been arrested and jailed.³³⁰ As some 30% of the Cameroonian population is Catholic, it would be important to provide the religious body with the foundation to bring the warring parties to a peace table.³³¹ However, the divisions between anglophone and francophone clergies “stand in the way of the Catholic Church playing a constructive role” with respect to the Anglophonic crisis.³³²

Cameroon joined the consensus on the thematic resolution pertaining to *Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*.³³³ However, in the South West and North West, government security forces have committed extrajudicial executions, burned property, carried out arbitrary arrests, and tortured detainees.³³⁴ It has been further documented that government forces and armed separatists killed over 420 civilians in the regions since the crisis escalated in 2017.³³⁵ At least four older women died as a result of immolation, as security forces reportedly set their homes on fire.³³⁶ Since September 2017, the insurgency has claimed the lives of more than 400 civilians and over 200 military, gendarmerie, and police officers.³³⁷ Systematic human rights abuses such as arbitrary arrests, incommunicado detention, torture, and other human rights violations have been attributed to Boko Haram, the terrorist rebel group, and the security forces.³³⁸

Cameroon has ratified several international treaties to promote **gender equality** and prohibit violence against women, such as CAT, CCPR, CEDAW, CERD, CESC, CRC, CRC-OP-AC, but progress in transposing these into national law has been slow. The country's labour code and the general statute of the civil service prohibit any form of discrimination including on gender.³³⁹ Under the provisions of Article 361 of the Penal Code of Cameroon, both men and women are subjected to the same sentence.³⁴⁰ Nevertheless, polygamy remains the default matrimonial regime, which adversely differentiates women against men. However, the 2017 criminal code and the 1981 civil code continue to include discriminatory provisions against women and do not fully protect women against domestic violence.³⁴¹ As noted by the CESC, under article 337 of the Criminal Code, the voluntary termination of pregnancy is an offence except

325 Ibid.

326 Ibid; Penal Code, Art. 277-3.

327 Resolution 40/10 Freedom of religion and belief (2019).

328 Office of High Commissioner for Human Rights, Cameroon Homepage, Voluntary Pledges and Commitments. Available at: <https://www.un.org/ga/60/elect/hrc/cameroun.pdf>.

329 Office of High Commissioner for Human Rights, Committee on Economic, Social and Cultural Rights reviews Cameroon's report, 21 February 2019 Available on: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24189&LangID=E>.

330 War of words: Cameroon being torn apart by deadly language division, Independent UK, 27 February 2019. Available at: <https://www.independent.co.uk/news/world/cameroon-language-french-english-military-africa-ambazonia-a8770396.html>

331 Franck Kuwou, 'Crisis worsens in Cameroon'. Available at: <https://www.un.org/africarenewal/magazine/december-2018-march-2019/crisis-worsens-cameroon>

332 Ibid.

333 Resolution 40/16, Mandate of Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2019).

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

335 Ibid.

336 Ibid.

337 World Bank, Country Report. Available at: <https://www.worldbank.org/en/country/cameroon/overview>.

338 Amnesty International Public Statement, (AFR 17/9134/2018), 20 September, 2018. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/AFR1791342018ENGLISH.pdf>.

339 Law relating to the Penal Code, Republic of Cameroon. Available at: <https://fakoamerica.typepad.com/files/law-relating-to-the-penal-code.pdf>

340 Ibid.

341 Cameroon: Selected Issues; International Monetary Fund Country Report No. 18/256; June 22, 2018. Available at: <https://www.imf.org/~media/Files/Publications/CR/2018/cr18256.ashx>

under very restrictive circumstances (Art. 12) which is derogatory to the provisions of CEDAW to which Cameroon is a party.³⁴² The provisions enumerated in national laws continue to violate the rights of LGBTI+ people, including the criminalisation of same-sex relations between consenting adults.³⁴³ Moreover, Article 347, of the Cameroon Penal Code punishes “sexual relations with a person of the same sex” with a prison term of six months to five years and with a fine of 20,000 to 200,000 CFA francs.³⁴⁴ Police and gendarmes continued to carry out arrests and harassment of members belonging to the LGBTI+. In April, police arrested four activists and a security guard at the office of Avenir Jeune de l’Ouest (AJO), an organisation that works on HIV education with male members of the LGBTI+ community, and other vulnerable groups.³⁴⁵ Cameroon rejected all the recommendations to abolish the death penalty, decriminalise same-sex relations, repeal the anti-terrorism law, and ensure civilians are not tried in military courts.³⁴⁶

Cameroon has joined consensus for the adoption of a thematic resolution regarding **Rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education**,³⁴⁷ and also signed and ratified the Convention on the Rights of the Child (CRC) and Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC).³⁴⁸ Cameroon had been concerned on this issue as it has accepted various recommendations at its UPR.³⁴⁹ The 2016 Penal Code and legal instruments have provisions on child protection, have introduced a new Health sector Strategy (2016-2027) which will emphasise on ‘mother, child and adolescent health’ and offers rehabilitation opportunities through rehabilitation centres to children associated with armed groups.³⁵⁰ Provisions from the penal code of Cameroon safeguard the rights and interests of children.³⁵¹ However, the CRC raised grave concerns that sexual violence Targeting girls and young children is prevalent. Over 22 per cent of girls aged 15-19 have experienced sexual violence, notably within the context of child marriage. High rate of HIV/AIDS infections persists in these groups and the state legislation does not provide full protection for all victims of violence, including sexual violence, or guarantee their compensation or rehabilitation.³⁵² It has been reported that as many as 78 school children were kidnapped in Bamenda, North West region by unknown gunmen. They were released two days later.³⁵³

In a separate instance in 2018, the government dismissed video footage that emerged in July 2018 showing two women and two children being executed by men in uniform in Cameroon’s Far North as “fake news.” However, this did not corroborate with an investigation which revealed that the killings did indeed take place in Cameroon.³⁵⁴ The Cameroonian government subsequently announced that it had arrested six soldiers suspected of executing the civilians in the video.³⁵⁵

342 Office of High Commissioner for Human Rights, Treaty Bodies, Committee on Economic, Social and Cultural Rights, (E/C.12/CMR/CO/4), Dated, 25 March, 2019. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/CMR/CO/4&Lang=En

343 Office of High Commissioner for Human Rights, Human Rights Treaty Bodies, Available at: https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/CMR/INT_CCPR_CSS_CMR_29079_E.pdf

344 Criminalizing Identities, Rights Abuses in Cameroon based on Sexual Orientation and Gender Identity, 4 November, 2010. Available at: <https://www.hrw.org/report/2010/11/04/criminalizing-identities/rights-abuses-cameroon-based-sexual-orientation-and>.

345 Human Rights Watch, Country Reports 2018, Cameroon. Available at: <https://www.hrw.org/world-report/2019/country-chapters/cameroon>

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

347 Resolution 40/14 Rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education (2019).

348 Office of the High Commissioner for Human Rights, Treaty Bodies. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=30&Lang=EN.

349 Office of the High Commissioner for Human Rights, Documents. Available at: http://ap.ohchr.org/documents/dpage_e.aspx?c=32&su=43.

350 Office of the High Commissioner for Human Rights, Report of the Working Group on the Universal Periodic Review, Cameroon. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/274/70/PDF/G1827470.pdf?OpenElement>

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

352 Office of High Commissioner for Human Rights, Treaty Body Documents, Committee on the Rights of the Child, ‘Concluding observations on the combined third to fifth periodic reports of Cameroon, (CRC/C/CMR/CO/3-5). Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCMR%2fCO%2f3-5&Lang=en

353 Human Rights Watch, World Report 2019, Cameroon. Available at: <https://www.hrw.org/world-report/2019/country-chapters/cameroon>

354 Amnesty International, “Cameroon: Credible evidence that Army personnel responsible for shocking extrajudicial executions caught on video”, 12 July 2018. Available at: <https://www.amnesty.org/en/latest/news/2018/07/cameroon-credible-evidence-that-army-personnel-responsible-for-shocking-extrajudicial-executions-caught-on-video/>

355 Ibid.

According to the report of Special Rapporteur on the protection of human rights defenders, the current state of insecurity and violence across Cameroon is rampant; human rights defenders are operating in an increasingly hostile environment. Reported threats against defenders have included smear campaigns, harassment, intimidation, physical attacks and torture by State security forces.³⁵⁶ The CCPR and CAT have both expressed concern about reported intimidation and ill-treatment of journalists in Cameroon, including the use of torture.³⁵⁷ The CAT noted that journalists are tried by military courts for reporting situations that are likely to undermine State security.³⁵⁸ The CCPR further noted bans on the holding of press conferences, prolonged shutdowns of Internet access and reprisals against human rights defenders.³⁵⁹ Reports state that human rights defenders, including civil society activists, journalists, trade unionists, lawyers and teachers continued to be intimidated, harassed and threatened.³⁶⁰

VI. Conclusions

Cameroon participated in selected Interactive dialogues and general debates during the 40th regular session of the Human Rights Council.

- Cameroon has five visit requests pending from different Special Rapporteurs and has cancelled two requests from the Special Rapporteur on water and sanitation (in 2013) and from the Special Rapporteur on Human Rights Defenders (in 2015), making it a total of seven thematic special procedures pending against it.
- Cameroon has not accepted the inquiry procedures on the Optional protocol to the International Covenant on Economic, Social and Cultural Rights, Optional Protocol to the Convention on the Rights of the Child and Optional protocol to the Convention on the Rights of Persons with Disabilities.
- Cameroon has rejected the recommendations made by the Committee and other human rights bodies, and therefore, it has failed to meet its obligations under the ICCPR.³⁶¹
- National laws have derogatory provisions which discriminates Women and Children even after the ratification of CEDAW and CRC. It has ratified CAT, but acts of torture are still persistent.

356 World Report on the Situation of Human Rights Defenders, United Nations Special Rapporteur on the Situation of Human Rights 2018. Available at: <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf>.

357 Office of the High Commissioner for Human Rights, Treaty Body Documents. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/CMR/CO/5&Lang=En.

358 Ibid.

359 Ibid.

360 Amnesty International, Annual Report 2017/2018, Cameroon. Available at: <https://www.amnesty.org/en/countries/africa/cameroon/report-cameroon/>

361 Office of High Commissioner for Human Rights, Human Rights Treaty Bodies, Available at: https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/CMR/INT_CCPR_CSS_CMR_29079_E.pdf

I. Introduction

Fiji is the first Pacific Island State to be elected as a member of the HRC after the conclusion of a clean slate election in 2018.³⁶² It will serve its term at the Council from 2019 to 2021.³⁶³

II. Voluntary Pledges and Commitments

In 2018, as the first Pacific Island State member of the HRC,³⁶⁴ Fiji committed to give the South Pacific region a voice in the Council.³⁶⁵ As an HRC member, Fiji affirmed its work in terms of cooperation and dialogue in driving progress of human rights worldwide. It also stressed the Council's role as a forum for dialogue, mutual understanding, shared values and common progress.³⁶⁶

Fiji pledged to³⁶⁷:

- Cooperate with the Council and its mechanisms, in particular with the visits by the Special Rapporteur on human rights and the environment and by the Special Rapporteur on the right to freedom of religion.
- Commit to ratifying those international human rights conventions to which it is not yet party, and clearing its backlog of periodic reports to the UN treaty bodies.
- Commit to increase the participation of the Small Island Developing States (SIDS) and the Pacific Small Island Developing States (PSIDS) in the work of the Council.
- Develop its National Mechanism for Implementation, Reporting and Follow-Up (NMIRF), so that it becomes one of the world's leading implementation mechanisms. In particular, making the NMIRF more efficient and transparent.
- Offer strong support to Council initiatives where it has a particular interest including: human rights and climate change; human rights and environment; human rights and migration, human rights of internally displaced persons; women's rights, sexual and reproductive rights, and violence against women; independence of judges and lawyers; and torture prevention.
- Continue to build bridges between the international human rights and climate change communities, so that human rights obligations and commitments may inform and strengthen the implementation of the UNFCCC Paris Agreement, and will focus on ensuring that climate policy considers the particular vulnerabilities and potential (as agents of change) of women, children and persons with disabilities.
- Champion global recognition of the universal right to a safe and healthy environment as called for by the UN Special Rapporteur in March 2018.
- Emphasise the importance of prevention, in accordance with the Council's mandate: both, the prevention of violation at root cause level by building domestic resilience and local capacity, and by responding promptly to human rights emergencies via engagement and cooperation with the concerned State and region avoiding politicisation or selectivity.
- Work with other interested States, including other Small States, to guide reform of the Council's work under item 10 of its agenda.

362 General Assembly of the United Nations, Election of the Human Rights Council, 12 October 2018. Available at: <https://www.un.org/en/ga/73/meetings/elections/hrc.shtml>.

363 United Nations Human Rights Council, Current Membership of the Human Rights Council. Available at: <https://www.ohchr.org/en/hrbodies/hrc/pages/currentmembers.aspx>.

364 Fiji Sun, 'Fiji, First in Pacific to be in UN Human Rights Council', 14 October 2018. Available at: <https://fijisun.com.fj/2018/10/14/fiji-first-in-pacific-to-be-in-un-human-rights-council/>.

365 Fiji: Voluntary pledges. Available at: https://www.universal-rights.org/wp-content/uploads/2018/08/Fiji_Voluntary-pledges-and-commitments.pdf.

366 Ibid.

367 Ibid.

III. Participation at the 40th Session of the HRC

In its very first time as a member of the HRC, Fiji co-sponsored resolutions concerning *The rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education*,³⁶⁸ *the Thirtieth anniversary of the Convention on the Rights of the Child*,³⁶⁹ *Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development*,³⁷⁰ and *the Question of the realization in all countries of economic, social and cultural rights*.³⁷¹

The following is a representative selection of Fiji's participation in the interactive dialogues, general debates and panel discussions:

S. No.	High-Level Segment	Fiji's Statement
1.	Hon. Prime Minister Mr. Josaia Voreqe Bainimarama	<ul style="list-style-type: none"> Stressed the seven already ratified conventions, with plans to complete the ratification of the remaining two this year. Underlined Fiji's embrace of the UDHR in transforming the lives of vulnerable people through an agenda of impactful and innovative policies. Stated that Fiji undertook comprehensive work after ratifying the Convention Against Torture in 2016 and accepted the invitation to join the CAT core group seeking universal ratification of UNCAT. Underlined their commitment to gender inclusion that has forged a powerful economic engine to drive economic growth. Urged the State Parties, as well as all nations of the earth, to honour their commitments under the Paris Agreement on climate change and raise the ambition of those commitments. Urged greater access to financial resources to adapt vulnerable economies to the cyclones, the rising sea levels and the other climatic impacts that already pose grave risks to progress, development and human rights the world over.³⁷²

S. No.	Interactive Dialogue	Fiji's Interventions
1.	Clustered interactive dialogue with the Special Rapporteur on human rights defenders and the Special Rapporteur on torture	<ul style="list-style-type: none"> Took note of the Special Rapporteur's report on the situation of women human rights defenders that recognised the history of a movement towards equality of rights for all that lies at the heart of "feminism". Recognised the intersectionality of discrimination and additional risks and obstacles that women human rights defenders face due to entrenched gender stereotypes. Welcomed the Special Rapporteur's call for all stakeholders to work together ensuring support and strength to women human rights defenders.³⁷³

368 Resolution 40/14 Rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education (2019).

369 Resolution 40/15 Thirtieth anniversary of the Convention on the Rights of the Child (2019).

370 Resolution 40/11 Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development (2019).

371 Resolution 40/12 Question of the realization in all countries of economic, social and cultural rights (2019).

372 Office of the High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=25/02/2019%2000:00:00>.

373 Office of the High Commissioner for Human Rights, Oral Statements. Available at <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=28/02/2019%2000:00:00>.

2.	Clustered interactive dialogue with the Special Rapporteur on the right to privacy and the Special Rapporteur on cultural rights	<ul style="list-style-type: none"> • Congratulated the Council and the Special Rapporteur on the 10th anniversary of the mandate on cultural rights and commended their work to mainstream cultural rights through interrelation with other human rights. • Celebrated its multi-culturalism and diversity and stated that they have been working to overcome threats posed by racist agendas. • Stressed on climate change as its global threat. • Urged the Council to continue to fight against climate change as a threat to human rights and cultural rights.³⁷⁴
3.	Clustered interactive dialogue with the Special Rapporteur on the environment and the Special Rapporteur on adequate housing	<ul style="list-style-type: none"> • Extended its appreciation to the Special Rapporteur for the report of December 2018, noting the focus on the negative impact of air pollution of many human rights. • Noted the Special Rapporteur's assessment of the relationship between air pollution and climate change, highlighting States' obligations under Human Rights Law. Fiji, thus, urged States to comply with their obligations and unite in combatting climate change. • Identified climate change as serious threats to the right to life, affirming that current actions affect the enjoyment of the right of present and future generations. • Recalled the Council to stand united in the fight against climate change recognising the universal right to a safe and healthy environment.³⁷⁵
4.	Clustered interactive dialogue with the Special Representative of the Secretary-General on violence against children and the Special Representative of the Secretary-General for children and armed conflict	<ul style="list-style-type: none"> • Highlighted as the elimination of violence against children is necessary and imperative step in recognising universal human rights. • Noted how different regions face varying degree and forms of violence against children as a form of disciplinary action and informed about the constitutional abolition of corporal punishment at home and at school. • Stressed on its strategy to counter physical violence as well as psychological bullying violence online through the implementation of the Online Safety Act. • Requested the Representative of the Secretary-General on the strategies to overcome cultural barriers to reporting offences against children as well as consideration towards the issue of sexual violence against children by person in position of trust.³⁷⁶

S. No.	Panel Discussion	Fiji's Interventions
1.	Annual interactive debate on the rights of persons with disabilities	<ul style="list-style-type: none"> • Stressed its efforts to implement legislative and policy frameworks facilitating the practical realisation of the rights of persons with disabilities and this is included in the Constitution and in Rights of Persons with Disabilities Act 2018. • Noting further steps to take, underlined the allocation of its National Budget for investment in infrastructural developments to render access and usage conducive to persons with disabilities, as well as, investments in education. • Stressed its view on habilitation and rehabilitation of disabled persons under a holistic and human rights-based approaches.³⁷⁷

374 Office of the High Commissioner for Human Rights, Oral Statements. Available at <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=01/03/2019%2000:00:00>.

375 Office of the High Commissioner for Human Rights, Oral Statements. Available <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=04/03/2019%2000:00:00>.

376 Office of the High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=05/03/2019%2000:00:00>.

377 Office of the High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=06/03/2019%2000:00:00>.

2.	Annual high-level panel discussion on Human Rights mainstreaming	<ul style="list-style-type: none"> • Believed in multilateralism as a strength to address global issues. • Welcoming the focus on climate change and the Council's progress, stressed on the absence of SIDS from Pacific region, that otherwise contribute to the discussion on climate change, migration and international cooperation in the digital age. • Called for a human rights-based approach towards better representation and participation of the vulnerable within global issues. • Appreciated the Panel's views on practical measures to improve representation and participation of vulnerable States for crucial and relevant discussion on global issues.³⁷⁸
3.	Biennial high-level panel discussion on the death penalty	<ul style="list-style-type: none"> • Stressed its progress on the abolition of the death penalty, since 2015, following adoption of the 2013 Constitution and the commitment of the 2014 UPR. • Acknowledged that some States still have the death penalty and for them its application in non-discriminatory and non-arbitrary manner is essential. • Agreed with General Comment 36 and supported Human Rights Committee's call for ICCPR in a complete eradication of the death penalty. • Reminded its ratification of the ICCPR in 2018 and noted its obligations under Article 6, and encouraged all states to take steps towards abolition due to the clash between the right to life and the death penalty. • Recognising the importance of the discussion, looked forward to continued engagement on this issue with mutual respect, diplomacy, and through a human rights-based approach.³⁷⁹

IV. Voting Pattern on Resolutions

Thematic Resolutions

Fiji voted in favour of all three thematic resolutions that came up for voting, namely, *The negative impact of unilateral coercive measures on the enjoyment of human rights*,³⁸⁰ *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*,³⁸¹ and *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*.³⁸²

Fiji did not vote against or abstain from voting on any thematic resolution.³⁸³

Fiji sponsored resolutions on *The rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education*,³⁸⁴ *Thirtieth anniversary of the Convention on the Rights of the Child*,³⁸⁵ *Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development*,³⁸⁶ and *Question of the realization in all countries of economic,*

378 Office of the High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=25/02/2019%2000:00:00>.

379 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=26/02/2019%2000:00:00>.

380 Resolution 40/3 The negative impact of unilateral coercive measures on the enjoyment of human rights (2019).

381 Resolution 40/4 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 (2019).

382 Resolution 40/8 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 (2019).

383 Office of the High Commissioner for Human Rights, Draft resolutions, decisions and President's statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

384 Resolution 40/14 Rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education (2019).

385 Resolution 40/15 Thirtieth anniversary of the Convention on the Rights of the Child (2019).

386 Resolution 40/11 Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development (2019).

social and cultural rights.³⁸⁷ All these resolutions were adopted with consensus.³⁸⁸

Country Situation Resolutions

Fiji voted in favour of eight country situation resolutions, namely, *The human rights situation in the Syrian Arab Republic*,³⁸⁹ *Promotion and protection of human rights in Nicaragua*,³⁹⁰ *Situation of human rights in the Islamic Republic of Iran*,³⁹¹ *Situation of human rights in Myanmar*,³⁹² *Cooperation with Georgia*,³⁹³ *Human rights situation in the Occupied Palestinian Territory, including East Jerusalem*,³⁹⁴ *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan*,³⁹⁵ and *Right of the Palestinian people to self-determination*.³⁹⁶

Fiji voted against the resolution concerning, *Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem*.³⁹⁷

Fiji abstained from voting on the resolution concerning Human rights in the occupied Syrian Golan.³⁹⁸

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

Since March 2015, Fiji has extended standing invitations and cooperation with the Special Procedures.³⁹⁹ It also pledged to 'cooperate with the Council and its mechanisms, in particular with the visits by the Special Rapporteur on human rights and the environment and by the Special Rapporteur on the right to freedom of religion'.⁴⁰⁰ Despite this, Fiji currently has ten special procedure visit requests and reminders.⁴⁰¹ It has, among others, requests pending from the Special Rapporteur on torture since 2006, on independence of judges since 2007, on freedom of assembly since 2011, and on human rights defenders since 2012.⁴⁰²

b. Compliance with Reporting Obligations to Treaty Monitoring Bodies

In its voluntary pledges, Fiji committed 'to ratify those international human rights instruments to which it is not yet party, and clearing its backlog of periodic reports to the UN treaty bodies'.⁴⁰³ However, Fiji currently has two reports pending with the treaty bodies, namely, CAT since 2017, and CERD since 2016.⁴⁰⁴

387 Resolution 40/12 Question of the realization in all countries of economic, social and cultural rights (2019).

388 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

389 Resolution 40/17 The human rights situation in the Syrian Arab Republic (2019).

390 Resolution 40/2 Promotion and protection of human rights in Nicaragua (2019).

391 Resolution 40/18 Situation of human rights in the Islamic Republic of Iran (2019).

392 Resolution 40/29 Situation of human rights in Myanmar (2019).

393 Resolution 40/28 Cooperation with Georgia (2019).

394 Resolution 40/23 Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2019).

395 Resolution 40/24 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2019).

396 Resolution 40/22 Right of the Palestinian people to self-determination (2019).

397 Resolution 40/13 Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem (2019).

398 Resolution 40/21 Human rights in the occupied Syrian Golan (2019).

399 UN Human Rights Office of the High Commissioner, Standing Invitations. Available at: https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/StandingInvitations.aspx.

400 Fiji: Voluntary pledges. Available at: https://www.universal-rights.org/wp-content/uploads/2018/08/Fiji_Voluntary-pledges-and-commitments.pdf.

401 United Nations Human Rights Office of the High Commissioner, Country visits of Special Procedures of the Human Rights Council since 1998. Available at: https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=FJI.

402 Ibid.

403 Fiji: Voluntary pledges. Available at: https://www.universal-rights.org/wp-content/uploads/2018/08/Fiji_Voluntary-pledges-and-commitments.pdf.

404 Office of the High Commissioner for Human Rights, Human Rights Bodies. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=FJI&Lang=EN.

Fiji has not accepted any individual complaints procedures.⁴⁰⁵ It has not yet ratified the CED and the CMW as well as the optional protocols of CAT and CCPR.⁴⁰⁶

c. *Compliance with Thematic Issues*

In its voluntary pledges, Fiji stressed its support to the Human Rights Council initiatives, including **gender equality**, women's rights, sexual and reproductive rights, and violence against women. The Fiji National Gender Policy 2014 has focused on the promotion and protection of women's human rights and gender mainstreaming addressing structural and social barriers that impede gender equality,⁴⁰⁷ to promote gender equity, equality, social justice and sustainable development.⁴⁰⁸ Fiji, along with the Australia's Department of Foreign Affairs and Trade, has adopted the Pacific Women Shaping Pacific Development programme that supports women's empowerment at all levels.⁴⁰⁹ The second Country Plan (2018-2021) supports women's participation in community, local and national level of leadership and coalition-building.⁴¹⁰

In May 2019, the Ministry of Women, Children and Poverty Alleviation formalised its ongoing partnership with the UN Women Fiji Multi-Country-Office through a Memorandum of Understanding towards gender equality including the elimination of violence against women and girls.⁴¹¹ However, despite these provisions and efforts towards gender equality and the Bill of Rights of the 2013 Constitution,⁴¹² there are insufficient steps taken to protect women as well as the LGBTI+ community. The CEDAW, after reviewing the fifth periodic review of Fiji, concluded that the rates of violence against women and children and domestic violence in Fiji were among the highest in the world.⁴¹³ The experts noted with greatest concern that patriarchal norms and gender stereotypes remained deeply rooted in the society, and contributed to all forms of gender-based violence.⁴¹⁴ Concerns were also raised about high number of women and children trafficked in the country.⁴¹⁵

Similarly, the LGBTI+ community is still facing violence, discrimination, attacks, and abuse regularly.⁴¹⁶ On April 2019, Prime Minister Frank Bainimarama underlined the impossibility of approving the same-sex marriage law due to country's Christian belief,⁴¹⁷ but withdrew his statement in the face of extensive criticism.⁴¹⁸ LGBTI+ persons in detention face higher levels of discrimination and violence.⁴¹⁹ They reportedly face mistreatment such as humiliation, degradation and sexual abuse from both staff and prisoners alike.⁴²⁰ Data shows that the Government has not, despite efforts and the agenda for human rights' actions, taken new steps to prevent women and girls from harassment, violence and discrimination, and to ensure equality for LGBTI persons.⁴²¹

405 Office of the High Commissioner for Human Rights, Ratification Status for Fiji. Available at: https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=60&Lang=EN.

406 Ibid.

407 Ministry for Social Welfare, Women and Poverty Alleviation, Fiji National Gender Policy. Available at: <https://www.fiji.gov.fj/getattachment/db294b55-f2ca-4d44-bc81-f832e73cab6c/NATIONAL-GENDER-POLICY-AWARENESS.aspx>.

408 Ibid.

409 Australian Government, Department of Foreign Affairs and Trade. Pacific Women Shaping Pacific Development. Available at: <https://dfat.gov.au/about-us/publications/Documents/pwspd-fiji-summary.pdf>.

410 Australian Government, Department of Foreign Affairs and Trade. Pacific Women Shaping Pacific Development. Available at: <https://dfat.gov.au/about-us/publications/Documents/pwspd-fiji-summary.pdf>.

411 UN Women, 'A commitment to further uphold women's rights and support services in Fiji', Joint Media Release. Available at: <http://asiapacific.unwomen.org/en/news-and-events/stories/2019/05/a-commitment-to-further-uphold-womens-rights-and-support-services-in-fiji>.

412 Constitution of the Republic of Fiji (2013). Available at: <http://www.paclii.org/fj/Fiji-Constitution-English-2013.pdf>.

413 Office of the High Commissioner for Human Rights, 'CEDAW Committee assesses the situation of women in Fiji', Press release. Available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22699&LangID=E>

414 Ibid.

415 Ibid.

416 "Trans Rights Are Human Rights - International Human Rights Day 2018", Haus of Khameleon Fuji Islands, 9 December 2018. Available at: <http://www.hausofkhameleon.org/hk-blog/internationalhumanrightsday2018>.

417 Nick Duffy, "Fiji prime minister says he will never allow same-sex marriage", Pink News, 10 April 2019. Available at: <https://www.pinknews.co.uk/2019/04/10/fiji-prime-minister-never-allow-same-sex-marriage/>.

418 Ibid.

419 Sulique Waka, Being LGBT In Detention Facilities in Fiji, 16 October 2017. Available at: <http://www.hausofkhameleon.org/hk-blog/lgbtpersons-in-detention-fijicasestudy?format=amp>.

420 Ibid.

421 Amnesty International, Fiji: Despite UN scrutiny ahead, no progress on human rights. Available at: <https://www.amnesty.org/en/latest/news/2019/03/fiji-despite-un-scrutiny-ahead-no-progress-on-human-rights/>.

In 2016, respecting its commitment towards prevention of **torture**, Fiji ratified the CAT⁴²² putting an end to deeply entrenched culture of violence and abuses.⁴²³ Since then, measures to prohibit, prevent and respond to incidents of ill-treatment against persons in custody have been put in place.⁴²⁴ In February 2019, Fiji became a CTI Core State in working towards reaching universality of the CAT by 2024.⁴²⁵ However, despite such legal prohibition, the Public Order (Amendment) Act (POA) authorises the government to use whatever force as necessary to enforce public order and provide immunity to security force members from prosecution.⁴²⁶ In 2018, accounts of persons who suffered abuses by security forces were published.⁴²⁷ An example which stands out is that of the death of Josua Lalauvaki, who died due to an alleged assault by Police officers.⁴²⁸

Fiji sponsored and joined a consensus of the resolution concerning the *Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development*.⁴²⁹ However, events have shown the need for governmental measures to end harassment of **journalists and human rights defenders**, guarantee freedom of expression,⁴³⁰ assembly and political participation. On 22nd May 2018, four individuals from the Fiji Times, were charged with sedition and prosecuted over the publication of a letter in the Nai Lalakai newspaper in April 2016 which allegedly incited violence, though it was not written by any staff of The Fiji Times.⁴³¹ However, the Fiji High Court gave a verdict of not guilty in the trial.⁴³² In another sedition case, former leader of Fiji United Freedom Party, Jagath Karunaratne and former Opposition Member of Parliament, Mosese Bilitavu were handed down custodial sentences on 26th April 2018 by the Suva Magistrates' Court for spray painting anti-government slogans.⁴³³

In April 2019, three journalists from New Zealand, investigating environmental degradation in Fiji, were arrested by the authorities and detained overnight for their work.⁴³⁴ In May 2018, the Parliament passed into law the Online Safety Bill⁴³⁵ which aims to deter harmful online behaviour, creating specific offences such as the intentional posting of harmful electronic communications, intimate images or visual recordings without consent.⁴³⁶ However, concerns have been expressed about the lack of guidelines and the possible use of the law to prosecute political opponents, intimidate internet users and curtail the freedom of expression.⁴³⁷ Another restrictive provision is the Electoral Act 2014 that prohibit CSOs from facilitating, participating or engaging with any voter or electoral gathering after the issuance of the Writ of Elections.⁴³⁸

422 UN OHCHR, UN Treaty Body Database, Ratification Status for Fiji. Available at: https://tbinternet.ohchr.org/_layouts/15/Treaty-BodyExternal/Treaty.aspx?CountryID=60&Lang=EN.

423 Convention Against Torture Initiative (CTI), Fiji joins the CTI Core Group of States!. Available at: <https://cti2024.org/en/news/fiji-joins-the-cti-core-group-of-states/>.

424 Ibid.

425 Ibid.

426 US Department of State, 2018 Country Reports on Human Rights Practices: Fiji, 13 March 2019. Available at: <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/fiji/>.

427 Press Release: Independent investigations for the death of Josua Lalauvaki, 17 October 2018. Available at: <http://www.fwrn.org.fj/news/media-releases/67-all-category/news/press-releases/509-ngochr-independent-investigations-for-the-death-of-josua-lalauvaki>.

428 Ibid.

429 Resolution 40/11 Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development (2019).

430 Amnesty International, New Zealand journalists feel force of Fiji's contempt for human rights. Available at: <https://www.amnesty.org/en/latest/news/2019/04/new-zealand-journalists-feel-force-fiji-contempt-human-rights/>.

431 CIVICUS, Criminalisation of free speech creating chilling effect, as elections draws near, 8 August 2018. Available at: <https://monitor.civicus.org/newsfeed/2018/08/08/criminalisation-free-speech-creating-chilling-effect-elections-draws-near/>.

432 RNZ, Media censorship condemned as Fiji Times acquitted, 23 May 2018. Available at: <https://www.rnz.co.nz/international/pacific-news/358027/media-censorship-condemned-as-fiji-times-acquitted>.

433 ABC News, 'Former Fiji MP jailed for two years for spray painting anti-government graffiti', April 2018. Available at: <https://www.abc.net.au/news/2018-04-30/former-fiji-mp-jailed-for-sedition/9711594>.

434 Amnesty International, New Zealand journalists feel force of Fiji's contempt for human rights, 4 April 2019. Available at: <https://www.amnesty.org/en/latest/news/2019/04/new-zealand-journalists-feel-force-fiji-contempt-human-rights/>.

435 CIVICUS, Criminalisation of free speech creating chilling effect, as elections draws near, 8 August 2018. Available at: <https://monitor.civicus.org/newsfeed/2018/08/08/criminalisation-free-speech-creating-chilling-effect-elections-draws-near/>.

436 Ibid.

437 CIVICUS, Online safety law raises fears of increased censorship in Fiji after hotly contested election, 28 February 2019. Available at: <https://monitor.civicus.org/newsfeed/2019/02/28/online-safety-law-raises-fears-increased-censorship-fiji-after-hotly-contested-election/>.

438 Ibid.

During this session, through both, voluntary pledge and voting pattern on resolutions, Fiji expressed concern towards the **violence against children**, justifying this kind of violence as a form of disciplinary action.⁴³⁹ However, since 2018 more than 700 cases of child abuse were recorded.⁴⁴⁰ In particular, these cases were that of child negligence, physical and sexual abuse, and child labour.⁴⁴¹ Despite Fiji's ratification of the CRC in 1993, cases of physical, sexual, emotional abuses as well as trafficking and commercial sexual exploitations have been reported.⁴⁴²

VI. Conclusions

As the first Pacific Island State elected as a member at the Human Rights Council, Fiji highlighted the importance of environmental and climate change issues⁴⁴³ as well as the role of the Universal Declaration of Human Rights in transforming the lives of vulnerable people.

- Since March 2015, it has extended a standing invitation to and offered cooperation with the Special Procedures. However, Fiji has Special Rapporteur requests pending since 2006, Independent Expert requests pending since 2009. In addition, the Working Group on arbitrary detention is still pending. It has a total of 10 visit requests pending.
- Fiji co-sponsored resolutions adopted with consensus⁴⁴⁴ on *The rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education*⁴⁴⁵ and on the *Thirtieth anniversary of the Convention on the Rights of the Child*,⁴⁴⁶ expressed its concern towards children's rights violations. However, there remain concerns about the number of abuses reported.
- It also sponsored the resolution adopted with consensus⁴⁴⁷ concerning *Recognising the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development*,⁴⁴⁸ and stressed its commitment on freedom of expression, media workers and human rights defenders' protections. However, there appear discrepancies when it comes to effective application of the present provisions.
- Fiji joined a consensus in the resolution concerning the *Elimination of discrimination against women and girls in sport*⁴⁴⁹, underlined its support to the HRC initiatives concerning gender equality. However, discrimination and violence against women and the LGBTI+ community remains a major challenge.

439 UNOG, Human Rights Council Discusses Violence Against Children And Children In Armed Conflict. Available at: https://www.unog.ch/unog/website/news_media.nsf/%28httpNewsByYear_en%29/BF9568CECBE5CC97C12583B40062F68D?OpenDocument.

440 RNZ, 700 cases of child abuse in Fiji in 2018. Available at: <https://www.radionz.co.nz/international/pacific-news/380437/700-cases-of-child-abuse-in-fiji-in-2018>

441 Ibid.

442 Save the Children, Fiji. Available at: <http://www.savethechildren.org.fj/child-protection/>.

443 UN OHCHR, Fiji should step up action to protect human rights from environmental risks, UN expert says. Available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24025&LangID=E>.

444 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

445 Resolution 40/14 Rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education (2019).

446 Resolution 40/15 Thirtieth anniversary of the Convention on the Rights of the Child (2019).

447 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

448 Resolution 40/11 Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development (2019).

449 Resolution 40/5 Elimination of discrimination against women and girls in sport (2019).

I. Introduction

India was among the 47 member states elected to the HRC at its inaugural session in 2006. It continued to play an active role at the HRC in its subsequent terms in 2011-2013 and in 2015-2017. India was elected to serve its fourth term as a member of the Council from 2019, by virtue of a clean slate election.⁴⁵⁰ Its current term ends in 2021.⁴⁵¹

II. Voluntary Pledges and Commitments

In its recently submitted voluntary pledges, India pointed towards a long tradition of promoting and protecting human rights. It highlighted that the Constitution of India enshrines its commitment to human rights by guaranteeing to its citizens fundamental political and civil rights and provides for the progressive realisation and enforcement of economic, social and cultural rights.⁴⁵² India pledged to:

- Continue to uphold the highest standards in the promotion and protection of human rights.
- Continue to strive for the full realization of civil, political, economic, social and cultural rights, including the right to development.
- Continue to abide by its national mechanisms and procedures to promote and protect the human rights and fundamental freedoms of all its citizens.
- Continue to cooperate with States, upon request, in their implementation of human rights through capacity-building by means of technical cooperation, dialogue and exchange of experts.
- Continue to strive to promote the work of the Human Rights Council in accordance with the principles of sovereign equality, mutual respect, cooperation and dialogue.
- Continue to strive to make the Human Rights Council a strong, effective and efficient body capable of promoting and protecting human rights and fundamental freedoms for all.
- Continue to support international efforts to combat racism, racial discrimination, xenophobia and related intolerance.
- Continue to engage constructively in the deliberations of the Human Rights Council, its subsidiary bodies and mechanisms.
- Continue to support the Office of the United Nations High Commissioner for Human Rights, including through regular voluntary contributions.
- Continue to cooperate with special procedures, accept requests for visits and respond to communications.
- Remain committed to implementing the recommendations it accepted during the third cycle of the universal periodic review.
- Remain committed to ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Continue to cooperate with treaty monitoring bodies and engage constructively with them in the context of fulfilling its human rights obligations.
- Continue to strengthen the implementation of the human rights treaties that it has ratified.
- maintain the independence, autonomy and genuine powers of investigation of national human rights bodies, including its National Human Rights Commission and other National Commissions for Women, Child Rights, Minorities, Backward Classes, as mandated by the Constitution and national legislation.
- Continue to foster a culture of transparency, openness and accountability in the functioning of the Government.

450 United Nations General Assembly, Elections and Appointments, Elections of the Human Rights Council, 12 October 2018. Available at: <https://www.un.org/en/ga/73/meetings/elections/hrc.shtml>.

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

452 Office of High Commissioner for Human Rights, India's Voluntary Pledges and Commitments, 4 October 2018, available at: <https://undocs.org/en/A/73/394>.

- Continue to foster the genuine participation and effective involvement of civil society in the promotion and protection of human rights.
- Continue its strong support for and steadfast commitment to working with fellow developing countries and the United Nations development system towards collectively achieving the Sustainable Development Goals.
- Continue to pursue the necessary domestic actions to implement the 2030 Agenda, with an overarching focus on poverty eradication and a balanced emphasis on social development, economic growth and environmental protection.

III. Participation at the 40th Session of the HRC

The following is a representative selection of India’s participation in the interactive dialogues, general debates and panel discussions:

S. No.	Interactive Dialogue	India’s Interventions
1.	Clustered interactive dialogue with the Special Rapporteur on the right to Food and the Independent Expert on Foreign Debt	<ul style="list-style-type: none"> • Acknowledged the report of special rapporteur which focusses on the rights of fishery workers provides a fair background on the essential role of fishery workers in the contribution to the food security and nutrition of others. • Stressed that it has taken a revolutionary step known as the ‘Blue Revolution’ has been launched in India which will focus on the development of the management of fisheries. And it has been done with the enactment of several national and state legislations, and guidelines.⁴⁵³
2.	Clustered interactive dialogue with Special Rapporteur on the situation of human rights defenders and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	<ul style="list-style-type: none"> • Stated that it is committed to ensuring a safe working environment for all including those engaged in promoting and protecting human rights. • Further stated that while being committed to the principle of protection of human rights defenders, it would like all their activities to be in conformity with the legal framework in India and the rights guaranteed to all citizens by the Constitution of India. • Asserted that the Government has taken cognizance of the need of gender specific measures for the protection of women journalists.⁴⁵⁴
3.	Interactive dialogue with the Special Rapporteur on terrorism	<ul style="list-style-type: none"> • Hoped that the CTC and CTED would continue to pay close attention to the question of respect for human rights and the rule of law in counter-terrorism measures taken by states, in accordance with the relevant mandates conferred by the Security Council. • Suggested the need to adopt holistic approach in order to ensure zero tolerance towards terrorism and to intricate linkages of terror networks by way of extradition, prosecution, information exchange through concerted international cooperation.⁴⁵⁵

453 Permanent Mission of India to the United Nations in Geneva, Oral Statement. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1916>.

454 Permanent Mission of India to the United Nations, Oral Statement. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1888>.

455 Permanent Mission of India to the United Nations, Oral Statement. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1890>.

4.	Interactive dialogue with the Special Rapporteur on environment and the Special Rapporteur on adequate housing	<ul style="list-style-type: none"> • Asserted that, as a priority, India would continue its mission of “Housing for All by 2022” to provide better and affordable housing facilities especially to the under-privileged groups and has enacted a legislation which aims to bring accountability and transparency, protection of consumer interest and establishment of adjudicating mechanism for speedy dispute redressal in real estate sector. • Noted that India may consider the recommendations of Special Rapporteur to ensure the right to breathe clean air and also asserted that India is implanting the National Action Plan on Climate Change through eight national missions.⁴⁵⁶
5.	Clustered interactive dialogue with Special Representative of the Secretary General on Violence against Children, and Children and Armed Conflict	<ul style="list-style-type: none"> • Took note of the two situations highlighted by SRSRG, the specific issues raised in her report, and deplored the abduction of children and using them as mercenaries in the situations of armed conflicts. • Asserted that in 2013 India adopted the National Policy for Children which gives top priority to right to life, health and nutrition, and attaches greater significance to child development, education, protection and participation. • Reaffirmed its commitment to national and international efforts to promote and protect the rights of children.⁴⁵⁷
6.	Clustered interactive dialogue with Special Rapporteur on Disabilities and the Independent Expert on Albinism	<ul style="list-style-type: none"> • Concurred with the view of the Special Rapporteur that the equality before law is the fundamental right of every human being and a necessary precondition for the exercise of all other human rights. • Took note of the recommendations of the Special Rapporteur, suggesting reforms for full Implementation of the right to liberty and security of persons with disabilities.⁴⁵⁸
7.	Interactive dialogue with the High Commissioner for Human Rights	<ul style="list-style-type: none"> • Expressed the need to condemn terrorism and its perpetrators as it is an international obligation under the UN-led consensus on zero tolerance on terrorism. • Asserted that the Indian Constitution enshrines various provisions for the protection of rights and interests of the minorities and that the State makes no distinctions on the basis of caste, creed, colour or religion of a citizen.⁴⁵⁹
8.	Interactive dialogue with the Special Rapporteur on Human Rights in Myanmar	<ul style="list-style-type: none"> • Suggested that the international community make a stronger effort to help create conditions for the sustainable, safe and speedy return of all displaced communities. • Stated that it is vital to promote an engagement-based effort to address the root causes of socio-economic conflict in the Rakhine state, to facilitate the speedy return of displaced persons. • Asserted that it is doing all it can to ameliorate Bangladesh’s burden and has delivered four separate tranches of aid in the last 18 months amounting to nearly 2 million USD and that a further tranche of assistance has been planned.⁴⁶⁰

456 Permanent Mission of India to the United Nations, Oral Statement. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1891>.

457 Permanent Mission of India to the United Nations, Oral Statement. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1913>.

458 Permanent Mission of India to the United Nations, Oral Statement. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1893>.

459 Permanent Mission of India to the United Nations, Oral Statement. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1894>.

460 Permanent Mission of India to the United Nations, Oral Statement. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1903>.

9.	Interactive dialogue with the Special Rapporteur on minorities	<ul style="list-style-type: none"> Clarified that the National Register of Citizens is being updated in Assam in accordance with the Assam Accord and that the entire process is being carried out as per directions of the Supreme Court of India which is constantly monitoring the process. Asserted that Indian polity also weaves in immense diversity along with respect for tolerance and mutual understanding and the Government of India has issued Communal Harmony guidelines which lay down Standard Operating Procedures to deal with communal violence.⁴⁶¹
10.	Interactive dialogue with the OHCHR report on Sri Lanka	<ul style="list-style-type: none"> Acknowledged that 75 per cent of the land held in 2009 by the security forces has been returned to the original and rightful owners. Reaffirmed that India has been working closely with Sri Lanka in the implementation of various rehabilitation, resettlement and reconstruction projects.⁴⁶²

S. No.	General Debate	India's Interventions
1.	General Debate on Universal Periodic Review	<ul style="list-style-type: none"> Expressed that the UPR mechanism is an effective and visible instrument for the promotion and protection of human rights and fundamental freedoms and it should be a key instrument in the promotion of human rights by the Human Rights Council. Opined that the time allotted for UPR has restricted states from having fruitful exchange of views and proposed that that the review of the HRC should allot more hours to the UPR process to address this asymmetry.⁴⁶³
2.	General Debate on promotion and protection of all human rights, civil, political, economic, social and cultural rights including the right to development	<ul style="list-style-type: none"> Expressed the need for the international community to recognise corporate responsibility of business to respect human rights. Stated that the Indian legal framework recognises the duty of businesses to contribute to social development, coupled with some guidelines. Reiterated that any legal instrument on this subject needs to be balanced and sufficiently flexible otherwise it will be very difficult to garner wider acceptance. Remained committed to engaging in a constructive manner during the entire process.⁴⁶⁴
3.	General Debate on Follow-up and implementation of the Vienna Declaration and Programme of Action	<ul style="list-style-type: none"> Maintained that the universality of human rights is at the core of VDPa that guides us to treat all rights on equal footing with same emphasis. Reaffirmed that a more inclusive, participatory, and positive approach through dialogue and capacity building is the best way to promote and protect human rights. Urged that constraints on national capacities to implement certain rights should be duly recognized and the role of the council in providing technical capacity building should not be limited only to a few situations. Asserted that its approach to human rights continues to evolve as more rights become justiciable and through the process of progressive interpretation of laws by the judiciary.⁴⁶⁵

461 Permanent Mission of India to the United Nations, Oral Statement. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1905>.

462 Permanent Mission of India to the United Nations, Oral Statement. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1909>.

463 Permanent Mission of India to the United Nations, Oral Statement. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1907>.

464 Permanent Mission of India to the United Nations, Oral Statement. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1899>.

465 Permanent Mission of India to the United Nations, Oral Statement. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1899>.

S. No.	Panel Discussions	India's Interventions
1.	Annual high-level panel discussion on human rights mainstreaming	<ul style="list-style-type: none"> Stated that global issues cannot be resolved without ensuring a life of basic dignity to every human being and opined that international collaboration is necessary to promote climate change negotiations. Expressed that full cooperation to facilitate safe, orderly, and regular migration is essential for achieving sustainable development in line with goal 10.7 of the SDGs.⁴⁶⁶
2.	Annual full-day meeting on the rights of the child	<ul style="list-style-type: none"> Asserted that India has taken steps in its domestic policies, such as the National Policy for Children in India and the National Action Plan for Children, to empower children with disabilities. Remained committed to fulfilment of the basic human rights of children with disabilities and looks forward to the discussions in the meeting. Highlighted the Rights of Persons with Disabilities Act 2016 whose provisions ensure that women and children with disabilities enjoy their rights equally, focuses on the duties of educational institutions and specific measures to promote inclusive education.⁴⁶⁷
3.	Biennial High-Level Panel Discussion on the Question of Death Penalty	<ul style="list-style-type: none"> Reiterated its stand that any simplistic approach to characterise death penalty as a human right issue in the context of the right to life of the convicted prisoner is deeply flawed and controversial. Stated that in India death penalty is exercised in the 'rarest of rare' cases, where the crime committed is so heinous as to shock the conscience of society and that there are specific provisions for suspension of the death penalty in exceptional cases. Asserted that the question on abolition or retention of death penalty and the determination of capital crimes shall be the inalienable and exclusive right of the sovereign State and that there should not be any external interference in the criminal justice system of such State.⁴⁶⁸
4.	Annual interactive debate on the Rights of Persons with Disabilities	<ul style="list-style-type: none"> Proposed that a multidisciplinary assessment of an individual's needs and strengths are essential for full implementation of the conventional obligations that are affecting daily living of the persons with disabilities. Referred to rehabilitation as a process aimed at enabling persons with disabilities to maintain optimal physical, sensory, intellectual, psychological, environmental or social function levels in its national legislation enacted in 2016.⁴⁶⁹
5.	Debate on the mitigation and countering of rising nationalist populism and extreme supremacist ideologies	<ul style="list-style-type: none"> Condemned the terrorist attack in New Zealand and extended their heartfelt sympathy to the victims and their families. Reiterated that along with being the world's largest democracy, the Indian polity weaves in immense diversity along with respect for tolerance and mutual understanding.⁴⁷⁰

IV. Voting Pattern on Resolutions

Thematic Resolutions

India voted in favour of three resolutions concerning *The negative impact of unilateral coercive measures on the enjoyment of human rights*,⁴⁷¹ *The negative impact of the non-repatriation of funds of illicit origin to the countries of*

466 Permanent Mission of India to the United Nations, Oral Statement. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1879>.

467 Permanent Mission of India to the United Nations, Oral Statement. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1892>.

468 Permanent Mission of India to the United Nations, Oral Statement. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1886>.

469 Permanent Mission of India to the United Nations, Oral Statement. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1900>.

470 Permanent Mission of India to the United Nations, Oral Statement. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1906>.

471 Resolution 40/3 The negative impact of unilateral coercive measures on the enjoyment of human rights (2019).

origin on the enjoyment of human rights, and the importance of improving international cooperation,⁴⁷² 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.⁴⁷³

India did not vote against any thematic resolution nor did it abstain from voting on the same. It joined consensus for adopting 12 thematic resolutions, including *Elimination of discrimination against women and girls sport*;⁴⁷⁴ *Freedom of religion or belief*;⁴⁷⁵ *Recognizing the contribution of environment human rights defenders to the enjoyment of all human rights, particularly economic, social and cultural rights*;⁴⁷⁶ *Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*;⁴⁷⁷ and *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief*.⁴⁷⁸

Country Situation Resolutions

India voted in favour of four resolutions concerning *Human rights in the occupied Syrian Golan*,⁴⁷⁹ *Right of the Palestinian people to self-determination*,⁴⁸⁰ *Human rights situation in the Occupied Palestinian Territory, including East Jerusalem*,⁴⁸¹ and *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan*.⁴⁸²

India voted against one resolution pertaining to the *Situation of human rights in the Islamic Republic of Iran*.⁴⁸³

India abstained from voting on five country situation resolutions namely *Promotion and protection of human rights in Nicaragua*,⁴⁸⁴ *Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem*,⁴⁸⁵ *The human rights situation in the Syrian Arab Republic*,⁴⁸⁶ *Cooperation with Georgia*,⁴⁸⁷ and *Situation of human rights in Myanmar*.⁴⁸⁸

India explained its abstention in relation to one of the resolutions:

- In an explanation of the vote on the resolution on the *Situation of Human Rights in Myanmar*⁴⁸⁹ extending the mandate of the fact-finding mission to ensure that continuous human rights abuses were fully documented,⁴⁹⁰ India stated that it was necessary to recognise Myanmar's institutional capacities and trust building was the key to achieving a resolution of the situation.⁴⁹¹ It was of the view that promotion and protection of human rights

472 Resolution 40/4 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. (2019).

473 Resolution 40/8 Foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (2019).

474 Resolution 40/5 Elimination of discrimination against women and girls in sport (2019).

475 Resolution 40/10 Freedom of Religion or Belief (2019).

476 Resolution 40//14 Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development (2019).

477 Resolution 40/16 Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2019).

478 Resolution 40/25 Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief (2019).

479 Resolution 40/21 Human rights in the occupied Syrian Golan (2019).

480 Resolution 40/22 Right of the Palestinian people to self-determination (2019).

481 Resolution 40/23 Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2019).

482 Resolution 40/24 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2019).

483 Resolution 40/18 Situation of human rights in the Islamic Republic of Iran. (2019).

484 Resolution 40/2 Promotion and protection of human rights in Nicaragua (2019).

485 Resolution 40/13 Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem (2019).

486 Resolution 40/17 The human rights situation in the Syrian Arab Republic (2019).

487 Resolution 40/28 Cooperation with Georgia (2019).

488 Resolution 40/29 Situation of human rights in Myanmar (2019).

489 Ibid.

490 Ibid.

491 Ibid.

could only be advanced through constructive engagement and dialogue with the country concerned, and hence, it abstained from voting on the resolution.⁴⁹²

India joined consensus in adopting four country situation resolutions concerning *Promoting reconciliation, accountability and human rights in Sri Lanka*,⁴⁹³ *Situation of human rights in South Sudan*,⁴⁹⁴ *Situation of human rights in the Democratic People's Republic of Korea*,⁴⁹⁵ and *Technical assistance and capacity-building to improve human rights in Libya*.⁴⁹⁶

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

In its voluntary pledges, India committed to “continue to cooperate with the special procedures, accept requests for visits and respond to communications” and has extended a standing invitation to all thematic Special Procedures. In the last 10 years, it has complied with requests from 10 Special Procedures.⁴⁹⁷ However, currently, it has a total of 21 requests and reminders pending from Special Procedures including the Special Rapporteurs on slavery, minority issues, torture (since 1999), trafficking, human rights and counter-terrorism, etc. and Working Groups on discrimination against women, disappearances, arbitrary detention, among others.⁴⁹⁸

The Indian Ministry of External Affairs responded to the Special Procedures based on the 2018 OHCHR Report on Jammu and Kashmir whereby, it informed the UN body that it could no longer entertain any communication “with the HRC’s Special Rapporteurs on their report.”⁴⁹⁹

b. Compliance with Reporting Obligations to Treaty Monitoring Bodies

India committed to “cooperate with treaty monitoring bodies and engage constructively with them in the context of fulfilling its human rights obligations”. India complied with its reporting obligations in the previous reporting cycles under CEDAW, CRC, CRC-OP-AC, CRC-OP-SC, and CRPD, however, some of these reports were submitted after a delay of two to five years.⁵⁰⁰

India has the following treaty body reports outstanding against it:

- For the last two decades, India has not submitted a report to the CCPR, which is due since 2001. Recently, the UN Human Rights Committee decided to review India in absentia⁵⁰¹;
- CERD since 2010;
- CESCR since 2011.⁵⁰²

c. Compliance with Thematic Issues

492 Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1911>.

493 Resolution 40/1 Promoting reconciliation, accountability and human rights in Sri Lanka (2019).

494 Resolution 40/19 Situation of human rights in South Sudan (2019).

495 Resolution 40/20 Situation of human rights in the Democratic People's Republic of Korea (2019).

496 Resolution 40/27 Technical assistance and capacity-building to improve human rights in Libya (2019).

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

498 Office of High Commissioner for Human Rights, Special Procedures. Available at: https://spinternet.ohchr.org/_layouts/15/Special-ProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=IND

499 The Hindu, India cuts off UN panel after Jammu and Kashmir report. Available at: <https://www.thehindu.com/news/national/india-cuts-off-un-panel-after-jammu-kashmir-report/article27190445.ece>

500 OHCHR, Office of High Commissioner for Human Rights, Human Rights Treaty Bodies, Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=IND&Lang=EN.

501 Office of High Commissioner for Human Rights, Human Rights Treaty Bodies, Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fPOW%2f126%2f28394&Lang=en.

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

In its voluntary pledges India vowed to uphold the highest standards in the promotion and protection of human rights.⁵⁰³ These promises contrast with **gender inequality** concerns. At 17 percent, India has a lower share of women's contribution to the GDP than the global average of 37 percent.⁵⁰⁴ India ranks 147th out of 149 countries on health and survival of women and 142nd out of 149 in terms of economic participation of women, according to the World Economic Forum's gender gap index.⁵⁰⁵ According to the World Bank, India ranks 163rd out of 181 countries in female labour force participation.⁵⁰⁶ It also ranks 149th out of 193 by percentage of women representatives in parliament according to the Inter-Parliamentary Union.⁵⁰⁷ On the positive side the Indian Supreme Court⁵⁰⁸ last year upheld the right of women to worship in the famous Sabarimala temple, irrespective of their age. This judgment struck down a tradition which banned the entry of women between the ages of 10 to 50 into the temple. Subsequently in another landmark decision,⁵⁰⁹ the Supreme Court struck down a colonial-era law that made adultery illegal, declaring it arbitrary and unconstitutional because it "treats a husband as the master."⁵¹⁰

India joined the consensus in the resolution pertaining to **Freedom of religion or belief**⁵¹¹ This resolution reiterated that everyone has the right to freedom of thought, conscience and religion and expressed concerns at emerging obstacles to the enjoyment of the right to freedom of religion or belief. In its pledges, India committed to promoting and protecting the human rights and fundamental freedoms of all its citizens.⁵¹² However, religious freedom in India continues to be a challenge. In its latest Annual Report in 2017, India's Ministry of Home Affairs reported 111 deaths in 822 incidents of communal violence in the country for that year, representing a 29% increase in deaths and a 17% increase in incidents as compared to 2016, when the figures were 86 and 703, respectively.⁵¹³ Cases of attacks against minorities have grown over the years.⁵¹⁴ It has been reported that anti-conversion laws have been adopted in several states, including Odisha,⁵¹⁵ Madhya Pradesh,⁵¹⁶ Chhattisgarh,⁵¹⁷ Gujarat,⁵¹⁸ Arunachal Pradesh,⁵¹⁹ and Himachal Pradesh.⁵²⁰ In 2007, the Himachal Pradesh High Court struck down section 4 of the Act and Rules 3 and 5 of the Himachal Pradesh Freedom of Religion Rules 2007, which implement the Act.⁵²¹ The Himachal Pradesh High Court struck down section 4 of the Act and Rules 3 and 5 of the Himachal Pradesh Freedom of Religion Rules 2007, which implement the Act.⁵²² The Court held that these provisions were in violation of article 14 of the Constitution, and that "a person not only has a right of conscience, the right of belief, the right to change his belief, but also has the right to

503 Office of the High Commissioner for Human Rights, India's Voluntary pledges and commitments, 4 October 2018. Available at: <https://undocs.org/en/A/73/394>.

504 Ibid.

505 World Economic Forum, Global Gender Gap Report 2018. Available at: http://www3.weforum.org/docs/WEF_GGGR_2018.pdf

506 World Bank, Female Labour Force Participation Rate. Available at <https://data.worldbank.org/indicator/sl.tlf.cact.fe.zs>.

507 Bhaskar Chakravorti, "India's gender gap is a disgrace and it's time we paid attention to women", Indian Express, 7 May 2019. Available at https://indianexpress.com/article/opinion/columns/indian-woman-goes-to-vote-5713726/?utm_source=Dailyhunt.

508 Indian Lawyers Association v. State of Kerala Writ petition (Civil) no. 373 of 2006.

509 Joseph Shine v. Union of India 2018 SCC OnLine SC 1676.

510 Ibid.

511 Resolution 40/10 Freedom of Religion or Belief (2019).

512 Office of the High Commissioner for Human Rights, India's Voluntary pledges and commitments, 4 October 2018. Available at: <https://undocs.org/en/A/73/394>.

513 Ministry of Home Affairs, Government of India, annual reports. Available at <https://mha.gov.in/documents/annual-reports>.

514 Bilal Kuchay, "UN rights chief warns against harassment of Muslims in India", Al Jazeera, 7 March 2019. Available at <https://www.aljazeera.com/news/2019/03/divisive-policies-india-hurt-economic-growth-190306214221486.html>;

515 The Orissa Freedom of Religion Act, 1967, Section 3. Available at: http://lawodisha.gov.in/files/acts/act_884132771_1437987451.pdf.

516 Madhya Pradesh Freedom of Religion Act, 1968, Section 3. Available at: <http://home.mp.gov.in/en/mp-religion-freedom-act-1968-0>.

517 Chhattisgarh Freedom of Religion Act, 1968. Available on: <https://www.loc.gov/law/help/anti-conversion-laws/india-anti-conversion-laws.pdf>.

518 Gujarat Freedom of Religion Act, 2003, Section 3. Available on: <https://www.loc.gov/law/help/anti-conversion-laws/india-anti-conversion-laws.pdf>.

519 Arunachal Pradesh Freedom of Religion Act, 1978, Section 3. Available on: <https://www.loc.gov/law/help/anti-conversion-laws/india-anti-conversion-laws.pdf>.

520 The United States Commission on International Religious Freedom, "Anti-Conversion Laws on the Rise in South Asia", 11 December 2018. Available at <https://www.uscirf.gov/news-room/press-releases-statements/new-uscirf-report-anti-conversion-laws-the-rise-in-south-asia>

521 Himachal Pradesh Freedom of Religion Rules, 2007. Available at http://www.olir.it/ricerca/getdocumentopdf.php?lang=ita&Form_object_id=5901.

522 Himachal Pradesh Freedom of Religion Rules, 2007. Available at http://www.olir.it/ricerca/getdocumentopdf.php?lang=ita&Form_object_id=5901.

keep his beliefs secret.”⁵²³ Moreover these laws violate the special protection of the rights of minorities enshrined in Article 27 of the ICCPR as they are predominantly deployed against religious minorities.⁵²⁴ On a positive note, the Supreme Court held that the National Commission for Minority Educational Institutions (NCMEI) has the power to decide the minority status of an already existing educational institution.⁵²⁵ The apex court’s judgment reiterated that no fundamental right – including the rights of minorities – can be waived.⁵²⁶

India committed itself to ratifying the Convention against **Torture** and Other Cruel, Inhuman or Degrading Treatment or Punishment. During the clustered interactive dialogue with the Special Rapporteur on Human Rights Defenders and with the Special Rapporteur on torture, India did not make any statement relating to torture or its prevention. Concerns regarding the widespread use of torture in India have been repeatedly expressed by the National Human Rights Commission of India (NHRC),⁵²⁷ the United Nations, national⁵²⁸ and international civil society organisations,⁵²⁹ and by experts.⁵³⁰ The latest NHRC Annual Report (2015-2016) numbers a total of 3,848 cases of custodial deaths in that year alone, including 3,606 cases of death in judicial custody.⁵³¹ Based on information filed in the Rajya Sabha, a report estimated that between April 2017 and February 2018, 1,674 cases of custodial deaths were recorded.⁵³² Recently, an ailing Muslim inmate who was undergoing treatment at a government hospital in Jaipur, was allegedly beaten to death by police guards.⁵³³

India pledged to continue fostering the genuine participation and effective involvement of **civil society** in the promotion and protection of human rights.⁵³⁴ However, the United Nations last year put India in a list of 38 “shameful” countries which it said had carried out reprisals or intimidation against people cooperating with it on human rights, through killings, torture and arbitrary arrests.⁵³⁵ Late last year, five UN Special Rapporteurs criticised the decision by Indian authorities to bring terrorism charges against 10 **human rights defenders**⁵³⁶ accused under the Unlawful Activities Prevention Act, which claimed that the activists were communicating with “unlawful organizations.” The Act was criticized by UN experts for “confer[ring] discretionary powers upon State agencies, which weakens judicial oversight and diminishes civil liberties in the process.” On March 28, renowned development economist Prof. Jean Dreze, along with two activists were briefly detained for organising a public hearing aimed to discuss implementation right to food, social security pensions and matters of education.⁵³⁷ The NHRC registered 92 complaints about Human Rights Defenders between 01/04/2018 to 31/03/2019.⁵³⁸

523 Ravinder Makhaik, HC Partially Strikes Down Himachal’s Anti-conversion Law, Times of India (Aug. 31, 2012), <http://timesofindia.indiatimes.com/india/Hc-partially-strikes-down-Himachals-anti-conversion-law/articleshow/16036603.cms>,

524 Ewelina U. Ochab. “Religious Freedom Is On The Decrease In India”, Forbes, 12 Jan 2019. Available at: <https://www.forbes.com/sites/ewelinaochab/2019/01/12/religious-freedom-is-on-the-decrease-in-india/#ca82658403bc>.

525 Sisters of St. Joseph of Cluny Vs. State of West Bengal & Ors, Civil Appeal No. 3945 of 2018 arising out of SLP (C) No.35786 of 2016.

526 Faizan Mustafa, “SC Ruling That Minority Rights Cannot be Waived is a Boost for Minority Institutions”, The Wire, 2 May 2018. Available at <https://thewire.in/law/sc-ruling-rights-minority-institutions>.

527 National Human Rights Commission, Report on Prevention of Atrocities against Scheduled Castes (2004).

528 People’s Watch, “Torture and Impunity in India: National Project on Preventing Torture in India” (2008). Available at <http://www.indianet.nl/pdf/TortureAndImpunity.pdf>.

529 Amnesty International, “India: Torture, Rape and Deaths in Police Custody (1992). Available at: <https://www.amnesty.org/en/documents/asa20/006/1992/en/>.

530 Upendra Baxi, “A great betrayal”, Indian Express, 11 December 2017. Available at <https://indianexpress.com/article/opinion/columns/a-great-betrayal-torture-bill-law-supreme-court-4976973/>.

531 National Human Rights Commission, Annual Reports, 1993-1994 to 2015-2016. Available at: <http://nhrc.nic.in/publications/annual-reports>.

532 Asian Centre for Human Rights, Torture Update: India. Available at <http://www.achrweb.org/wp-content/uploads/2018/06/TortureUpdateIndia.pdf>.

533 The Hindu, “Ailing jail inmate dies in police custody in Kota, family cries foul”, 29 April 2019. Available at <https://www.thehindu.com/news/national/other-states/ailing-jail-inmate-dies-in-police-custody-in-kota-family-cries-foul/article26974243.ece>.

534 Office of the High Commissioner for Human Rights, India’s Voluntary pledges and commitments, 4 October 2018. Available at: <https://undocs.org/en/A/73/394>.

535 UN General Assembly, Report of the Secretary-General on Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, 13 August 2018, A/HRC/39/41, available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=a/hrc/39/41.

536 Office of the High Commissioner for Human Rights, Press Release. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23686&LangID=E>.

537 Abinash Dash Choudhury, “Garwha Detention, FIR Highlight Plight of Food Rights Activists in Jharkhand”, 9 April 2019, The Wire. Available at: <https://thewire.in/rights/garwha-detention-fir-food-rights-activists-jharkhand>.

538 National Human Rights Commission, Human Rights Defenders Cases. Available at: <http://nhrc.nic.in/complaints/human-right-defenders-cases>.

India joined the consensus in the resolution pertaining to “Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while **countering terrorism**”.⁵³⁹ While extending the mandate of the Special Rapporteur for a period of three years, the resolution encourages the Special Rapporteur to continue to address this issue, in consultation with Governments, the individuals concerned, their families, their representatives and civil society organizations. During the Interactive Dialogue with the Special Rapporteur on terrorism, India suggested the need to adopt holistic approach in order to ensure zero tolerance towards terrorism.⁵⁴⁰ India is ranked seventh in the Global Terrorism Index, which measures the impact of terrorism.⁵⁴¹

India is a founding member of the Global Counterterrorism Forum (GCTF) and promotes multilateral efforts to combat terrorism, though it has not participated in global anti-ISIS efforts.⁵⁴² In consonance with the policy process of this resolution on counter terrorism, India regularly cooperates with the United States on bilateral counterterrorism initiatives, and the United States has helped India to implement U.N. Security Council counterterrorism resolutions and sanctions domestically.⁵⁴³ India has domestic legislation in place to prosecute terrorist activities, including the Unlawful Activities Prevention Act (UAPA) of 1967 and Suppression of Terrorism Act passed in 1993. However, there have been consistent allegations about the misuse of the UAPA.⁵⁴⁴ In 2017, a committee headed by Kerala state police chief Loknath Behera was tasked to review an estimated 162 Unlawful Activities Prevention Act (UAPA) cases registered in the State since 2012.⁵⁴⁵ It found that sections of UAPA were unwarranted in 42 such cases. India also has anti-money laundering and counter-terrorist financing (AML/CTF) legislation in place, which it has amended to comply with international standards. In 1958, the Indian Parliament passed the Armed Forces Special Powers Act (AFSPA) in the states of Assam and Manipur.⁵⁴⁶ Under section 4 (a), mere suspicion gives a non-commissioned officer (or an equivalent rank in the armed forces) the power to shoot to kill, destroy any property, under section 4(b), if it is suspected of being used as a fortified position. Under section 4(c), anyone can be arrested without a warrant if it is suspected that he/she has committed a cognizable offence. Under section 4(d), force can be used to enter and search any house on suspicion of it being used as a hideout.⁵⁴⁷ Currently it is effective in the whole of Nagaland, Assam, Manipur (excluding seven assembly constituencies of Imphal) and parts of Arunachal Pradesh.⁵⁴⁸ The Centre revoked it in Meghalaya on April 1, 2018 and Tripura withdrew AFSPA in 2015. Earlier, AFSPA was effective in a 20 km area along the Assam-Meghalaya border. In Arunachal Pradesh, AFSPA use was reduced to eight police stations from 16 police stations in Tirap, Longding and Changlang districts bordering Assam.⁵⁴⁹

Two controversial laws are used in the state of Jammu and Kashmir– the Armed Forces (Jammu and Kashmir) Special Powers Act (AFSPA) of 1990 and its predecessor, the Jammu & Kashmir Public Safety Act (PSA), 1978. The Public Safety Act, enacted in 1978 by the Jammu and Kashmir government to curb timber smuggling, has since evolved as perhaps a powerful tool in the hands of the state police. The law provides for detention for a maximum of two years in case of persons acting in any manner “prejudicial to the security of the state”. Until its amendment in 2012, it also allowed administrative detention of up to one year for “any person acting in any manner prejudicial to the maintenance of

539 Resolution 40/16 Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2019).

540 Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1890>.

541 Global Terrorism Index, Measuring the impact of terrorism. Available at: <http://visionofhumanity.org/app/uploads/2018/12/Global-Terrorism-Index-2018-1.pdf>.

542 Natalia Tecimer, “India and the Fight Against Islamic State”, *The Diplomat*, 14 June 2017. <https://thediplomat.com/2017/06/india-and-the-fight-against-islamic-state/>.

543 U.S Department of State. Available at: <https://www.state.gov/j/ct/rls/crt/2016/272233.htm#INDIA>.

544 Susan Abraham, “Misuse of the Unlawful Activities (Prevention) Act”, *Economic and Political Weekly*, Vol. 52, Issue No. 12, 25 March 2017. Available at <https://www.epw.in/journal/2017/12/web-exclusives/misuse-unlawful-activities-prevention-act.html-0>.

545 *The Hindu*, “UAPA mindlessly applied in scores of cases”, 18 April 2017. Available at: <https://www.thehindu.com/news/national/kerala/uapa-mindlessly-applied-in-scores-of-cases/article18111094.ece>

546 The Armed Forces (Special Powers) Act, 1958 (Act 28 of 1958).

547 *Indian Defence Review*, Vol. 31.4, ‘Insurgency in The Northeast: Is there Light at the End of the Tunnel?’, Major General Sheru Thapliyal, October-December 2016. Available at:

<http://www.indiandefencereview.com/news/insurgency-in-the-northeast-is-there-light-at-the-end-of-the-tunnel/>; see also, <https://www.bbc.com/news/world-asia-india-32911104>.

548 *The Hindu*, ‘What is AFSPA, and where is it in force?’, 23 April 2018. Available at: <https://www.thehindu.com/news/national/what-is-afspa-and-where-is-it-in-force/article23648102.ece>

549 *Ibid*.

public law and order”.⁵⁵⁰ Over 1,000 detentions were made from March 2016 to August 2017.⁵⁵¹ Official data show that courts in Kashmir have quashed 1,706 detention orders between 2008 and 2017. The highest number – 215 detention orders – were quashed in 2016 alone.⁵⁵²

India joined the consensus in adopting the resolution on the ‘**Right to food**’.⁵⁵³ India pledged to strive for the full realization of civil, political, economic, social and cultural rights, including the right to development.⁵⁵⁴ However, India has been ranked at the 103rd position among 119 countries on the Global Hunger Index.⁵⁵⁵ The National Food Security Act (NFSA) 2013, was enacted with the objective ‘to provide for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity’, was envisaged to cover about two-thirds of the population. In a landmark decision, the Supreme Court held that “*right to life guaranteed in any civilised society implies the right to food, water, decent environment education, medical care and shelter.*”⁵⁵⁶

VI. Conclusions

India was participated actively during the 40th Session of the HRC.

- Despite its pledges to cooperate with the Special Procedures, it has a total of 21 visit requests and reminders pending.
- In its pledges, India also committed “to cooperate with treaty monitoring bodies and engage constructively with them in the context of fulfilling its human rights obligations”. However, it has three reports pending from CCPR, since its last submission in 1995, CESCR, and CERD.
- In terms of gender equality, India ranks 147 out of 149 countries on health and survival of women and 142 out of 149 in terms of economic participation of women.
- The Ministry of Home Affairs, Government of India, in its latest annual report, revealed that about 111 deaths were reported in 822 incidents of communal violence in the country.
- India committed to ratify the UNCAT in its voluntary pledges and signed it in 1997 but has not ratified it yet. It has not passed a domestic anti-torture legislation to comply with this pledge despite a significant number of custodial deaths.

550 Jammu and Kashmir Public Safety Act, 1978, Act No. VI of 1978.

551 Gaurav Vivek Bhatnagar, ‘No Rules, Standard Operating Procedures Under J&K Public Safety Act, Reveals RTI’, The Wire, January 3, 2018. Available at: <https://thewire.in/government/no-rules-standard-operating-procedures-jk-public-safety-act-reveals-rti>.

552 Umer Maqbool, ‘In 10 years, J&K courts quash 1,706 PSA detentions’, Greater Kashmir, 19 September 2017. Available at: <https://www.greaterkashmir.com/news/kashmir/in-10-years-jk-courts-quash-1706-psa-detentions/>.

553 Resolution 40/7 The Right to Food (2019).

554 Office of High Commissioner for Human Rights, India’s Voluntary Pledges and Commitments, 4 October 2018, available at: <https://undocs.org/en/A/73/394>.

555 Global Hunger Index. Available at: <https://www.globalhungerindex.org/>.

556 Chameli Singh And Others Etc. vs State Of U.P. And Another, AIR 1996 SC 1051, JT 1995 (9) SC 380.

I. Introduction

Nigeria was amongst the 47 member states elected to the HRC for its first term.⁵⁵⁷ It played an active role at the HRC in subsequent terms in 2009-2011,⁵⁵⁸ and again for the term of 2015-2017.⁵⁵⁹ Nigeria was elected to serve a fourth term as a council member in 2018⁵⁶⁰ by virtue of clean slate election. Its current term will end in 2020.⁵⁶¹

II. Voluntary Pledges and Commitments

Nigeria submitted its voluntary pledges⁵⁶² in 2006 and has not submitted any updates regarding their pre-existing pledge since. Nigeria pledged to:

- Uphold the purposes and objectives of the Human Rights Council.
- Cooperate fully with the Council, through active participation. Cooperate with members of the Council, non-members regional organisations and civil society to create a strong, credible, fair and effective human rights body.
- Submit itself to the Universal Periodic Review mechanism.
- Cooperate with treaty monitoring bodies, including through submission of reports and the implementation UN activities, as well as with those of regional organisations, such as the African Union and the Economic Community of West African States.
- Promote and protect human rights, and support the work of the National Human Rights Commission (NHRC).
- Continue to play a responsible, leading role, regionally and internationally, in the protection and promotion of peace, stability and democracy.
- Promote and protect all human rights, particularly civil and political rights, and economic, social and cultural rights, including the right to development.
- Work towards strengthening the OHCHR.
- Maintain an open-door policy on human rights issues and to this end, reaffirmed its preparedness for officials such as human rights inspectors, Special Rapporteurs and representatives to visit the country and carry out their respective mandates without hindrance.
- Cooperate fully with other Special Procedures of the Council, work towards upholding the rule of law and encourage constructive dialogue and international cooperation in the field of human rights.
- Uphold the principles of non-discrimination and the protection and promotion of the human rights of all citizens. Accelerate the process for the domestication of relevant human rights instruments, such as the African Charter on Human and Peoples' Rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC).
- Commit to the international human rights instruments which it ratified including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

⁵⁵⁷ Office of High Commissioner for Human Rights, Human Rights Council Elections, 2006. Available at: <https://www.un.org/ga/60/elect/hrc/>.

⁵⁵⁸ Office of High Commissioner for Human Rights, Human Rights Council Elections, 2009. Available at: https://www.un.org/en/ga/63/elections/hrc_elections.shtml.

⁵⁵⁹ Office of High Commissioner for Human Rights, Human Rights Council Elections, 2014. Available at: <https://www.un.org/en/ga/69/meetings/elections/hrc.shtml>.

⁵⁶⁰ Office of High Commissioner for Human Rights, Human Rights Council Elections, 2017. Available at: <https://www.un.org/en/ga/72/meetings/elections/hrc.shtml>

⁵⁶¹ Premium Times, "UN General Assembly elects Nigeria, 14 others to Human Rights Council", 17 October 2017. Available at: <https://www.premiumtimesng.com/news/top-news/246350-un-general-assembly-elects-nigeria-14-others-human-rights-council.html>.

⁵⁶² The Permanent Mission of the Federal Republic of Nigeria to the United Nations, Human Rights Council: "Nigeria's Voluntary Pledges and Commitment", 24 April 2006. Available at: <https://www.un.org/ga/60/elect/hrc/nigeria.pdf>.

- Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW). Sign, ratify and accede to other conventions that the country is not a part of, such as the Convention on the Prevention and Punishment of the Crime of Genocide.
- Continue to uphold the provisions of the conventions, protocols and covenants which it has ratified, and regularly report on their implementation to treaty monitoring bodies of the Human Rights Council on observations and recommendations.

III. Participation at the 40th session of the HRC

A representative selection of Nigeria’s participation in the interactive dialogues, general debates and panel discussions in this session is as follows:

S.No.	Interactive Dialogue	Nigeria’s Interventions
1.	Interactive dialogue with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism	<ul style="list-style-type: none"> • Reiterated its commitment to ending the threat of terrorism in the North-eastern region of Nigeria. • Remained resolute and determined to make sure that Boko Haram’s terrorism tactic are defeated and peace and security in Nigeria is restored. • Noted that its counter terrorism strategies have recorded a tremendous success.⁵⁶³
2.	Clustered interactive dialogue with the Special Representative of the Secretary-General on violence against children and the Special Representative of the Secretary-General for children and armed conflict.	<ul style="list-style-type: none"> • Reiterated its commitment to the protection of children caught in the web of terrorist activities in the North-eastern part of the country. • Stated that it has developed a number of child protection and development measures, including the enactment of the Child Rights Act, which has been adopted by most states in Nigeria.⁵⁶⁴
3.	Clustered interactive dialogue with the special rapporteur on the right of persons with disabilities and the independent expert on the enjoyment of human rights by persons with albinism	<ul style="list-style-type: none"> • Reiterated its clear disapproval of all forms of ill-treatment and attacks on persons with albinism and emphasised the need for resolute efforts by international community to protect and provide remedies to persons with albinism. • Stated that it has enacted the Disabilities Act, to prohibit all forms discrimination on the basis of disabilities. Also reiterated its determination to end all forms of discrimination on the basis of disabilities in the country.⁵⁶⁵
4.	Interactive dialogue with the united nations high commissioner for human rights	<ul style="list-style-type: none"> • Assured its continued cooperation with the OHCHR and human rights mechanisms in the execution of their important mandates. • Raised its concern about the increase of democratic nationalism and right-wing extremism in many parts of the world. • Asserted that all states should respect and treat migrants with dignity in all circumstances, irrespective of their immigration status.⁵⁶⁶

563 Office of High Commission for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=01/03/2019%2000:00:00>

564 Office of High Commission for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=05/03/2019%2000:00:00>

565 Office of High Commission for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=05/03/2019%2000:00:00>

566 Office of High Commission for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=07/03/2019%2000:00:00>

S.No.	General Debate	Nigeria's Interventions
1.	General debate on the Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development	<ul style="list-style-type: none"> Recognised the primary duty of the State to ensure sustainable development and expressed its firm conviction that the repatriation of illicit funds to countries or origin is critical to the actualization of the developmental agendas of such countries. Remained committed to the entrenchment of democracy, the rule of law and good governance.⁵⁶⁷
2.	General debate on the Human rights situation in Palestine and other occupied Arab territories	<ul style="list-style-type: none"> Urged the State of Israel to implement the resolutions by UN, which are aimed at resolving and ultimately bringing an end to this age-long crisis of continued occupation of Palestine and other Arab territories. Re-emphasized the need for the State of Israel to always exercise extreme restriction and to avoid excessive use of force against innocent civilians, while exercising their rights to protest in resistance to the continued occupation of their territories.⁵⁶⁸
3.	General debate on Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action	<ul style="list-style-type: none"> Condemned all forms of racism, racial discrimination, xenophobia and other related intolerance and called upon the international community to increase efforts in combating these issues. Encouraged the international community to condemn and discourage the increase of racist political opinions and agendas and emphasized that the issue deserves adequate and continued international attention.⁵⁶⁹

IV. Voting Pattern on Resolutions

Thematic Resolutions

Nigeria voted in favour of all the three thematic resolutions that were put to vote, namely, *The negative impact of unilateral coercive measures on the enjoyment of human rights*,⁵⁷⁰ *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*,⁵⁷¹ *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*.⁵⁷²

Nigeria did not vote against any thematic resolutions. It did join consensus for the adoption of 12 thematic resolutions.⁵⁷³

Country Situation Resolutions

Nigeria voted in favour of six country situation resolutions, concerning, *Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem*,⁵⁷⁴ *Human rights in the occupied Syrian Golan*,⁵⁷⁵ *Human rights situation in the Occupied Palestinian Territory, including East Jerusalem*,⁵⁷⁶

567 Office of High Commission for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=08/03/2019%2000:00:00>.

568 Office of High Commission for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=18/03/2019%2000:00:00>.

569 Office of the High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=19/03/2019%2000:00:00>

570 Resolution 40/3 The negative impact of unilateral coercive measures on the enjoyment of human rights (2019).

571 Resolution 40/4 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 (2019)

572 Resolution 40/8 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 (2019)

573 Office of the High Commissioner for Human Rights, Resolutions, decisions and President's statements. Available at: <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session40/Pages/ResDecStat.aspx>.

574 Resolution 40/13 Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem (2019).

575 Resolution 40/21 Human rights in the occupied Syrian Golan (2019).

576 Resolution 40/23 Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2019).

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan,⁵⁷⁷
Situation of human rights in Myanmar,⁵⁷⁸ *Right of the Palestinian people to self-determination*.⁵⁷⁹

Nigeria did not vote against any country situation resolution and abstained from voting on four country situation resolutions, namely, *Promotion and protection of human rights in Nicaragua*,⁵⁸⁰ *The human rights situation in the Syrian Arab Republic*,⁵⁸¹ *Situation of human rights in the Islamic Republic of Iran*,⁵⁸² *Cooperation with Georgia*.⁵⁸³

It joined the consensus for the adoption of four country situation resolutions.⁵⁸⁴

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

In its voluntary pledges, Nigeria committed to “cooperate fully with other Special Procedures of the Council, work towards upholding the rule of law and encourage constructive dialogue and international cooperation in the field of human rights”.⁵⁸⁵ Nigeria has extended its standing invitation in 2013 and it has reported to nine requests from different Special Rapporteurs and Working groups.⁵⁸⁶

However, Nigeria has seven requests and four reminders, a total of 11 visit requests pending with the Special Procedures.⁵⁸⁷ The requests include the Independent Expert on access to safe drinking water and sanitation, Special Rapporteurs on water and sanitation, Independent Expert on albinism, Independent Expert on foreign debt, Special Rapporteur on sale of children, Special Rapporteur on freedom of assembly, Special Rapporteur on racism. Nigeria has three reminders from the Special Rapporteur on human rights and counter terrorism, the Working group of mercenaries, the Special Rapporteur on toxic waste, and the Special Rapporteur on violence against women.⁵⁸⁸

b. Compliance with Reporting Obligations to Treaty Monitoring Bodies

Nigeria had committed to continue to cooperate with treaty monitoring bodies, including through submission of reports and the implementation UN activities, as well as with those of regional organisations, such as the African Union and the Economic Community of West African States.⁵⁸⁹

However, currently, Nigeria has eight treaty bodies outstanding against it, namely, CAT (since 2002), CERD (since 2008), CESCR (2000), CMW (since 2018), CRC (since 2016), CRC-OP-AC (since 2014), CRC-OP-SC (2012), CRPD (since 2012).⁵⁹⁰

Nigeria has accepted four inquiry procedures, namely, for CAT, CERD, CEDAW-OP, and CRPD-OP.⁵⁹¹

577 Resolution 40/24 *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan* (2019)

578 Resolution 40/29 *Situation of human rights in Myanmar* (2019)

579 Resolution 40/22 *Right of the Palestinian people to self-determination* (2019)

580 Resolution 40/2 *Promotion and protection of human rights in Nicaragua* (2019)

581 Resolution 40/17 *The human rights situation in the Syrian Arab Republic* (2019)

582 Resolution 40/18 *Situation of human rights in the Islamic Republic of Iran* (2019)

583 Resolution 40/28 *Cooperation with Georgia* (2019)

584 Office of the High Commissioner for Human Rights, Resolutions, decisions and President’s statements. Available at: <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session40/Pages/ResDecStat.aspx>.

585 The Permanent Mission of the Federal Republic of Nigeria to the United Nations, Human Rights Council: “Nigeria’s Voluntary Pledges and Commitment”, 24 April 2006. Available at: <https://www.un.org/ga/60/elect/hrc/nigeria.pdf>.

586 Office of high Commissioner for Human Rights, Special Procedures. Available at: https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en

587 Ibid.

588 Ibid.

589 The Permanent Mission of the Federal Republic of Nigeria to the United Nations, Human Rights Council: “Nigeria’s Voluntary Pledges and Commitment”, 24 April 2006. Available at: <https://www.un.org/ga/60/elect/hrc/nigeria.pdf>.

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

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

c. *Compliance with Thematic Issues*

In its voluntary pledges Nigeria committed to accelerate the process of domestic implementation of relevant human rights instruments, such as the African Charter on Human and Peoples' Rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC) as it has ratified both CEDAW and CRC.⁵⁹² However, there are numerous provisions in National Laws which discriminate against Women in Nigeria, resulting in gender inequality. The discriminatory provisions as flagged by the Committee on elimination of discrimination against Women are given below⁵⁹³:

- The prohibition of discrimination in section 42 of the Constitution does not contain a comprehensive definition of discrimination in line with article 1 of the Convention.
- Section 118 (g) of the Police Act, which prohibits the recruitment of a married woman into the police force.
- Section 55 of the Criminal Code, which permits wife battery as chastisement as long as no grievous bodily harm is inflicted.

According to a recent study commissioned by the Ministry of Women's Affairs and Social Development and the United Nations Population Fund (UNPFA), Nigeria with support from the Norwegian Government found out that 28% of Nigerian women aged 25-29 have experienced some form of physical violence since age 15.⁵⁹⁴ It was also highlighted that 99% of the incidents of gender based violence were perpetrated against women and girls in 2018.⁵⁹⁵ The Committee recalled that notwithstanding measures taken by the State to combat female genital mutilation, including the adoption of the Violence against Persons (Prohibition) Act in 2015, the harmful practice continued and gender-based violence against women and girls, including domestic violence, remain prevalent.⁵⁹⁶ Till date, the "enforcement procedure" framework for the implementation of the Violence against Persons (Prohibition) Act has not been prepared.⁵⁹⁷ An estimated 80 per cent of girls arriving in Italy from Nigeria, most of whom are between 13 and 24 years old, are potential victims of trafficking for sexual exploitation.⁵⁹⁸

Men and boys are also increasingly subjected to rape and other forms of sexual abuse, as demonstrated by a rise in 2018 in cases of men and boys receiving treatment and support for the physical and psychological consequences of sexual abuse.⁵⁹⁹ According to the National Agency for the Prohibition of Trafficking in Persons, in 2017, 1,890 victims were rescued, of whom 23.7 per cent were men and boys and 75.3 per cent women and girls.⁶⁰⁰ Under the Nigeria Criminal Code Act of 1990, "carnal knowledge of any person against the order of nature" carries a maximum sentence of 14 years in prison. The Sharia penal code adopted by several northern Nigerian states prohibits and punishes sexual relations between persons of the same sex, with the maximum penalty for men being death by stoning, and whipping and/or imprisonment for women.⁶⁰¹

592 The Permanent Mission of the Federal Republic of Nigeria to the United Nations, Human Rights Council: "Nigeria's Voluntary Pledges and Commitment", 24 April 2006. Available at: <https://www.un.org/ga/60/elect/hrc/nigeria.pdf>.

593 Concluding observations on the combined seventh and eighth periodic reports of Nigeria, Committee on the Elimination of Discrimination against Women, (CEDAW/C/NGA/CO/7-8), Dated-24 July 2017, Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NGA/CO/7-8&Lang=En

594 Leon Usigbe, "Nigerian women say 'no' to gender-based violence", UN, Africa Renewal Online. Available at: <https://www.un.org/africarenewal/news/nigerian-women-say-%E2%80%98no%E2%80%99-gender-based-violence>

595 Nigeria's Annual Report 2018: Preventing and Responding to Gender Based Violence - Gender Based Violence Sub Sector, 31 January 2019. Available at: https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/2019/04/GBV-SS-Annual-Report_2018_-Final.pdf.

596 Ibid.

597 Ibid.

598 IOM, "Human trafficking through the central Mediterranean route: data, stories and information collected by the International Organization for Migration" (2017). Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/IOMReport_Trafficking.pdf

599 United Nations Support Mission in Libya and OHCHR, "Desperate and dangerous: report on the human rights situations of migrants and refugees in Libya", (December 2018), p. 33. Available at: <https://www.ohchr.org/Documents/Countries/LY/LibyaMigrationReport.pdf>.

600 Report of Special Rapporteur on trafficking in persons, especially women and children, Human Rights Council, 16 April 2019. Available at: http://ap.ohchr.org/documents/dpage_e.aspx?c=134&su=137.

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

Nigeria has signed and ratified CRC and both the Optional Protocols and has joined consensus for the adoption of two thematic resolutions concerning Rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education⁶⁰² and Thirtieth anniversary of the Convention on the Rights of the Child.⁶⁰³ However, reports show that children in Nigeria continue to suffer from human rights violations, mostly at the hands of the terrorist organisation, Boko Haram.⁶⁰⁴ It has been reported that more than 1,000 children have been abducted by Boko Haram since 2013, with the most notable of these incidents occurring in 2014, whereby about 200 school girls, from the town of Chibok, were abducted.⁶⁰⁵ Though 82 of these girls have since been returned on 6 May 2018,⁶⁰⁶ 112 Chibok girls remain in captivity.⁶⁰⁷ In the clustered interactive dialogue with the Special Representative of the Secretary-General on violence against children and the Special Representative of the Secretary-General for children and armed conflict, Nigeria spoke of its determination for the protection of children caught in the web of terrorist activities in the North-eastern part of the country and stated that it has developed a number of child protection and development measures, including the enactment of the Child Rights Act, which has been adopted by most states in Nigeria.⁶⁰⁸

Nigeria has signed and ratified the CAT as well as CAT-OP. Moreover, it joined consensus for the adoption of a thematic resolution namely Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief.⁶⁰⁹ However, over 5,000 people have been detained by the security forces and many have been subjected to **torture** or ill-treatment.⁶¹⁰ It has been 7 years since the UN Special Rapporteur on torture found that torture had become an intrinsic part of policing in Nigeria, and recommended that torture be criminalized.⁶¹¹ In a positive development, the Ministry of Justice previously established a National Committee against Torture (NCAT). However, lack of legal and operational independence and lack of funding, prevented NCAT from carrying out its work effectively.⁶¹² Although, to improve conditions for the 47,200 prisoners in Nigeria's 238 prisons, the Government had launched a "prison decongestion" programme, releasing detainees who had been awaiting trial for a long period of time and pardoning those who had served more than half their prison term.⁶¹³

In an Interactive Dialogue with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while **countering terrorism** it committed to eradicate the threat of terrorism in the North-eastern region of Nigeria.⁶¹⁴ However, it has been reported that at least 300 civilians died in the Boko Haram attacks in 2017. In perhaps its deadliest attack of 2017, Boko Haram ambushed an oil exploration team from the Nigerian National Petroleum Corporation in July, killing at least 69 people in Magumeri.⁶¹⁵ Abductions, suicide bombings, and attacks on civilian targets by Boko Haram has persisted. At least 1,200 people died and nearly 200,000 were displaced

602 Resolution 40/14 Rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education, (2019).

603 Resolution 40/15 Thirtieth anniversary of the Convention on the Rights of the Child, (2019).

604 Amnesty International, Annual Report 2017/18, Nigeria. Available at: <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>.

605 Stephanie Busari, "UNICEF: Boko Haram has kidnapped more than 1000 children in Nigeria", CNN News, April 13, 2018.

606 Amnesty International, Annual Report 2017/18, Nigeria. Available at: <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>.

607 Human Rights Watch, "Nigeria: 5 Years After Chibok, Children Still at Risk", 15 April 2019. Available on: <https://www.hrw.org/news/2019/04/15/nigeria-5-years-after-chibok-children-still-risk>.

608 Office of High Commission for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=05/03/2019%2000:00:00>

609 Resolution 40/25 Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief, (2019).

610 Amnesty International, "Torture, The Way Of Life For The Nigerian Security Forces". Available at: <https://www.amnestyusa.org/torture-the-way-of-life-for-the-nigerian-security-forces/>.

611 Ibid.

612 2018 Country Reports on Human Rights Practices: Nigeria, Available at: <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/nigeria/>

613 National Efforts to Protect Human Rights, Effectiveness of Human Rights Council and Special Procedures among Issues, as Third Committee Debate Continues, 65th General Assembly. Available at: <https://www.un.org/press/en/2010/gashc3989.doc.htm>

614 Office of High Commission for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=01/03/2019%2000:00:00>.

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

in the northeast in 2018.⁶¹⁶ In June, at least 84 people were killed in two suicide bombings, attributed to Boko Haram, at a mosque in Mubi, Adamawa State.⁶¹⁷ Nigeria ranks 3rd out of 138 countries in terms of impact of terrorism.⁶¹⁸

Nigeria has pledged to protect and promote cultural and political rights.⁶¹⁹ Furthermore, Nigeria has joined consensus for the adoption of a thematic resolution namely *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief*.⁶²⁰ Contrary to that, a November 2017 report documented deaths of 139 Christians in Benue State between January and August 2017.⁶²¹ Human rights groups reported 549 deaths in herder-farmer clashes throughout Nigeria in 2017, and thousands of individuals displaced.⁶²² Violence targeting groups and individuals due to their religious identity continued in 2018.⁶²³ Across the country, sectarian conflict caused at least 2,000 deaths, with rising numbers of fatalities in Benue, Plateau, Taraba, Adamawa, and Nasarawa states in particular.⁶²⁴ The Nigerian military has been accused of human rights violations against civilians. The Nigerian military continued to reportedly use excessive force against the members of Islamic Movement of Nigeria.⁶²⁵

VI. Conclusions

- Nigeria has eight requests and three reminders pending from different Special Rapporteurs, Independent Experts and Working Groups under Special Procedures.
- Nigeria has never submitted a treaty body report and currently it has eight treaty body reports outstanding against it.
- Nigeria has accepted four inquiry procedures for CAT, CERD, CEDAW-OP, and CRPD-OP.
- Violence against women is still persists despite the implementation of Violence against Persons (Prohibition) Act in 2015,
- National Committee against Torture (NCAT) has been established by The Ministry of Justice but this has not been able to work effectively because of lack of funding and operational independence.

616 Ibid.

617 Ibid.

618 Global Terrorism Index 2018. Available at: <http://visionofhumanity.org/app/uploads/2018/12/Global-Terrorism-Index-2018-1.pdf>

619 The Permanent Mission of the Federal Republic of Nigeria to the United Nations, Human Rights Council: "Nigeria's Voluntary Pledges and Commitment", 24 April 2006. Available at: <https://www.un.org/ga/60/elect/hrc/nigeria.pdf>.

620 Resolution 40/25 Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief, (2019).

621 United States Commission on International Religious Freedom, 2018 - Annual Report. Available at: <https://www.uscirf.gov/sites/default/files/2018USCIRFAR.pdf>

622 Ibid.

623 United States Commission on International Religious Freedom, 2019 - Annual Report. Available at: <https://www.uscirf.gov/sites/default/files/2019USCIRFAnnualReport.pdf>.

624 Ibid.

625 Ibid.

I. Introduction

Since its establishment in 2006, Pakistan was elected for a fourth term to the HRC, after the conclusion of a non-clean slate election in 2017.⁶²⁶ There were five candidates from the Asia Pacific region against four seats and Pakistan secured more than two-third majority votes.⁶²⁷ Its current term ends in 2020.⁶²⁸

II. Voluntary Pledges and Commitments

Pakistan pledged in 2017⁶²⁹ to promote and protect human rights at the national and international levels through cooperation and engagement. It further committed to proactively engage with the Council, its machinery, processes and initiatives, as well as with the international community, UN Agencies and civil society.⁶³⁰ Pakistan pledged to:

At the National Level

- Undertake effective enforcement of its existing human rights legislation and policy. It further pledged to prioritise future interventions on women, children, minorities, persons with disabilities and other vulnerable segments of society.
- Implement the National Action Plan for human rights.
- Formulate a mechanism for reviewing existing legislation and proposing new legislation in consultation with provincial governments and civil society.
- Enhance the operational effectiveness of national human rights institutions.
- Improve capacity-building of government officials, including treaty implementation cells.
- Ensure speedy justice for victims of human rights violations and create human rights awareness.
- Establish and strengthen safety infrastructure for women.
- Establish a national commission for the rights of children and strengthen the National Council for the Persons with Disabilities.
- Protect the rights of minorities and promote interfaith harmony.
- Effectively utilise funds for free legal aid.
- Expand the scope of toll-free helplines in all provinces.
- Mainstream human rights into development planning.

At the International Level

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

- Make the Council a forum for genuine dialogue and cooperation through non-discrimination and impartiality as per the Institution Building Package (HRC Res. 5/1).
- Contribute to the effectiveness of the Council's Mechanisms and its review process.
- Strengthen the Council to promote dialogue, cooperation, capacity-building and technical assistance for the protection and promotion of human rights.
- Promote constructive engagement, dialogue and cooperation with the concerned States in addressing "situations

⁶²⁶ General Assembly of the United Nations, Elections of the Human Rights Council, 2017. Available at: <http://www.un.org/en/ga/72/meetings/elections/hrc.shtml>.

⁶²⁷ Ibid

⁶²⁸ Office of the High Commissioner for Human Rights, Current Membership of the Human Rights Council, Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/MembersByGroup.aspx>.

⁶²⁹ United Nations General Assembly, Note verbale dated 11 May 2017 from the Permanent Mission of Pakistan to the United Nations, addressed to the President of the General Assembly, 18 May 2017. Available at: <http://undocs.org/A/72/88>.

⁶³⁰ Ibid.

of concern” at the Council.

- Strengthen participation in the UPR and make useful recommendation to other States.
- As Coordinator of the OIC Group on Human Rights and Humanitarian Affairs in Geneva, work on maintaining solidarity between the Islamic world and the West.
- Continue to support the UN Alliance of Civilizations to promote a culture of dialogue, tolerance and cooperation among the nations of the world.
- Support the OHCHR in carrying out its mandate through coordination and liaison.
- Comply with treaty obligations, ensure periodic submission of reports and engage constructively during the reviews.
- Strengthen cooperation and engagement with the High Commissioner for Human Rights and Special Procedures.

III. Participation at the 40th Session of the HRC

Pakistan co-sponsored the resolution on *Thirtieth anniversary of the Convention on the Rights of the Child*.⁶³¹ Pakistan has participated actively across the interactive dialogues, general debates and also made a statement in the high-level segment.

S.No.	Interactive Dialogue	Pakistan’s Interventions
1.	Clustered interactive dialogue with Special Rapporteur on Right to Food and Independent Expert on Effects of Foreign Debt	<ul style="list-style-type: none"> • Concurred with the recommendations of the Special Rapporteur for adoption and enforcement of legislation to criminalise contemporary forms of slavery practices in the fisheries sector. • Affirmed that the impact of economic reform measures and policies shall be evaluated in correlation to the existing international human rights norms and standards.⁶³²
2.	Clustered interactive dialogue with Special Rapporteur the Special Rapporteur on the situation of Human Rights Defenders and Special Rapporteur on Torture	<ul style="list-style-type: none"> • Concurred with the Special Rapporteur concerning threats faced by women human rights defenders, including public shaming, stigmatisation, attacks on honour and reputation, sexual violence etc. • Supported the position that corruption leads to human rights abuses. • Supported the international efforts for rehabilitation of victims of torture through its contribution to the United Nations Voluntary Fund.⁶³³
3.	Clustered interactive dialogue with Special Rapporteurs on the Right to Privacy and Cultural Rights	<ul style="list-style-type: none"> • Opined that the right to privacy on internet is important and complex and needs proper deliberations therefore it has adopted a legislation for the protection of this right in the form of Prevention of Electronic Crimes Act 2016. • Supported the mandate of the special rapporteur in the field of cultural rights. • Asserted that culture must not be misused to violate human rights.⁶³⁴

631 Resolution 40/15 Thirtieth anniversary of the Convention on the Rights of the Child (2019).

632 Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=28/02/2019%2000:00:00>

633 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=28/02/2019%2000:00:00>

634 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=01/03/2019%2000:00:00>

4.	Interactive dialogue with the Special Rapporteur on counter terrorism	<ul style="list-style-type: none"> Highlighted that it was able to defeat the threat of state-sponsored terrorism originating from across the border through robust law enforcement under a comprehensive National Plan of Action. Requested the Special Rapporteur to share his views about misuse of counter terrorism laws resulting in the persecution of people in UN-designated occupied territories.⁶³⁵
5.	Clustered interactive dialogue with the Special Rapporteur on Environment and the Special Rapporteur on Adequate Housing	<ul style="list-style-type: none"> Agreed with the Special Rapporteur about the negative impact of air pollution. And that the problem of air pollution requires a coordinated international action; Acknowledged the challenges highlighted by the Special Rapporteur regarding adequate housing faced in access to justice for right to housing; Committed to take steps within a reasonable time and make maximum use of available resources for ensuring this right to all its citizens.⁶³⁶
6.	Clustered interactive dialogue with the Special Rapporteur on the freedom of religion and the Special Rapporteur on the sale of children	<ul style="list-style-type: none"> Countered the observations of Special Rapporteur's on Freedom of Religion about Ahmadiyya minority community, calling it to be grossly exaggerated and inaccurate. Stated that as regards to the Blasphemy Law, necessary safeguards are provided in the system against its misuse. Supported the opinion of the Special Rapporteur on the sale of children and that sports related exploitation of children is a serious concern.⁶³⁷
7.	Clustered interactive dialogue with the Special Representatives of the Secretary General for Children and armed conflict and violence against children	<ul style="list-style-type: none"> Remained committed to eliminate violence against children and is in the process of enacting national legislation and policies to enforce the convention. Stated that it has established a National Commission for Child Welfare and Development (NCCWD) to monitor the situation of child rights in the country. Agreed with the Special Rapporteur that denial of education and health facilities for children in conflict situations makes them more vulnerable to trafficking and violence.⁶³⁸
8.	Clustered interactive dialogue with the Special Rapporteur on persons with disabilities and Independent Expert on Albinism	<ul style="list-style-type: none"> Stated that it has ratified the CRPD in 2011, and has adopted numerous measures for ensuring the rights of PWDs in accordance with its constitutional guarantees and societal norms. Thanked the Independent Expert for preparing the report and urged the international community to take necessary measures to curb atrocities on persons with albinism. Opined that education and sensitization of all people about the different facets of rights of persons with albinism is required.⁶³⁹

635 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=01/03/2019%2000:00:00>

636 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=04/03/2019%2000:00:00>

637 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=05/03/2019%2000:00:00>

638 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=05/03/2019%2000:00:00>

639 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=05/03/2019%2000:00:00>

9.	Interactive dialogue with the Special Rapporteur on the minority issues	<ul style="list-style-type: none"> Supported the mandate of Special Rapporteur and urged the Rapporteur to share instances of discrimination by democratic regimes on minorities. Stated that minorities in Pakistan enjoy all the privileges as equal citizens of Pakistan as guaranteed under its constitution. Remained committed to work domestically and internationally for the promotion and protection of rights of all, especially the minorities and vulnerable groups.⁶⁴⁰
10.	Interactive dialogue with the High Commissioner for Human Rights	<ul style="list-style-type: none"> Emphasised on the Kashmir 'dispute' and called for urgent implementation of the recommendations of the OHCHR report.⁶⁴¹
11.	Interactive dialogue with the Special Rapporteur on the Palestinian territories occupied since 1967	<ul style="list-style-type: none"> Raised concern about the food insecurity of residents from Gaza farmland due to Israeli blockade. Urged the occupying power to end its alien rule and understand its responsibilities under international law. Shared the Special Rapporteur's concern that the situation is restricting the Right to development in Palestine.⁶⁴²
12.	Interactive dialogue with the Commission of Inquiry on Occupied Palestinian Territory	<ul style="list-style-type: none"> Deplored the death of more than 256 people and grave injuries to over 29 thousand which it felt was a direct violation of international law. Urged the international community to play its long due role in bringing lasting peace to the region to ensure that Israel complies with its obligations under international law.⁶⁴³

S.No.	General Debate	Pakistan's Intervention
1.	General Debate on human rights bodies and mechanism"	<ul style="list-style-type: none"> Urged the Special Procedure mandate holders and the OHCHR to prioritize the issues of Stateless people and states who are following discriminating policies to revise their policies and find resilient solutions to the issues of statelessness. Asserted that it takes its engagement with Special Procedures mandate holders and other human rights mechanisms seriously. Reiterated that the working of Human Rights Bodies and Mechanisms must be guided by the principles of transparency, accountability, objectivity, inequality, constructive dialogue and non-politicisation.⁶⁴⁴
2.	General Debate on the human rights situation in Palestine and other occupied Arab territories	<ul style="list-style-type: none"> Regretted the fact that millions were denied their fundamental human rights for more than seven decades. Strongly condemned the forceful closure of Al-Aqsa Mosque compound and called it inhumane and in clear violation of the UN Charter for freedom of religion. Urged Israel to end the illegal occupation of all occupied Arab territories, including the occupied Syrian Golan and the Lebanese territories and the continuing violations of the human rights of their people.⁶⁴⁵

640 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=13/03/2019%2000:00:00>

641 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=07/03/2019%2000:00:00>

642 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=18/03/2019%2000:00:00>

643 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=18/03/2019%2000:00:00>

644 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=13/03/2019%2000:00:00>

645 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=18/03/2019%2000:00:00>

3.	General Debate on Vienna Declaration and program of action	<ul style="list-style-type: none"> Highlighted the importance of Vienna Declaration about SDGs and its principles as it provides a framework for the promotion and protection of Human Rights. Stated that it has enacted number of policies and undertook comprehensive measures for poverty alleviation, inclusive and sustainable development and regional connectivity. Also stated that the international community must support the freedom of all people braving illegal occupation.⁶⁴⁶
4.	General Debate on Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and programme of action	<ul style="list-style-type: none"> Showed its concern that Supremacist ideology through Islamophobia, anti-Semitism, state egotism and nationalism are eroding values of peace and peaceful co-existence. Highlighted the phenomena of stigmatising Muslims. Stated that an even-handed approach to human rights will promote the collective values of peace, human dignity and welfare of humankind to ensure a future of peaceful co-existence and inter-religious and inter-cultural harmony.⁶⁴⁷
5.	General Debate concerning technical cooperation and capacity building	<ul style="list-style-type: none"> Stated that all HRC mechanisms must be strengthened and supported in line with the Institutions Building Package.⁶⁴⁸

S.No.	Panel Discussion	Pakistan's Interventions
1.	Debate on the mitigation and countering of rising nationalist populism and extreme supremacist ideologies	<ul style="list-style-type: none"> Highlighted human rights issues in Jammu and Kashmir. Suggested that it is important to address the root causes of descent of political parties and societies into nationalist populism and extreme supremacist ideologies through a collective UN action.⁶⁴⁹
2.	Annual high-level panel discussion on human rights mainstreaming	<ul style="list-style-type: none"> Stated that it is absolutely essential to identify and implement a collective approach on advancing human rights. Asserted that the implementation of the Sustainable Development Goals (SDGs) would enable them to address many of the root causes hampering the realization of human rights agenda. Emphasised that climate change is an existential threat to humankind.⁶⁵⁰
3.	Biennial high-level panel discussion on the question of the death penalty	<ul style="list-style-type: none"> Affirmed that it has imposed a suspension on Death Penalty and enacted national laws which were in consonance of ICCPR. Asserted that its Appellate Court turned down 70 cases of Death Penalty and also exempted juvenile from death sentences. Emphasised that the State has supreme privilege to retain the death penalty and to impose a moratorium or abolish.⁶⁵¹

646 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=18/03/2019%2000:00:00>

647 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=19/03/2019%2000:00:00>

648 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=21/03/2019%2000:00:00>

649 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Oralstatements.aspx>

650 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=25/02/2019%2000:00:00>

651 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=26/02/2019%2000:00:00>

4.	Annual full-day meeting on the rights of the child	<ul style="list-style-type: none"> Shared concerns that children with disabilities are more vulnerable to discrimination both at national level and international level and believed that education is a powerful tool. Asserted that government ensured medical rehabilitation, educational, vocational trainings to children with disabilities. Highlighted that National Policy for Persons with Disabilities aims for provision of a conducive environment for the realization of the full potential of persons with disabilities including children leading to their empowerment irrespective of caste, creed, colour, race, or religion in all spheres of life including social, economic, personal and political. Also mentioned that the government has established National Commission on the Rights of the Child who is responsible for monitoring the situation rights of children in the country.⁶⁵²
5.	Annual panel discussion on the rights of persons with disabilities	<ul style="list-style-type: none"> Asserted that the government is implanting community-based rehabilitation (CBR) activities to promote independent living and inclusion of the Person with Disabilities (PWDs) in the community. Constituted the National Council for Rehabilitation of Disabled Persons (NCRDP) and Provincial Councils for Rehabilitation of Disabled Persons (PCRDP). Adopted triangular approach for the welfare and rehabilitation of PWDs by focussing on Health, Education and Social Welfare aspects.⁶⁵³

S.No.	UPR Outcome	Pakistan's Interventions
1.	Nigeria	<ul style="list-style-type: none"> Commended the Government of Nigeria for accepting majority of the recommendations, including those made by Pakistan made during the UPR Working Group Session in November 2018. Appreciated the establishment of a National Working Group on Human Rights Treaty Reporting, to assist the reporting to Treaty Bodies and monitoring implementation of accepted recommendations.⁶⁵⁴

IV. Voting Pattern on Resolutions

Thematic Resolutions

Pakistan voted in favour of all the three thematic resolutions put to vote during this session, namely, *The negative impact of unilateral coercive measures on the enjoyment of human rights*,⁶⁵⁵ *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*,⁶⁵⁶ and *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*.⁶⁵⁷

Pakistan provided explanation of vote before the vote on one thematic resolution adopted by consensus:

- In the resolution concerning *Recognizing the contribution of environmental human rights defenders to the*

652 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=04/03/2019%2000:00:00>

653 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=06/03/2019%2000:00:00>

654 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=14/03/2019%2000:00:00>

655 Resolution 40/3 The negative impact of unilateral coercive measures on the enjoyment of human rights(2019)

656 Resolution 40/4 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. (2019)

657 Resolution 40/8 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 (2019).

enjoyment of human rights, environmental protection and sustainable development,⁶⁵⁸ Pakistan fully supported the global efforts to counter climate change going on to state that environmental protection and sustainable inclusive development are a priority of its government. In support of the work of Human Rights Defenders, Pakistan joined the consensus in favour of the resolution.⁶⁵⁹

Country Situation Resolutions

Pakistan voted in favour of six country situation resolutions, namely, *Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem*,⁶⁶⁰ *Human rights in the occupied Syrian Golan*,⁶⁶¹ *Human rights situation in the Occupied Palestinian Territory, including East Jerusalem*,⁶⁶² *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan*,⁶⁶³ *Right of the Palestinian people to self-determination*⁶⁶⁴ and *Situation of Human Rights in Myanmar*.⁶⁶⁵

Pakistan voted against one resolution concerning, *Situation of human rights in the Islamic Republic of Iran*.⁶⁶⁶

- Providing an explanation to its vote, Pakistan stated that since the resolution is not in conformity with the imperative of constructive engagement and does not have support of the country concerned i.e. Iran, it voted against this resolution.⁶⁶⁷

Pakistan abstained from voting on three resolutions concerning *Promotion and protection of human rights in Nicaragua*,⁶⁶⁸ *The human rights situation in the Syrian Arab Republic*,⁶⁶⁹ and *Cooperation with Georgia*.⁶⁷⁰

V. Analysis: compliance with Pledges and Commitments

a. Engagement with special procedures

Pakistan, in its voluntary pledges, committed to “strengthen cooperation and engagement with the High Commissioner for Human Rights and Special Procedures.”⁶⁷¹ However, Pakistan has not extended any standing invitation to the Special Procedures.⁶⁷² The country has six requests and 11 reminders, a total of 17 visit requests pending in last ten years.⁶⁷³

These pending requests include those from the Special Rapporteur on Housing, Independent Expert on minorities, Special Rapporteur on Cultural Rights, Special Rapporteur on minorities’ issues, Working Group on Mercenaries, and Special Rapporteur on internally displaced persons.⁶⁷⁴ The reminders include Special Rapporteur on freedom of expression, Special Rapporteur on Torture, Working Group on discrimination against women, Special Rapporteur

658 Resolution 40/11 Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development (2019).

659 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=21/03/2019%2000:00:00>

660 Resolution 40/13 Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem. (2019)

661 Resolution 40/21 Human rights in the occupied Syrian Golan (2019).

662 40/23 Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2019)

663 40/24 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2019)

664 40/22 Right of the Palestinian people to self-determination (2019).

665 Resolution 40/29 Situation of human rights in Myanmar. (2019).

666 Resolution 40/18, Situation of human rights in the Islamic Republic of Iran. (2019)

667 Office of High Commissioner for Human Right. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=21/03/2019%2000:00:00>

668 Resolution 40/2 Promotion and protection of human rights in Nicaragua. (2019)

669 Resolution 40/17 The human rights situation in the Syrian Arab Republic. (2019)

670 Resolution 40/28 Cooperation with Georgia. (2019)

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

672 Office of the High Commissioner for Human Rights, Special Procedures. Available at: https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=PAK.

673 Ibid.

674 Ibid.

on freedom of religion, Special Rapporteur on slavery, Special Rapporteur on human rights and counter terrorism, Special Rapporteur on Human Rights Defenders, Special Rapporteur on extrajudicial, summary or arbitrary executions, Special Rapporteur on Extreme Poverty, Special Rapporteur on Racism, and the Special Rapporteur on freedom of assembly.⁶⁷⁵

b. Compliance with Reporting Obligations to Treaty Monitoring Bodies

Pakistan, in its voluntary pledges, committed to comply with its treaty obligations, to ensure periodic submission of reports, and constructive engagement during the reviews.⁶⁷⁶ Pakistan has one treaty body report outstanding against it: CRPD since 2013.⁶⁷⁷

It has submitted two treaty body reports concerning CEDAW, in October 2018, and CRC-OP-SC, in March 2019, after the delay of 6 years⁶⁷⁸.

Furthermore, Pakistan has not accepted individual complaints procedures under CAT, CCPR-OP1, CEDAW-OP, CESR-OP, CRC-OP-AC, and CRPD-OP.⁶⁷⁹

c. Compliance with Thematic Issues

In its voluntary pledges, Pakistan promised to establish and strengthen safety infrastructure for women and more broadly, Pakistan further pledged to prioritise future interventions on women, children, minorities, persons with disabilities and other vulnerable segments of society.⁶⁸⁰ However, this is in contrast to the endemic problems of **gender inequality** rooted in Pakistan. Pakistan ranks 148th out of 149 countries in terms of the gender gap index.⁶⁸¹ Pakistan ranks 146th out of 149 countries with regard to economic participation of women and 145th for the health and survival of women.⁶⁸² Moreover, Pakistan has failed to pass legislation which would have “criminalised forced conversions of women from religious minority groups”.⁶⁸³ A bill which would have raised “the minimum age of marriage for girls from 16 to 18” failed to pass in Pakistan as it was blocked by the upper house in Parliament.⁶⁸⁴

Violence against women has also persisted in Pakistan in the form of honour killings, which remain an issue in the country as seen through incidents such as the one in Khyber Pakhtunkhwa, where 94 women were killed their family members.⁶⁸⁵ Furthermore, honour killings are exacerbated by the fact that “the penalties for so-called “honour” crimes in line with murder, proved ineffective.”⁶⁸⁶ According to the global index on gender gaps, 39% of women in Pakistan experience gender-based violence (“GBV”) in their lifetimes.⁶⁸⁷ In March 2019, a demonstration was conducted by thousands of women in an effort to raise awareness regarding the gender disparity in Pakistan, to mark International Women’s Day.⁶⁸⁸ Members of the LGBTI+ community have also suffered from discrimination in Pakistan

675 Ibid.

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

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

678 Office of the High Commissioner for Human Rights, Human Rights Bodies. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=PAK&Lang=EN

679 Office of the High Commissioner for Human Rights, Human Rights Bodies. Available at: https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=131&Lang=EN

680 Office of High Commissioner for Human Rights, Pakistan’s Voluntary pledges and commitments, 18 May 2017. Available on: <https://undocs.org/A/72/88>.

681 World Economic Forum, Global Gender Gap Report 2018 (2018). Available at: <https://www.weforum.org/reports/the-global-gender-gap-report-2018>.

682 Ibid.

683 Amnesty International Report, Pakistan’s “Annual Report 2017/18”. Available on: <https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/>.

684 Ibid.

685 Ibid.

686 Ibid.

687 World Economic Forum, Global Gender Gap Report 2018 (2018). Available at: <https://www.weforum.org/reports/the-global-gender-gap-report-2018>.

688 Alia Chughtai, “Pakistani women hold ‘aurat march’ for equality, gender justice”, Al Jazeera, 8 Mar 2019. Available on: <https://www.aljazeera.com/news/2019/03/pakistani-women-hold-aurat-march-equality-gender-justice-190308115740534.html>.

as they are subject to “violent attacks” and acts of aggression.⁶⁸⁹ Once again, these incidents occurred in the Khyber Pakhtunkhwa, with 479 attacks against members of the LGBTI+ community reported in 2018, four of them resulting in deaths.⁶⁹⁰

Pakistan has pledged to protect the rights of minorities and promote interfaith harmony.⁶⁹¹ In addition, Article 20 of the Pakistani Constitution affords its citizens the **freedom to profess religion** and to manage religious institutions.⁶⁹² While speaking at the General Debate on the DDPA, Pakistan expressed concerns regarding the supremacist ideology which is eroding values of peace and peaceful co-existence and stated that an even-handed approach to human rights will promote the collective values of peace, human dignity, and welfare of humankind to ensure a future of peaceful co-existence and inter-religious and inter-cultural harmony.⁶⁹³ Though the Pakistani government has attempted to take some “some positive steps” to ensure freedom of religion, concerns have been raised regarding religious freedom and its expression in Pakistan.⁶⁹⁴ There has been a reported increase in state and non-state actors using religion as a tool for “exclusion to isolate, marginalise, and punish” minorities through “blasphemy and related laws”.⁶⁹⁵ These “broad blasphemy laws” criminalised the peaceful expression of one’s religion if the expression was “deemed to offend religious sensibilities”.⁶⁹⁶ Such was the case for a Pakistani-Christian woman named Asia Bibi, who spent eight years on death row for blasphemy, before being acquitted in 2018.⁶⁹⁷ Some government officials in Pakistan have also supported these laws, referring to the alleged blasphemers as “enemies of humanity”.⁶⁹⁸ Apart from such blasphemy laws, Pakistan also has legislation which attempts to curb freedom of expression, particularly those pertaining to religious expression.⁶⁹⁹ The draconian Prevention of Electronic Crimes Act of 2016 has been utilised to persecute individuals such as Nadeem James, who was sentenced to death for sharing, what was considered to be, a blasphemous poem over WhatsApp.⁷⁰⁰ Furthermore, Pakistan has been designated as a ‘tier 1’ country of concern (CPC), a designation given to “any country whose government engages in or tolerates particularly severe religious freedom violations, meaning those that are systematic, ongoing, and egregious.”⁷⁰¹ These issues were compounded by the introduction of “extremist religious parties into the political arena during the election period”.⁷⁰² Despite the 2014 judgment by the Supreme Court of Pakistan,⁷⁰³ which called for the creation of ‘the National Commission for Minorities’ Rights’, this measure has yet to be implemented, notwithstanding the encouragement from other national governments imploring Pakistan to do so.⁷⁰⁴

Pakistan pledged to ensure expedited justice for victims of human rights violations and create human rights

689 Human Rights Watch, Country Profiles: Sexual Orientation and Gender Identity, World Report 2019. Available on: <https://www.hrw.org/video-photos/interactive/2019/02/28/sexual-orientation-gender-identity-country-profiles#pakistan>.

690 Ibid.

691 Office of High Commissioner for Human Rights, Pakistan’s Voluntary pledges and commitments, 18 May 2017. Available on: <https://undocs.org/A/72/88>.

692 The Constitution of the Islamic Republic of Pakistan, modified as of 28 February 2012. Available on: http://na.gov.pk/uploads/documents/1333523681_951.pdf.

693 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=19/03/2019%2000:00:00>.

694 United States Commission on International Religious Freedom, Annual Report 2019. Available on: <https://www.uscirf.gov/sites/default/files/2019USCIRFAnnualReport.pdf>.

695 Ibid.

696 Amnesty International, Pakistan’s “Annual Report 2017/18”. Available on: <https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/>.

697 Shumaila Jaffrey, “Asia Bibi: Pakistan’s notorious blasphemy case”, BBC News, 1 February 2019. Available on: <https://www.bbc.com/news/topics/c8qpdz3gxynt/asia-bibi-blasphemy-case>.

698 This comment was made by the then Interior Minister Nisar Ali Khan; Amnesty International, Pakistan’s “Annual Report 2017/18”. Available on: <https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/>.

699 Ibid.

700 Ibid.

701 United States Commission on International Religious Freedom, Annual Report 2019. Available on: <https://www.uscirf.gov/sites/default/files/2019USCIRFAnnualReport.pdf>.

702 Ibid.

703 Supreme Court of Pakistan, S.M.C. NO. 1 OF 2014 AND C.M.A. NOS. 217-K/2014 IN S.M.C. NO. 1/2014, H.R.C. NO. 29960-P/2012, C.M.A. NO. 110-K/2014 IN C.M.A. NO. 737/2014, C.M.A. NO. 120-K/2014 IN C.M.A. NO. 737/2014, C.M.A. NO. 1388-K/2014 IN C.M.A. NO. 737/2014, C.M.A. NO. 139-K/2014 IN C.M.A. NO. 737/2014, C.M.A. NO. 142-K/2014 IN C.M.A. NO. 737/2014, CRIMINAL M.A. NO. 322/2014 IN CRIMINAL ORIGINAL PETITION NO. 17-L/2013 & CONSTITUTION PETITION NO. 98/2011. Available on: http://www.supremecourt.gov.pk/web/user_files/File/smc_1_2014.pdf.

704 United States Commission on International Religious Freedom, Annual Report 2019. Available on: <https://www.uscirf.gov/sites/default/files/2019USCIRFAnnualReport.pdf>.

awareness,⁷⁰⁵ while also having ratified the UNCAT.⁷⁰⁶ During the clustered interactive dialogue with the Special Rapporteur on the situation of Human Rights Defenders and the Special Rapporteur on **Torture** and other cruel, inhuman or degrading treatment or punishment, Pakistan supported the international efforts for rehabilitation of victims of torture through modest contribution to the United Nations Voluntary Fund for Victims of Torture.⁷⁰⁷ However, in spite of these contributions, committee experts have expressed concern over the widespread acts of torture “committed by State officials and forces associated with the State” in Pakistan, owing to anti-terrorism legislation, which suffers from an absence of legal safeguards to prevent misuse.⁷⁰⁸ Moreover, these concerns were exacerbated by the adoption of the 23rd amendment to the Pakistani Constitution which allowed agents of the State to “detain suspects at undisclosed locations on vague grounds without access to family and legal representation, thereby putting them at risk of torture.”⁷⁰⁹ In 2017, a Pakistani blogger, Aasim Saeed, revealed that he was tortured after being abducted due to the fact that he was running a “Facebook page critical of Pakistan’s military establishment, called Mochi”.⁷¹⁰

Pakistan pledged to formulate a mechanism for reviewing existing legislation and proposing new legislation in consultation with provincial governments and **civil society**.⁷¹¹ During the clustered interactive dialogue with the Special Rapporteur on the situation of Human Rights Defenders, Pakistan shared concerns of the Special Rapporteur regarding various threats faced by women human rights defenders, including public shaming, stigmatisation, attacks on honour and reputation, sexual violence etc.⁷¹² Pakistan does not have specific or explicit laws tailored to protect human rights defenders.⁷¹³ However, laws such as the Prevention of Electronic Crimes Act 2016 continue to restrict the freedom of expression of Pakistani citizens, especially that of human rights defenders. Pakistan is considered as one of the most dangerous countries for journalists⁷¹⁴, and for those who have allegedly ‘blasphemed’.⁷¹⁵ Apart from Aasim Saeed, instances such as the detention of Gulalai Ismail, a Pashtun human rights defender, who supported the “non-violent Pashtun Tahaffuz Movement” which campaigned against the unfair treatment of ethnic minorities in Pakistan.⁷¹⁶ Apart from targeted attacks and other intimidation tactics, journalists, and human rights defenders have also suffered from enforced disappearances.⁷¹⁷ The prevalence of these threats faced by journalists have forced them to censor themselves in an effort to avoid attention from militant groups.⁷¹⁸

Pakistan joined the consensus in the resolution pertaining to “Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while **countering terrorism**”.⁷¹⁹ However, terrorism has

705 Office of High Commissioner for Human Rights, Pakistan’s Voluntary pledges and commitments, 18 May 2017. Available on: <https://undocs.org/A/72/88>.

706 United Nations Treaty Bodies, Convention Against Torture. Available at: <https://www.ohchr.org/en/hrbodies/cat/pages/catindex.aspx>.

707 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=28/02/2019%2000:00:00>.

708 Office of High Commissioner for Human Rights, “Committee against Torture examines initial report of Pakistan”, 19 April 2017. Available on: <https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21514&LangID=E>.

709 Ibid.

710 BBC News, “Pakistan blogger Aasim Saeed says he was tortured”, 25 October 2017. Available on: <https://www.bbc.com/news/world-asia-41662595>.

711 Office of High Commissioner for Human Rights, Pakistan’s Voluntary pledges and commitments, 18 May 2017. Available on: <https://undocs.org/A/72/88>.

712 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=28/02/2019%2000:00:00>.

713 United Nations Special Rapporteur on the Situation of Human Rights Defenders (Michael Frost), “World Report on the Situation of Human Rights Defenders”, December 2018. Available on: <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf>.

714 Ibid.

715 Amnesty International, Annual Report 2017-18, Pakistan. Available on: <https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/>.

716 Amnesty International, “Pakistan: Release Pashtun human rights defender immediately and unconditionally”, 12 October 2018. Available on: <https://www.amnesty.org/en/latest/news/2018/10/pakistan-release-pashtun-human-rights-defender-immediately-and-unconditionally/>.

717 Amnesty International, Pakistan’s “Annual Report 2017/18”. Available on: <https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/>.

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

719 Resolution 40/16 Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2019).

remained a continuing challenge for the country. Pakistan ranked 5th out of 138 countries in terms of impact of terrorism.⁷²⁰ On 16 February 2017, Pakistan had the 13th worst terror attack, in terms of fatalities, when a suicide bomber “detonated at Lal Shahbaz Qalandar Sufi Shrine in Sehwan, Sindh, Pakistan”, killing 91 people.⁷²¹ The presence of Taliban affiliates in Pakistan, such as the Tehrik-i-Taliban Pakistan (“TTP”), has led to the prevalence of terrorism mentioned above. In 2017, the TTP “was responsible for 233 deaths and 56 attacks in Pakistan”.⁷²² The ISIL affiliate, the Khorasan Chapter of the Islamic State, has also been reported to operate in Pakistan.⁷²³ Despite the high level of impact of terrorism in Pakistan, it has brought about one of the biggest drops in terrorist-related fatalities, since its peak year of 2013, with a 64% drop in such deaths, resulting in the lowest number of terrorist-related deaths since 2006.⁷²⁴ Additionally, Pakistan’s Action to Counter Terrorism (PACT) was created, with the help of human rights mechanisms, to address terrorism, particularly in the Khyber Pakhtunkhwa province. During the clustered interactive dialogue with the Special Rapporteur on counter terrorism, Pakistan highlighted that it was able to defeat the threat of state-sponsored terrorism emanating from across the border through robust law enforcement under a comprehensive National Plan of Action.⁷²⁵ However, reports state that the anti-terrorism laws in place have been used by Pakistani security officials to commit human rights violations, such as political coercion.⁷²⁶ This has led to journalists, activists, and other human rights defenders to be “increasingly subjected to a range of overlapping harassment measures broadly linked to countering terrorism.”⁷²⁷

The issue of **enforced disappearances** has continued to **plague Pakistan**.⁷²⁸ As of March 2019, there remain 2178 unresolved cases of enforced disappearances in Pakistan.⁷²⁹ In terms of the targets of these enforced disappearances, they include “people from Sindhi, Baloch, Pashtun ethnicities, the Shia community” in addition to activists, journalists and human rights defenders.⁷³⁰ The Khyber Pakhtunkhwa remains the most afflicted region with 1099 outstanding cases as of March 2019.⁷³¹ The families of the disappeared are also harassed and threatened, especially if the disappearance was related to a public protest or campaign.⁷³² It has been reported that the law enforcement agencies detain individuals without disclosing the location or any information to the families of the arrestee.⁷³³ The accuracy of the statistics presented by the commission in Pakistan responsible for tracking enforced disappearances has also been called into question.⁷³⁴

VI. Conclusions

Pakistan participated actively during the 40th session of the HRC.

- Pakistan is yet to extend standing invitations to all thematic special procedures, and is only one of the two Commonwealth member states at the HRC to not have extended standing invitations to the special procedures, the other being Bangladesh.
- Pakistan has five treaty body reports pending: CAT, CCPR, CRPD, CESCR, and CRC.

720 Global Terrorism Index, Measuring the impact of terrorism. Available at: <http://visionofhumanity.org/app/uploads/2018/12/Global-Terrorism-Index-2018-1.pdf>.

721 Ibid.

722 Ibid.

723 Ibid.

724 Ibid.

725 Office of the High Commissioner for Human Rights, Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=01/03/2019%2000:00:00>.

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

727 Office of High Commissioner for Human Rights, Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on the role of measures to address terrorism and violent extremism on closing civic space and violating the rights of civil society actors and human rights defenders, 25 February–22 March 2019. Available on: https://www.ohchr.org/Documents/Issues/Terrorism/SR/A_HRC_40_52_EN.pdf.

728 Amnesty International, “Pakistan: Enduring Enforced Disappearances”, 27 March 2019. Available on: <https://www.amnesty.org/en/latest/research/2019/03/pakistan-enduring-enforced-disappearances/>.

729 Ibid; reported by the Commission of Inquiry on Enforced Disappearances.

730 Ibid.

731 Commission of Inquiry on Enforced Disappearances, Submission of monthly summary (Province-wise), March 2019.

732 Amnesty International, “Pakistan: Enduring Enforced Disappearances”, 27 March 2019. Available on: <https://www.amnesty.org/en/latest/research/2019/03/pakistan-enduring-enforced-disappearances/>.

733 Ibid.

734 Ibid.

- Pakistan ranks 148th out of 149 countries in terms of global gender gap, the lowest among all the Commonwealth countries under review.
- Pakistan still has several unresolved cases of enforced disappearances despite attempts to investigate and track such incidents.

I. Introduction

Rwanda was elected for the first time to the Human Rights Council by virtue of a clean state election in 2016 and began its term in 2017.⁷³⁵ It held the vice-presidency of the Council in 2018.⁷³⁶ Rwanda's term ends in 2019.⁷³⁷

II. Voluntary Pledges and Commitments

Rwanda has not submitted a voluntary pledge.⁷³⁸

III. Participation in the 40th Session of the HRC

Rwanda did not make any statements during the 40th session of the HRC.⁷³⁹ However, it co-sponsored the resolution on the *Rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education*.⁷⁴⁰

IV. Voting Pattern on Resolutions

Thematic Resolutions

Rwanda voted in favour of three thematic resolutions concerning *The negative impact of unilateral coercive measures on the enjoyment of human rights*,⁷⁴¹ *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*,⁷⁴² and *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*.⁷⁴³

Rwanda did not vote against or abstain from voting on any thematic resolution.⁷⁴⁴

Rwanda co-sponsored the resolution on the *Rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education*.⁷⁴⁵

Country Situation Resolutions

Rwanda voted in favour of three country situations resolutions regarding *The human rights situation in the Syrian*

735 General Assembly of the United Nations, Elections and Appointments for the Human Rights Council, 28 October 2016. Available at: <https://www.un.org/en/ga/71/meetings/elections/hrc.shtml>.

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

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

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

739 Office of the High Commissioner for Human Rights, Human Rights Council, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Oralstatements.aspx>

740 Resolution 40/14, Rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education (2019).

741 Resolution 40/3 The negative impact of unilateral coercive measures on the enjoyment of human rights (2019).

742 Resolution 40/4, 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 (2019).

743 Resolution 40/8, 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 (2019).

744 Human Rights Council, Draft resolutions, decisions and President's statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

745 Resolution 40/14, Rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education (2019).

Arab Republic,⁷⁴⁶ *The right of the Palestinian people to self-determination*,⁷⁴⁷ and the Situation of human rights in Myanmar.⁷⁴⁸

Rwanda did not vote against any country situation resolution.⁷⁴⁹

Rwanda abstained from voting on seven country situation resolutions, namely, *Promotion and protection of human rights in Nicaragua*,⁷⁵⁰ *Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem*,⁷⁵¹ *Situation of human rights in the Islamic Republic of Iran*,⁷⁵² *Human rights in the Occupied Syrian Golan*,⁷⁵³ *Human rights situation in the Occupied Palestinian Territory, including East Jerusalem*,⁷⁵⁴ *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan*,⁷⁵⁵ and *Cooperation with Georgia*.⁷⁵⁶

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

Rwanda has extended a standing invitation to all thematic special procedures since June 2011.⁷⁵⁷ However, since 2013, it has six requests and one visit reminder, a total of seven visit requests pending from the special procedures. This includes the Special Rapporteur on Truth since 2013 and two Working Groups on discrimination against women and on arbitrary detention pending respectively since 2018 and 2015.⁷⁵⁸

b. Compliance with Reporting Obligations to Treaty Bodies

Rwanda's obligations to treaty monitoring bodies were partially fulfilled. It has two reports pending concerning the CCPR, since March 2019, and the CESCR, pending since 2018.⁷⁵⁹ It submitted its report to CMW on time. Reports to CAT, CEDAW, CERD, and CRC were submitted with a delay of less than one year. Others like CRC-OP-AC, CRC-OP-SC and CRPD were submitted after a delay of two to six years.⁷⁶⁰

Rwanda has ratified 12 international treaties, with the exception of the Convention for the Protection of All Persons from Enforced Disappearance (CED).⁷⁶¹

c. Compliance on Thematic Issues

746 Resolution 40/17, The human rights situation in the Syrian Arab Republic (2019).

747 Resolution 40/22, Right of the Palestinian people to self-determination (2019).

748 Resolution 40/29, Situation of human rights in Myanmar (2019).

749 Human Rights Council, Draft resolutions, decisions and President's statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

750 Resolution 40/2, Promotion and protection of human rights in Nicaragua (2019).

751 Resolution 40/13, Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem (2019).

752 Resolution 40/18, Situation of human rights in the Islamic Republic of Iran (2019).

753 Resolution 40/21, Human rights in the occupied Syrian Golan (2019).

754 Resolution 40/23, Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2019).

755 Resolution 40/24, Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2019).

756 Resolution 40/28, Cooperation with Georgia (2019).

757 Office of the High commissioner for Human Rights, standing invitations, Available at: https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/StandingInvitations.aspx.

758 Office of the High commissioner for Human Rights, Country visits of Special Procedures of the Human Rights Council since 1998. Available at: https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=RWA.

759 Office of the High commissioner for Human Rights, Reporting Status for Rwanda. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=RWA&Lang=EN.

760 Ibid.

761 Office of the High commissioner for Human Rights, Ratification Status for Rwanda. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=145&Lang=EN.

degrading treatment”,⁷⁸¹ in consonance with the CAT, which Rwanda ratified in 2008.⁷⁸² With the ratification of CAT and its Optional Protocol, Rwanda committed to establish an independent national detention monitoring body, the National Preventive Mechanisms (NPM),⁷⁸³ that supports it in implementing measures on prohibition and prevention of torture and ill-treatment.⁷⁸⁴ However, in October 2017, the visit of the United Nations Sub-committee on Prevention of Torture was suspended and later cancelled due to ‘lack of cooperation’.⁷⁸⁵ Abuse of detainees by police, military and National Intelligence and Security Services officials has been observed.⁷⁸⁶ In January 2019, five prisoners of the Huye Prison were shot dead while trying to escape.⁷⁸⁷ People arrested and accused of crimes against state security have continued to remain in unlawful detention centres.⁷⁸⁸ Additionally, the detention of street vendors, sex workers, street children, and other disadvantaged persons in these detention centres is regarded as arbitrary; the conditions are harsh too.⁷⁸⁹ Abuse and ill-treatment characterise the situation of children in detention since 2006.⁷⁹⁰

Rwanda, joined consensus in the resolution relating to **Freedom of religion or belief**,⁷⁹¹ and reiterated its constitutional commitment to freedom of religion, thought, opinion and conscience.⁷⁹² However, in 2018, the Government took steps to assert greater control over religious institutions.⁷⁹³ More than 8000 official and unofficial churches and 100 mosques were closed down for allegedly failing to meet safety, health and noise standards and regulations.⁷⁹⁴ In February 2018, six pastors were arrested for allegedly planning a campaign of resistance.⁷⁹⁵

VI. Conclusions

Rwanda did not speak at any of the debates, but it co-sponsored one thematic resolution, namely, *Rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education* at the 40th session.⁷⁹⁶

- Rwanda is the only Commonwealth member state not to have submitted voluntary pledges and commitments before being elected as a member of the HRC.
- In its Constitution, Rwanda in its Constitution committed to ensuring principles of gender equality and non-discrimination between men and women. However, questions remain about conditions of women in both the private and public sector.
- During the 40th session, Rwanda joined the consensus in the resolution concerning the protection of human

781 Rwanda Constitution, 2003. Available at: <http://www.rwandahope.com/constitution.pdf>.

782 African Commission on Human and Peoples’ Rights, Ratification Table: UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Available at: <http://www.achpr.org/instruments/uncat/ratification/>.

783 Association for the Prevention of Torture, Rwanda: National Commission for Human Rights designated as future mechanism to prevent torture, August 2018. Available at: https://www.apt.ch/en/news_on_prevention/rwanda-national-commission-for-human-rights-designated-as-future-national-preventive-mechanism/.

784 Republic of Rwanda, National Commission for Human Rights designated as National Preventive Mechanism. Available at: <https://bit.ly/2KmsCDa>.

785 The East Africa, UN anti-torture team cancels Rwanda visit, again, July 2018. Available at: <https://www.theeastafrican.co.ke/news/ea/UN-anti-torture-team-cancels-Rwanda-visit/4552908-4666202-s7vny4z/index.html>; see also, Reuters, U.N. torture watchdog ends trip to Rwanda, citing obstruction, 21 October 2017. Available at: <https://www.reuters.com/article/us-rwanda-rights/u-n-torture-watchdog-ends-trip-to-rwanda-citing-obstruction-idUSKBN1CQ0EI>.

786 US Department of State, Rwanda (2019). Available at: <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/rwanda/>.

787 The Bay View, Trigger-happy Rwandan police mow down prisoners, January 2019. Available at: <https://sfbayview.com/2019/01/trigger-happy-rwandan-police-mow-down-prisoners/>.

788 Human Rights Watch, Rwanda: Events of 2018. Available at: <https://www.hrw.org/world-report/2019/country-chapters/rwanda#eaa21f>.

789 Ibid.

790 Human Rights Watch, Submission by Human Rights Watch to the Committee on the Rights of the Child on Rwanda, March 2019. Available at: <https://www.hrw.org/news/2019/03/25/submission-human-rights-watch-committee-rights-child-rwanda>.

791 Resolution 40/10, Freedom of religion or belief (2019).

792 Rwanda Constitution, 2003. Available at: <http://www.rwandahope.com/constitution.pdf>.

793 Freedom House, Rwanda (2019).

794 Christianity Today, Rwanda Restricts Fasting as 8,000 Churches Closed, August 2018. Available at: <https://www.christianitytoday.com/news/2018/august/rwanda-churches-closed-fasting-restricted-rgb-religion-law.html>.

795 Christian Today, Why has Rwanda closed 8,000 Christian churches?, August 2018. Available at: <https://www.christiantoday.com/article/why-has-rwanda-closed-8000-christian-churches/130243.htm>.

796 Resolution 40/14, Rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education (2019).

rights defenders. However, human rights defenders, including journalists, political activists and human rights lawyers have reported increasing threats and harassment in relation to their legitimate work.

I. Introduction

South Africa has served as a member of the HRC twice previously; first, 2007- 2010,⁷⁹⁷ and second, 2014-2016.⁷⁹⁸ South Africa was re-elected to serve a second consecutive term from 2017 after the conclusion of a clean slate election.⁷⁹⁹ Its current term ends in 2019.⁸⁰⁰

II. Voluntary Pledges and Commitments

South Africa submitted its voluntary pledges in 2007.⁸⁰¹ It has not submitted its renewed pledges even after subsequently being elected as a member of the HRC. A central aspect of South Africa's policy is their commitment to promotion, protection and fulfilment of human rights and fundamental freedoms, and the advancement of democracy.⁸⁰²

South Africa pledged to⁸⁰³:

- Continue to receive visits of the Special Procedures and Mechanisms of the HRC in keeping with their various mandates, without any impediments or restrictions.
- Respect the integrity and dignity of the OHCHR.
- Continue contributing financially to the OHCHR.
- Continue to support important funds and programmes of the OHCHR and other entities aimed at advancing the cause of human rights globally, such as the United Nations Voluntary Fund for Victims of Torture, the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, the recently established United Nations Democracy Fund and the United Nations Development Fund for Women.
- Continue with its unwavering position to advocate for a balanced Sustainable Development Programme within the human rights framework.
- Promote a common understanding that human rights can only be practically enjoyed through an effective partnership with all the relevant stakeholders at all levels.
- Ensure that the future sessions of the HRC will focus on the imperative need to update the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights through an amendment protocol which will seek to place the right to development at par with all other rights enumerated in those core instruments;
- Continue to submit country reports to human rights treaty monitoring bodies.
- Undertake to submit shortly a National Action Plan (NAP) exclusively covering the area of racism and racial discrimination as required by the Durban Declaration and Programme of Action (DDPA).

III. Participation at the 40th Session of the HRC

South Africa participated actively in the 40th session of the HRC. It co-sponsored the resolution adopted by consensus on the *Elimination of discrimination against women and girls in sport*.⁸⁰⁴ Selected participation of South Africa in the discussions and deliberations in the Council is as follows:

797 General Assembly of the United Nations, Elections of the Human Rights Council, 2006. Available at: <https://www.un.org/ga/60/elect/hrc/>.

798 General Assembly of the United Nations, Elections of the Human Rights Council, 2013. Available at: <https://www.un.org/en/ga/68/meetings/elections/hrc.shtml>.

799 General Assembly of the United Nations, Elections of the Human Rights Council, 2016. Available at: <https://www.un.org/en/ga/71/meetings/elections/hrc.shtml>.

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

801 The Permanent Mission of South Africa to the United Nations, Address to the President of the General Assembly, 26 April 2007. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N07/327/13/PDF/N0732713.pdf?OpenElement>.

802 Ibid.

803 Ibid.

804 Resolution 40/5 Elimination of discrimination against women and girls in sport (2019).

S. No.	High-Level Segment	South Africa's Statement
1.	Deputy Minister Luwellyn Landers, South African Deputy Minister of International Relations and Cooperation at the High-Level Segment	<ul style="list-style-type: none"> Emphasised on South Africa's constitutional values and principles that guide the Government and reflect commitment in building peace, human security and equality. Emphasised on equality and interdependence of all human rights. Applauded the Council for being responsive to human rights violations playing an essential role in advancing all human rights. Continued to work towards the strengthening and deepening of the multilateral system of global governance and a rules-based international order. Remained committed to the peaceful resolution of the Middle East conflict and realisation of full rights for Palestinian people, including the right of self-determination. Remained steadfast in its support for the people of Western Sahara that suffer from foreign occupations. Raised discriminations of women and girls in sport and the discriminatory laws based on race and gender as particular Country concerns. Continued its support for the work of the Human Rights Council as well as for that of the High Commissioner.⁸⁰⁵

S. No.	Interactive Dialogue	South Africa's Interventions
1.	Clustered interactive dialogue with the Special Rapporteur on the right to food and the Independent Expert on foreign debt	<ul style="list-style-type: none"> Supported the recommendation on improving human rights protection for fishery workers. Emphasised to hold accountable supply chain enterprises that profit from human rights abuses, in particular concerning human trafficking and labour exploitation in fisheries supply chains. Proposed a collaboration between ILO and OHCHR on educating the fishery workers on the issue. Noted that guiding principles on human rights and any policy impact assessments of economic reforms and different groups unequally. Raised that the increased cost in servicing debt takes away the ability to developing countries to address social service needs and to meet the SDGs. Called for engagement between the Independent Expert and the UNCTAD on the Basic Principles on Sovereign Debt Restructuring Processes.⁸⁰⁶
2.	Clustered interactive dialogue with the Special Rapporteur on the environment and the Special Rapporteur on adequate housing	<ul style="list-style-type: none"> Noted that the Special Rapporteurs' reports highlighted the role of business in violation of human rights; stated that they must be held responsible for safeguarding these rights, and should be legally bound. Stressed on interlinking the violation of the right to housing and systematic racial discrimination; Believed in moving towards addressing the effects of structural and systemic racism; Stressed on the inextricable link between the right to an adequate standard of living and economic, social and cultural rights (including the right to development).⁸⁰⁷

⁸⁰⁵ Department of International Relations and Cooperation, Republic of South Africa, Statement by Deputy Minister Luwellyn Landers, at the High-Level Segment of the 40th Session of the United Nations Human Rights Council. Available at: <http://www.dirco.gov.za/docs/speeches/2019/hcr0225.htm>.

⁸⁰⁶ Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=28/02/2019%2000:00:00>.

⁸⁰⁷ Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=04/03/2019%2000:00:00>.

3.	Clustered interactive dialogue with the Special Rapporteur on the freedom of religion and the Special Rapporteur on the sale and sexual exploitation of children	<ul style="list-style-type: none"> • Considered abuses of young African children in sports as the “new scramble for Africa”. • Agreed that despite efforts made by UNICEF, UNESCO and the Commonwealth Games Federation, the UN Guiding Principles on Business and Human Rights ‘appear to be ineffective in dissuading clubs from violating regulations in force’, are not legally binding, and do not offer maximum protection for children or guarantee remedies for victims. • Highlighted the need to ensure legally binding instrument to regulate activities of TNCs and other business enterprises for holding them accountable for violations. • Requested the Working Group to develop legally binding instrument ensuring protection of children being exploited in the sporting fraternity.⁸⁰⁸
4.	Clustered interactive dialogue with the Special Representative of the Secretary-General on violence against children and the Special Representative of the Secretary-General for children and armed conflict	<ul style="list-style-type: none"> • Affirmed the importance of the commemoration of the 30th anniversary of the CRC as an opportunity to accelerate progress and implementation of the rights of the child. • Stressed on the CRC review process, along with civil society, of the Plan of Action on Violence against Women and Children, to identify gaps and evidence-based programmes in addressing violence against children. • Remained concerned about the effect of war on girl-children and supported the principle that children associated with armed groups are victims and not perpetrators. • Commended efforts for the rehabilitation and reintegration programmes for children affected by armed conflict.⁸⁰⁹
5.	Clustered interactive dialogue with the Special Rapporteur on disabilities and the Independent Expert on albinism	<ul style="list-style-type: none"> • Reminded of its commitment to the implementation of the Convention on the Rights of Persons with Disabilities. • Stressed on monitoring the standard of care in private health residential facilities to ensure respect of the established norms and standards. • Concurred on a multi-sectoral collaboration regarding persons with albinism in order to end violence. • Stressed on its campaigns on the rights of persons with albinism in collaboration with the Albinism Society of South Africa, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, the South African Human Rights Commission (SAHRC) and the Southern Africa Development Community (SADC). • Called for unanimous condemnation of all forms of abuse, prejudice and discrimination perpetrated against people with albinism.⁸¹⁰

808 Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=05/03/2019%2000:00:00>.

809 Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=05/03/2019%2000:00:00>.

810 Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=05/03/2019%2000:00:00>.

6.	Interactive dialogue with the High Commissioner	<ul style="list-style-type: none"> Highlighted the challenges of poverty, inequality, and unemployment faced by the country and reiterated its respect for the economic, social and cultural rights within its constitution and courts. Reminded the Council of the serious war crimes and crimes against humanity committed in the Occupied Palestinian Territory. Drew urgent attention on violations of the rights of women, including physical and mental health, sexual and reproductive health, employment, physical and bodily integrity of women and girl athletes. Appreciated the High Commissioner approach of reaching out to the African continent and the signing of a memorandum of understanding between OHCHR and ACHPR in protecting human rights. Agreed on the role of human rights as an antidote to the hatred, division, populism, repression, and exploitation in present times.⁸¹¹
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S. No.	General Debate	South Africa's Interventions
1.	General debate on the Situation of human rights in Palestine and other occupied Arab territories	<ul style="list-style-type: none"> Expressed concerns about atrocities by the Israeli forces reported by the Commission of Inquiry, including arbitrary mass arrests of women and children, and demolition of homes on a mass scale. Deeply concerned about the indication of plans to annex parts of the Occupied Palestinian Territories outright, virtually creating an apartheid state, in which the Palestinian People are subjugated.⁸¹²
2.	General debate on the Report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action	<ul style="list-style-type: none"> Condemned strongly the tragic event in Christchurch, New Zealand, and stated that such incidents illustrate the need for a legally binding instrument for protection, promotion and respect the human rights of the most vulnerable groups, including the People of African Descent, the original victims of slavery. Encouraged the OHCHR to cooperate with experts in elaborating annual progress report on the implementation of provisions of the Durban Declaration and its Programme of Action. Called upon the Council to work together with other stakeholders to stem the global wave of intolerance.⁸¹³

S. No.	Panel Discussion	South Africa's Interventions
1.	Annual high-level panel discussion on human rights mainstreaming	<ul style="list-style-type: none"> Underlined the importance of the National Human Rights Day (21 March) for South Africans and the Bill of Rights as a cornerstone of democracy and to respect, protect, promote and fulfil rights. Emphasised its Constitution as one of the few in the world that includes socio-economic rights without distinction from civil and political rights, showing commitment to the justiciability of these rights. Stressed on continue support on multilateralism along with AU and UN.⁸¹⁴

811 Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=18/03/2019%2000:00:00>.

812 Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=18/03/2019%2000:00:00>.

813 Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=19/03/2019%2000:00:00>.

814 Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=25/02/2019%2000:00:00>.

2.	Annual full-day meeting on the rights of the child	<ul style="list-style-type: none"> • Stressed on steps to take to address prejudice, ignorance, and neglect of children with disabilities. • Informed that the country has recognised their sign-language as an official language, including in their education system. • Raised the current challenge affecting its society: not all children of school-going age with disabilities are in schools. • Expressed interest in learning how to combine the Presidential Working Group and innovative ideas for the inclusion of children with disabilities in quality education ensuring realization of their rights.⁸¹⁵
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S. No.	UPR Outcomes	South Africa's Intervention
1.	Malaysia	<ul style="list-style-type: none"> • Commended Malaysia for ratification of pending human rights instruments and their commitments in promotion and protection of civil and political rights. • Applauded Malaysia's achievements in reducing the poverty gap, promoting economic development and eliminate women discrimination.⁸¹⁶

IV. Voting Pattern on Resolutions

Thematic Resolutions

South Africa voted in favour of all the three thematic resolutions that were voted on during this session of the Council, namely, *The negative impact of unilateral coercive measures on the enjoyment of human rights*,⁸¹⁷ *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*,⁸¹⁸ and *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*.⁸¹⁹

South Africa did not vote against or abstained from voting on any thematic resolutions during the session.⁸²⁰

It sponsored the resolution adopted by consensus during the session on the *Elimination of discrimination against women and girls in sport*,⁸²¹ with the aim to ensure that the international community must protect and defend the rights of Caster Semenya and other female athletes across the world.⁸²²

Country Situation Resolutions

South Africa voted in favour of six country situation resolutions, namely, *Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem*,⁸²³ *Human rights in the*

815 Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=04/03/2019%2000:00:00>.

816 Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=14/03/2019%2000:00:00>.

817 Resolution 40/3 The negative impact of unilateral coercive measures on the enjoyment of human rights (2019).

818 Resolution 40/4 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 (2019).

819 Resolution 40/8 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 (2019).

820 Office of the High Commissioner for Human Rights, Draft resolutions, decisions and President's statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

821 Resolution 40/5, Elimination of discrimination against women and girls in sport (2019).

822 United Nations Human Rights Council adopts Resolution to support Caster Semenya, Geneva, UNHRC, 21 March 2019. Available at: <http://www.dirco.gov.za/docs/2019/unhrc0322a.htm>.

823 Resolution 40/13 Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem (2019).

Occupied Syrian Golan,⁸²⁴ *Situation of human rights in Myanmar*,⁸²⁵ *Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem*,⁸²⁶ *and in the Occupied Syrian Golan*,⁸²⁷ *and The right of the Palestinian people to self-determination*.⁸²⁸

It did not vote against any country situation resolutions.⁸²⁹

South Africa abstained from voting on four country situation resolutions, namely, *The human rights situation in the Syrian Arab Republic*,⁸³⁰ *Promotion and protection of human rights in Nicaragua*,⁸³¹ *Situation of human rights in the Islamic Republic of Iran*,⁸³² *and Cooperation with Georgia*.⁸³³

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

South Africa has extended standing invitations to Special Procedures since July 2003.⁸³⁴ It also pledged to “continue to receive visits of the Special Procedures and Mechanisms of the HRC in keeping with their various mandates, without any impediments or restrictions”.⁸³⁵ However, to date, South Africa has 21 visit requests pending from the Special Procedures,⁸³⁶ including requests from Special Rapporteurs on extrajudicial, summary or arbitrary executions, on water and sanitation, on torture, on health, on trafficking; IE on environment, on foreign debt; and Working Groups reminders concerning arbitrary detention, disappearances and business and human rights to listed few.⁸³⁷

b. Compliance with Reporting Obligations to Treaty Monitoring Bodies

South Africa pledged to “submit country reports to human rights treaty monitoring bodies”.⁸³⁸ However, the only one report pending was with CRC-OP-AC since 2011.⁸³⁹

South Africa did not ratify the International Convention for Protection of All Persons from Enforced Disappearance and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁸⁴⁰ It also did not accept individual complaints procedures for CESCR-OP and CRC-OP-IC.⁸⁴¹

c. Compliance with Thematic Issues

824 Resolution 40/21 Human rights in the occupied Syrian Golan (2019).

825 Resolution 40/29 Situation of human rights in Myanmar (2019).

826 Resolution 40/23, Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2019).

827 Resolution 40/24 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2019).

828 Resolution 40/22, Right of the Palestinian people to self-determination (2019).

829 Office of the High Commissioner for Human Rights, Draft resolutions, decisions and President’s statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

830 Resolution 40/17, The human rights situation in the Syrian Arab Republic (2019).

831 Resolution 40/2 Promotion and protection of human rights in Nicaragua (2019).

832 Resolution 40/18, Situation of human rights in the Islamic Republic of Iran (2019).

833 Resolution 40/28, Cooperation with Georgia (2019).

834 United Nations Human Rights Office of the High Commissioner, Special Procedures, Standing Invitations. Available at: https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/StandingInvitations.aspx.

835 The Permanent Mission of South Africa to the United Nations, Address to the President of the General Assembly, 26 April 2007. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N07/327/13/PDF/N0732713.pdf?OpenElement>.

836 United Nations Human Rights Office of the High Commissioner, Country visits of Special Procedures of the Human Rights Council since 1998. Available at: https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=ZAF.

837 Ibid.

838 The Permanent Mission of South Africa to the United Nations, Address to the President of the General Assembly, 26 April 2007. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N07/327/13/PDF/N0732713.pdf?OpenElement>.

839 United Nations Human Rights Office of the High Commissioner, Reporting status for South Africa. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=ZAF&Lang=EN.

840 Ibid.

841 United Nations Human Rights Office of the High Commissioner, Acceptance of individual complaints procedures for South Africa. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=162&Lang=EN.

South Africa sponsored the resolution adopted by consensus on the *Elimination of discrimination against women and girls in sport*.⁸⁴² The resolution stressed concerns about **gender inequality** as well as physical and mental violations and abuses of women, in particular, physical and bodily integrity of women and girl athletes.⁸⁴³ However, beyond the realm of sport, women and girls in South Africa continue to face gender inequality and gender-based violence.⁸⁴⁴ Gender inequality is a barrier for adolescent girls and young women to access sexual and reproductive health services and comprehensive sexuality education.⁸⁴⁵ Even after 2018, discrimination against women remains a serious problem despite legal equality in family, labour, property, inheritance, nationality, divorce, and child custody matters.⁸⁴⁶ Women experienced economic discrimination in wages, the extension of credit, and ownership of land.⁸⁴⁷ Sexual violence, sexual harassment, physical violence and domestic abuse are the critical issues in the country.⁸⁴⁸ South Africa is ranked 19 out of 149 with progress on the parameter of political empowerment, despite a slight decline in wage equality.⁸⁴⁹ While South Africa is the first country in the world having constitutional protection to LGBT people, in the past years, cases of violence and abuse have reported.⁸⁵⁰ In particular, it is reported that about 44% of the community experienced verbal, physical, and discrimination due to sexual orientation.⁸⁵¹

In its commitments, South Africa pledged to cover the area of **racism and racial discrimination** as one of the principles in respecting and promoting human rights.⁸⁵² During the general debate on racism, racial discrimination, xenophobia and related forms of intolerance,⁸⁵³ South Africa condemned the terror attack in New Zealand, and reminded the importance of implementing the DDPA and the Multi-Year Programme of Action to mobilize the public support.⁸⁵⁴ At the national level, in March 2019, South Africa launched a five-year National Action Plan (NAP) to combat racism, xenophobia and discrimination.⁸⁵⁵ It aims to prevent and combat racism; sexist, homophobic, xenophobic and other discrimination; discrimination on the basis of ethnic origin, sexual identity and expression, disability, and religion.⁸⁵⁶ Despite these efforts, in August 2018, foreigner workers, refugees, and asylum-seekers were affected by acts of violence.⁸⁵⁷ During the attack, four people were killed for allegedly “stealing local jobs”.⁸⁵⁸ Recently, on 8 March 2019, a South African TV and radio presenter was the victim of a racially-motivated assault and was beaten unconscious.⁸⁵⁹ Violent attacks have been reported against migrants and foreigners,⁸⁶⁰ especially from other African countries.⁸⁶¹ In March 2019, at least six foreign nationals were killed,⁸⁶² and several others were seriously injured when mobs armed

842 Resolution 40/5, Elimination of discrimination against women and girls in sport (2019).

843 Ibid.

844 UNAIDS, ‘The community is not on the girls’ side’, 15 March 2019. Available at: http://www.unaids.org/en/resources/presscentre/featurestories/2019/march/20190318_riseclubs.

845 Ibid.

846 US Department of State. Available at: <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2018&dliid=289011#wrapper>

847 Ibid.

848 IPSOS, Gender Equality Around the World, 2019. Available at: <https://www.ipsos.com/en-za/gender-equality-around-world>.

849 World Economic Forum, Global Gender Gap Report 2018. Available at: http://www3.weforum.org/docs/WEF_GGGR_2018.pdf.

850 Rivonia Pillay, “South Africa still hasn’t won LGBTQ+ equality. Here are 5 reasons why”, World Economic Forum, 30 November 2018. Available at: <https://www.weforum.org/agenda/2018/11/south-africa-road-to-lgbtq-equality/>.

851 Ibid.

852 The Permanent Mission of South Africa to the United Nations, Address to the President of the General Assembly, 26 April 2007. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N07/327/13/PDF/N0732713.pdf?OpenElement>.

853 UN Human Rights Council, Human Rights Council holds general debate on racism, racial discrimination, xenophobia and related forms of intolerance, News, 19 March 2019. Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24364&LangID=E>.

854 Ibid.

855 Human Rights Watch, South Africa Launches Plan to Combat Xenophobia and Racism, 25 March 2019. Available at: <https://www.hrw.org/news/2019/03/25/south-africa-launches-plan-combat-xenophobia-and-racism>.

856 PoliticsWeb, Hate speech seems to be on the increase - John Jeffery, 25 March 2019. Available at: <https://www.politicsweb.co.za/documents/hate-speech-seems-to-be-on-the-increase--john-jeff>.

857 UN News, UNHCR calls for action against xenophobic attacks in South Africa, 4 September 2018. Available at: <https://news.un.org/en/story/2018/09/1018272>.

858 Ibid.

859 BBC News, ‘South African presenter ‘victim of racist attack’’, 14 March 2019. Available at: <https://www.bbc.com/news/world-africa-47568223>.

860 BBC News, ‘South Africa: How common are xenophobic attacks?’, 7 April 2019. Available at: <https://www.bbc.com/news/world-africa-47800718>.

861 ActionAid International, Statement in response to xenophobic attacks against migrants in South Africa, 2 April 2019. Available at: <https://actionaid.org/news/2019/statement-response-xenophobic-attacks-against-migrants-south-africa>.

862 United Nations in South Africa, ‘Families flee deadly attacks against foreigners in Durban’, 1 April 2019. Available at: <http://www.un.org.za/south-africa-families-flee-deadly-attacks-against-foreigners-in-durban/>.

with metal rods and machetes attacked the homes of these ‘foreigners’ to chase them away.⁸⁶³ These attacks were linked to the protests against employment of foreign truck drivers that escalated into brutal violence.⁸⁶⁴ Reasons behind these xenophobic attacks were said to be poverty, inequality, and unemployment in the society.⁸⁶⁵

South Africa, in its voluntary pledges, stressed its support funding programmes of the OHCHR, including the United Nations Voluntary Fund for Victims of **Torture**.⁸⁶⁶ Taking actions against torture and ill-treatment, on 19 March 2019, the South African National Assembly approved the ratification of the OP-CAT.⁸⁶⁷ This step was taken after the South African Police allegedly tortured a Nigerian to death in the area of Free State Province in January 2019.⁸⁶⁸ This incident was met with a lot of discontent among the Nigerians living in South Africa.⁸⁶⁹ In accordance with the 2017-2018 Independent Police Investigative Directorate (IPID) report, 436 persons died in police custody or due to police action in South Africa.⁸⁷⁰ Lethal and excessive force, including torture, resulted in numerous reports of deaths and injuries.⁸⁷¹ In May 2019, the Committee against Torture examined the situation in South Africa and remarked that the anti-torture law in the country failed to stipulate minimum sentence for acts of torture and that its implementation also had problems as no public official has been prosecuted under this law.⁸⁷²

In the panel discussion concerning the **rights to children**, South Africa stressed on the steps it has taken to address issues of prejudice against and neglect of children with disabilities as well as of discrimination in education.⁸⁷³ It joined the consensus in adopting resolutions concerning the rights of the child and the CRC.⁸⁷⁴ However, at the national level, there remain difficulties regarding the right to access education and health care to children, especially foreign nationals or stateless children, due to restrictive school admission policy, bureaucratic procedures, or misinterpretation of its own laws and international obligations.⁸⁷⁵ Public education is fee-based and children coming from the low-income bracket or non-citizen children have difficulty in paying the fees and for other supplies, leading to denial of access to education.⁸⁷⁶ Lack of education and health care facilities are also major challenges for children with disabilities.⁸⁷⁷ There are resource barriers to inclusive education and resistance against accepting children with disabilities in the mainstream schools.⁸⁷⁸

South Africa, in its voluntary commitments, stressed the promotion of human rights in regards to the practical enjoyment of the relevant stakeholders at all levels.⁸⁷⁹ Confirming its pledge, South Africa also joined a consensus

863 Human Rights Watch, South Africa: Attacks on Foreign Nationals. Available at: <https://www.hrw.org/news/2019/04/15/south-africa-attacks-foreign-nationals>.

864 United Nations in South Africa, ‘Families flee deadly attacks against foreigners in Durban’, 1 April 2019. Available at: <http://www.un.org.za/south-africa-families-flee-deadly-attacks-against-foreigners-in-durban/>.

865 South African Government News Agency, National Action Plan to use land and other issues to address racism, 26 March 2019. Available at: <https://www.sanews.gov.za/features-south-africa/national-action-plan-use-land-and-other-issues-address-racism>.

866 The Permanent Mission of South Africa to the United Nations, Address to the President of the General Assembly, 26 April 2007. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N07/327/13/PDF/N0732713.pdf?OpenElement>.

867 Power Singh Inc., National Assembly approves ratification of the Optional Protocol to the Convention against Torture, 19 March 2019. Available at: <https://powersingh.africa/2019/03/19/national-assembly-approves-ratification-of-the-optional-protocol-to-the-convention-against-torture/>.

868 PM News, South African police torture Nigerian to death, 19 January 2019. Available at: <https://www.pmnewsnigeria.com/2019/01/19/south-african-police-torture-nigerian-to-death/>.

869 Ibid.

870 US Department of State. Available at: <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/south-africa/>.

871 Ibid.

872 Ibid.

873 Office of the High Commissioner for Human Rights, Oral Statement. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=04/03/2019%2000:00:00>.

874 United Nations Human Rights Council, 40th Session, Resolution, decision and President’s statements. Available at: <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session40/Pages/ResDecStat.aspx>.

875 The Conversation, Magnus Killander, ‘South Africa is failing the rights of children to education and health’, 3 March 2019. Available at: <https://theconversation.com/south-africa-is-failing-the-rights-of-children-to-education-and-health-112707>.

876 US Department of State. Available at: <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/south-africa/>.

877 Human Rights Watch, Elin Martínez, ‘South Africa’s Children with Disabilities Need the President’s Attention’, 25 April 2019. Available at: <https://www.hrw.org/news/2019/04/25/south-africas-children-disabilities-need-presidents-attention>.

878 US Department of State. Available at: <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/south-africa/>.

879 The Permanent Mission of South Africa to the United Nations, Address to the President of the General Assembly, 26 April 2007. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N07/327/13/PDF/N0732713.pdf?OpenElement>.

of the thematic resolution, namely the *Recognizing the contribution of environmental **human rights defenders** to the enjoyment of human rights, environmental protection and sustainable development*.⁸⁸⁰ However, recent cases of violence, intimidation and harassment occurred between 2013 and 2018 against a community of activists in mining areas of the country, has been documented.⁸⁸¹ These activists in the mining-affected communities have experienced threats, physical attacks, and/or damage to their property saying that this could be a consequence of their activism, while others have received threatening phone calls from unidentified numbers.⁸⁸² At least three activists were killed in the last three years.⁸⁸³ They have been attacked or threatened for raising concerns about the effects that mining, especially coal mining, has on the environment and health of the communities in the region.⁸⁸⁴ The Special Rapporteur on the situation of Human Rights defenders, in his recent report released in December 2018, mentioned that there is a growing concern regarding the treatment of human rights defenders by in the country, particularly, in relation to their rights to freedom of assembly, freedom of expression, and freedom of association.⁸⁸⁵

VI. Conclusions

South Africa contributed actively to the deliberations in the Council. It co-sponsored the resolution adopted by consensus on the *Elimination of discrimination against women and girls in sport*,⁸⁸⁶ that aims to ensure the protection of the rights of female athletes worldwide.⁸⁸⁷

- In its voluntary pledges, South Africa affirmed visits of the Special Procedures and Mechanisms of the HRC without any impediments or restrictions. However, to date, it has 21 requested visits and reminders pending from SR, IE and including three Working Groups reminders concerning arbitrary detention, disappearances and business and human rights.
- In March 2019, the South African National Assembly approved the ratification of the OP-CAT. Despite there being a domestic legislation prohibiting and punishing torture, such instances have still been reported from the country.
- Despite its voluntary pledge, on the area of racism and racial discrimination and the recent adoption of the National Action Plan (NAP), xenophobic attacks and violence have been reported in the country.

880 Resolution 40/11 Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development (2019).

881 Human Rights Watch, 'South Africa: Activists in Mining Areas Harassed. Government, Companies Should Protect Environment Defenders', 16 April 2019. Available at: <https://www.hrw.org/news/2019/04/16/south-africa-activists-mining-areas-harassed>.

882 Human Rights Watch, 'We Know Our Lives are in Danger'. Environment of Fear in South Africa's Mining-Affected Communities', 16 April 2019. Available at: <https://www.hrw.org/report/2019/04/16/we-know-our-lives-are-danger/environment-fear-south-africas-mining-affected>.

883 Human Rights Watch, 'Interview: The Dangers of Opposing Mining in South Africa. Left Destitute and Sick, Communities Defy Police Abuse and Threats to Assert their Rights', 16 April 2019. Available at: <https://www.hrw.org/news/2019/04/16/interview-dangers-opposing-mining-south-africa>.

884 Ibid.

885 Michel Forst, United Nations Special Rapporteur on the Situation of Human Rights Defenders, World Report on the Situation of Human Rights Defenders, December 2018. Available at: <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf>.

886 Resolution 40/5, Elimination of discrimination against women and girls in sport (2019).

887 United Nations Human Rights Council adopts Resolution to support Caster Semenya, Geneva, UNHRC, 21 March 2019. Available at: <http://www.dirco.gov.za/docs/2019/unhrc0322a.htm>.

I. Introduction

The United Kingdom of Great Britain and Northern Ireland (UK) was re-elected in 2017, after the conclusion of a clean slate election, to serve a second consecutive three-year term at the HRC.⁸⁸⁸ Its current term expires in 2019.⁸⁸⁹

II. Voluntary Pledges and Commitments

The voluntary pledges of the UK, submitted in 2016, focused on its efforts to promote human rights internationally, uphold them domestically, and support UN bodies. They also contained priority issues like equality and non-discrimination, gender equality, violence against women, religious freedom, and modern slavery.

The UK pledged to⁸⁹⁰:

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

III. The United Kingdom's Participation at the 40th Session of the HRC

The UK was one of the most active participants in the session. The following is a representative selection of the UK's participation in the interactive dialogues, general debates and panel discussions:

⁸⁸⁸ General Assembly of the United Nations, Elections of the Human Rights Council, 2017. Available at: <http://www.un.org/en/ga/72/meetings/elections/hrc.shtml>.

⁸⁸⁹ United Nations Human Rights Council, Current Membership of the Human Rights Council. Available at: <https://www.ohchr.org/en/hrbodies/hrc/pages/currentmembers.aspx>.

⁸⁹⁰ The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations, Candidature of the United Kingdom to the Human Rights Council. Available at: <http://undocs.org/en/A/71/572>.

S. No.	High-Level Segment	The United Kingdom's Statement
1.	Minister of State for the Commonwealth and the United Nations, Lord Ahmad of Wimbledon	<ul style="list-style-type: none"> • Stressed on the role of States and the Council in both ideal and real world to promote and protect human rights. • Stressed on three human rights issues that require to be addressed by the Council: freedom of the media, freedom of religion and preventing sexual violence in conflict. • Explained roles and importance of media freedom within the society protecting all other human rights and freedoms and creating a healthy democracy. • Expressed concerns on the reports of journalists being murders, imprisoned and taken hostage, and highlighted the UK's media freedom campaign. • Highlighted the need to promote the freedom of religion or belief, concerned about prosecution of Uighur Muslims in Xinjiang, the prosecutions of Baha'i in Yemen, and the criminalisation of Jehovah's Witnesses in Russia. • Urged Iran to protect its minority communities and promoting cohesion. • Called the Council to join to the Global Summit towards preventing sexual violence in conflict. • Expressed concerns about the serious human rights situation in a number of countries: Syria, Burma, North Korea, South Sudan, Libya, Iraq and Cameroon. • Welcomed Sri Lanka's decision to return land to its people and to establish an Office for Reparations. • Remained committed to strengthening human rights, both at home and abroad, as well as to uphold justice, accountability, and the rules based international system.⁸⁹¹

S. No.	Interactive Dialogue	The United Kingdom's Interventions
1.	Clustered interactive dialogue with the Special Rapporteur on Human Rights Defenders and the Special Rapporteur on Torture	<ul style="list-style-type: none"> • Noted that it has appointed the first ever Special Envoy for Gender Equality. • Informed that it had supported over 70 global projects on gender equality with human rights defenders and NGOs. • Condemned the use of torture as an abhorrent violation of human rights and dignity and added that torture prevention remains an integral part of the UK's rule of law programmes. • Encouraged all states to ratify and implement the Optional Protocol to the Convention against Torture.⁸⁹²

891 UK Government, Foreign Affairs, Speech of Lord Ahmad, 40th Session of the UN Human Rights Council, 26 February 2019. Available at: <https://www.gov.uk/government/speeches/lord-ahmad-addresses-40th-session-of-the-un-human-rights-council>.

892 UK Mission to the United Nations Geneva, Human Rights Council 40: UK statement on human rights defenders and torture. Available at: <https://www.gov.uk/government/news/hrc40-uk-statement-on-the-interactive-dialogue-with-special-rapporteur-on-human-rights-defenders-special-rapporteur-on-torture>.

2.	Clustered interactive dialogue with the Special Rapporteur on the right to privacy and the Special Rapporteur on cultural rights	<ul style="list-style-type: none"> • Welcomed the conclusions of the Special Rapporteur on the recent improvement of privacy laws and mechanisms reclaiming a leadership role in Europe and globally, reflecting an ongoing commitment to maintaining high standards of privacy and data protection. • Welcomed the conclusion of the Special Rapporteur on privacy on the system of safeguards and oversight. • Recognised the correlation between privacy and security especially given the rise of digital communications and technologies, while also raising concerns over privacy and data protection. • Stressed its positive obligation to protect citizens' safety and security, and human rights, and asked the Special Rapporteur his opinion on the biggest risks to privacy due to emerging technology.⁸⁹³
3.	Interactive dialogue with the Special Rapporteur on countering terrorism	<ul style="list-style-type: none"> • Expressed full commitment to counter terrorism. • Asserted that respect for human rights and fundamental freedoms, and the rule of law, are at the centre of all counter-terrorism activity.⁸⁹⁴
4.	Clustered interactive dialogue with the Special Rapporteur on the freedom of religion and the Special Rapporteur on the sale and sexual exploitation of children	<ul style="list-style-type: none"> • Affirmed that States must protect and defend the freedom of religion or belief. • Remained deeply concerned about the violations worldwide such as imprisonment of the Baha'is in Yemen, detention of the Jehovah's witnesses in Russia, individuals targeted in DPRK as well as the attacks on members of minority communities by extremists. • Stressed the seriousness on the issues children's welfare and encouraged all countries to work together to stamp out sale of Children.⁸⁹⁵
5.	Clustered interactive dialogue with the Special Representative of the Secretary-General on violence against children and the Special Representative of the Secretary-General for children and armed conflict	<ul style="list-style-type: none"> • Supported the mandates of the Special Rapporteurs and raised concerns over grave violations in South Sudan, particularly, deliberate killing and maiming of children, their exposure to conflict-related sexual violence, and their use as weapons of war by all sides. • Called on the South Sudanese Government to take immediate action to end violations ensuring accountability. • Called all parties to implement UN Action Plans by honouring their commitments. • Stressed the support of its military on instruments such as the Paris Commitments, the Vancouver Principles, and the Safe School Declaration, to which it is a signatory. • Encouraged States to endorse UN instruments and to promote mainstreaming child protection in military operations.⁸⁹⁶

893 UK Mission to the United Nations Geneva, Human Rights Council 40: UK Statement on the right to privacy. Available at: <https://www.gov.uk/government/news/hrc40-uk-statement-on-the-right-to-privacy>.

894 UK Mission to the United Nations Geneva, Human Rights Council 40: UK Statement for the Interactive Dialogue with the Special Rapporteur on the Protection of Human Rights while Countering Terrorism. Available at: <https://www.gov.uk/government/news/human-rights-council-40-uk-statement-for-the-interactive-dialogue-with-the-special-rapporteur-on-the-protection-of-human-rights-while-countering-terr>.

895 UK Mission to the United Nations Geneva, Human Rights Council 40: Freedom of religion or belief and sale of children. Available at: <https://www.gov.uk/government/news/human-rights-council-40-freedom-of-religion-or-belief-and-sale-of-children>.

896 UK Mission to the United Nations Geneva, Human Rights Council 40: Violence against children and children and armed conflict. Available at: <https://www.gov.uk/government/news/human-rights-council-40-violence-against-children-and-children-and-armed-conflict>.

6.	Clustered interactive dialogue with the Special Rapporteur on the rights of persons with disabilities and the Independent Expert on the enjoyment of human rights by persons with albinism	<ul style="list-style-type: none"> Recognised the importance of ending deprivation of liberty solely based on disability in order to achieve a society that works for everyone. Highlighted its policy development and improvement plans on ensuring the rights and needs of disabled people by removing barriers to participation. Stressed its Deprivation of Liberty Safeguards system and the reformed Mental Capacity (Amendment) Bill, that ensures that deprivation of liberty as a part of care and treatment actions is assessed by a supervisory body to confirm that such action is appropriate. Informed about its work regarding improving treatments and support for people with mental health conditions.⁸⁹⁷
7.	Interactive dialogue with the UN Deputy Secretary-General	<ul style="list-style-type: none"> Stressed on the importance of human rights to the delivery of the Sustainable Development Goals. Stated that the core part of the country's aid and development strategy are protection and promotion of human rights. Strongly advocated for Goal 16 on inclusive peaceful societies, including SDG Target 16.10 which supports public access to information. Underlined the steps taken, within the launch of Media Freedom Campaign, to reduce attacks on journalists and lift barriers for a free media across the world.⁸⁹⁸
8.	Interactive dialogue with the Special Rapporteur on Myanmar	<ul style="list-style-type: none"> Expressed its disappointment due to the continued failure of cooperation between authorities in Burma and the Special Rapporteur. Remained concerned by the escalation of violence between the Arakan Army and the Tatmadaw in Rakhine State despite the ceasefire and called on all sides to avoid civilian casualties. Called the authorities to allow full and immediate access for humanitarian and UN agencies in northern Rakhine, in Kachin and Shan. Urged that justice be served to the victims of human rights violations, in particular, the Rohingya community and insisted on bringing accountability of the perpetrators. Called on the Independent Commission of Enquiry to demonstrate its independence and looked forward to the Independent Investigative Mechanism for Myanmar becoming operational as soon as possible. Highlighted the continuous attention of the HRC and SC over the human rights violations reported by the Fact-Finding Mission in Myanmar.⁸⁹⁹
9.	Interactive dialogue with the Special Rapporteur on the Democratic People's Republic of Korea	<ul style="list-style-type: none"> Expressed extreme concerns over the DPRK's human rights record: persecution of Christians; imprisonment of citizens who question the regime's ideology, demonstrate their religious faith, or view non-sanctioned foreign media content; malnutrition and forced labour, and sexual exploitation of women. Pointed out that the engagement between the DPRK and the international community should seek to address the many hardships its people face.⁹⁰⁰

897 Office of the High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=05/03/2019%2000:00:00>.

898 UK Mission to the United Nations Geneva, Human Rights Council 40: Interactive Dialogue with UN Deputy Secretary-General. Available at: <https://www.gov.uk/government/news/human-rights-council-40-interactive-dialogue-with-un-deputy-secretary-general>.

899 UK Mission to the United Nations Geneva, Human Rights Council 40: Burma. Available at: <https://www.gov.uk/government/news/human-rights-council-40-burma>.

900 UK Mission to the United Nations Geneva, Human Rights Council 40: DPRK. Available at: <https://www.gov.uk/government/news/human-rights-council-40-dprk>.

10.	Interactive dialogue with the Special Rapporteur on the Islamic Republic of Iran	<ul style="list-style-type: none"> Noted continuing deep concerns about the human rights situation in Iran. Remained concerned about the persecution and discrimination against religious and ethnic minorities in Iran, including the Baha'is and Christian converts. Raised grave concerns over the deteriorating freedom of expression and media freedom due to detention and judicial harassment of academics, human rights defenders and journalists.⁹⁰¹
11.	Enhanced interactive dialogue on Eritrea	<ul style="list-style-type: none"> Encouraged the Government of Eritrea to engage with the Special Rapporteur. Expressed concerns by the human rights situation in the country, calling the Government to release all political prisoners and those detained for reasons related to their religion or belief. Called on the Government to consider the recommendations made during Eritrea's UPR and to engage with the international community.⁹⁰²
12.	Interactive dialogue with the Commission on Human Rights in South Sudan	<ul style="list-style-type: none"> Expressed grave concerns over the ongoing violations and human rights abuses in South Sudan that could amount to war crimes, crimes against humanity, deliberate targeting of civilians and brutal sexual violence. Welcomed the Commission's focus on themes such as securitisation of the State, repression of freedom of expression, arbitrary detention, and torture and highlighted its role in providing technical support on transitional justice and accountability. Called the Government to engage with the Council, to end impunity and abuses, and to respect the rights and freedoms of its people.⁹⁰³
13.	Interactive dialogue with the Commission of Inquiry on the Syrian Arab Republic	<ul style="list-style-type: none"> Reiterated its support for the UN Commission of Inquiry on Syria. Shared concerns about the arbitrary detention of activists, civil defence volunteers, and other opposition supporters in general. Endorsed the Commission's call for unimpeded, unconditional, and sustained humanitarian access.⁹⁰⁴
14.	Interactive dialogue with the Commission of Inquiry on Burundi (oral briefing)	<ul style="list-style-type: none"> Reaffirmed its support for the Commission. Remained concerned about the human rights situation in Burundi. Called for a dialogue with Burundi and the EU, provided the Government takes steps to improve human rights situation for its people and cooperate with regional and international mechanisms. Encouraged the inter Burundi to agree on a roadmap towards fair and credible elections.⁹⁰⁵

901 UK Mission to the United Nations Geneva, Human Rights Council 40: Iran. Available at: <https://www.gov.uk/government/news/human-rights-council-40-iran>.

902 UK Mission to the United Nations Geneva, Human Rights Council 40: Eritrea. Available at: <https://www.gov.uk/government/news/human-rights-council-40-eritrea>.

903 UK Mission to the United Nations Geneva, Human Rights Council 40: South Sudan. Available at: <https://www.gov.uk/government/news/human-rights-council-40-south-sudan>.

904 UK Mission to the United Nations Geneva, Human Rights Council 40: Syria. Available at: <https://www.gov.uk/government/news/human-rights-council-40-syria>.

905 UK Mission to the United Nations Geneva, Human Rights Council 40: Burundi. Available at: <https://www.gov.uk/government/news/human-rights-council-40-burundi>.

15.	Enhanced interactive dialogue on the High Commissioner's oral update and report on the Democratic Republic of the Congo	<ul style="list-style-type: none"> • Shared the concerns of the OHCHR over elections in DRC, including use of forced mass arrests and intimidation tactics deployed by the State towards protesters and members of the opposition. • Called upon DRC to ensure that future elections in Beni, Betumbo, and Yumi a transparent, inclusive and peaceful environment. • Noted with concern that following the elections internet access and mobile network was shut down for lengthy period and journalists were threatened, harassed and intimidated for independent reporting.⁹⁰⁶
16.	Interactive dialogue with the Independent Expert on Mali	<ul style="list-style-type: none"> • Raised concerns about deteriorating human rights, humanitarian and security situation in Mali, including abuses and human rights violations committed by the Malian armed forces and other armed groups. • Called the Government to denounce and tackle human rights abuses, including all forms of violence against women, girls and other vulnerable groups. • Called for an acceleration of the demobilisation and disarmament programme by parties to the Peace Agreement.⁹⁰⁷
17.	Interactive dialogue on the High Commissioner's oral report on Ukraine	<ul style="list-style-type: none"> • Highlighted the cases of arbitrary detention, unfair trials, and torture in Crimea. • Remained deeply concerned about the welfare of 73 Ukrainian political prisoners held by Russia, in particular, Pavlo Hryb and Edem Berkirov, who are reported to require urgent medical treatment. • Called for the immediate release of all political prisoners.⁹⁰⁸
18.	Interactive dialogue on the OHCHR report on Sri Lanka	<ul style="list-style-type: none"> • Recognised steps taken by the Government of Sri Lanka since 2015 to improve the human rights situation. • Called the Government to meet the needs and expectations of victims, and to prioritise steps required to fully deliver HRC resolutions 30/1 and 34/1.⁹⁰⁹
19.	High-level interactive dialogue on the human rights situation in the Central African Republic	<ul style="list-style-type: none"> • Remained concerned about the increase in human rights violations and abuses in CAR, particularly, against women and children. • Condemned the deliberate targeting of civilians, humanitarian actors, and medical aid workers by armed groups, and called all parties to the conflict to stop all violent attacks against civilians. • Urged the Government of CAR, along the support from the AU, UN, and the international community, to implement the Peace Agreement crucial for long-term peace and stability. • Remained optimistic towards inclusiveness of the peace process offers women, religious leaders and the youth.⁹¹⁰

906 UK Mission to the United Nations Geneva, Human Rights Council 40: Democratic Republic of the Congo. Available at: <https://www.gov.uk/government/news/human-rights-council-40-democratic-republic-of-the-congo>.

907 UK Mission to the United Nations Geneva, Human Rights Council 40: Mali. Available at: <https://www.gov.uk/government/news/human-rights-council-40-mali>.

908 UK Mission to the United Nations Geneva, Human Rights Council 40: High Commissioner's oral update on Ukraine – Interactive Dialogue. Available at: <https://www.gov.uk/government/news/human-rights-council-40-high-commissioners-oral-update-on-ukraine-interactive-dialogue>.

909 UK Mission to the United Nations Geneva, Human Rights Council 40: Interactive Dialogue on Sri Lanka. Available at: <https://www.gov.uk/government/news/human-rights-council-40-interactive-dialogue-on-sri-lanka>.

910 UK Mission to the United Nations Geneva, Human Rights Council 40: Interactive Dialogue on the Central African Republic. Available at: <https://www.gov.uk/government/news/human-rights-council-40-interactive-dialogue-on-the-central-african-republic>.

S. No.	General Debate	The United Kingdom's Interventions
1.	General debate on the Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development	<ul style="list-style-type: none"> Underlined the importance of media freedom for democracy and economic prosperity and in protecting human rights and in holding the powerful to account. Stressed on the risk of journalists across the world and not only in a conflict situation. Called for cooperation in asserting an international taboo against attacks on journalists and in ending impunity. Emphasised their international campaign to promote media freedom along with Canada.⁹¹¹
2.	General debate on Human rights situations that require the Council's attention	<ul style="list-style-type: none"> Called all parties to address the situation in Yemen, particularly areas under Houthi control, where people continue to be persecuted because of religious beliefs. Remained concerned about the situation in China, in Xinjiang including the extensive use of "political re-education". Called on the Government of Russia to respect fundamental freedoms, including that of LGBT people in Chechnya and Jehovah witnesses, and to grant international human rights monitors access to illegally annexed Crimea. Remained concerned about restrictions on freedom of expression in Egypt, calling the Government to release all the journalists detained in the country. Raised concerns about the human rights situation in Venezuela.⁹¹²
3.	General debate on the oral update by the High Commissioner for Human Rights	<ul style="list-style-type: none"> Remained concerned about large scale human rights violations and abuses in Yemen, including the recruitment of child soldiers, arbitrary detention, attacks on freedoms of religion or belief, expression and association. Remained concerned about human rights violations in Iran, including judicial processes inconsistent with international standards. Expressed concern about the worsening human rights situation and weakening of the rule of law in Venezuela. Welcomed the Protection Mechanism for Human Rights Defenders in Honduras and urged the government to renew the mandate of Mission Against Corruption and Impunity. Expressed concerns about attacks against human rights defenders in Guatemala and urged the Government to ensure thorough investigations and fulfil commitments made at its UPR. Voiced concern regarding Colombia due to failure of the Government to address the killings of human rights defenders and due to the President's objections to the transitional justice system.⁹¹³
4.	General debate on technical assistance and capacity-building	<ul style="list-style-type: none"> Welcomed co-operation between Georgia and OHCHR. Also welcomed the re-engagement of Maldives into the international community. Applauded the progress made on human rights by the Government of Afghanistan, despite fragile developments on level of violence towards members of ethnic minorities, journalists, children, and women. Remained concerned for the environment of violations and abuses in Libya.⁹¹⁴

911 UK Mission to the United Nations Geneva, Human Rights Council 40: Media Freedom. Available at: <https://www.gov.uk/government/news/human-rights-council-40-media-freedom>.

912 UK Mission to the United Nations Geneva, Human Rights Council 40: Item 4 General Debate. Available at: <https://www.gov.uk/government/news/human-rights-council-40-item-4-general-debate>.

913 UK Mission to the United Nations Geneva, Human Rights Council 40: Item 2 General Debate. Available at: <https://www.gov.uk/government/news/human-rights-council-40-uk-statement-under-item-2-country-reports>.

914 UK Mission to the United Nations Geneva, Human Rights Council 40, Item 10: Maldives, Georgia, Afghanistan, Libya. Available at: <https://www.gov.uk/government/news/human-rights-council-40-item-10-maldives-georgia-afghanistan-libya>.

S. No.	Panel Discussion	The United Kingdom's Interventions
1.	High-level panel discussion on the question of the death penalty	<ul style="list-style-type: none"> • Stated continued opposition to the use of death penalty in all circumstances, stating that its use undermines of human dignity. • Encouraged reforms and progress towards global abolition of the death penalty, and was delighted on Malaysia's abolition and the Caribbean Court of Justice's declaration. • Remained concern to continue use around the world, calling for the end to use against juvenile and vulnerable offenders. • Condemned human rights violations in relation to the use of it, and advocated the rights to non-discrimination and equality, especially for targeted and vulnerable groups, religious minorities, the LGBTI community and those suffering with mental illness.⁹¹⁵
2.	Annual Full Day Meeting on the Rights of the Child	<ul style="list-style-type: none"> • Stressed on the protection and promotion of all children's rights, including those of the most marginalized ones. • Maintained that through its Disability Inclusion Strategy, it has ensured all children with disabilities have access to quality education. • Launched the Leave no Girl Behind campaign calling for 12 years of quality education for girls and boys. • Informed that in the first phase of Girls Education Challenge Programme, it has provided education to 46,000 girls with disabilities, and added that the second phase aims to add 18,000 girls.⁹¹⁶
3.	Annual interactive debate on the rights of persons with disabilities	<ul style="list-style-type: none"> • Underlined its commitment to supporting disabled people into mainstream work through strong legislation. • Stressed its commitment to providing habilitation and rehabilitation support to disabled people in accordance with a human rights-based approach. • Requested the Panellist to suggest measures to overcome environmental and attitudinal barriers to the participation of disabled persons in the society. • Drew attention to its Equality Act 2010 that imposes a duty on employers and service providers to make reasonable adjustments for disabled people.⁹¹⁷

S. No.	UPR Outcome	The United Kingdom's Interventions
1.	Mauritius	<ul style="list-style-type: none"> • Welcomed the Mauritius' efforts to eliminate forced labour in supply chains. • Noted with concern the levels of gender-based violence in the country and called the government to take steps to address it by strengthening investigations, prosecutions and convictions. • Urged the government to introduce public information campaigns to encourage victims to report such crimes and to deter further offences. • Expressed regret that Mauritius could not accept its recommendation for an open, merit-based selection process for selecting national candidates for the UN Treaty Body elections and hoped that Mauritius will reconsider its position.⁹¹⁸

915 UK Mission to the United Nations Geneva, HRC 40: UK Statement on the use of the Death Penalty. Available at: <https://www.gov.uk/government/news/hrc40-uk-statement-on-the-use-of-the-death-penalty>.

916 UK Mission to the United Nations Geneva, Human Rights Council 40: UK Statement for the Annual Full Day Meeting - Rights of the Child. Available at: <https://www.gov.uk/government/news/human-rights-council-40-uk-statement-for-the-annual-full-day-meeting-rights-of-the-child>.

917 UK Mission to the United Nations Geneva, Human Rights Council 40: Disabilities. Available at: <https://www.gov.uk/government/news/human-rights-council-40-disabilities>.

918 UK Mission to the United Nations Geneva, Human Rights Council 40: UPR Adoption Mauritius. Available at: <https://www.gov.uk/government/news/human-rights-council-40-upr-adoptions-mauritius>.

2.	Saudi Arabia	<ul style="list-style-type: none"> • Welcomed the continued engagement between Saudi Arabia and UPR process and its acceptance of the recommendation on Jamal Khashoggi's murder investigation. • Expressed disappointment that Saudi Arabia has not fully accepted the recommendation on the use of the Specialised Criminal Court. • Welcomed Saudi Arabia's acceptance of recommendation on protection for migrant workers. • Remained concerned by Saudi Arabia's overall human rights record, particularly, the limits on freedom of religion or belief, the limits on freedom of expression, the use of terrorist courts for political dissidents, the use of the death penalty, and mistreatment of women's rights defenders.⁹¹⁹
3.	China	<ul style="list-style-type: none"> • Expressed disappointment at China's rejection of three of its recommendations. • Took note of China's preparations for ratification of the Forced Labour Convention and its Protocol. • Showed disappointment towards China's non-implementation of the recommendations made by the CED. • Expressed concerns over the deteriorating situation in Xinjiang, particularly the plight of the Uighur Muslims and recalled the recommendations made by the CERD. • Called on China to immediately release individuals detained unlawfully, to eliminate travel restrictions that disproportionately affect members of ethnic minorities, and to provide statistics on the numbers of those held involuntarily in the past 5 years.⁹²⁰

IV. Voting Pattern on Resolutions

Thematic Resolutions

The UK did not vote in favour of any thematic resolution during this session.⁹²¹

It voted against two thematic resolutions, namely, *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*,⁹²² and *The negative impact of unilateral coercive measures on the enjoyment of human rights*.⁹²³

The UK provided an explanation for voting against one of the thematic resolutions:

- In its explanation of vote on the resolution concerning *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*,⁹²⁴ the UK called the Council to maintain a focused approach to human rights and stated that the Council is not the correct forum to discuss foreign debt. It stated that the resolution falls outside the scope of the mandate of the Council and duplicates other international discussions on the issue. The UK, therefore, stated that it would vote against the resolution.⁹²⁵

919 Office of the High Commissioner for Human Rights, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=14/03/2019%2000:00:00>.

920 Office of the High Commissioner for Human Rights, Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Statements.aspx?SessionId=29&MeetingDate=14/03/2019%2000:00:00>.

921 Office of the High Commissioner for Human Rights, Draft resolutions, decisions and Presidents statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

922 Resolution 40/8 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 (2019).

923 Resolution 40/3 The negative impact of unilateral coercive measures on the enjoyment of human rights (2019).

924 Resolution 40/8 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 (2019).

925 Speech by the Foreign Office Minister to the UN Human Rights Council. Available at: <https://www.gov.uk/government/news/human-rights-council-40-explanation-of-vote-foreign-debt>.

The UK abstained from voting on one remaining thematic resolution on *The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation*.⁹²⁶

The UK joined the consensus in adopting the remaining thematic resolutions.⁹²⁷ The UK provided explanations of its vote before the vote on three thematic resolutions adopted by consensus:

- In an explanation of vote before the vote on the resolution concerning *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief*,⁹²⁸ the UK recalled the terrorist attack in New Zealand; considered that the resolution was timely and underscored the need for the parties to continue to tackle intolerance through a global dialogue for the promotion of culture of tolerance, respect and peace. It also emphasised the necessity to take steps individually to promote and protect the right to freedom of religion or belief for all individuals.⁹²⁹
- In an explanation of position on the resolution namely, *Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*,⁹³⁰ the UK affirmed its active support on the Special Rapporteur's mandate in fighting terrorism pointing and commended Mexico's efforts to accommodate differing perspectives and its priority to preserve the Special Rapporteur's independence and integrity.⁹³¹
- In an explanation of position on the resolution concerning the *Right to Food*,⁹³² the UK expressed its continued recognition of the economic, social and cultural rights as defined in the ICESCR, and remaining committed to fulfilling the obligations under the Covenant.⁹³³

The UK co-sponsored five thematic resolutions adopted by consensus: *Human rights, democracy and the rule of law*,⁹³⁴ *Freedom of religion or belief*,⁹³⁵ *Rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education*,⁹³⁶ *Thirtieth anniversary of the Convention on the Rights of the Child*,⁹³⁷ and *The mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*.⁹³⁸

Country Situation Resolutions

The UK voted in favour of five country situation resolutions, namely, *The human rights situation in the Syrian Arab Republic*,⁹³⁹ *Promotion and protection of human rights in Nicaragua*,⁹⁴⁰ *The situation of human rights in the Islamic*

926 Resolution 40/4 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 (2019).

927 Office of the High Commissioner for Human Rights, Draft resolutions, decisions and Presidents statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

928 Resolution 40/25 Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief (2019).

929 Speech by the Foreign Office Minister to the UN Human Rights Council. Available at: <https://www.gov.uk/government/news/human-rights-council-40-explanation-of-position-item-9>.

930 Resolution 40/16 Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2019).

931 Speech by the Foreign Office Minister to the UN Human Rights Council. Available at: <https://www.gov.uk/government/news/human-rights-council-40-uk-explanation-of-position>.

932 Resolution 40/7 The Right to Food (2019).

933 Speech by the Foreign Office Minister to the UN Human Rights Council. Available at: <https://www.gov.uk/government/news/human-rights-council-40-explanation-of-position-right-to-food>.

934 Resolution 40/9 Human rights, democracy and the rule of law (2019).

935 Resolution 40/10 Freedom of religion or belief (2019).

936 Resolution 40/14 Rights of the child: empowering children with disabilities for the enjoyment of their human rights, including through inclusive education (2019).

937 Resolution 40/15 Thirtieth anniversary of the Convention on the Rights of the Child (2019).

938 Resolution 40/16 Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2019).

939 Resolution 40/17 The human rights situation in the Syrian Arab Republic (2019).

940 Resolution 40/2 Promotion and protection of human rights in Nicaragua (2019).

The UK provided explanations on the following country situation resolutions adopted by vote:

- In its explanation of the vote on the resolution concerning *Cooperation with Georgia*,⁹⁴⁴ UK commended Georgia for the ongoing cooperation with the Council but raised concerns on the question of access to the OHCHR staff to Georgian regions of Abkhazia and South Ossetia. It added that the resolution seeks to respond to the human rights concerns in Georgia in a moderate and balanced manner.⁹⁴⁵
- In its explanation of the vote before the vote on the resolution concerning *Promotion and protection of human rights in Nicaragua*,⁹⁴⁶ the UK stressed full support to the co-sponsors of the resolution, and underlined that serious concerns had been raised about the human rights situation in Nicaragua. It asserted that the Council had a duty to respond to these issues and that this resolution was both warranted and timely.⁹⁴⁷

It voted against three country situation resolutions, namely, *The rights of the Palestinian people to self-determination*,⁹⁴⁸ *Human rights situation in the Occupied Palestinian Territory, including East Jerusalem*,⁹⁴⁹ and *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan*.⁹⁵⁰

It provided an explanation of its vote on one country specific resolution that it voted against:

- In the resolution concerning *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan*,⁹⁵¹ the UK explained that a disproportionate focus only on one country threatens the Council's credibility and voted against the resolution in keeping with its position on Item 7 of the Council since 2017. It, however, added that this vote was not against Palestinian self-determination or appropriate and proportionate scrutiny of human rights abuses, against the persistence of unacceptable, institutional bias.⁹⁵²

It abstained from voting on the resolution concerning *Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem*.⁹⁵³

It also provided an explanation of its vote on this resolution:

- While abstaining from voting on the resolution, the UK stated that Item 7 amounted to systemic institutional bias against Israel and called for an impartial, fair and balance accountability among all States. It clarified that based on the text of the resolution, it will abstain from voting on the same.⁹⁵⁴

The UK co-sponsored the following three resolutions: *Promoting reconciliation, accountability and human rights in Sri Lanka*,⁹⁵⁵ *Assistance technique et renforcement des capacités dans le domaine des droits de l'homme au Mali (Technical assistance and capacity-building for Mali in the field of human rights)*,⁹⁵⁶ and *Situation of human rights in*

941 Resolution 40/18 Situation of human rights in the Islamic Republic of Iran (2019).

942 Resolution 40/29 Situation of human rights in Myanmar (2019).

943 Resolution 40/28 Cooperation with Georgia (2019).

944 Ibid.

945 Speech by the Foreign Office Minister to the UN Human Rights Council. Available at: <https://www.gov.uk/government/news/human-rights-council-40-explanation-of-vote-georgia>.

946 Resolution 40/2 Promotion and protection of human rights in Nicaragua (2019).

947 Speech by the Foreign Office Minister to the UN Human Rights Council. Available at: <https://www.gov.uk/government/news/human-rights-council-40-explanation-of-vote-nicaragua>.

948 Resolution 40/22 Right of the Palestinian people to self-determination (2019).

949 Resolution 40/23 Human rights situation in the Occupied Palestinian Territory, including East Jerusalem (2019).

950 Resolution 40/24 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (2019).

951 Ibid.

952 Speech by the Foreign Office Minister to the UN Human Rights Council. Available at: <https://www.gov.uk/government/news/human-rights-council-40-uk-explanation-of-vote-item-7-resolutions-regarding-israel-and-the-occupied-palestinian-territories>.

953 Resolution 40/13 Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem (2019).

954 Speech by the Foreign Office Minister to the UN Human Rights Council. Available at: <https://www.gov.uk/government/news/human-rights-council-40-item-2-uk-explanation-of-vote>.

955 Resolution 40/1 Promoting reconciliation, accountability and human rights in Sri Lanka (2019).

956 Resolution 40/26 Assistance technique et renforcement des capacités dans le domaine des droits de l'homme au Mali [Technical assistance and capacity-building for Mali in the field of human rights] (2019).

South Sudan⁹⁵⁷ adopted by consensus.⁹⁵⁸ It also co-sponsored the resolutions, namely, *The human rights situation in the Syrian Arab Republic*,⁹⁵⁹ *Situation of human rights in the Islamic Republic of Iran*,⁹⁶⁰ and *Situation of human rights in Myanmar*⁹⁶¹ adopted by the Council by vote.⁹⁶²

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

The UK maintains a standing invitation and cooperation with the Special Rapporteurs who wish to visit, and it had accepted all requests of Special Rapporteurs. However, there are some exceptions to this: the Working Group on mercenaries, which was requested a visit in May 2015;⁹⁶³ second, from the Special Rapporteur on Food, whose visit request stands postponed/cancelled since May 2011, and lastly, by the Special Rapporteur on Torture, which was made in April 2019.⁹⁶⁴

b. Compliance with Reporting Obligation to Treaty Monitoring Bodies

The UK, in its pledges, committed to “support a strong and independent United Nations human rights system.”⁹⁶⁵ The UK has fully complied with its reporting obligations to treaty monitoring bodies, with all of its reports submitted within reasonable time.⁹⁶⁶ However, the only exceptions are the CERD, which was submitted after a delay of one year, and the CRC-OP-AC and the CRC-OP-SC, which were submitted after a delay of two years in the last completed reporting cycle.⁹⁶⁷

Although the UK has no pending reports,⁹⁶⁸ it has failed to ratify several treaties which were recommended during the third cycle of its UPR.⁹⁶⁹ They include: *International Convention for the Protection of All Persons from Enforced Disappearance (CED)*, *the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW)*, *the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*, *the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*, and *the Optional Protocol to the Convention on the Rights of the Child on the Communications Procedure*.⁹⁷⁰

The UK also has not accepted individual complaints procedures concerning the *Optional Protocol to the International Covenant on Civil and Political Rights*, *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights* as well as *Optional Protocol to the Convention on the Rights of the Child*⁹⁷¹.

957 Resolution 40/19 Situation of human rights in South Sudan (2019).

958 UN Human Rights Council Extranet. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

959 Resolution 40/17 The human rights situation in the Syrian Arab Republic (2019).

960 Resolution 40/18 Situation of human rights in the Islamic Republic of Iran (2019).

961 Resolution 40/29 Situation of human rights in Myanmar (2019).

962 UN Human Rights Council Extranet. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

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

964 Ibid.

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

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

967 Ibid.

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

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

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

971 Ratification status for the United Kingdom of Great Britain and Northern Ireland. Available at: https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=185.

c. *Compliance with Thematic Issues*

The UK, in its voluntary pledges, had undertaken to work towards ending violence against women and girls and promote women's full participation and leadership in political and economic life.⁹⁷² The UK has been rated as 15th out of 187 countries (with a 97.50 out of 100 score).⁹⁷³ There has been an improvement in the area of **gender equality** in the workplace,⁹⁷⁴ with both the government and business sector playing a major role in improving gender equality in the UK.⁹⁷⁵ In 2018, it was ranked 15 out of 149.⁹⁷⁶ There has been an increase in the number of women representatives in the Parliament, in the judiciary, and in the police offices.⁹⁷⁷ However, in the political and public life, especially in Northern Ireland, women are underrepresented.⁹⁷⁸ It was reported in November 2018 that 47.8% of women reported that their working lives had been affected by discrimination, and 18.2% reported sexual harassment.⁹⁷⁹ One third of "Black and Minority Ethnic" women reported witnessing discrimination or abuse of colleagues and/or students based on race or ethnicity during their academic employment, and 29.5% reported having experienced such discrimination themselves.⁹⁸⁰ Further, despite the 2017 legislation on the gender pay gap, there are no sectors of the economy where women and men are paid equally.⁹⁸¹ Similarly, Northern Ireland remains the only part of the UK to deny the right to marriage between same-sex couples.⁹⁸²

In its voluntary pledges, the UK affirmed its position to stand up for **freedom of religion or belief**.⁹⁸³ The UK has supported the rights of the persecuted minorities in the Middle East and advocated in favour of equality and non-discrimination.⁹⁸⁴ In April 2019, the Catholic and the Anglican Churches called the UK Government to promote freedom of religion as a fundamental human right, rather than limiting its attention to specific religious communities.⁹⁸⁵ However, despite legislations such as the *Equality Act 2010* ensuring non-discrimination,⁹⁸⁶ such discrimination continues. In September 2018, an independent review into ethnic minority individuals in the criminal justice system in England and Wales was published.⁹⁸⁷ It was found that ethnic minorities were disproportionately represented in prisons, with 25% of prisoners (despite making up 14% of the population in the counties reviewed), and that 40% of young people in custody were from ethnic minority backgrounds.⁹⁸⁸ The government's decision to reject a definition of Islamophobia, created through a consultative process led by the All-Party Parliamentary Group on British Muslims, has made it difficult for those at the receiving end of such discrimination. A decade ago, 56 percent of young people believed Islam (not extremist groups) posed a threat to Western liberal democracy. The situation has only worsened.⁹⁸⁹

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

973 World Bank Group, 'Women, Business, and the Law 2019: a decade of reform'. (2019). Available at: <https://openknowledge.worldbank.org/bitstream/handle/10986/31327/WBL2019.pdf?sequence=4&isAllowed=y>.

974 Ibid.

975 Julia Irvine, 'UK crawls up the gender equality rankings', ICAEW, 5 March 2019. Available at: <https://economia.icaew.com/news/march-2019/uk-crawls-up-the-gender-equality-rankings>.

976 World Economic Forum, The Gender Gap Report 2018. Available at: http://www3.weforum.org/docs/WEF_GGGR_2018.pdf.

977 CEDAW, Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland, 14 March 2019. Available at: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GBR/CO/8&Lang=En.

978 Ibid.

979 Royal Historical Society, Second Gender Equality Report. Available at: <https://royalhistsoc.org/genderreport2018/>.

980 Ibid.

981 Financial Times, 'Gender Pay Gap: women still short-changed in the UK', 23 April 2019. Available at: <https://ig.ft.com/gender-pay-gap-UK-2019/>.

982 Amnesty International, Country Reports 2017-18, United Kingdom. Available at: <https://www.amnesty.org/en/countries/europe-and-central-asia/united-kingdom/report-united-kingdom/>

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

984 Ibid.

985 CRUX, Catholic, Anglican churches call on UK government to protect religious freedom, 20 April 2019. Available at: <https://cruxnow.com/church-in-uk-and-ireland/2019/04/20/catholic-anglican-churches-call-on-uk-government-to-protect-religious-freedom/>.

986 Government of the United Kingdom, Equality Act 2010. Available at: <https://www.legislation.gov.uk/ukpga/2010/15/contents>.

987 Tackling Racial Disparity in the Criminal Justice System: 2018 Update, October 2018. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/747335/tackling-racial-disparity-criminal-justice-system-2018-update-web.pdf.

988 Amnesty International, Country Reports 2017-18, United Kingdom. Available at: <https://www.amnesty.org/en/countries/europe-and-central-asia/united-kingdom/report-united-kingdom/>.

989 TRT World, 'Anti-muslim racism in a problem in the UK, regardless of the word written', 21 May 2019. Available at: <https://www.trtworld.com/opinion/anti-muslim-racism-is-a-problem-in-the-uk-regardless-of-the-word-used-26822>.

In March 2019, four mosques in Birmingham were attacked overnight, with a man wielding a sledgehammer, seen smashing windows at two places of worship.⁹⁹⁰

The UK committed in its voluntary pledge to take efforts “to promote human rights internationally, and to uphold them domestically”.⁹⁹¹ In the clustered interactive dialogue with the Special Rapporteur on Torture, the UK strongly condemned **torture and ill-treatment** as an ‘abhorrent violation of human rights and dignity’ and ‘encouraged States to ratify the UNCAT and the Optional Protocol to the Convention’.⁹⁹² However, in May 2019, 80 civil society groups and experts revealed the UK’s failure to meet anti-torture obligations.⁹⁹³ Evidence submitted to the Committee Against Torture in its scrutiny of the UK showed an unchanged situation of ill-treatment in a wide range of settings, including in public services such as prisons, immigration detention centre, mental health facilities and police stations.⁹⁹⁴ Additionally, the report revealed the current highest level of child incarceration in Western Europe is in England and Wales.⁹⁹⁵ The UK, moreover, is the only European country without a time limit on immigration detention as well as, a country characterized by ill-treatment in health care settings.⁹⁹⁶

The UK joined the consensus in the resolution pertaining to the *Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*.⁹⁹⁷ The 2018 Global Terrorism Index, that measures the impact of terrorism on States, ranked the UK 28th out of 138.⁹⁹⁸ During the adoption of the resolution, through an explanation of its position, the UK fully committed to combatting terrorism, believing that any activity to counter terrorism must always be conducted with full respect for human rights, fundamental freedoms, and the rule of law. It pointed out its active support on the Special Rapporteur’s mandate in fighting terrorism in accordance to the Mexico’s priority to preserve the Rapporteur’s independence and integrity.⁹⁹⁹ With a robust legislative framework to give law enforcement powers the tools to tackle terrorist threats,¹⁰⁰⁰ the UK expressed its commitment, while stressing on respect for human rights, fundamental freedoms and the rule of law. In April 2019 the UK adopted a new counter-terrorism measure, as a key core of all counter-terrorism activity. The Counter-Terrorism and Border Security Act (2019) has controversially expanded rules on obtaining information likely to be useful to a person committing or preparing an act of terrorism to cover online content. The Act also increased the maximum penalty for some types of preparatory terrorism offences, including the collection of terrorist information, to 15 years’ imprisonment,¹⁰⁰¹ and criminalises publication of pictures, videos or articles that raises a reasonable

990 BBC News, “Birmingham mosque attacks probed by terrorism officers”, 21 March 2019. Available at: <https://www.bbc.com/news/uk-england-birmingham-47651350>

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

992 UK Mission to the United Nations Geneva, Human Rights Council 40: UK statement on human rights defenders and torture. Available at: <https://www.gov.uk/government/news/hrc40-uk-statement-on-the-interactive-dialogue-with-special-rapporteur-on-human-rights-defenders-special-rapporteur-on-torture>.

993 The Guardian, ‘UN committee against torture scrutinises UK’s human rights record’, 7 May 2019. Available at: <https://www.theguardian.com/law/2019/may/07/un-committee-against-torture-scrutinises-uks-human-rights-record>.

994 Chris Esdaile, Charities To Tell UN Of UK Failure In Tackling Torture And Ill-Treatment, Human Rights News, Views and Info, 7 May 2019. Available at: <https://rightsinfo.org/charities-to-tell-un-of-uk-failure-in-tackling-torture-and-ill-treatment/>.

995 Disability Rights UK, Eighty civil society groups reveal UK failure to meet anti-torture obligations, 7 May 2019. Available at: <https://www.disabilityrightsuk.org/news/2019/may/eighty-civil-society-groups-reveal-uk-failure-meet-anti-torture-obligations?theme=text>.

996 Sonya Sceats, Civil society coalition tells UN of UK’s widespread failures to tackle torture and ill-treatment, Freedom from Torture, 7 May 2019. Available at: <https://www.freedomfromtorture.org/news/civil-society-coalition-tells-un-of-uks-widespread-failures-to-tackle-torture-and-ill>.

997 Resolution 40/16 Mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2019).

998 Global Terrorism Index 2018. Available at: <http://visionofhumanity.org/app/uploads/2018/12/Global-Terrorism-Index-2018-1.pdf>.

999 Speech by the Foreign Office Minister to the UN Human Rights Council. Available at: <https://www.gov.uk/government/news/human-rights-council-40-uk-explanation-of-position>.

1000 Statement by Ambassador Jonathan Allen, UK Deputy Permanent Representative to UN, at the Security Council Open Debate on countering the financing of terrorism. Available at: <https://www.gov.uk/government/speeches/landmark-security-council-resolution-on-countering-the-financing-of-terrorism>.

1001 The Register, ‘New UK counter-terror laws come into force today – watch those clicks, people. You see, terrorist propag... NOOO! Alexa ignore us!’, 12 April 2019. Available at: https://www.theregister.co.uk/2019/04/12/uk_counterterror_act_online_content/.

suspicion in supporting terrorist organisation.¹⁰⁰² In February 2019, the UK police detained nine men and six women in a South-East England airport to prevent a deportation flight, which led to five UN human rights experts urging the UK not to use security and terrorism-related legislation to prosecute peaceful protesters.¹⁰⁰³

The relationship between civil society and the UK Government is deteriorating.¹⁰⁰⁴ The UK has failed to adequately engage and consult with civil society organisations working in international development and have excluded them from decision-making processes.¹⁰⁰⁵ Further, the labelling of legitimate campaigners as ‘extremists’ drives a wedge between them and potential allies in their communities and is used as a weapon against them by the media and pro-industry groups.¹⁰⁰⁶

The UK provided an explanation of vote before the vote on the resolution concerning the **Right to Food**,¹⁰⁰⁷ in which it joined the consensus. The UK stated that it continued to recognise the economic, social and cultural rights as defined in the ICESCR, and remained committed to fulfilling the obligations under the Covenant.¹⁰⁰⁸ However, on 23 April 2019, the Special Rapporteur on extreme poverty, in his concluding observations on the UK, reported that one-fifth of its population (nearly 14 million people) lived in poverty, and 1.5 million experienced destitution in 2017.¹⁰⁰⁹ He noted that the policies of austerity introduced in 2010 continue largely unabated despite tragic social consequences.¹⁰¹⁰ Close to 40 per cent of children are predicted to be living in poverty by 2021.¹⁰¹¹ However, the Government of the UK claimed that the report presented a completely inaccurate picture of their approach to tackling poverty.¹⁰¹²

VI. Conclusions

The UK participated actively in the 40th Session of the HRC. It co-sponsored 12 resolutions that were adopted during this session.¹⁰¹³

- The UK has maintained a standing invitation to the UN special procedures and has generally accepted visit requests from them. There are three exceptions to this: first, the Working Group on mercenaries with its request pending since May 2015, second, the Special Rapporteur on food whose request stands postponed/ cancelled since May 2011, and lastly, the Special Rapporteur on torture that by the Special Rapporteur on Torture, which was made in April 2019.¹⁰¹⁴
- Despite its strong and principled position against torture and ill-treatment internationally and at the HRC, the evidence submitted to the Committee Against Torture and in its concluding observations, has suggested existence ill-treatment in a wide range of settings, including in public services such as prisons, immigration detention centre, mental health facilities and police stations.¹⁰¹⁵

1002 Council of Europe Portal, ‘Media Freedom Advocates Raise Alarm over UK Counter-Terror Bill’, 14 February 2019. Available at: https://www.coe.int/en/web/media-freedom/detail-alert?p_p_id=sojdashboard_WAR_coesoportlet&p_p_lifecycle=0&p_p_col_id=column-4&p_p_col_count=1&_sojdashboard_WAR_coesoportlet_alertId=39682509.

1003 United Nations Human Rights Office of the High Commissioner, Display News, ‘UK must stop disproportionate use of security laws after conviction of Stansted 15, say UN rights experts’, 6 February 2019.

1004 Bond, ‘Ensuring civil society is heard’, 1 April 2019. Available at: <https://www.bond.org.uk/resources/ensuring-civil-society-is-heard>.

1005 Ibid.

1006 The Transnational Institute, ‘A war on dissent?’, Kevin Blowe, 30 October 2018. Available at: <https://www.tni.org/en/article/a-war-on-dissent>.

1007 Resolution 40/7 The Right to Food (2019).

1008 Speech by the Foreign Office Minister to the UN Human Rights Council. Available at: <https://www.gov.uk/government/news/human-rights-council-40-explanation-of-position-right-to-food>.

1009 Visit to the United Kingdom of Great Britain and Northern Ireland, Report of the Special Rapporteur on Extreme Poverty and Human Rights, 23 April 2019, Available at: <https://undocs.org/en/A/HRC/41/39/Add.1>

1010 Ibid.

1011 Ibid.

1012 Robert Booth, ‘UN poverty expert hits back over UK ministers’ ‘denial of facts’, The Guardian, 24 May 2019. Available at: <https://www.theguardian.com/society/2019/may/24/un-poverty-expert-hits-back-over-uk-ministers-denial-of-facts-philip-alston>

1013 Office of the High Commissioner For Human Rights, Final list of co-sponsors of resolutions. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/40thSession/Pages/Resolutions.aspx>.

1014 United Nations Human Rights Office of The High Commissioner: Country visits of Special Procedures of the Human Rights Council since 1998. Available at: https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en.

1015 Chris Esdaile, Charities To Tell UN Of UK Failure In Tackling Torture And Ill-Treatment, Human Rights News, Views and Info, 7 May 2019. Available at: <https://rightsinfo.org/charities-to-tell-un-of-uk-failure-in-tackling-torture-and-ill-treatment/>.

- The UK has not ratified two major human rights instruments International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.
- Barring the resolution on *Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem*,¹⁰¹⁶ the voting pattern of the UK, on both thematic and country situation resolutions, coincided with Australia, its counterpart of the WEOG.

¹⁰¹⁶ Resolution 40/13 Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem (2019).

Concluding Remarks

The assessment of the performance of the Commonwealth member states in the 40th session of the HRC underlines yet again the need for acceptable mechanisms to monitor the progress of human rights compliance by members as a means of indicating their commitment to the Council. The limited availability of reliable, objective and quantified information is in itself an indication of the lack of infrastructure to monitor human rights situations in many Commonwealth member states. This heightens the necessity for an urgent need for both technical assistance and reinforced commitments to human rights on the part of the Commonwealth governments.

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

CHRI recommends that Commonwealth member states shall:

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

CHRI Programmes

CHRI believes that the Commonwealth and its member countries must be held to high standards and functional mechanisms for accountability and participation. This is essential for human rights, transparent democracies and Sustainable Development Goals (SDGs). CHRI specifically works on strategic initiatives and advocacy on human rights, Access to Justice and Access to Information. It focuses on research, publications, workshops, analysis, training, mobilisation, dissemination and advocacy and informs the following principal programmes:

1. Access to Justice (ATJ)

- * **Police Reforms:** Police Reforms: In too many countries the police are seen as an oppressive instrument of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that the police act as upholders of the rule of law rather than as enforcers of a regime. CHRI's programme aims at mobilising public support for police reforms and works to strengthen civil society engagement on the issues. In East Africa and Ghana, CHRI examines police accountability and political interference.
- * We are preparing to add a portfolio on anti-discrimination on the basis of colour, appearance and gender.
- * **Prison Reforms:** CHRI's work in prisons looks at increasing transparency of a traditionally closed system and exposing malpractices. Apart from highlighting failures of the legal system that result in overcrowding and unacceptably long pre-trial detention and prison overstay, we engage in interventions and advocacy for legal aid and policy changes to revive prison oversight systems. Attention to these areas can bring improvements to the administration of prisons and conditions of justice.

2. Access to Information (ATI)

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

* South Asia Media Defender's Network (SAMDEN)

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

3. International Advocacy and Programming (IAP)

CHRI monitors the compliance of Commonwealth member states with human rights obligations and advocates around human rights exigencies where such obligations are breached. CHRI strategically engages with regional and international bodies including the Commonwealth Secretariat, Ministerial Action Group, the UN and the African Commission for Human and People's Rights. Ongoing strategic initiatives include advocating for and monitoring the Commonwealth reform, reviewing promised by Commonwealth members at the UN Human Rights Council, and the Universal Periodic Review. We advocate for the protection of human rights defenders and civil society spaces and monitor the performance of National Human Rights Institutions in the Commonwealth while pressing for their strengthening.

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

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

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



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