



CHRI 2019

Easier Said Than Done

41st 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 The Bahamas Bangladesh Cameroon Fiji India
Nigeria Pakistan Rwanda South Africa
The United Kingdom of Great Britain and Northern Ireland

Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-governmental, non-profit organisation headquartered in New Delhi, with offices in London, United Kingdom, and Accra, Ghana. Since 1987, it has advocated, engaged and mobilized around human rights issues in Commonwealth countries. Its specialisations in the areas of Access to Justice (ATJ) and Access to Information (ATI) are widely known. The ATJ programme has focussed on Police and Prison Reforms, to reduce arbitrariness and ensure transparency while holding duty bearers to accountability. CHRI looks at policy interventions, including legal remedies, building civil society coalitions and engaging with stakeholders. The ATI looks at Right to Information (RTI) and Freedom of Information laws across geographies, provides specialised advice, sheds light on challenging issues, processes for widespread use of transparency laws and develops capacity. We review pressures on media and media rights while a focus on Small States seeks to bring civil society voices to bear on the UN Human Rights Council and the Commonwealth Secretariat. A new area of work is SDG 8.7 whose advocacy, research and mobilization across geographies is built on tackling contemporary forms of slavery.

CHRI has special consultative status with the UN Economic and Social Council and is accredited to the Commonwealth Secretariat. Recognised for its expertise by governments, oversight bodies and civil society, CHRI is registered as a society in India, a limited charity in London and an NGO in Ghana.

Although the Commonwealth, an association of 53 nations, provided member countries the basis of shared common laws, there was little specific focus on human rights issues in member countries. Thus, in 1987, several Commonwealth professional associations founded CHRI.

Through its research, reports, advocacy, engagement, mobilisation and periodic investigations, CHRI draws attention to the progress and setbacks on rights issues. It addresses the Commonwealth Secretariat, the United Nations Human Rights Council members, 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.

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EASIER SAID THAN DONE

**Pledges and Performance:
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**41st Regular Session
(June-July 2019)**

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Aditi Patil and Sarthak Roy

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
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 / ICCPR: International 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 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 / ICERD: International Convention on the Elimination of Racial Discrimination
CESCR / ICESCR: International 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
HRC: Human Rights Council
ICC: International Criminal Court

ICT: Information and Communication Technology
 IDP: Internally Displaced Person
 IE: Independent Expert
 ILO: International Labour Organization
 IOM: international Organization for Migration
 IPID: Independent Police Investigative Directorate
 ISIS / ISIL: Islamic State of Iraq and Syria / Islamic State of Iraq and the Levant
 LGBTQ / LGBTI+: Lesbian, Gay, Bisexual, Transgender, Queer / Intersex and others
 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 United Nations High Commissioner for Human Rights
 OIC: Organization of Islamic Cooperation
 PACT: Pakistan's Action to Counter Terrorism
 PCRDP: Provincial Councils for Rehabilitation of Disabled Persons
 PSA: Public Safety Act (India)
 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
 SR: Special Rapporteur
 UAPA: Unlawful Activities Prevention Act
 UDHR: Universal Declaration of Human Rights
 UK: The United Kingdom of Great Britain and Northern Ireland
 UNCAC: United Nations Convention against Corruption
 UNDP: United Nations Development Programme
 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

This Easier Said Than Done (ESTD) Report is a part of the flagship series 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 Members to prioritise, get re-elected, and to 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 authors of this report are Aditi Patil, Research and Advocacy Officer with CHRI's International Advocacy Programme (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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This study is the outcome of cooperative efforts and innumerable conversations and feedback from practitioners and human rights experts from across the Commonwealth.

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CHAPTER I

Introduction

a. An Overview of the Report

The 'Easier Said Than Done' (ESTD) report began in 2007 to review the voting patterns of Commonwealth Member States at the UN 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 at the Council actualised the safeguarding of human rights by Member States in conformity with their own voluntary pledges and their commitments.

This ESTD report summarises and presents an analysis of the performance of the following 11 Commonwealth Member States during the 41st 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 their human rights promises and their implementation at the national level. Overall, the ESTD series seeks to portray the 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, along with shifts in their foreign policy approaches on rights-related issues. The report aims at highlighting institutional and human rights concerns in the HRC and explaining discrepancies in the conduct of Member States. It calls for greater accountability so that Member States act in accordance with their pledges and commitments.

The ESTD report also contributes towards enabling and strengthening stakeholders' access to the HRC. It is an information-sharing tool which aims at reaching a wider audience. Target groups include civil society, national human rights institutions, media as well as researchers, who are otherwise unable to access the HRC. The report promotes 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 substantive research based on primary as well as secondary sources.

For the purposes of this report, the following human rights treaties have been covered to assess 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 the following sources: monitoring live HRC sessions; HRC resolutions and statements made by States that are available at the HRC Extranet; information published by the Permanent Missions and Government Departments of the States concerned; UPR Extranet; official country reports; statistics published by national agencies of Member States; statements made by the Member States in the HRC sessions; explanations of votes provided by States; official reports submitted during the UPR; treaty body reports; NGO reports; and international and local media.

For analytical ease, the resolutions are divided into two categories: thematic and country situation. Thematic resolutions categorically refer to topics focused on a theme, for example, human rights of migrants or climate change. Country situations categorically refer to specific human rights situations or capacity-building in a country, such as the human rights situation in the Syrian Arab Republic or cooperation with and assistance to Ukraine in the field of human rights.

c. Limitations

The ESTD report intends to provide a balanced review and an 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. This remains the most important challenge in identifying and analysing 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 compliance with their pledges when using this report. The intention is not to compare different countries, given their different contextual realities and challenges, but to hold each Member State responsible to its own pledges and commitments.

d. Structure

The first chapter provides an overview of the 41st 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 various 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 country profiles reviewing the performance of the 11 Commonwealth HRC Members, namely, Australia, The Bahamas, Bangladesh, Cameroon, Fiji, India, Nigeria, Pakistan, Rwanda, South Africa, and the UK. It presents information of their respective voluntary pledges, participation in panel discussions, general debates and interactive dialogues, and voting pattern on thematic and country situation 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 the ground.

The report concludes with key recommendations for Commonwealth Member States to enhance meaningful engagement with the HRC, drawing from the 41st Session, as well as with the analysis of specific human rights issues at the national level.

Caveat: Given the dynamic nature of this study, there are new 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 September 2019. While every effort has been made to ensure accuracy, CHRI does not take responsibility for data provided by other sources.

CHAPTER II

The Commonwealth at the 41st Session of the Human Rights Council

a. An Overview of the 41st Session of the Human Rights Council

The 41st Regular Session of the HRC was held at the *Palais des Nations* of the United Nations in Geneva from 24 June to 12 July 2019. The Session addressed and passed resolutions on a wide range of human rights issues concerning climate change, migrants, women's rights, youth, education and the new and emerging digital technologies among several others. The Council passed 26 resolutions, comprising of 20 thematic and six country situation resolutions. The Member States adopted 16 resolutions by consensus. The following table covers all resolutions along with short descriptions:

Table 2.1

Resolution No.	Title of the Resolution	Description
41/1	Situation of human rights in Eritrea	The Council decided to extend the mandate of the Special Rapporteur on the situation of human rights in Eritrea for a period of one year to continue to assess and report on the situation and called on the Government of Eritrea to cooperate fully with the Special Rapporteur, including by granting full access to the country.
41/2	Promotion and protection of human rights in the Philippines	The Council, while expressing concern over the many allegations of human rights violations in the Philippines, urged the Government to take all necessary measures to prevent extrajudicial killings and enforced disappearances, to carry out impartial investigations and to hold perpetrators to account in accordance with international standards. It called upon the Government to cooperate with the OHCHR and HRC mechanisms by facilitating country visits and refraining from all acts of intimidation.
41/3	Enhancement of international cooperation in the field of human rights	The Council reaffirmed the primary responsibility of States to promote, protect and respect human rights and fundamental freedoms through international cooperation, in addition to principles of human dignity, equality and equity. It urged States to take measures to enhance bilateral, regional and international cooperation to address global crises related to finance, food and climate change. It invited States and relevant UN mechanisms to continue to pay attention to the importance of mutual cooperation, understanding and dialogue to ensure the promotion and protection of all human rights.
41/4	Promotion of the right to peace	The Council stressed that States should respect, implement and promote equality and non-discrimination, justice and the rule of law, and guarantee freedom from fear. It encouraged all Member States, specialised agencies, civil society and stakeholders to promote the right to peace. It also stated that peace is not the absence of conflict, but a positive, participatory process where dialogue is encouraged and conflicts are resolved in a spirit of mutual understanding and cooperation.
41/5	Human rights and international solidarity	The Council recognised international solidarity as a powerful tool in addressing structural causes of poverty, inequality and other global challenges. It stated that promoting international cooperation is the duty of States and should be implemented on the basis of mutual respect, and that international solidarity shall be a new foundational principle underpinning contemporary international law. It also requested States, UN agencies, relevant NGOs and international organisations to cooperate with the Independent Expert in his work.

41/6	Elimination of all forms of discrimination against women and girls	The Council called upon States to ratify or accede to the CEDAW and its Optional Protocol, to limit the extent of any reservations on their provisions, and to implement legal frameworks in addressing issues of gender equality and discrimination against women. It urged States to ensure, protect, respect and fulfil women and girls' economic, social, cultural, civil and political rights by removing barriers to equal and meaningful participation in all fields, among other things.
41/7	The human rights of migrants	The Council expressed deep concern at the increasing xenophobia, discrimination and hostility against migrants and disproportionate sanctions for irregular migration across the world. It reaffirmed the duty of States to promote and protect human rights of all without any discrimination. It also requested the Special Rapporteur on the human rights of migrants to continue to report on solutions by identifying best practices and concrete means of international cooperation, and encouraged States and international organisations to enhance cooperation with the mandate holder.
41/8	Consequences of child, early and forced marriage	The Council urged States to enact, enforce, harmonise and uphold laws and policies in preventing, responding to and eliminating child, early and forced marriage. It also called upon States to promote, protect and fulfil the rights of women and girls, including preventing child and early or forced marriage and ensuring access to education and reproductive health-care. It encouraged States to improve the collection and use of quantitative, qualitative and comparable disaggregated data to enhance evidence-based research and include the information on such progress in their national reports for HRC mechanisms.
41/9	The negative impact of corruption on the enjoyment of human rights	The Council recognised the negative impact of widespread corruption on the enjoyment of human rights and underlined the necessity to step up cooperation and coordination among different stakeholders to fight corruption in all its forms. It urged States to ratify or accede to the UN Convention against Corruption and called upon States parties to the Convention to ensure its effective implementation, while stressing that preventive measures are the most effective means of countering corruption and its impact on human rights.
41/10	Access to medicines and vaccines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	The Council, recognising that access to medicines and vaccines is a fundamental element for the full realisation of the right of every person to the enjoyment of the highest standard of physical and mental health, called upon States to promote access to safe, effective, quality and affordable essential medicines for all. It urged States to take steps to implement policies to promote access to comprehensive and cost-effective prevention, treatment and care for the integrated management of non-communicable diseases. It urged States, UN agencies, and intergovernmental organisations to promote innovative research to address health needs in developing countries.
41/11	New and emerging digital technologies and human rights	The Council, recognising the potential of digital technologies to promote and protect human rights and fundamental freedoms and to accelerate human progress, requested to the Advisory Committee to prepare a report on impacts, opportunities and challenges of new, emerging digital technologies regarding promotion and protection of human rights. It decided to convene a panel discussion on this theme at 44th HRC Session.
41/12	The rights to freedom of peaceful assembly and of association	The Council reiterated the importance of the rights to freedom of peaceful assembly and association as essential for the enjoyment of other basic rights and freedoms and renewed the mandate of the Special Rapporteur for a period of three years. It called upon States to continue to cooperate and assist him in the exercise of his mandate by responding promptly to visit requests and giving due consideration to his recommendations.

41/13	Youth and human rights	The Council, recognising difficulties faced by young people in the exercise of their rights, urged Member States to promote equal opportunities, to address structural difficulties and to ensure the full realisation of human rights and fundamental freedoms. It stressed the importance of equal opportunities, education and vocational training for the youth, recognising that the participation of youth in political processes is comparatively low. It also encouraged States to conduct coherent policies through inclusive and participatory consultations with youth.
41/14	Equal pay	The Council expressed deep concern about the persistence of pay inequality throughout the world which stands as an impediment to gender equality and economic empowerment of women and girls. It urged States to enforce laws and regulations, to eliminate gender disparities in the field of education, to remove any barriers in order to reach equal pay for work of equal value, and to promote innovative measures for the same.
41/15	Mandate of the Special Rapporteur on the human rights of internally displaced persons (IDPs)	The Council voted in favour of extending the mandate of the Special Rapporteur on the human rights of the IDPs for a period of three years. It expressed concern over the problem of protracted internal displacement, the full range of threats and abuses experienced by the IDPs and the need to integrate their rights and needs in local and national development strategies. It called upon States to develop and implement durable solutions, including domestic legislations and policies in realising human rights of displaced persons, taking into account the specific needs of older persons and persons with disabilities.
41/16	The right to education: follow-up to Human Rights Council resolution 8/4	The Council urged States to provide the full effect of the right to education and to take all necessary measures in ensuring accessible, inclusive, equitable, quality education for all. It called upon States to accelerate efforts in eliminating gender-based discrimination and all forms of violence, including school-related sexual and gender violence and bullying. It urged States to monitor and regulate education providers, hold to account those whose practices of commercialisation of education have a negative impact on the enjoyment of the right, and put a regulatory framework for them.
41/17	Accelerating efforts to eliminate all forms of violence against women and girls: preventing and responding to violence against women and girls in the world of work	The Council expressed serious concern over persistence and pervasive forms of violence against women and girls, especially at workplace. It called upon States to take immediate and effective action to prevent such violence, including domestic violence. It stressed on the need to address intersecting forms of discrimination to eliminate negative stereotypes and social norms. It called upon States to take effective, immediate and sustained action in responding to these forms of violence and in supporting victims and survivors by ensuring effective investigations and holding perpetrators to account.
41/18	Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity	The Council decided to extend the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity for a period of three years. It called upon all Governments to cooperate with and assist the Independent Expert by supplying all necessary information as requested and by allowing country visits for effective exercise of the mandate.
41/19	The contribution of development to the enjoyment of all human rights	The Council, affirming the essential role of international cooperation for sustainable development, called upon all States to promote sustainable development to facilitate the enjoyment of human rights, including achieving gender equality and realising people-centred development. It also called upon States and the UN system to mobilise resources for ensuring cooperation and assistance for sustainable development. It requested the OHCHR to organise an inter-sessional seminar and prepare a summary report for its 47th Session.

41/20	Impact of arms transfers on human rights	The Council expressed serious concerns about the diversion of arms and unregulated or illicit arms transfers by States and non-State actors, thereby undermining human rights of all, especially vulnerable populations. It urged all States to refrain from transferring arms, when they assess on national and international standards, that there is a risk of the arms being used in the commission or facilitation of serious human rights violations.
41/21	Human rights and climate change	The Council expressed concern over the contribution of climate change on the frequency and intensity of natural disasters affecting the full enjoyment of human rights. It called upon the States to consider human rights within the framework of the UNFCCC and to adopt a comprehensive, integrated, gender-responsive and disability-inclusive approach to mitigation policies to effectively address the impact of climate change. It invited the Special Procedure mandate holders to contribute to the panel discussion.
41/22	Situation of human rights in Belarus	The Council expressed continued concern at the human rights situation in Belarus, especially at undue restrictions on fundamental freedoms, allegations of torture and ill-treatment, and harassment of human rights defenders. It expressed disappointment at the lack of response by the Government and urged them to take all measures to ensure an independent, impartial judicial body to guarantee the right of a fair trial to political prisoners and social activists, and to review their legislations and policies. It extended the mandate of the Special Rapporteur for one year and urged the Government to cooperate by allowing access to visit the country.
41/23	The human rights situation in the Syrian Arab Republic	The Council condemned the severe violations human rights in the Syrian Arab Republic and urged all parties to the conflict to comply with obligations under international human rights and humanitarian laws, including indiscriminate use of banned and heavy weapons in civilian areas and use of starvation as a means of warfare. It expressed concern at the findings of COI, particularly on the issue of sexual and gender-based violence, and urged all parties to take heed of the recommendations of the COI in ensuring and facilitating the right of return of the detainees. It expressed profound concern on the finding of toxic chemical being used as a weapon in Duma in April 2018. It demanded that the Syrian authorities cooperate with the HRC and the COI by granting immediate, full and unfettered access to the territory and reaffirmed that there can only be a political solution to the conflict.
41/24	The Social Forum	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.
41/25	Cooperation with and assistance to Ukraine in the field of human rights	The Council acknowledged the importance of the OHCHR reports based on the findings of the monitoring mission in Ukraine and the need for continued reporting on the serious human rights issues and their root causes. It invited the UN High Commissioner to continue to present orally the findings of these reports as a part of interactive dialogues until the 47th Session of the HRC.

41/26	<i>Renouvellement du mandat de l'Équipe d'experts internationaux sur la situation au Kasai</i> (Renewal of the mandate of the team of international experts on the situation in Kasai)	The Council expressed concerns about the humanitarian situation in the Kasai region and called upon the Government of the DRC to continue to implement in full the recommendations of the international experts. It also renewed the mandate of the group of independent experts and requested them for a final report at the 45th HRC Session. It encouraged the Government to continue its efforts to give effect to its commitment in promoting justice and reconciliation in Kasai, especially in areas of investigation and prosecution, elimination of violence against women, reconciliation between communities and the disarmament and demobilisation of militias.
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b. The Commonwealth at the 41st Session of the Human Rights Council

During the 41st Session of the HRC, 11 Commonwealth countries participated as members of the Council. These countries were Australia, the Bahamas, Bangladesh, Cameroon, Fiji, India, Nigeria, Pakistan, Rwanda, South Africa, and the UK.¹

c. Voting Patterns of the Commonwealth Member States on Resolutions

i. Thematic Resolutions

Voting Key:

Favour: ✓

Against: ✕

Consensus: •

Abstention: –

Table 2.2

TEXT	RESOLUTIONS	AUS	BAH	BAN	CAM	FIJI	IND	NIG	PAK	RWA	SA	UK
41/3	Enhancement of international cooperation in the field of human rights	✕	✓	✓	✓	✓	✓	✓	✓	✓	✓	✕
41/4	Promotion of the right to peace	✕	✓	✓	✓	✓	✓	✓	✓	✓	✓	✕
41/5	Human rights and international solidarity	✕	✓	✓	✓	✓	✓	✓	✓	✓	✓	✕
41/6	Elimination of all forms of discrimination against women and girls	•	•	•	•	•	•	•	•	•	•	•
41/7	The human rights of migrants	•	•	•	•	•	•	•	•	•	•	•
41/8	Consequences of child, early and forced marriage	•	•	•	•	•	•	•	•	•	•	•
41/9	The negative impact of corruption on the enjoyment of human rights	•	•	•	•	•	•	•	•	•	•	•
41/10	Access to medicines and vaccines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	•	•	•	•	•	•	•	•	•	•	•
41/11	New and emerging digital technologies and human rights	•	•	•	•	•	•	•	•	•	•	•

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

41/12	The rights to freedom of peaceful assembly and of association	•	•	•	•	•	•	•	•	•	•	•
41/13	Youth and human rights	•	•	•	•	•	•	•	•	•	•	•
41/14	Equal pay	•	•	•	•	•	•	•	•	•	•	•
41/15	Mandate of the Special Rapporteur on the human rights of internally displaced persons	•	•	•	•	•	•	•	•	•	•	•
41/16	The right to education: follow-up to Human Rights Council Resolution 8/4	•	•	•	•	•	•	•	•	•	•	•
41/17	Accelerating efforts to eliminate violence against women and girls: preventing and responding to violence against women and girls in the world of work	•	•	•	•	•	•	•	•	•	•	•
41/18	Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity	✓	✓	✗		✓	-	✗	✗	✓	✓	✓
41/19	The contribution of development to the enjoyment of all human rights	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗
41/20	Impact of arms transfers on human rights	•	•	•	•	•	•	•	•	•	•	•
41/21	Human rights and climate change	•	•	•	•	•	•	•	•	•	•	•
41/24	The Social Forum	•	•	•	•	•	•	•	•	•	•	•

ii. Country-situation Resolutions

Voting Key:

Favour: ✓

Against: ✗

Consensus: •

Abstention: –

Table 2.3

TEXT	RESOLUTIONS	AUS	BAH	BAN	CAM	FIJI	IND	NIG	PAK	RWA	SA	UK
41/1	Situation of human rights in Eritrea	✓	✓	-	✗	✓	✗	-	✗	-	-	✓
41/2	Promotion and protection of human rights in the Philippines	✓	✓	-	✗	✓	✗	-	-	-	-	✓
41/22	Situation of human rights in Belarus	✓	-	-	-	✓	✗	-	-	-	-	✓
41/23	The human rights situation in the Syrian Arab Republic	✓	✓	-	-	✓	-	-	-	✓	-	✓
41/25	Cooperation with and assistance to Ukraine in the field of human rights	✓	✓	-	✗	✓	-	-	-	✓	-	✓

41/26	<i>Renouvellement du mandat de l'Équipe d'experts internationaux sur la situation au Kasai</i> (Renewal of the mandate of the team of international experts on the situation in Kasai)	•	•	•	•	•	•	•	•	•	•	•
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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.	Issued Standing invitation to Special Procedures	✓	✓	✗	✓	✓	✓	✓	✗	✓	✓	✓
4.	Treaty Ratification (nine major treaties and their optional protocols)	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
5.	Treaty reporting (outstanding report exceeding 5 years)	0	3	1	0	0	2	6	1	0	1	0
6.	Pending visit requests and reminders from Special Procedures	2	1	20	7	11	21	11	17	8	21	3

i. Compliance with Reporting Obligations to Treaty Bodies

When a country ratifies a treaty, in addition to the obligation to implement substantive provisions of the treaty, it also has an obligation to submit periodic reports to the relevant treaty body / committee established by the treaty on the measures taken to implement the rights outlined in it. Almost all Commonwealth Member States, in their voluntary pledges, have committed to comply with their treaty body reporting obligations under the major human rights treaties. However, not all of these obligations have been fulfilled.

Among the Commonwealth countries from the 'Western European and Others Group' (WEOG), the UK and Australia have submitted all their reports to date, although there has been a slight delay in submitting some of these reports. The Commonwealth countries from 'Asia and the Pacific' Group — Bangladesh, Fiji, India and Pakistan — have some long pending reports under the major treaties. Particularly, Bangladesh, India and Fiji have a report pending with the CERD since 2002, 2010 and 2016 respectively. India also has a report pending under the CESCRC since 2011, while Fiji has two reports pending with the CAT since 2017 and CRPD since 2019. Pakistan has only one report pending with the CRPD since 2013.

Among the Commonwealth countries from the African Group, Cameroon has reports pending with CEDAW since 2018 and CRC-OP-AC since 2015; while Nigeria has eight reports pending with the CAT (since 2002), CERD (since 2008), CESCRC (since 2000), CMW (since 2018), CRC (since 2016), CRC-OP-AC (since 2014), CRC-OP-SC (since 2012) and CRPD (since 2012). Rwanda has two reports pending: under the CCPR since 2019 and the CESCRC since 2018; South Africa has only one report pending with the CRC-OP-AC since 2011. The sole Commonwealth country from the 'Latin American and Caribbean Group' (GRULAC), the Bahamas, is also the first HRC member of the Caribbean Community (CARICOM), has six reports pending: CAT since 2019, CRC-OP-AC and CRPD since 2017, CESCRC since 2011, CCPR since 2010, and the CRC since 2008.

ii. Engagement with Special Procedures

The Special Procedures mechanism of the HRC consists of independent human rights experts or groups of experts with mandates to report and advise on human rights issues concerning a particular theme or country situation. Special Procedures include Special Rapporteurs, Independent Experts and Working Groups, who are mandated to look into various human rights issues. The voluntary pledges of almost all Commonwealth Member States include commitments to support and improve engagement with the Special Procedures. However, records show that most of these States do not satisfactorily engage with this mechanism. Bangladesh, India, and South Africa have the highest — 20 to 21 — visit requests pending from Special Procedures. Pakistan has 17 requests pending. Moreover, Pakistan and Bangladesh are the only current Commonwealth Member States of the HRC who have not extended standing invitations to thematic Special Procedures.

In the African Group, Cameroon and Rwanda have a comparatively better record with seven and eight pending requests and reminders respectively. Nigeria has 11 pending requests. Likewise, Fiji has 11 pending requests and reminders. The engagement of Australia, the Bahamas and the UK with Special Procedures has been relatively positive. The UK has three pending requests from the Special Rapporteurs on torture, on food, and on mercenaries; Australia had two visit requests, one from the Special Rapporteur on torture, and another from the Working Group on arbitrary detention, postponed /cancelled twice; they remain pending. The Bahamas has only one pending request from the Working Group on arbitrary detention.

iii. Treaty Ratification

In this report, we also look into the ratification and compliance with the substantive provisions of nine major human rights treaties and their optional protocols by the Commonwealth countries who are members of the HRC. 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 nine out of 11 States have not ratified the Convention for the Protection of All Persons from Enforced Disappearance (CED); only Nigeria² and Fiji³ have ratified the Convention. Similarly, seven Commonwealth countries out of 11 have not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), including Australia, the UK and South Africa.

Nigeria and Rwanda have shown a relatively better ratification status. Nigeria has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to abolish the death penalty (CCPR-OP2-DP), while Rwanda has not ratified the CED. Moreover, while Bangladesh has not ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT-OP), the CCPR-OP2-DP and the CED, India has not ratified the CAT, the CAT-OP, the CCPR-OP2-DP, the CED, and the CMW. The Bahamas and Pakistan have not ratified the CAT-OP, the CCPR-OP2-DP, the CMW and the CED. Cameroon has not ratified the CAT-OP, the CCPR-OP2-DP, the CED, the CMW, the Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography (CRC-OP-SC) and the CRPD. Fiji recently ratified the CED and CMW in August 2019, but has not yet ratified the CCPR-OP2-DP and CAT-OP.

iv. Thematic Resolutions

There were 20 thematic resolutions adopted during the 41st Session of the HRC. As an overall trend, the Commonwealth Member States, along with the other HRC members, adopted 15 of these resolutions with consensus, while five resolutions were adopted by vote. The resolutions adopted by vote include *Enhancement of international cooperation*

2 Office of the High Commissioner for Human Rights, Treaty Bodies, Reporting status of 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, Treaty Bodies, Reporting status of Fiji. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=60&Lang=EN.

in the field of human rights,⁴ Promotion of the right to peace,⁵ Human rights and international solidarity,⁶ Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity⁷ and The contribution of development to the enjoyment of all human rights.⁸ Although there was no unanimity of voting pattern among all the Commonwealth Member States, Australia and UK of the WEOG followed an identical voting pattern on thematic resolutions: while they voted in favour of the resolution regarding the Independent Expert's mandate on protection against violence and discrimination based on sexual orientation and gender identity, they voted against for the others four thematic resolutions.

The Member States from the African and Asia and the Pacific Groups voted in favour of all thematic resolutions, except Resolution 41/18 concerning the *Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*,⁹ where Bangladesh, Nigeria and Pakistan voted against it, and India abstained from voting on it. Uncharacteristically, Cameroon's vote on this resolution remained unregistered.

v. Country Situation Resolutions

The Commonwealth Member States scrutinised in this study adopted only one country situation resolution on the *Renewal of the mandate of the team of international experts on the situation in Kasai*¹⁰ by consensus. The WEOG countries, Australia and the UK, displayed an identical voting pattern even in relation to the country situation resolutions: they voted in favour on all of five resolutions that were adopted by vote. Similarly, Fiji voted in favour on all of five resolutions, while the Bahamas while voted in favour of four country resolutions and abstained from voting on the resolution on the *Situation of human rights in Belarus*.¹¹ Bangladesh, Nigeria and South Africa abstained from voting on all of five country situation resolutions adopted by vote. India and Cameroon voted against three and abstained from voting on two country situation resolutions.

e. Major Challenges

i. Pledges

Eight out of the 11 Commonwealth Member States, namely, Australia, The Bahamas, Bangladesh, Fiji, India, Pakistan, South Africa and the UK submitted a new pledge after being elected to the HRC enumerating their human rights promises and commitments. Rwanda has not submitted a pledge at all for its election to the HRC. Nigeria last submitted its pledge in 2006. However, a challenging aspect with respect to most of these pledges is that they are often vague and ambiguously worded. This makes it difficult to assess measurable outcomes or hold countries accountable to any objective commitments made by them. While it is voluntary in nature, the pledge is an important consideration for being elected to the HRC, as it essentially outlines the human rights priorities of the contesting States. The UN General Assembly Resolution 60/251, which established the HRC, states that human rights pledges made by countries should be an important consideration while electing the members of the HRC.¹² The importance of the pledges lies in the fact that members without formal pledges and commitments can avoid any objective scrutiny from national and international stakeholders.

4 Resolution 41/3 Enhancement of international cooperation in the field of human rights (2019).

5 Resolution 41/4 Promotion of the right to peace (2019).

6 Resolution 41/5 Human rights and international solidarity (2019).

7 Resolution 41/18 Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2019).

8 Resolution 41/19 The contribution of development to the enjoyment of all human rights (2019).

9 Resolution 41/18 Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2019).

10 Resolution 41/26 Renewal of the mandate of the team of international experts on the situation in Kasai (2019).

11 Resolution 41/22 Situation of human rights in Belarus (2019).

12 United Nations General Assembly, Resolution adopted by the General Assembly 60/251, Human Rights Council (2006). Available at: https://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf.

ii. Uncontested “Clean Slate” Elections

It is a given that the performance of the Council is directly influenced by its composition. Countries have been divided into five regional groups to ensure proportionality and equality of representation. The system of elections was introduced, among other things, as a competitive incentive for States to improve their commitment to human rights. However, there has been a worrying trend of regional groups running clean-slate elections – with the number of countries contesting the election being equal to the number of seats available. The HRC election in 2018 was a clean-slate election for all the five regional groups.¹³ From the current membership, the only Commonwealth Member State that was elected to the Council through a contested, non-clean slate election is Pakistan.

In the first decade of the Council, the elections in Asia and the Pacific Group were uncontested six out of 10 times; African Group elections were uncontested eight out of 10 times; and the WEOG elections were uncontested six out of 10 times. Competitive elections are critical to promote robust dialogue, geographical representation, diversity, and accountability of the States before the world community. The practice of clean-slate elections undermines the Council’s credibility, for, among other issues, it also prevents States from submitting pledges on their sincere human rights commitments.

iii. Lack of Follow-up and Implementation

There is a perceptible culture of failure on the part of Member States to truly, in their essence, honour the resolutions that they support during the Council sessions. It is therefore essential that the Council ensures that the Member States follow up with their commitments and adhere to the objectives and purposes prescribed in the resolutions. This is imperative, especially, to foster and sustain the universality of human rights amongst all sovereign Member States.

During the term of a Member State on the HRC, there should be increased scrutiny on its adherence to these resolutions by other members. This would guarantee compliance with their membership obligations and ensure accountability for their actions and inactions in the human rights arena. This concept of monitoring implementation needs to be held at the highest standards in the Council. Such scrutiny could be applied through an annual report by the High Commissioner that focuses on cooperation by the Council Members with resolutions and other UN mechanisms. It is only when the functioning of the Council is implementation and monitoring-focused, there can be some sense of accountability of States for the human rights situations and concerns in their respective territories.

Another observation is that the resolutions should be action-oriented; they should identify reforms, and 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.

¹³ United Nations General Assembly, Elections of the Human Rights Council, 12 October 2018. Available at: <https://www.un.org/en/ga/73/meetings/elections/hrc.shtml>.

CHAPTER III

Country Profiles

AUSTRALIA

I. Introduction

Australia was elected to serve its first ever term at the HRC, after the conclusion of a clean slate election, in 2017.¹⁴ Its current term ends in 2020.¹⁵

II. Voluntary Pledges and Commitments

In its voluntary pledge, Australia committed itself to fundamental human rights and freedoms.¹⁶ It positioned itself as a “pragmatic and principled” candidate and a voice for the Pacific. Australia’s campaign was based on “five pillars”,¹⁷ 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 41st Session of the HRC

Australia was an active participant at the 41st Session of the Council. The following is a selected representation of Australia’s participation in the interactive dialogues, general debates and panel discussions during the Session:

14 United Nations General Assembly, Elections of the Human Rights Council, 16 October 2017. Available at: <https://www.un.org/en/ga/72/meetings/elections/hrc.shtml>.

15 Office of the High Commissioner for Human Rights, Current Membership of the Human Rights Council (2019). Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/MembersByGroup.aspx>.

16 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: <https://undocs.org/en/A/72/212>.

17 Government of Australia, Department of Foreign Affairs and Trade, Pillars and Priorities. Available at: <http://bit.ly/2LKZ5IK>.

S. No.	Interactive Dialogue	Australia's Interventions
1.	Clustered interactive dialogue with the Independent Expert on sexual orientation and gender identity and the Special Rapporteur on the independence of judges and lawyers	<ul style="list-style-type: none"> • Reiterated that all individuals are entitled to respect, dignity and opportunity to participate in society and receive the protection of the law regardless of their sexual orientation or gender identity. • Commended the report of the Independent Expert and for recognising the role of the civil society, HRDs, and NHRIs in providing an evidence base for formulating public policy on the issue. • Emphasised the importance of collaborative approach to increase awareness on collecting and using data on sexual orientation and gender identity to challenge preconceptions and ensure effective protection. • Noted the recommendation on the role of the civil society and NHRIs to facilitate data collection. • Welcomed the focus of the Special Rapporteur on the independence of judges and lawyers on the exercise of the rights to freedom of expression, association and peaceful assembly by judges and prosecutors, both offline and online. • Requested the Special Rapporteur to share best practice examples of social media guidelines that ensure judges and prosecutors' rights are protected while balancing their duties and responsibilities as public servants.¹⁸
2.	Clustered interactive dialogue with the Special Rapporteur on the right to health and the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members	<ul style="list-style-type: none"> • Recognised the importance of the psychosocial, political, economic and physical environments in building and sustaining mental health and well-being. • Expressed its commitment to address broad determinants of mental disorders and other mental health conditions. • Informed that mental health and suicide prevention are a priority under the Fifth National Plan and other measures undertaken to address the issue. • Requested the Special Rapporteur on the right to health to elaborate challenges faced by older persons to their mental health and suggest innovative programmes to promote and protect their rights.¹⁹
3.	Clustered interactive dialogue with the Special Rapporteur on the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association	<ul style="list-style-type: none"> • Noted the changing interplay between surveillance and human rights in the light of technological developments is becoming increasingly complex and has changed the manner in which surveillance is conducted. • Raised concern that data collection and storage can pose risks to freedom of expression and privacy and that no one must be subject to arbitrary or unlawful interference with their privacy. • Committed to maintaining a comprehensive framework for the protection of individuals' personal information through safeguards and strict oversight mechanisms.²⁰

18 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-national-statement-ie-sogi-and-sr-judges-and-lawyers.pdf>.

19 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-australian-statement-sr-on-health-mental-health.pdf>.

20 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-australian-statement-cid-with-sr-on-foe-and-sr-on-peaceful-assembly-and-association.pdf>.

4.	Clustered interactive dialogue with the Special Rapporteur on summary executions and the Special Rapporteur on the right to education	<ul style="list-style-type: none"> • Remained concerned about the increasing allegations of extrajudicial killings around the world underlining the vital role of the mandate of the Special Rapporteur. • Urged Saudi Arabia to cooperate with all efforts to determine facts and secure justice for the murder of Jamal Khashoggi under suspicious circumstances. • Affirmed that the Special Rapporteur's report is valuable for transparency and accountability and that it raised serious questions about Mr. Khashoggi's death. • Noted the Special Rapporteur's recommendation to have a Council supported Special Procedures Task-Force to support and ensure investigations and requested more detail on possible terms of reference for it.²¹
5.	Clustered interactive dialogue with the Working Group on discrimination against women and the Working Group on business and human rights	<ul style="list-style-type: none"> • Endorsed the key message in the report of the Working Group on Business and Human Rights that human rights should be at the heart of the corporate sector contributions to the 2030 Agenda and the SDGs. • Focused on its Aid for Trade programme and its partnership with the ILO to deliver SDG 8 and improving workplace standards for 2.2 million workers. • Noted the reference to its Modern Slavery Act (2018) that aims to improve transparency to combat modern slavery in domestic and global supply chains and agreed to produce a report on such risks in Commonwealth investment and procurement. • Noted the findings of the report of the Working Group on the elimination of Discrimination against Women on the gendered nature of women's deprivation of liberty and that such inequality perpetuates domestic violence. • Highlighted the measures taken to 'upskill' General Practitioners and other frontline service providers to help recognise and respond to and refer victims of domestic violence.²²
6.	Clustered interactive dialogue with the Special Rapporteur on violence against women and the Special Rapporteur on trafficking in persons, especially women and children	<ul style="list-style-type: none"> • Emphasised the importance of implementing long-term measures that re-enable the economic, social, cultural and political participation and inclusion of survivors. • Elaborated its efforts to combat human trafficking and modern slavery such as the Bali Process Government and Business Forum, co-chaired by Australia and Indonesia, which has adopted recommendations on how governments and businesses can contribute to the eradication of trafficking and to victim redressal. • Highlighted its commitment to the Women, Peace and Security (WPS) agenda and the second WPS national action plan to be launched later in 2019. • Requested the Special Rapporteur to provide insight into how States can collaborate with UN mechanisms to eradicate violence against women.²³

21 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-australian-statement-clustered-id-with-sr-extrajudicial-killings.pdf>.

22 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-australian-statement-id-wg-business-and-human-rights-and-daw.pdf>.

23 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-australian-statement-id-sr-trafficking-sr-vaw.pdf>.

7.	Interactive dialogue with the Special Rapporteur on Belarus	<ul style="list-style-type: none"> • Welcomed Belarus' engagement with the human rights system, but expressed disappointment over its non-engagement with the Special Rapporteur. • Noted that the human rights situation in Belarus is yet to substantially improve, and urged the Government of Belarus to address the prevalent human rights concerns. • Supported the Special Rapporteur's repeated recommendation on establishing a moratorium on executions as a step towards abolishing death penalty.²⁴
8.	Interactive dialogue with the Special Rapporteur on Eritrea	<ul style="list-style-type: none"> • Expressed concerns about restrictions on freedom of religion and belief and reports of torture and prolonged arbitrary detention in Eritrea. • Urged the Government to respect the freedom of religion and belief of all and to uphold international human rights conventions including the CAT. • Noted the absence of a comprehensive legal framework to address gender-based violence in Eritrea. • Welcomed the peace agreement between Eritrea and Ethiopia, and called for genuine dialogue, international cooperation and improved governmental transparency and accountability in Eritrea.²⁵
9.	Interactive Dialogue with the Commission of Inquiry on the Syrian Arab Republic	<ul style="list-style-type: none"> • Unequivocally condemned all human rights abuses and violations of international humanitarian law in Syria. • Expressed grave concern over the escalation of violence in North-Western Syria, with reported deaths of 230 civilians and unlawful damage to civilian infrastructure, and reports of arbitrary arrests, detentions and killings in areas under regime control. • Condemned the Hayat Tahrir al-Sham's indiscriminate attacks on regime-held territory and stated that counter-terrorism objectives do not absolve States of obligations under international law. • Supported the UN SG's call to stabilise the situation in Idlib without delay and adhere to 2017 and 2018 agreements on establishing the Idlib demilitarised zone. • Called on all parties to allow safe, unhindered and sustained humanitarian access based on greatest need. • Noted that accountability for violations of international law remains critical, and that civilians and civilian infrastructure must be protected.²⁶

24 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-statement-id-sr-human-rights-belarus.pdf>.

25 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-statement-id-sr-human-rights-eritrea.pdf>.

26 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-id-commission-inquiry-syrian-arab-republic.pdf>.

10.	Interactive dialogue with the Commission of Inquiry on Burundi	<ul style="list-style-type: none"> • Regretted Burundi's lack of cooperation with the COI and international mechanisms seeking to investigate human rights violations and encouraged the Government of Burundi to accept the COI's visit requests ahead of preparing its final report. • Urged the Government of Burundi to reconsider its closure of the UN Human Rights Country Office in the country and to ensure that its security forces respect international human rights law. • Expressed deep concern over the reports of arbitrary detention, political intimidation, and restrictions on media freedom, under a climate of impunity in Burundi. • Condemned all actions attempting to interfere with and undermine free and fair elections scheduled for 2020.²⁷
11.	Interactive dialogue with the Special Rapporteur on Myanmar (Oral update)	<ul style="list-style-type: none"> • Noted with concern the findings of the Special Rapporteur's report and urged Myanmar to cooperate with her to fulfil her mandate. • Remained concerned by the ongoing violence in Rakhine as a major challenge to the peace process and called on all sides to cease hostilities and protect civilians. • Noted that the degradation of the security environment has proved to be a major obstacle in finding a durable solution to the Rohingya crisis. • Urged Myanmar to work with humanitarian agencies to enable humanitarian access for those in need in Rakhine, Kachin and Shan states. • Welcomed the recent pardon of two journalists, but noted that many other journalists and activists face criminal charges for their legitimate work. • Encouraged the Myanmar Government to ensure that their legislative framework allows for engagement in the public sphere, while recognising the difficulties faced by the Government of Myanmar and supported its efforts towards national peace and reconciliation.²⁸
12.	Enhanced interactive dialogue on the Bolivarian Republic of Venezuela	<ul style="list-style-type: none"> • Deeply troubled by the human rights situation in Venezuela arising from a serious political, economic and humanitarian crisis resulting in spiralling poverty, increasing crime and displacement, and thereby, increased risk of exploitation and abuse. • Concerned that trafficking in persons, forced prostitution, criminality and domestic servitude are on a rise, and that women and children are more vulnerable. • Stated that such displacement of people puts a strain on neighbouring countries, destabilising the region, while commending Colombia, Peru and Ecuador's extraordinary response in hosting the displaced people. • Urged the regime to end the economic and humanitarian calamity over which it has presided and to take immediate steps to ensure transition to democracy through free and fair elections. • Called for an end to the increasingly violent crackdown on political dissent and opposition and intimidation the democratically elected National Assembly.²⁹

27 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-id-commission-inquiry-burundi.pdf>.

28 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-national-statement-id-with-sr-myanmar.pdf>.

29 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-national-statement-enhanced-id-venezuela.pdf>.

13.	Enhanced Interactive dialogue on the Sudan	<ul style="list-style-type: none"> Noted that the agreement reached between the Transitional Military Council (TMC) and the Forces for Freedom and Change, providing for democratic elections to be held in approximately three years, is a crucial step towards reinstating civil rule in Sudan. Encouraged the interim authorities to prioritise peace and stability and to avoid any return to violence. Condemned the use of excessive, brutal force by the Sudanese security forces on 3 June 2019, including attacks on hospitals and sexual violence, to disperse and intimidate protestors. Supported mechanisms outlined in the agreement to investigate the transgressions of the Sudanese security forces and called upon the TMC to grant access to the country to the OHCHR to accelerate efforts for establishing a country office.³⁰
14.	Enhanced interactive dialogue on the Democratic Republic of the Congo (DRC)	<ul style="list-style-type: none"> Commended the DRC for pardoning many political prisoners and urged the Government to consider further releases and ensure that others are not detained or prosecuted for exercising their human rights. Expressed concern over the prevalence of sexual and gender-based violence, including against internally displaced populations as a result of ongoing conflict in the east of the country. Called on the DRC to urgently institute security sector reforms to address the increasing number of abuses perpetrated by militia groups and State actors.³¹
15.	Interactive dialogue with the High Commissioner on Ukraine	<ul style="list-style-type: none"> Noted that as of 15 May 2019, the average monthly civilian casualties in 2019 were 50 per cent lower than in 2018 and were among the lowest for the entire conflict in Ukraine. Expressed concern over the OHCHR's observations on the negative impact of the conflict on people along both sides of the contact line, and throughout Ukraine. Called for all parties to comply with the Minsk II Agreement as the only basis for resolving the crisis. Reiterated its support for Ukraine's sovereignty and territorial integrity and its concern on the ongoing human rights abuses in Crimea and Eastern Ukraine. Called on the Russian Federation to use its influence to facilitate immediate and unimpeded access to Crimea and Eastern Ukraine to enable reporting on human rights situation in the region.³²
16.	Interactive dialogue with the Independent Expert on the situation of human rights in Central African Republic (CAR)	<ul style="list-style-type: none"> Acknowledged efforts made by the Government of the CAR and other signatories to implement the Political Agreement on Peace and Reconciliation and establish an inclusive government. Concerned at the violence across CAR, and urged the Government to put in place accountability measures to address human rights violations and to ensure that institutions comply with international human rights law. Encouraged the Government to support local peace committees and to strengthen the roles of women and youth in facilitating peace and conflict resolution.³³

30 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-national-statement-enhanced-interactive-dialogue-on-sudan.pdf>.

31 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <http://bit.ly/2RNdIJK>.

32 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-statement-interactive-dialogue-regular-periodic-update-ukraine.pdf>.

33 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-australian-statement-item-10-interactive-dialogue-on-the-central-african-republic.pdf>.

17.	Interactive dialogue with the High Commissioner on the situation of human rights of Rohingya Muslims and other minorities in Myanmar	<ul style="list-style-type: none"> • Deeply concerned about the lack of progress towards upholding the human rights of Rohingya in Rakhine. • Called on the Arakan Army and Myanmar military to cease hostilities, exercise restraint, respect international law and uphold commitments to dialogue for peace. • Stated that a sustainable solution necessitated Myanmar to create conditions conducive for safe, dignified and voluntary return of the Rohingyas, including tackling all discriminatory policies. • Recognised the complex nature of the issue and committed to working with Myanmar, Bangladesh and other partners towards a durable solution to the Rohingya crisis and welcomed the ASEAN involvement in these efforts.³⁴
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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"> • Endorsed the universality, indivisibility and inalienability of human rights and noted the important role played by civil societies in protecting and promoting the human rights of women. • Concerned by the prevalence of violence against women around the world, particularly conflict-related sexual violence in the DRC and Myanmar, as well as restrictions on women's rights activists in Saudi Arabia. • Troubled by the attempts to restrict civil society space in Pakistan, Bahrain, Cambodia, and Egypt. • Concerned by the continuation of alleged extra-judicial killings in the Philippines. • Expressed deep concern by persistent discrimination against the LGBTI+ persons in the Russian Federation's Chechen Republic. • Welcomed the decriminalisation of same-sex relations between consenting adults in Botswana and urged Brunei Darussalam to follow the example.³⁵
2.	General debate on Human rights situations that require the Council's attention	<ul style="list-style-type: none"> • Objected the oppression and persecution of individuals and communities based on their religious beliefs. • Called for civilian rule in Sudan and condemned the violent attacks by security services on civilian protesters. • Alarmed by the deteriorating humanitarian and human rights situation in Venezuela and called for expedited return of democracy and rule of law in the country. • Urged China to allow the OHCHR independent access to monitor and report on the human rights situation in Xinjiang given the concerning reports of enforced disappearances, arbitrary detention, and restrictions on freedom of movement of Uighurs and ethnic minorities. • Called for immediate denuclearisation of the DPRK and raised concerns over its grave human rights situation. • Called on all parties to adhere to de-escalation agreements in Syria and an immediate halt to attacks on civilian infrastructure. • Deplored the ongoing conflict in Yemen and condemned the deliberate obstacles to access humanitarian aid for the civilian population. • Reiterated its support for freedom of expression and press and condemned the killing of Jamal Khashoggi.³⁶

34 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-australian-statement-item-2-myanmar.pdf>.

35 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-item-2-statement-general-debate.pdf>.

36 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-national-statement-item-4-general-debate.pdf>.

3.	General debate on Follow-up and implementation of the Vienna Declaration and Programme of Action	<ul style="list-style-type: none"> • Advocated for strengthening NHRIs to promote and protect human rights – including through the biennial resolution on NHRIs at the 39th HRC Session. • Welcomed the summary report of the consultation on the experiences and practices of NHRIs in working to support the establishment and maintenance of inclusive societies and the implementation of the 2030 Agenda for Sustainable Development. • Deemed the consultation mandated by Resolution 39/17 as an excellent opportunity to hear from States, NHRIs, and other stakeholders on the role NHRIs play in establishing and maintaining inclusive societies.³⁷
4.	General debate on Technical assistance and capacity-building	<ul style="list-style-type: none"> • Underlined the critical role of technical assistance and capacity building in addressing human rights and called on States to cooperate with the OHCHR for its work. • Expressed serious concern at ongoing human rights violations in Nicaragua and urged its Government to respect and protect the rights and security of its citizens and to cease repression of public protests. • Called on Nicaragua to honour the agreement signed at the National Dialogue and immediately release those who have been imprisoned; to resume its cooperation with the OHCHR; and to adopt independent mechanisms to investigate reported violations. • Welcomed Georgia's cooperation with the OHCHR to bring their national framework in line with international human rights standards, and refused to recognise the claims to independence of the Georgian regions of Abkhazia and Tskhinvali/South Ossetia.³⁸

S. No.	Panel Discussion	Australia's Interventions
1.	Annual full-day discussion on the human rights of women: Violence against women in the world of work	<ul style="list-style-type: none"> • Committed to dismantling structural inequalities and social norms underpinning gender-based violence. • Welcomed the adoption of the ILO standard on Ending Violence and Harassment in the World of Work as a vital step towards eliminating violence against women. • Asserted the responsibility of States to protect workers from violence, and to hold perpetrators to account. • Noted that workplaces should be places of safety for women and that violence in the workplace can have a devastating ripple effect on livelihoods, inclusion and contribution of women at the workplace. • Informed the Council of the leave entitlements legislated to help women workers deal with the impacts of domestic violence and to support them to retain their employment and financial independence.³⁹

37 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-australian-statement-item-8-general-debate-nhris.pdf>.

38 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=09/07/2019%2000:00:00>.

39 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-australian-statement-violence-against-women-in-the-world-of-work.pdf>.

2.	Annual full-day discussion on the human rights of women: The rights of older women and their economic empowerment	<ul style="list-style-type: none"> Noted that a lifetime of gender inequality can have a cumulative effect on older women, leading to higher rates of domestic violence and diminution of their rights and opportunities for economic empowerment. Elaborated the importance of tackling structural, cultural, legal-political barriers to gender equality. Raised concerns about the rising rates of homelessness among older women, while noting that the underlying causes are complex and cumulative. Requested the panel's views on best practices and intervention policies to support older women and prevent homelessness for women later in life.⁴⁰
3.	Panel discussion on women rights and climate change: climate action, best practices and lessons learned	<ul style="list-style-type: none"> Stated that addressing impacts of climate change on women and girls is central to tackle it as livelihoods of many depend on sectors where such impacts are acute. Encouraged proper representation of women at every level of the decision-making on climate change policies. Identified the benefits of linking issues of climate change and gender inequality, including the realisation of the rights of women and girls, ensuring safety, supporting economic empowerment, and promoting leadership.⁴¹
4.	Annual thematic panel discussion on technical cooperation in the promotion and protection of human rights – Technical cooperation and capacity-building in the field of human rights of older persons	<ul style="list-style-type: none"> Highlighted development of policy measures to uphold older persons' rights and issues such as mental health and palliative care. Stated that the current Royal Commission into Australia's aged care system would help identify challenges and opportunities of delivering, both short-term and sustainable long-term, aged care services.⁴²

IV. Voting Pattern on Resolutions

Thematic Resolutions

Australia voted in favour of one of the five thematic resolutions tabled during the Session, that is, the resolution seeking to extend the *Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*.⁴³

- In the explanation of its vote, Australia attributed its endorsement of the resolution to support the universality of human rights and to end violence and discrimination against people of diverse sexual orientation and gender identities who are often marginalised in the society. Australia commended the exemplary efforts of the main sponsors in conducting a transparent, inclusive negotiation process and stated that the debate in the Council had only reaffirmed the need for renewing the mandate of the Independent Expert.⁴⁴

Australia voted against four thematic resolutions, namely, *Enhancement of international cooperation in the field of*

40 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-australian-statement-add-womens-rights-panel-2.pdf>.

41 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <http://bit.ly/38A3JN4>.

42 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://bit.ly/33soaYT>.

43 Resolution 41/18 Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2019).

44 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-explanation-of-vote-sexual-orientation-and-gender-identity.pdf>.

human rights,⁴⁵ *Promotion of the right to peace*,⁴⁶ *Human rights and international solidarity*,⁴⁷ and *The contribution of development to the enjoyment of all human rights*.⁴⁸

- In the explanation of its vote against the resolution on *Enhancement of international cooperation in the field of human rights*,⁴⁹ Australia expressed concern over the persistent efforts by the resolution's sponsors to introduce language from the political declarations of the Non-Aligned Movement, a body in which many Member States of the Council are not represented. It also disagreed with the resolution that autonomous sanctions are contrary to international law, while asserting that they are a powerful tool to hold to account violators of human rights and international standards.⁵⁰
- In the explanation of its vote against the resolution on *The contribution of development to the enjoyment of all human rights*,⁵¹ Australia stated that the language of the resolution did not address all its concerns and that it remained concerned by the suggestion that development was a pre-condition for the enjoyment of human rights.⁵²

Australia did not abstain from voting on any thematic resolution and was part of the consensus on the remaining 15 thematic resolutions adopted by the Council.⁵³ It also sponsored the resolution on *Equal pay*, which was adopted by consensus.⁵⁴

Country Situation Resolutions

Australia voted in favour of all five country situation resolutions adopted by vote: *Situation of human rights in Eritrea*,⁵⁵ *Promotion and protection of human rights in the Philippines*,⁵⁶ *Situation of human rights in Belarus*,⁵⁷ *The human rights situation in the Syrian Arab Republic*,⁵⁸ *Cooperation with and assistance to Ukraine in the field of human rights*.⁵⁹

- In the explanation of its vote in favour of the resolution on *The human rights situation in the Syrian Arab Republic*,⁶⁰ Australia stated that the resolution shone a spotlight on the grave violations of human rights in Syria and the role of the Council to strengthen, promote and protect the human rights of the Syrian people. It stated that the resolution rightly urged all parties to comply with their obligations under international humanitarian law and international human rights law to improve the existing situation in Syria.⁶¹

Australia did not vote against or abstain from voting on any country situation resolution. It joined the consensus in adopting the resolution on *Renouvellement du mandat de l'Équipe d'experts internationaux sur la situation au Kasai* [Renewal of the mandate of the team of international experts on the situation in Kasai].⁶²

45 Resolution 41/3 *Enhancement of international cooperation in the field of human rights* (2019).

46 Resolution 41/4 *Promotion of the right to peace* (2019).

47 Resolution 41/5 *Human rights and international solidarity* (2019).

48 Resolution 41/19 *The contribution of development to the enjoyment of all human rights* (2019).

49 Resolution 41/3 *Enhancement of international cooperation in the field of human rights* (2019).

50 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-explanation-of-vote-enhancement-of-international-cooperation.pdf>.

51 Resolution 41/19 *The contribution of development to the enjoyment of all human rights* (2019).

52 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-explanation-of-vote-contribution-of-development.pdf>.

53 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President's statements. Available at: <http://bit.ly/2rEMfyF>.

54 Ibid.

55 Resolution 41/1 *Situation of human rights in Eritrea* (2019).

56 Resolution 41/2 *Promotion and protection of human rights in the Philippines* (2019).

57 Resolution 41/22 *Situation of human rights in Belarus* (2019).

58 Resolution 41/23 *The human rights situation in the Syrian Arab Republic* (2019).

59 Resolution 41/25 *Cooperation with and assistance to Ukraine in the field of human rights* (2019).

60 Resolution 41/23 *The human rights situation in the Syrian Arab Republic* (2019).

61 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-explanation-of-vote-human-rights-in-syria.pdf>.

62 Resolution 41/26 *Renouvellement du mandat de l'Équipe d'experts internationaux sur la situation au Kasai* [Renewal of the mandate of the team of international experts on the situation in Kasai] (2019).

It sponsored the resolution on *Situation of human rights in Eritrea*,⁶³ which was adopted by the Council by a majority vote.⁶⁴

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 2008.⁶⁵ It has, to a large extent, complied with the visit requests and reminders from the Special Procedures. However, there are two exceptions: the Special Rapporteur on torture and the Working Group on arbitrary detention.⁶⁶ The visit of the Special Rapporteur on torture was postponed in 2016 and remains pending.⁶⁷ Similarly, the visit of the Working Group on arbitrary detention was postponed thrice since 2017 and is now scheduled in the first quarter of 2020.⁶⁸

b. Compliance with Reporting Obligations to Treaty Monitoring Bodies

Australia is fully compliant with its reporting obligations under human rights instruments that it has ratified, namely, CAT, CCPR, CEDAW, CERD, CESC, CRC, and CRPD.⁶⁹ However, some of these State party reports, for example to the CCPR, CEDAW, CERD and CESC, were submitted after a delay of about two years.⁷⁰

Australia has not ratified two major human rights 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).⁷¹

c. Compliance with Thematic Issues

Australia, in its voluntary pledges, asserted that no one should be denied human rights on the ground of their **sexual orientation and gender identity** and committed to promote and protect the rights of all.⁷² It was among 27 countries that voted in favour of the resolution extending the *Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*.⁷³ During the interactive dialogue with the Independent Expert on the issue, Australia stated that all individuals are entitled to respect, dignity, and the opportunity to participate in society and receive the protection of the law regardless of their sexual orientation or gender identity.⁷⁴ While presenting his report to the Council, the Independent Expert noted that Australia is considering incorporating questions on sex and gender in its 2021 national census.⁷⁵ In June 2019, the Australian Human Rights Commission (AHRC) issued guidelines on the inclusion and participation of transgender and gender diverse people in sports under Section 48 (ga) of the *Sex Discrimination Act 1984* to provide guidance to players, members, and other

63 Resolution 41/1 Situation of human rights in Eritrea (2019).

64 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President's statements. Available at: <https://bit.ly/37Hjrpk>.

65 Office of the High Commissioner for Human Rights, Standing invitations to Special Procedures. Available at: https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/StandingInvitations.aspx.

66 Office of the High Commissioner for Human Rights, Country visits by Special Procedures to Australia. Available at: <http://bit.ly/38ufeWu>.

67 Ibid.

68 Ibid.

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

70 Ibid.

71 Ibid.

72 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: <https://undocs.org/en/A/72/212>.

73 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President's statements. Available at: <https://bit.ly/2DoAIFZ>.

74 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://dfat.gov.au/international-relations/international-organisations/un/unhrc-2018-2020/statements/Documents/41st-hrc-national-statement-ie-sogi-and-sr-judges-and-lawyers.pdf>.

75 Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, 41st Session of the Human Rights Council, 14 May 2019. Available at: <http://bit.ly/2Pg44gs>.

stakeholders, in understanding the legal obligations of sports organisations.⁷⁶ This was commended as a positive step to ensure inclusive and harassment free environment for all.⁷⁷

Despite progressive steps such as inclusive policies⁷⁸ and marriage equality,⁷⁹ the LGBTI+ community, especially the transgender community, often faces victimisation and discrimination.⁸⁰ According to the New South Wales Parliamentary inquiry report into hate crimes against the LGBTI+ community, tabled in February 2019, 72 per cent of this community had experienced verbal abuse, 41 per cent threats of physical violence and 23 per cent physical assault.⁸¹ The report also found that 92 per cent of trans-women and 55 per cent of trans-men had experienced verbal abuse, while 46 per cent of trans-women and 36 per cent of trans-men had experienced physical assault because of their gender.⁸² The province of South Australia still has the ‘gay panic’ or provocation defence for murder which means that even a non-violent sexual advance by a person of the same sex being considered sufficient reason to relegate a murder charge to that of manslaughter.⁸³ It was only in April 2019 that the Government of South Australia announced that it would repeal the defence from its criminal code by the end of 2019.⁸⁴ Ten per cent of LGBTI+ persons across faiths are still exposed to conversion therapy to ‘change’ or ‘correct’ their sexual orientation.⁸⁵

In February 2019, the Government of Victoria announced that it will outlaw such conversion therapy.⁸⁶ There is no national legislation outlawing this practice and Prime Minister Scott Morrison recently said that ‘it is a matter for the states to decide’.⁸⁷ In March 2018, the Law Reform Commission of Western Australia Law recommended that there should not be any classification on the basis of sex on birth certificates.⁸⁸ Similar steps are also being taken in Victoria.⁸⁹ Recently, the Medical Journal of Australia issued standards of care and treatment guidelines for transgender and gender-diverse children.⁹⁰

In its voluntary pledges, Australia committed itself towards the attainment of gender equality and promised that it would work towards preventing **violence and discrimination against women and children**.⁹¹ During this Session, it joined the consensus on the resolution concerning *Elimination of all forms of discrimination against women and girls*,⁹² urging States to ensure women and girls’ equal enjoyment of economic, social, cultural, civil and political

76 Australian Human Rights Commission, ‘Guidelines for the Inclusion of transgender and gender diverse people in sport’, June 2019. Available at: <https://bit.ly/2OKv8CU>.

77 Sport Australia, ‘New guidelines launched to promote the inclusion of transgender and gender diverse people in sport’, June 2019. Available at: <https://bit.ly/2XTu7wF>.

78 Ibid.

79 The Guardian, ‘Marriage equality law passes Australia’s parliament in landslide vote’, December 2017. Available at: <http://bit.ly/34hb9I2>.

80 The Conversation, ‘Marriage equality was momentous, but there is still much to do to progress LGBTI+ rights in Australia’, 6 March 2019. Available at: <http://bit.ly/2LPUWx3>.

81 New South Wales, Legislative Council, Standing Committee on Social Issues, ‘Gay and transgender hate crimes between 1970 and 2010’, 26 February 2019. Available at: <https://bit.ly/2ksihu8>.

82 Ibid.

83 ABC News, ‘Gay panic defence under fire again in SA, along with mandatory murder terms’, 5 June 2018. Available at: <https://www.abc.net.au/news/2018-06-05/more-calls-sa-gay-provocation-defence-to-go/9837486>.

84 The Canberra Times, ‘SA to dump provocation defence’, 9 April 2019. Available at: <https://www.canberratimes.com.au/story/6009329/sa-to-dump-provocation-defence/>.

85 Human Rights Law Centre, ‘Preventing harm, promoting justice’, 13 December 2018. Available at: <https://www.hrlc.org.au/reports/preventing-harm>.

86 The Age, ‘Victoria to ban gay conversion therapy’, 3 February 2019. Available at: <https://www.theage.com.au/national/victoria/victoria-to-ban-gay-conversion-therapy-20190203-p50vvn.html>.

87 The Canberra Times, ‘Gay conversion therapy a state issue: PM’, 23 April 2019. Available at: <https://www.canberratimes.com.au/story/6084561/gay-conversion-therapy-a-state-issue-pm/?cs=14231>.

88 The Law Reform Commission of Western Australia, ‘Review of Western Australian legislation in relation to the recognition of a person’s sex, change of sex or intersex status’. Available at: https://www.lrc.justice.wa.gov.au/_files/LRC-Project-108-Discussion-Paper.pdf.

89 Victorian Equal Opportunity and Human Rights Commission, ‘Changes to birth certificate laws are an important step for trans and gender diverse Victorians’, 18 June 2019. Available at: <http://bit.ly/2PChOB6>.

90 Royal Children’s Hospital and Murdoch Children’s Research Institute Melbourne, ‘Australian standards of care and treatment guidelines for transgender and gender diverse children and adolescents’, August 2018. Available at: <https://bit.ly/2sk3WU4>.

91 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: <https://undocs.org/en/A/72/212>.

92 Resolution 41/6 Elimination of all forms of discrimination against women and girls (2019).

rights by eliminating all forms of discrimination by State and non-State actors alike.⁹³ During the interactive dialogue with the Special Rapporteur on violence against women, Australia highlighted its commitment in implementing the Women, Peace and Security (WPS) agenda and stated that it is developing a second national action plan on WPS, to be launched later in 2019.⁹⁴

While the Government has introduced measures against violence against women, Australia is still reported to be experiencing an “epidemic” of such violence with 63 fatalities in 2018 alone.⁹⁵ Barely two weeks into 2019, an international student was sexually assaulted and murdered in Melbourne.⁹⁶ In August 2019, another woman was murdered in a vicious knife attack in Sydney.⁹⁷ A British ski instructor in New South Wales was sentenced to 10 years in jail for raping a woman and physically assaulting her male friend in Australia last year.⁹⁸ The Special Rapporteur on violence against women, in the report on her mission to Australia presented at the 38th HRC Session, observed that since the age of 15, one in four women (23 per cent) had experienced violence or emotional abuse by an intimate partner and one in six women (16 per cent) had experienced physical or sexual violence by an intimate partner.⁹⁹ There is no national standard defining domestic violence in Australia, and it lacks comparable data across states and territories.¹⁰⁰ The Australian Bureau of Statistics, however, states that the number of women killed in intimate partner violence has remained consistent in recent years.¹⁰¹

Sexual harassment, especially at workplaces, remains a major problem.¹⁰² In February 2019, in an Inquiry Report submitted to the AHRC by the Legal Aid Commission of New South Wales, the AHRC recommended that the *Human Rights Commission Act, 1986* be amended by restoring the time limit of 12 months to lodge a complaint of sexual harassment.¹⁰³ The present time frame to lodge a complaint is six months.¹⁰⁴ The AHRC also recommended that a target of three months should be set to finalise sexual harassment complaints.¹⁰⁵ The Federal Circuit Court in the case of *Hill v. Hughes* in May 2019 set a precedent for exemplary damages whereby a law firm’s owner had to pay \$170000 for sexual harassment at workplace.¹⁰⁶ Recently, the Council of Australian governments on 9 August 2019 endorsed the Fourth Action Plan (2019- 2022) of the National Plan to Reduce Violence against Women and their Children 2010-22. This main objective of the plan is to reduce the cases of violence against women and children.¹⁰⁷ During the Fourth National Survey on Sexual Harassment in Australian workplaces, 2018, it was found that one in three people had experienced sexual harassment at work in the past five years.¹⁰⁸ 39 per cent of women have been subject to such harassment as compared to 26 per cent of men.¹⁰⁹ Reporting of such instances is less prevalent, and that one in five people reported workplace harassment.¹¹⁰ The Australian Government in its ‘Family, domestic and sexual

93 Ibid.

94 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <http://bit.ly/38CoUy2>.

95 SBS News, ‘Counting Dead Women: The project keeping toll of Australia’s hidden ‘epidemic’’, 18 January 2019. Available at: <https://bit.ly/34EKyzi>.

96 Ibid.

97 The Guardian, ‘Michaela Dunn identified as woman who died in Sydney stabbing attack’, 14 August 2019. Available at: <http://bit.ly/36vhMSA>.

98 The Guardian, ‘British ski instructor jailed for rape and assault in Australia’, 16 August 2019. Available at: <https://www.theguardian.com/uk-news/2019/aug/16/british-ski-instructor-jailed-rape-assault-australia>.

99 Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Australia, 38th Session of the Human Rights Council, 17 April 2018. Available at: <http://bit.ly/2sqlw8T>.

100 ABC News, ‘Domestic violence still at unprecedented levels despite hundreds of millions being spent’, 5 September 2019. Available at: <https://ab.co/35gM23i>.

101 Ibid.

102 Australian Human Rights Commission, ‘Everyone’s business: Fourth national survey on sexual harassment in Australian workplaces (2018)’, Available at: <http://bit.ly/2Py0BbS>.

103 Legal Aid Commission of New South Wales, ‘National Inquiry into Sexual Harassment in Australian Workplaces’, February 2019. Available at: <http://bit.ly/2t4x2qT>.

104 Government of Australia, Department of Finance, Making a complaint to the Australian Human Rights Commission, Available at: <https://bit.ly/2shB4f9>.

105 Ibid.

106 *Hill v. Hughes* (2019) FCCA 1267.

107 Government of Australia, Department of Social Services, Fourth Action Plan (2019). Available at: https://www.dss.gov.au/sites/default/files/documents/08_2019/fourth_action-plan.pdf.

108 Australian Human Rights Commission, ‘Everyone’s business: Fourth national survey on sexual harassment in Australian workplaces (2018)’. Available at: <https://bit.ly/2DkSg5X>.

109 Ibid.

110 Ibid.

violence Report 2018’ found that certain groups such as Aboriginal women, young, pregnant, or disabled women are at greater risk of facing such violence.¹¹¹

In its voluntary pledges, Australia committed itself to advocate for **freedom of expression and peaceful assembly** as one of the five pillars of its advocacy.¹¹² It joined consensus in adopting the resolution on *The rights to freedom of peaceful assembly and of association*,¹¹³ extending the mandate of the Special Rapporteur on the issue.¹¹⁴ During the interactive dialogue on the theme, Australia committed to maintaining a comprehensive framework for the protection of individuals’ personal information through safeguards and oversight mechanisms.¹¹⁵ The Australian Constitution does not explicitly protect freedom of expression.¹¹⁶ However, the High Court of Australia held by majority, in *Nationwide News Pty Ltd v Wills*¹¹⁷ and in *Australian Capital Television Pty Ltd v the Commonwealth*,¹¹⁸ that an implied freedom of political communication exists as an incident of the system of representative government established by the Constitution.¹¹⁹ This was reaffirmed in *Unions NSW v New South Wales*.¹²⁰ However, this protection is weak and can be overturned by any law that is ‘reasonable’ and ‘proportionate’ to achieve another ‘legitimate’ objective.¹²¹

On 7 August 2019, the High Court of Australia handed down its decision in *Comcare v Banerji*, which confirmed that there is not an unfettered right to the implied freedom of political communication and clarified that obligations on Australian Public Service (APS) employees under the APS Code of Conduct extend beyond the workplace, even where anonymous statements are made via social media.¹²² Section 15(1) of the Public Service Act, 1999 (Cth) empowers an Agency Head to sanction an APS employee who is in breach of the code, including by terminating their employment.¹²³ The High Court of Australia unanimously determined that the impugned section did not impose an unjustified burden on the implied freedom of political communication, and that the employee’s termination was not unlawful.¹²⁴ Australia ranked 21st in the 2019 World Press Freedom Index.¹²⁵ The recently introduced ‘Religious Discrimination Bill’ was severely criticised by the LGBTI+, the Australian Greens and other opposition parties, who called it “religious exceptionalism”.¹²⁶ They denounced the draft bill as it overrode all federal and state laws protecting religious speech provided it was not malicious and did not “harass, vilify or incite hatred”, and expressly overrode Tasmania’s laws, which prevent speech that offends, insults or humiliates people based on protected characteristics.¹²⁷ The lack of a constitutionally defined right to free speech has, therefore, given way for legal grey areas.¹²⁸

In recent past, state governments in Tasmania, New South Wales, and Western Australia attempted to introduce harsh anti-protest laws with severe penalties, excessive police powers and broad, vague offences.¹²⁹ These laws

111 Government of Australia, Australian Institute of Health and Family Welfare, ‘Family, domestic and sexual violence in Australia (2018)’. Available at: <https://bit.ly/2pZr35J>.

112 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>.

113 Resolution 41/12 The rights to freedom of peaceful assembly and of association (2019).

114 Ibid.

115 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://bit.ly/2qIL4xS>.

116 Australian Human Rights Commission, Freedom of information, opinion and expression. Available at: <https://www.humanrights.gov.au/our-work/rights-and-freedoms/freedom-information-opinion-and-expression>.

117 *Nationwide News Pty Ltd v Wills* (1992) 177 CLR 1. Available at: <http://bit.ly/2RM1pwQ>.

118 *Australian Capital Television Pty Ltd v the Commonwealth* (1992) 177 CLR 106. Available at: <http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/1992/45.html>.

119 Ibid.

120 *Unions NSW v New South Wales* [2013] HCA 58. Available at: <http://bit.ly/2YFTITX>.

121 The Conversation, ‘Australia does not protect free speech, but it could’, 7 June 2019. Available at: <https://theconversation.com/australia-doesnt-protect-free-speech-but-it-could-118448>.

122 *Comcare v Banerji* [2019] HCA 23. Available at: <http://eresources.hcourt.gov.au/showCase/2019/HCA/23>.

123 Ibid.

124 Ibid.

125 Reporters Without Borders, World Press Freedom Index 2019, Australia. Available at: https://rsf.org/en/ranking_table.

126 The Guardian, ‘Religious discrimination bill: Coalition accused of creating a “Trojan horse for hate”’, 29 August 2019. Available at: <http://bit.ly/2PhDFil>.

127 The Guardian, ‘Religious discrimination bill attacked as ‘extraordinary foray in culture wars’, 30 August 2019. Available at: <http://bit.ly/2YHa1pP>.

128 Amanda Yeo, ‘Australia does not have freedom of speech’, 4 September 2019. Available at: <https://www.gizmodo.com.au/2018/09/australia-does-not-have-freedom-of-speech/>.

129 The Guardian, ‘Australia has a long history of protests. Our rights should be better protected’, 15 March 2019. Available at: <http://bit.ly/2LOUJZj>.

have particularly targeted environmental protests and are seen to prioritise and protect vested interests of the corporate and government over people's democratic rights.¹³⁰ However, in October 2017, the High Court of Australia passed a landmark decision in *Brown v. Tasmania* by ruling in favour of the constitutional protection for protest, when environmental activists were arrested for opposing logging in the North-West Tasmanian forest.¹³¹ Recently, Queensland passed the Human Rights Act in 2019 which provides for the right to freedom of expression and peaceful assembly.¹³²

In its voluntary pledges, Australia committed itself to actively support efforts to improve international cooperation on migration and trafficking in persons.¹³³ Australia joined the consensus in adopting the resolution on **The human rights of migrants** reaffirming the need to ensure full respect for the human rights and fundamental freedoms of all migrants, regardless of their migration status.¹³⁴ However, Australia abstained from voting on the Global Compact for Safe, Orderly and Regular Migration (the Compact) adopted by 164 countries in December 2018 in Marrakech, Morocco,¹³⁵ voted upon at the United Nations General Assembly.¹³⁶ The compact aims at assisting States to frame well-managed migration policies.¹³⁷ On 21 November 2018, Prime Minister Scott Morrison, alongside Home Affairs Minister Dutton and Foreign Affairs Minister Payne, formally announced that Australia would not sign the Compact, arguing it would 'compromise our successful way of doing things,' as it would 'risk encouraging illegal entry'.¹³⁸

In June 2019, the Special Rapporteurs on the human rights of migrants, on torture, and on the right to health, and the Working Group on the use of mercenaries, urged Australia to immediately provide appropriate health care to more than 800 asylum seekers and other migrants who have been held in the country's offshore facilities for the past five years without durable solutions.¹³⁹ They expressed serious concerns that the integrity of these individuals, including their mental health, has been deteriorating with fatal consequences.¹⁴⁰ Poor mental health is widely prevalent among refugees and asylum seekers in Australia due to years of detention and uncertainty about their future.¹⁴¹ There have been multiple reports of self-harm and suicide attempts by the asylum seekers, including children, especially since 19 May 2019 after the federal elections.¹⁴²

In December 2018, two class action lawsuits filed in Australia's High Court claimed that people seeking asylum and arriving on the Australian shores by boat without proper documentation are subject to torture and crimes against humanity.¹⁴³ The suits were filed by a human rights group based in Australia representing 1,200 migrants detained in camps on Nauru and Manus, Papua New Guinea.¹⁴⁴ In the documents submitted to the Court, detainees described conditions on the islands that include 'high levels of self-harm, including self-cutting, lip sewing, swallowing rocks, burning with cigarettes' and 'refraining from eating and drinking'.¹⁴⁵

130 Human Rights Law Centre, 'Say it loud: Protecting Protest in Australia'. Available at: <https://www.hrlc.org.au/reports/say-it-loud>.

131 *Brown v. Tasmania* (2017) HCA 43.

132 Queensland Government, Human Rights. Available at: <https://bit.ly/36xUuLR>.

133 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: <https://undocs.org/en/A/72/212>.

134 Resolution 41/7 The human rights of migrants (2019).

135 Global Compact For Safe, Orderly And Regular Migration, Available at: <https://bit.ly/34e3jZl>.

136 United Nations General Assembly, Resolutions and Decisions adopted by the General Assembly during its seventy-third session, Volume I, Resolutions 18 September – 22 December 2018, p.230. Available at: [https://undocs.org/en/A/73/49\(Vol.I\)](https://undocs.org/en/A/73/49(Vol.I)).

137 Ibid.

138 Parliament of Australia, Global Compact for Migration. Available at: <https://bit.ly/2sp6joM>.

139 Office of the High Commissioner for Human Rights, Press Releases, 'Australia: UN experts urge immense medical attention to migrants in its offshore facilities', 18 June, 2019. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24709&LangID=E>.

140 Ibid.

141 Human Rights Watch, Australia: Events of 2018. Available at: <https://bit.ly/2PDV1Vt>.

142 Ibid.

143 The Guardian, 'Australia subjected refugees to crimes against humanity, class actions allege', 9 December 2018. Available at: <https://bit.ly/2LO7eG9>.

144 Ibid.

145 The New York Times, 'Australia's Migrant Camps Are 'Crime Against Humanity,' Lawsuit Claims', 10 December 2018. Available at: <https://nyti.ms/36tzjKD>.

In its voluntary pledges, Australia reaffirmed its commitment to combat **racism and xenophobia**.¹⁴⁶ It also pledged that it would actively engage with the treaty bodies on International Convention on the Elimination of All Forms of Racial Discrimination.¹⁴⁷ In a progressive judicial step, the Federal Circuit Court, in May 2018, in the case of *Fair Work Ombudsman v. Yenida Pty*, fined an employer AUD 2,11,104 for underpaying two of his employees due to racial discrimination.¹⁴⁸ He was fined under Section 351 of the *Fair Work Act 2009*, which makes it illegal to discriminate against workers on the basis of race, colour, social origin, etc.¹⁴⁹

However, in a 2018 nation-wide survey mapping social cohesion, nearly 39 per cent Muslims and 36 per cent Hindu respondents reported racial discrimination in Australia.¹⁵⁰ Overall 16 per cent respondents in the regional areas reported that they had experienced discrimination because of their birthplace compared to 20 per cent of people in capital cities.¹⁵¹ Aboriginal and Torres Strait Islander peoples continue to experience both invisible and systematic racism and discrimination. According to a separate survey carried out in this regard in 2018, 75 per cent of Aboriginal and Torres Strait Islander members and staff experience racism and discrimination in the workplace – a 3.5 per cent increase as compared to the findings of a similar survey conducted in 2011.¹⁵²

Earlier in 2019, a Harvard-trained doctor of Korean-Canadian origin was asked if she was a sex worker when she went to check into a motel in New South Wales.¹⁵³ In Queensland, a Palestinian-Christian man said he was constantly racially profiled during the 18 months he lived in Rockhampton for a university teaching job.¹⁵⁴ In the aftermath of the Christchurch terror attacks by an Australian man on the two mosques in New Zealand, the then Australian senator, Fraser Anning was severely criticised for blaming the attacks on ‘the immigration programme that allowed Muslim fanatics to migrate to New Zealand’.¹⁵⁵ Early in 2019, a hotel in Australia came under the scanner for racially segregating its guests, with the Aboriginal guests being given inferior rooms and services for the same price.¹⁵⁶ While the incident was condemned and investigation was ordered,¹⁵⁷ it was reported as representing “the almost unexceptional racism that pervades the Australian society”.¹⁵⁸

During this Session, Australia voted against the resolution on *The contribution of development to the enjoyment of all human rights*, which reaffirmed that immediate alleviation and eventual eradication of **extreme poverty** must remain a priority for the international community.¹⁵⁹ The resolution emphasised the importance for people of each State to benefit from sustained, inclusive and sustainable economic growth.¹⁶⁰ In the explanation of its vote, Australia explained that it disagreed with the resolution’s language, which seemed to suggest that development was a pre-condition for the enjoyment of human rights.¹⁶¹

146 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: <https://undocs.org/en/A/72/212>.

147 Ibid.

148 *Fair Work Ombudsman v Yenida Pty Ltd & Anor* [2018] FCCA 1342.

149 Fair Work Act 2009, Section 351, Available at: <https://bit.ly/34ihr3U>.

150 Scanlon Foundation and Prof. Andrew Markus, ‘Mapping Social Cohesion: The Scanlon Foundation Surveys’ 2018. Available at: <https://bit.ly/2EdK9Z8>.

151 Ibid.

152 National Aboriginal & Torres Strait Islander Unit Of National Tertiary Education Union, ‘I’m still not a racist, but’, October 2018. Available at: <https://bit.ly/35j2oIO>.

153 ABC News, ‘Doctor claims she was racially profiled during check-in at regional New South Wales motel’, 1 August 2019. Available at: <https://ab.co/2PCIIJb>.

154 ABC News, ‘Moving from western Sydney to Queensland opened my eyes to racism — and my own culture’, 29 July 2019. Available at: <https://www.abc.net.au/news/2019-07-28/arab-australia-racism-and-recipes/11350098>.

155 CNN, ‘How Australia’s ‘everyday racism’ moved from political fringe to mainstream media’, 16 April 2016. Available at: <https://edition.cnn.com/2019/04/15/australia/australia-racism-media-christchurch-attack-intl/index.html>.

156 ABC News, ‘Undercover recordings capture hotel staff racially segregating guests’, 8 March 2019. Available at: <https://ab.co/36v81Uo>.

157 The Guardian, ‘Hotel giant Accor to investigate allegations it racially segregated Aboriginal guests’, 8 March 2019. Available at: <https://bit.ly/36v7VMw>.

158 The Guardian, ‘Racism pervades Australian society — and the effects can be lethal’, 23 August 2019. Available at: <https://bit.ly/2tcocri>.

159 Resolution 41/19 The contribution of development to the enjoyment of all human rights (2019).

160 Ibid.

161 Government of Australia, Department of Foreign Affairs and Trade, 41st Session of the Human Rights Council. Available at: <https://bit.ly/38tWNRH>.

Australia is the second-wealthiest country in the world in terms of wealth per adult, but its poverty rate has become entrenched at a high level.¹⁶² It is currently 14th on the poverty rate out of 36 Organisation for Economic Co-operation and Development (OECD) countries.¹⁶³ The latest Household, Income and Labour Dynamics in Australia (HILDA) survey, funded by the Australian Government Department of Social Services (DSS), found the proportion of people below the relative poverty line – 50 per cent of the median income – rose from 9.6 per cent in 2016 to 10.4 per cent in 2017.¹⁶⁴ The HILDA survey is Australia's first nationally representative household-based longitudinal survey¹⁶⁵ whose research surveyed 17,000 households and also found stagnation in the median income rate.¹⁶⁶ According to the latest report of the Australian Council of Social Service, it was found that one in eight adults and more than one in six children were living in poverty.¹⁶⁷ It shows there were just over three million people (13.2 per cent) living below the relative poverty line, including 739,000 children (17.3 per cent of children).¹⁶⁸ The OECD Economics Department Working Paper No. 1539 finds that indigenous Australians are almost twice as likely to be poor than the other Australians.¹⁶⁹ With respect to country of birth, foreign born Australians who are from non-English speaking backgrounds are at significantly higher risk, too.¹⁷⁰

VI. Conclusions

Australia participated actively across Interactive dialogues, general debates and panel discussions during the 41st Session. It sponsored the resolutions on *Equal pay*¹⁷¹ adopted by consensus and on *Situation of human rights in Eritrea*¹⁷² adopted by majority vote.

- Australia has responded to visit requests and reminders from the Special Procedures promptly, except that of the Special Rapporteur on torture since 2016, and the Working Group on arbitrary detention, whose visit was postponed thrice since 2017.¹⁷³
- In June 2019, UN experts urged Australia to immediately provide appropriate health care, including mental health facilities, to more than 800 asylum seekers and other migrants who have been held in the country's offshore facilities for the past five years without durable solutions.¹⁷⁴
- Despite having committed itself to preventing violence and discrimination against women, crimes against women, including domestic violence and intimate partner violence have remained consistent in Australia. The Fourth National Survey on Sexual Harassment in Australian Workplaces 2018 found that one in three persons had experienced sexual harassment at work in the past five years, including 39 per cent of working women.

162 The Guardian, 'More than three million Australians living in poverty, Acoos report reveals', 16 October 2018. Available at: <https://bit.ly/2soHjy4>.

163 Ibid.

164 The Household, Income and Labour Dynamics in Australia (HILDA) Survey. Available at: <https://bit.ly/2rtTvxm>.

165 Ibid.

166 The Guardian, 'Poverty is rising again in Australia and expert cites welfare changes as likely cause', 29 July 2019. Available at: <https://bit.ly/34cxbFO>.

167 Australian Council of Social Service (ACOSS), 'Poverty in Australia, 2018', ACOSS/UNSW Poverty and Inequality Partnership Report No. 2, Sydney: ACOSS (2018). Available at: <https://bit.ly/34t4mWn>.

168 Ibid.

169 Organisation for Economic Cooperation and Development, Economics Department, Working Paper No. 1539, para 41 (2019). Available at: <https://bit.ly/2qUqURj>.

170 Ibid.

171 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President's statements. Available at: <https://bit.ly/2QZzRUm>.

172 Ibid.

173 Ibid.

174 Office of the High Commissioner for Human Rights, News and Events, 18 June 2019. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24709&LangID=E>.

THE BAHAMAS

I. Introduction

The Bahamas is the first member of the Caribbean Community (CARICOM) to be elected to the HRC.¹⁷⁵ Its three-year term at the Council started in 2019 and is due to end in 2021.¹⁷⁶

II. Voluntary Pledges and Commitments

The Bahamas, in its voluntary pledges, fully committed itself to the realisation of the 2030 Agenda for Sustainable Development, recognising the importance of advancing human rights as a pillar of such efforts.¹⁷⁷ It affirmed its support to all efforts and mechanisms aimed at guaranteeing effective responses by the international community to global human rights violations and to new and existing human rights challenges.¹⁷⁸

The Bahamas pledged to¹⁷⁹:

- 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 the Small Island Developing States (SIDS), in particular, human rights and environment, climate change, public service delivery and local government.

III. Participation at the 41st Session of the HRC

The following tables represent the Bahamas' participation in interactive dialogues and panel discussions during the three weeks of the Session:

S. No.	Interactive Dialogue	The Bahamas' Interventions
1.	Clustered interactive dialogue with the Special Rapporteur on the human rights of migrants and the Independent Expert on international solidarity	<ul style="list-style-type: none"> • Recognised the positive effects of migration and the need to promote safe, orderly and voluntary migration, while simultaneously addressing the need for a holistic, rights-based, gender-responsive and child-sensitive approach to migration within and across States. • Reaffirmed its commitment to the promotion and protection of human rights in all contexts.¹⁸⁰

¹⁷⁵ The Government of the Bahamas, Ministry of Foreign Affairs, 12 October 2018. Available at: <http://mofa.gov.bs/bahamas-elected-united-nations-human-rights-council-2019-2021/>.

¹⁷⁶ Ibid.

¹⁷⁷ Voluntary pledges and commitments of The Bahamas for Election to the Human Rights Council (2019-2021). Available at: <https://bit.ly/2nRNHvu>.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid.

¹⁸⁰ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=25/06/2019%2000:00:00>.

2.	Clustered interactive dialogue with the Special Rapporteur on summary executions and the Special Rapporteur on the right to education	<ul style="list-style-type: none"> Emphasised the importance of recognising the right to access education for all persons without discrimination. Elaborated on the various policies and initiatives undertaken by its government to ensure that all children have the opportunity to receive early education. Reiterated its commitment to ensuring access to quality education in all contexts.¹⁸¹
3.	Clustered interactive dialogue with the Special Rapporteur on violence against women and the Special Rapporteur on trafficking in persons, especially women and children	<ul style="list-style-type: none"> Reported its initiatives with relevant agencies in dealing with violence against women keeping in mind its cross-cutting nature and duly acknowledging the role of men and boys in fighting this unacceptable reality. Called for synergy between relevant UN agencies, working groups and regional organisations to prevent and eliminate violence against women. Elaborated on the new national action plan which includes increased funding for anti-trafficking activities and the provision of an anti-trafficking training course in the Immigration Department.¹⁸²

S. No.	Panel Discussion	The Bahamas' Interventions
1.	Annual Full Day Discussion on Women: Panel Discussion on the rights of older women and their economic empowerment	<ul style="list-style-type: none"> Expressed its support to the insights of the panelists and noted the presence of Ms. Marion Bethel, a Bahamian member of the CEDAW, on the panel. Reaffirmed its strong support for efforts to promote equitable geographical and gender representation within the UN system as noted in the panel discussion. Highlighted the drafting of various charters to address the specific needs of the ever-expanding ageing population such as the Caribbean Regional Charter on Ageing and Health, the San José Charter on the Rights of Older Persons and National Council on Older Persons. Underlined its commitment to applying a government-wide "gendered lens to policy solutions and programme development" and to establish a legal framework which empowers and protects older persons.¹⁸³
2.	Annual thematic Panel Discussion on technical cooperation in the promotion and protection of human rights. Theme: Technical cooperation and capacity-building in the field of human rights of older persons	<ul style="list-style-type: none"> Recognised the importance of ensuring the full participation of older persons in all spheres of social life. Noted the efforts of the Bahamian Government to ensure the empowerment and participation of older persons including the provision of Med-Card Assistance by the Department of Social Services, which ensures access to medications, medical services and home care services.¹⁸⁴

181 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=26/06/2019%2000:00:00>.

182 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=27/06/2019%2000:00:00>.

183 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=28/06/2019%2000:00:00>.

184 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=10/07/2019%2000:00:00>.

IV. Voting Pattern on Resolutions

Thematic Resolutions

The Bahamas voted in favour of all five thematic resolutions put to vote during the Session, namely, *Enhancement of international cooperation in the field of human rights*,¹⁸⁵ *Promotion of the right to peace*,¹⁸⁶ *Human rights and international solidarity*,¹⁸⁷ *Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*,¹⁸⁸ and *The contribution of development to the enjoyment of all human rights*.¹⁸⁹

The Bahamas did not vote against or abstain from voting on any thematic resolution.¹⁹⁰

Country Situation Resolutions

The Bahamas voted in favour of four country situation resolutions, namely, *Cooperation with and assistance to Ukraine in the field of human rights*,¹⁹¹ *Situation of human rights in Eritrea*,¹⁹² *Promotion and protection of human rights in the Philippines*¹⁹³ and *The human rights situation in the Syrian Arab Republic*.¹⁹⁴

While it did not vote against any country situation resolution,¹⁹⁵ it abstained from voting on the resolution on the *Situation of human rights in Belarus*.¹⁹⁶

It joined consensus in adopting the resolution concerning *Renouvellement du mandat d'Equipe d'experts internationaux sur la situation au Kasai* [Renewal of the mandate of the team of international experts on the situation in Kasai].¹⁹⁷

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

The Bahamas, in its voluntary pledges, had affirmed its support to all mechanisms aimed at guaranteeing effective responses by the international community to new and existing human rights challenges.¹⁹⁸ It has extended a standing invitation to thematic Special Procedures since June 2013.¹⁹⁹ Till date, only three Special Procedures have sent visit requests to the Bahamas.²⁰⁰ The Special Rapporteurs on trafficking and on violence against women visited The Bahamas and submitted their reports in 2013 and 2017 respectively.²⁰¹ The only request pending since March 2017 is from the Working Group on arbitrary detention.²⁰²

185 Resolution 41/3 Enhancement of international cooperation in the field of human rights (2019).

186 Resolution 41/4 Promotion of the right to peace (2019).

187 Resolution 41/5 Human rights and international solidarity (2019).

188 Resolution 41/18 Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2019).

189 Resolution 41/19 The contribution of development to the enjoyment of all human rights (2019).

190 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President's statements. Available at: <https://bit.ly/2Pje4FT>.

191 Resolution 41/25 Cooperation with and assistance to Ukraine in the field of human rights (2019).

192 Resolution 41/1 Situation of human rights in Eritrea (2019).

193 Resolution 41/2 Promotion and protection of human rights in the Philippines (2019).

194 Resolution 41/23 The human rights situation in the Syrian Arab Republic (2019).

195 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President's statements. Available at: <https://bit.ly/2rFvraO>.

196 Resolution 41/22 Situation of human rights in Belarus (2019).

197 Resolution 41/26 *Renouvellement du mandat d'Equipe d'experts internationaux sur la situation au Kasai* [Renewal of the mandate of the team of international experts on the situation in Kasai] (2019).

198 Voluntary pledges and commitments of The Bahamas for election to the Human Rights Council (2019-2021). Available at: <https://bit.ly/2nRNHvu>.

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

200 Office of the High Commissioner for Human Rights, Country visits by Special Procedures to The Bahamas. Available at: <https://bit.ly/2t4XDEe>.

201 Ibid.

202 Ibid.

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

The Bahamas has six treaty body reports pending against it: with the CAT since July 2019; CCPR since 2010; CESCR since 2011; CRC since 2008; and with CRC-OP-AC and CRPD since 2017.²⁰³

The Bahamas has not ratified a total of four major human rights instruments, namely, the *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 of the Convention against Torture (CAT-OP) and the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of death penalty (CCPR-OP2-DP).²⁰⁴ The Bahamas has not accepted individual complaints procedures under any of the treaties.²⁰⁵

c. *Compliance with Thematic Issues*

In its voluntary pledges, the Bahamas affirmed its commitment ‘to protect against and prevent discrimination in all its forms, in both law and in practice’.²⁰⁶ In keeping with its pledges, the Bahamas voted in favour of the resolution seeking to extend the Mandate of the Independent Expert on protection against violence and discrimination based on **sexual orientation and gender identity**.²⁰⁷ Same-sex relationships between consenting adults ‘in private’ were decriminalised in the Bahamas in 1991.²⁰⁸ The LGBTI community in the Bahamas has also set its sights on hosting the first ever pride parade in the country in 2020.²⁰⁹ However, despite these developments, the accusations of homophobia and discrimination against the LGBTI community continue.²¹⁰

Although Chapter III of the Constitution of the Bahamas lists out fundamental rights for every person,²¹¹ some provisions of the law do not ensure such equality. For example, while the age of consent for heterosexual couples in the country is set at 16 years, it is at 18 years for LGBT couples.²¹² A 2016 referendum in the Bahamas addressing prohibition of discrimination based on sex was said to be defeated by unfounded fears of opening the legal path to same-sex marriages or civil unions in the country,²¹³ which are not recognised or accepted.²¹⁴ Countries such as Canada have issued risk advisories for LGBT persons wishing to travel to the Bahamas as ‘homosexuality is not widely accepted in the country’.²¹⁵ The UK’s travel advisory states that LGBT travellers should be mindful of local attitudes and be aware that public displays of affection may attract unwanted and negative attention.²¹⁶ Societal stigma, discrimination and incidence of hate crimes against LGBTI people have continued and often gone underreported.²¹⁷ The local groups and activists working on the ground had pointed out that the Attorney General of the Bahamas, while addressing the

203 Office of the High Commissioner for Human Rights, Treaty Bodies, Reporting status of the Bahamas. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BHS&Lang=EN.

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

205 Ibid.

206 Voluntary pledges and commitments of The Bahamas for Election to the Human Rights Council (2019-2021). Available at: <https://bit.ly/2nRNHvu>.

207 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President’s statements. Available at: <http://bit.ly/2PEcSx0>.

208 Statute Law of The Bahamas, Sexual Offences and Domestic Violence Act 1998, Section 16 (2) and (3). Available at: https://www.oas.org/dil/Sexual_Offences_and_Domestic_Violence_Act_Bahamas.pdf.

209 The Tribune 242, ‘LGBTI Group wants to stage pride parade in 2020’, 8 July 2019. Available at: <http://www.tribune242.com/news/2019/jul/08/lgbti-group-wants-stage-pride-parade-2020/>.

210 The Nassau Guardian, ‘Will the Bahamian LGBT community go through with their 2020 Gay Pride Parade?’, 15 July 2019. Available at: <http://bit.ly/2rFzPGO>.

211 The Constitution of The Commonwealth of The Bahamas, Chapter III, Articles 15 and 20. Available at: <https://bit.ly/2LP6UHG>.

212 Equaldex, LGBT rights in the Bahamas. Available at: <https://www.equaldex.com/region/bahamas>.

213 Human Rights Watch, ‘I have to leave to be me: Discriminatory laws against LGBT people in the Eastern Caribbean’, 2017. Available at: <https://bit.ly/2EdVoAN>.

214 Equaldex, LGBT rights in the Bahamas. Available at: <https://www.equaldex.com/region/bahamas>.

215 Gay City News, ‘Canada issues LGBTQ travel warning for the Bahamas’, 31 December 2018. Available at: <https://www.gaycitynews.nyc/stories/2019/1/bahamas-politics-2019-01-03-gcn.html>.

216 Pink News, ‘Gay travellers warned about homophobia risk in the Bahamas’, 1 January 2019. Available at: <https://www.pinknews.co.uk/2019/01/01/gay-holidays-bahamas/>.

217 The Tribune 242, ‘Amnesty hits out at LGBTI discrimination in the Bahamas’, 27 February 2017. Available at: <http://www.tribune242.com/news/2017/feb/27/amnesty-hits-out-lgbti-discrimination-bahamas/>.

UPR Working Group, had overstated the efforts by the government to accommodate the needs of the LGBTI people.²¹⁸ They state that although there has been an improvement in the general treatment of these persons,²¹⁹ much needs to be done in the areas of access to police, medical and mental health services, education, awareness and sensitisation on the part of the authorities.²²⁰ Recently, in October 2019, the Bahamas Christian Council allegedly encouraged violence against the LGBTI community in the light of the impending pride parade.²²¹

The Bahamas, in its voluntary pledges, reaffirmed its commitment to work towards the advancement and implementation of **women's rights**, as well as protection against discrimination in all its forms.²²² In the interactive dialogue with the Special Rapporteur on **violence against women**, the Bahamas reported its various initiatives to tackle violence against women keeping in mind the cross-cutting nature of the issue and the important role played by men and boys in this regard.²²³ However, discrimination on grounds of sex is not explicitly prohibited in the Constitution of Bahamas, neither is there a provision on gender equality in the national legislation.²²⁴ The Bahamas has maintained a reservation to Article 2 (a) of the CEDAW, which requires the principle of gender equality to be embodied in the national legislation.²²⁵ The Committee on the Elimination of Discrimination against Women observed a persistence of patriarchal attitudes and discriminatory stereotypes in the country.²²⁶

The statistics published by the Royal Bahamas Police in 2019 states that there are 55 cases of rapes and 113 cases of unlawful sexual intercourse reported in 2018.²²⁷ However, according to the civil society working on the issue, this number does not accurately reflect the level of sexual violence in the country and that many victims have, in fact, lost confidence in the criminal justice system.²²⁸ Violence against women is perceived as a private matter, and social assistance is difficult to provide due to the geography of the state as an archipelago.²²⁹ Participation of women in political and public life is low – out of 55 members of parliament, only 12 are women.²³⁰ There are no statutory quotas or similar parity systems to ensure such participation.²³¹ In the Global Gender Gap Index 2018, on the parameter of political attainment and participation, it ranks 100th out of 149, below the global average, despite its overall rank being as high as 30.²³² On the criterion of economic attainment, it ranks 3rd in the world.²³³ Unemployment is, however, disproportionately high among women and they are concentrated in low wage jobs.²³⁴ The minimum age for marriage is 15, but legislation allows for exceptions to be granted for marriage of girls as young as 13.²³⁵ Lack of

218 The Tribune 242, 'Activists say work with LGBT groups "overstated"', 24 January 2018. Available at: <http://www.tribune242.com/news/2018/jan/24/activists-say-work-lgbt-groups-overstated/>.

219 The Tribune 242, 'There's been a vast improvement in the treatment of transgender people', 9 April 2019. Available at: <http://www.tribune242.com/news/2019/apr/09/theres-been-vast-improvement-treatment-transgender/>. Also see: Ibid.

220 The Tribune 242, 'Activists say work with LGBT groups "overstated"', 24 January 2018. Available at: <http://www.tribune242.com/news/2018/jan/24/activists-say-work-lgbt-groups-overstated/>.

221 The Tribune 242, 'Church promoting anti-gay violence', 22 October 2019. Available at: <http://www.tribune242.com/news/2019/oct/23/church-promoting-anti-gay-violence/>.

222 Voluntary pledges and commitments of The Bahamas for Election to the Human Rights Council (2019-2021). Available at: <https://bit.ly/2nRNHvu>.

223 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=27/06/2019%2000:00:00>.

224 Committee on the Elimination of Discrimination Against Women, Concluding observations on the periodic report of the Bahamas, 14 November 2018. Available at: <https://bit.ly/2pfZaFv>.

225 Ibid.

226 Ibid.

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

228 The Nassau Guardian, 'Dean-Patterson: Bahamas facing rape epidemic', 6 February 2019. Available at: <https://thenassauguardian.com/2019/02/06/dean-patterson-bahamas-facing-rape-epidemic/>.

229 Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to the Bahamas, 38th Session of the Human Rights Council, 25 May 2018. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/139/61/PDF/G1813961.pdf?OpenElement>.

230 Inter-Parliamentary Union, Percentage of Women in National Parliaments, The Bahamas. Available at: <https://data.ipu.org/women-ranking?month=7&year=2019>.

231 Committee on the Elimination of Discrimination Against Women, Concluding observations on the periodic report of the Bahamas, 14 November 2018. Available at: <https://bit.ly/2pfZaFv>.

232 World Economic Forum, Global Gender Gap Report 2018. Available at: <https://bit.ly/33uUU3D>.

233 Ibid.

234 Committee on the Elimination of Discrimination Against Women, Concluding observations on the periodic report of the Bahamas, 14 November 2018. Available at: <https://bit.ly/2pfZaFv>.

235 Statute Law of The Bahamas, Marriage Act. Available at: <http://bit.ly/34senlM>.

sex education, inconsistency between the age of consent (16 years) and the age at which contraceptives are provided without parental consent (18 years), and restrictions on legal abortion, all lead to unsafe sex practices among girls.²³⁶

The Bahamas pledged to ‘uphold the highest standards in the promotion and protection of human rights’ and engage with regional partners, including civil society, on issues relating to human rights.²³⁷ **Freedom of speech and expression** is constitutionally protected in the Bahamas and finds at least three references in the Constitution.²³⁸ Article 23 especially refers to the “right to receive and impart ideas and information without interference” as part of the protection of freedom of expression, with only one exception: when the same can incite riot or cause harm.²³⁹ However, in March 2018, Attorney General Carl Bethel stated that although a constitutional right, ‘free speech in the Bahamas has limits’ and cannot be used to ‘spread propaganda, create hysteria, and misleading information’.²⁴⁰ But this was said to be aimed to silencing the group known as Rights Bahamas for exposing alleged abuses against anyone suspected of being an illegal immigrant or non-Bahamian under the new immigration policy.²⁴¹ The Group said that this was an “attempt to muzzle freedom of expression” and “intimidate” activists only seeking to educate the public about their rights.²⁴²

Defamation remains a criminal offence under the Penal Code of the Bahamas, with negligent libel punishable with imprisonment up to six months and intentional libel with imprisonment up to two years.²⁴³ In July 2019, a political commentator was charged with criminal libel,²⁴⁴ which was criticised by human rights organisations as an attempt to threaten them for exercising their freedom of expression and for their efforts to highlight the injustices suffered by ordinary people.²⁴⁵ Critics of the law have pointed out that criminal libel is ‘archaic’ and ‘in contravention of Articles 15 and 23 of the Constitution of the Bahamas, which protect freedom of expression’.²⁴⁶ There have been repeated calls to abolish the criminal libel laws in the Bahamas, including by the Opposition Progressive Liberal Party, but they still remain in the Penal Code.²⁴⁷ The Bahamas currently does not have a fully enacted functional Freedom of Information Act,²⁴⁸ and the Government has announced that it will be implemented in phases.²⁴⁹

The Bahamas pledged to ‘contribute internationally 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’.²⁵⁰ In the interactive dialogue with the Special Rapporteur on the **human rights of migrants**, the Bahamas acknowledged the positive effects of migration, while underlining the need to promote safe, orderly and voluntary migration with a holistic, rights-based, gender-responsive and child-sensitive approach on the issue.²⁵¹ It also reaffirmed its commitment

236 Committee on the Elimination of Discrimination Against Women, Concluding observations on the periodic report of the Bahamas, 14 November 2018. Available at: <https://bit.ly/2pfZaFv>.

237 Voluntary pledges and commitments of The Bahamas for Election to the Human Rights Council (2019-2021). Available at: <https://bit.ly/2nRNHvu>.

238 The Constitution of The Commonwealth of The Bahamas, Articles 23, 127 and 137. Available at: <https://bit.ly/2LP6UHG>.

239 Ibid.

240 The Tribune 242, ‘Bethel blasts activists – free speech has limits’, 5 March 2018. Available at: <http://www.tribune242.com/news/2018/mar/05/bethel-blasts-activists-free-speech-has-limits/>.

241 The Tribune 242, ‘What do you mean, free speech has limits?’, 7 March 2018. Available at: <http://www.tribune242.com/news/2018/mar/07/editorial-what-do-you-mean-free-speech-has-limits/>.

242 The Tribune 242, ‘Smith hits back at ‘cowardly’ Bethel’, 6 March 2018. Available at: <http://www.tribune242.com/news/2018/mar/06/smith-hits-back-cowardly-bethel/>.

243 The Penal Code of the Bahamas, Articles 315-317. Available at: <http://bit.ly/38IH15H>.

244 Eyewitness News, ‘Rights Bahamas: Abolish the archaic criminal libel laws’, 11 July 2019. Available at: <https://ewnews.com/rights-bahamas-abolish-archaic-criminal-libel-laws>.

245 The Tribune 242, ‘Smith leads calls to end ‘archaic’ criminal libel laws’, 11 July 2019. Available at: <http://www.tribune242.com/news/2019/jul/11/smith-leads-calls-to-end-archaic-criminal-libel/>.

246 Eyewitness News, ‘Rights Bahamas: Abolish the archaic criminal libel laws’, 11 July 2019. Available at: <https://ewnews.com/rights-bahamas-abolish-archaic-criminal-libel-laws>.

247 Ibid.

248 Eyewitness News, ‘Civil society calls attention to urgency of FOIA’, 14 May 2019. Available at: <https://ewnews.com/civil-society-calls-attention-to-urgency-of-foia>.

249 Elutheran News, ‘Freedom of Information Act (FOIA) to be implemented in phases’. 23 April 2019. Available at: <https://elutheranews.com/?p=16481>.

250 Voluntary pledges and commitments of The Bahamas for Election to the Human Rights Council (2019-2021). Available at: <https://bit.ly/2nRNHvu>.

251 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=25/06/2019%2000:00:00>.

to the promotion and protection of human rights in all contexts.²⁵² It joined the consensus in adopting the resolution on *The human rights of migrants*.²⁵³ In April 2019, the Parliament of the Bahamas, amidst severe opposition, passed the immigration (Amendment) Bill that seeks to provide exemptions for work permits in the country.²⁵⁴ However, the issue of irregular migration has become more pronounced in the aftermath of Hurricane Dorian in the country.²⁵⁵

The Bahamas has not yet ratified the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (CMW).²⁵⁶ The CEDAW concluding observations on the Bahamas, released in 2018, specifically noted concerns about detention of asylum-seeking women, including those with children, in the country.²⁵⁷ It also raised concerns on the situation of asylum-seeking / migrant women and women of Haitian descent without identity documents or national passports, who do not report violations of their rights, including gender-based violence, to the authorities, owing to a fear of deportation.²⁵⁸

Even in the aftermath of the Category 5 Hurricane Dorian, the Bahamian Government announced that Haitian evacuees who are not in the country legally will face deportation,²⁵⁹ despite assuring suspension of the crackdown in the affected islands immediately after the storm.²⁶⁰ It reportedly deported 112 Haitian migrants from the country in the midst of the disaster and destruction.²⁶¹ This number has increased to over 200 by November 2019.²⁶² Among those reportedly included a pregnant woman and two children.²⁶³ While there were reports of ill-treatment and discrimination against Haitians,²⁶⁴ the Government denied these allegations.²⁶⁵ The OHCHR and UN mechanisms called on the Government to refrain from deporting individuals lacking documentation, without individual assessments and due process guarantees as ensured under international law.²⁶⁶ However, the Government continued with the deportations stating that they have been carried out in accordance with international standards.²⁶⁷

The Bahamas pledged to ‘protect against and prevent **discrimination** in all its forms, in both law and in practice’.²⁶⁸ Despite this pledge, discrimination and xenophobia against foreign nationals, particularly Haitians, is reported from the country, and is closely related with the issue of migration.²⁶⁹ Haitians are said to be frequently targeted, harassed, detained and deported *en masse* by the Government, especially after the 2014 law that requires everyone to carry

252 Ibid.

253 Resolution 41/7 The human rights of migrants (2019).

254 The Nassau Guardian, ‘Amendments to Immigration Act pass in House’, 26 April 2019. Available at: <https://thenassauguardian.com/2019/04/26/amendments-to-immigration-act-pass-in-house/>.

255 Eyewitness News, ‘Rights Bahamas condemns government for immigration flip-flop’, 2 October 2019. Available at: <https://ewnews.com/rights-bahamas-condemns-government-for-immigration-flip-flop>.

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

257 Committee on the Elimination of Discrimination Against Women, Concluding observations on the periodic report of the Bahamas, 14 November 2018. Available at: <https://bit.ly/2pfZaFv>.

258 Ibid.

259 National Public Radio, ‘After Dorian, The Bahamas cracks down on undocumented Haitians’, 5 October 2019. Available at: <https://n.pr/2YJ0Cy3>.

260 The New York Carib News, ‘Bahamas suspends immigration crackdown’, 12 September 2019. Available at: <https://www.nycarib-news.com/articles/bahamas-suspends-immigration-crackdown/>.

261 The Nassau Guardian, ‘UN: Halt Haitian deportations’, 16 October 2019. Available at: <https://thenassauguardian.com/2019/10/16/un-halt-haitian-deportations/>.

262 Eyewitness News, ‘IOM: Deported Haitians traumatized, cannot make a living’, 6 November 2019. Available at: <https://ewnews.com/iom-deported-haitians-traumatized-cannot-make-a-living>.

263 Ibid.

264 The Haitian Times, ‘Haitians in the Bahamas fear deportations in wake of Hurricane Dorian’, 26 September 2019. Available at: <https://bit.ly/34iDcka>.

265 Jamaica Observer, ‘Bahamas Government denies ill-treatment of Haitians’, 24 September 2019. Available at: <https://bit.ly/2tcmRkg>.

266 Office of the High Commissioner for Human Rights, Press Releases, Press briefing note on Bahamas, 11 October 2019. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25146&LangID=E>.

267 The Tribune 242, ‘No backing down on deportations: Govt rejects UN’s concern over new migrant expulsions’, 20 October 2019. Available at: <https://bit.ly/2RO3RCS>.

268 Voluntary pledges and commitments of The Bahamas for Election to the Human Rights Council (2019-2021). Available at: <https://bit.ly/2nRNHvu>.

269 The Haitian Times, ‘Haitians in the Bahamas fear deportations in wake of Hurricane Dorian’, 26 September 2019. Available at: <https://bit.ly/2Pfmk9J>.

a passport at all times.²⁷⁰ The Haitians and the Bahamians of Haitian descent have continued to live in the poorest conditions have been positioned as the most vulnerable residents.²⁷¹ Anti-immigrant and anti-Haitian sentiments have soared in the aftermath of Hurricane Dorian with heightened ethnic tensions and hate speech, including death threats, on social media.²⁷²

Many public statements were made by Government officials that underlined discrimination: Foreign Minister Darren Henfield said that such uncontrolled immigration is posing a threat to the national security of the Bahamas.²⁷³ This statement came in the midst of widespread bias against migrants, particularly Haitians,²⁷⁴ reported from the country.²⁷⁵ A Bahamian attorney suggested that the government should screen the shelterees displaced by the storm to identify undocumented migrants and this was condemned by rights' groups.²⁷⁶ Attorney General Carl Bethel advised work-permit holders, whose places of employment were destroyed by Hurricane Dorian, to "go home".²⁷⁷ The Inter-American Commission of Human Rights (IACHR) noted that detention of immigrants is discriminatory and not the answer to the Bahamas' immigration challenges.²⁷⁸ Questions were raised over discriminatory raids on Haitian immigrant communities, and the new Immigration Act, which makes people born in the Bahamas, with a right to citizenship, 'aliens' liable to be deported if they do not register between ages 18 and 19.²⁷⁹ Children of undocumented Haitian immigrants are denied the right to public education, which perpetuates discrimination and inequality against the migrants and their descendants.²⁸⁰

VI. Conclusions

The Bahamas participated actively in the deliberations in the Session as a first-time member of the Council. However, the voting patterns and statements made by the Bahamas in the Council are not bridged with the situation on ground.

- Despite many efforts and initiatives by the Government, discrimination and violence against women is pervasive in the country. Lack of sex education, restrictions on legal abortions, and difficulty in accessing justice continue to pose severe challenges to gender equality.
- Irregular migration continues to be a challenge: immigration policies and deportation of undocumented migrants from the country, even in the aftermath of Hurricane Dorian, is contrary to the voluntary pledge submitted by the Bahamas.
- Discrimination and xenophobia against migrants, especially Haitians, is rife. International organisations such as the OHCHR, IOM and IACHR have raised concerns over these discriminatory, anti-immigration policies in the country.

270 Ibid.

271 Eyewitness News, 'Don't discriminate against Haitians', 11 September 2019. Available at: <https://ewnews.com/dont-discriminate-against-haitians>.

272 Eyewitness News, 'Anti-Haitian sentiments on the rise following Dorian', 2 October 2019. Available at: <https://ewnews.com/anti-haitian-sentiments-on-the-rise-following-dorian>.

273 Eyewitness News, 'Henfield: Illegal immigration is a security threat', 11 January 2019. Available at: <https://ewnews.com/henfield-illegal-migration-is-a-security-threat>.

274 Office of the High Commissioner for Human Rights, Press Releases, Press briefing note on Bahamas, 11 October 2019. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25146&LangID=E>.

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

276 Eyewitness News, 'Rights Bahamas: Munroe's immigration challenge sickening', 6 November 2019. Available at: <https://ewnews.com/rights-bahamas-munroes-immigration-challenge-sickening>.

277 The Nassau Guardian, 'Xenophobia, ungratefulness and knee-jerk policymaking', 2 October 2019. Available at: <https://thenassauguardian.com/2019/10/02/xenophobia-ungratefulness-and-knee-jerk-policymaking/>.

278 The Tribune 242, 'IACHR President: Detention not the answer to Bahamas' immigration challenges', 10 May 2019. Available at: <https://bit.ly/36txuxh>.

279 Eyewitness News, 'Rights Bahamas members air concerns before IACHR', 13 May 2019. Available at: <https://ewnews.com/rights-bahamas-members-air-concerns-before-inter-american-commission-on-human-rights>.

280 Ibid.

I. Introduction

Bangladesh was elected to serve its fourth term as a member of the HRC in 2018 by virtue of a clean slate election.²⁸¹ It has previously served as a member of the HRC from 2007–2009,²⁸² 2010–2012,²⁸³ and 2015–2017.²⁸⁴ Its current term started in 2019 and it will end in 2021.²⁸⁵

II. Voluntary Pledges and Commitments

Bangladesh submitted its voluntary pledges and commitments before its election to the Council in 2018.²⁸⁶

At the domestic level, it pledged to:

- Host the forcibly displaced Myanmar nationals until they return to their homeland in safety, security and dignity.
- 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.
- Enact and/or update, to the extent necessary, national legislation to implement the international human rights instruments to which it is a party.
- 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.
- Preserve the independence of the judiciary.
- 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.
- Provide capacity-building and training 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.
- 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.

²⁸¹ United Nations General Assembly, Elections of the Human Rights Council, 12 October 2018. Available at: <https://www.un.org/en/ga/73/meetings/elections/hrc.shtml>.

²⁸² United Nations Human Rights Council, Membership of the Human Rights Council - 2007. Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/Group20062007.aspx>.

²⁸³ United Nations Human Rights Council, Membership of the Human Rights Council - 2010. Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/Group20092010.aspx>.

²⁸⁴ United Nations Human Rights Council, Membership of the Human Rights Council - 2015. Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/Group2015.aspx>.

²⁸⁵ 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>.

²⁸⁶ Office of the High Commissioner for Human Rights, Voluntary Pledges and Commitments submitted by Bangladesh, 14 June 2018. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/73/90.

- 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.
- Strengthen efforts to promote and protect the rights of workers and progressively realize decent working conditions across all sectors of the economy.
- Take adequate social and developmental measures for promoting the education and well-being of women and girls, with a view to ending child marriage.
- 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 and discrimination against women, children and vulnerable groups, including transgender persons.
- 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, it pledged 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.
- Support the work of OHCHR in fulfilling its mandate.
- Support the UN agencies, programmes and funds that facilitate the promotion of human rights.
- Promote the realisation 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.
- 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.
- Promote a culture of peace, take collective measures against racism, xenophobia and Islamophobia and protect victims against such crimes.
- Promote and advocate for the rights and well-being of migrant workers throughout the entire migration cycle.
- 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.
- 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 41st Session of the HRC

The following is a selected representation of Bangladesh's participation in the Session:

S.No.	Interactive Dialogue	Bangladesh's Interventions
1.	Clustered interactive dialogue with the Special Rapporteur on the right to health and the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members	<ul style="list-style-type: none"> Stated that societal inclusion, including participation of persons affected by leprosy and their family members in health services, income generation and education opportunities must be ensured. Highlighted that in July 2017, the National Leprosy Control Strategy for 2016-2020 titled 'Accelerating towards a leprosy free Bangladesh' was adopted in light of the Global Leprosy Strategy. Reiterated its commitment towards a further reduction of the burden of leprosy and to build a leprosy-free world.²⁸⁷
2.	Clustered interactive dialogue with the Special Rapporteur on the human rights of migrants and the Independent Expert on international solidarity	<ul style="list-style-type: none"> Concurred with the Special Rapporteur that migrant women provide important social and economic contributions to their countries of origin and destination. Supported the Special Rapporteur's recommendations in ensuring implementation, review and follow-up of the Global Compact on Migration and provision of gender-sensitive human rights training to immigration officers. Opined that sex-specific restrictions on migration applied in some countries can be gradually diminished if labour conditions are improved in destination countries through adequate legal provisions.²⁸⁸
3.	Clustered interactive dialogue with the Special Rapporteur on violence against women and the Special Rapporteur on trafficking in persons, especially women and children	<ul style="list-style-type: none"> Stated that the empowerment of women, and the elimination of violence against women and girls are of primary importance to Bangladesh. Reported that between 2013 and 2017, 1,205 cases of violence against children were taken into account with 145 cases of child trafficking disposed off and 36 accused persons convicted. Elaborated on the various administrative and legislative actions undertaken by Bangladesh to address the crime of human trafficking.²⁸⁹
4.	Interactive dialogue with the Special Rapporteur on Myanmar	<ul style="list-style-type: none"> Affirmed its efforts and policy towards resolving the protracted problem with Myanmar through dialogue while maintaining friendly relations. Expressed its disappointment at Myanmar's concerted efforts to mislead the international community through the issuance of irresponsible statements. Shed light on Myanmar's discriminatory policies against ethnic minorities. Proposed that the creation of safe zones within Rakhine will be the only feasible approach for ensuring peace and restoring the human rights of the Rohingyas.²⁹⁰

²⁸⁷ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=24/06/2019%2000:00:00>.

²⁸⁸ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=25/06/2019%2000:00:00>.

²⁸⁹ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=27/06/2019%2000:00:00>.

²⁹⁰ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=02/07/2019%2000:00:00>.

5.	Interactive dialogue with the High Commissioner on the situation of human rights of Rohingya Muslims and other minorities in Myanmar	<ul style="list-style-type: none"> • Elaborated on its efforts to bring about the safe, voluntary repatriation of Rohingyas. • Highlighted Myanmar's lack of tangible efforts to make progress in areas like ending violence and non-recurrence, restoration of citizenship and other rights and ensuring accountability and justice. • Called for early operationalisation of the Independent Mechanism to continue investigation and ensure accountability. • Reiterated the humanitarian safe zone's proposal in the Rakhine State, seeking the support of the international community and ASEAN.²⁹¹
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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"> • Called upon Israel to end all human rights violations against Palestinian civilians, including prevention of illegal settlements in the West Bank, OPT and the Syrian Golan. • Emphasised the importance of preserving the legal status of Jerusalem within the framework of UN resolutions. • Reaffirmed its position with regard to the establishment of the State of Palestine on the basis of the two-state solution, with East Jerusalem serving as its capital.²⁹²
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"> • Expressed grave concern regarding the rise of intolerance, religious profiling, and Islamophobia across the world. • Condemned the prevalence of racial discrimination and xenophobia aimed at the Rohingyas in Myanmar. • Shed light on the critical human rights situation as a result of the Rohingya crisis and the critical importance of ensuring justice in order to prevent the recurrence of such events in Myanmar or elsewhere.²⁹³

S.No	Panel Discussion	Bangladesh's Interventions
1.	Panel discussion on women rights and climate change: climate action, best practices and lessons learned	<ul style="list-style-type: none"> • Agreed with the panelists on the difference between the impact of climate change on men and women owing to the higher levels of vulnerability of women and girls. • Asserted that equal participation and leadership of women in the decision-making process is essential to ensure effective measures against climate change. • Elaborated on the meaningful role played by female members of Parliament with regard to climate change and environmental policies. • Noted the role of rural women in making potable water and producing hydroponic agriculture in wetlands.²⁹⁴

²⁹¹ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=10/07/2019%2000:00:00>.

²⁹² Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=08/07/2019%2000:00:00>.

²⁹³ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=08/07/2019%2000:00:00>.

²⁹⁴ Office of High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=28/06/2019%2000:00:00>.

IV. Voting Pattern on Resolutions

Thematic Resolutions

Bangladesh voted in favour of four thematic resolutions, namely, *Enhancement of international cooperation in the field of human rights*,²⁹⁵ *Promotion of the right to peace*,²⁹⁶ *Human rights and international solidarity*²⁹⁷ and *The contribution of development to the enjoyment of all human rights*.²⁹⁸

It voted against one thematic resolution concerning the *Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*.²⁹⁹ It did not abstain from voting on any thematic resolution. Bangladesh also co-sponsored the resolution on Human rights and climate change.³⁰⁰

Country Situation Resolutions

Bangladesh did not vote in favour of or against any country situation resolution adopted by vote in this Session.³⁰¹

It abstained from voting on all five country situation resolutions that were put to vote, namely, *Cooperation with and assistance to Ukraine in the field of human rights*,³⁰² *Situation of human rights in Belarus*,³⁰³ *Situation of human rights in Eritrea*,³⁰⁴ *Promotion and protection of human rights in the Philippines*,³⁰⁵ and *The human rights situation in the Syrian Arab Republic*.³⁰⁶

It joined consensus in adopting the resolution concerning *Renouvellement du mandat d'Equipe d'experts internationaux sur la situation au Kasai* [Renewal of the mandate of the team of international experts on the situation in Kasai].³⁰⁷

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”.³⁰⁸ However, it has not yet extended a standing invitation to thematic Special Procedures.³⁰⁹ It has currently accepted visit requests from two mandate holders, namely, the Special Rapporteur on Housing, and the Special Rapporteur on Myanmar whose report is forthcoming.³¹⁰

The country currently has 20 visit requests and reminders pending from various mandate holders, including those from the Special Rapporteurs on minority issues and on extrajudicial summary or arbitrary executions (both pending

295 Resolution 41/3 Enhancement of international cooperation in the field of human rights (2019).

296 Resolution 41/4 Promotion of the right to peace (2019).

297 Resolution 41/5 Human rights and international solidarity (2019).

298 Resolution 41/19 The contribution of development to the enjoyment of all human rights (2019).

299 Resolution 41/18 Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2019).

300 Resolution 41 / 21 Human rights and climate change (2019).

301 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President's statements. Available at: <https://bit.ly/2QZzRUm>.

302 Resolution 41/25 Cooperation with and assistance to Ukraine in the field of human rights (2019).

303 Resolution 41/22 Situation of human rights in Belarus (2019).

304 Resolution 41/1 Situation of human rights in Eritrea (2019).

305 Resolution 41/2 Promotion and protection of human rights in the Philippines (2019).

306 Resolution 41/23 The human rights situation in the Syrian Arab Republic (2019).

307 Resolution 41/26 *Renouvellement du mandat d'Equipe d'experts internationaux sur la situation au Kasai* [Renewal of the mandate of the team of international experts on the situation in Kasai] (2019).

308 United Nations General Assembly, Voluntary Pledges and Commitments submitted by Bangladesh, 14 June 2018. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/73/90.

309 Office of the High Commissioner for Human Rights, Standing invitations to Special Procedures. Available at: https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/StandingInvitations.aspx.

310 Office of the High Commissioner for Human Rights, Country visits by Special Procedures to Bangladesh. Available at: <https://bit.ly/2qKQvMF>.

since 2006), on freedom of expression, and by Working Group on enforced or involuntary disappearances, among others.³¹¹

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

Bangladesh has only one treaty body report outstanding against it since 2002: the report to the CERD.³¹² Reports to the CRC-OP-AC, the CRC-OP-SC, and the CRPD were submitted in 2017 after a delay of seven years.³¹³ In July 2019, after a delay of 20 years, Bangladesh submitted its report to the CAT.³¹⁴

It has not responded to any of the individual complaint procedures.³¹⁵ It has accepted the inquiry procedures for CAT and CRPD-OP.³¹⁶ Moreover, till date, Bangladesh has not ratified the Optional Protocols of the CAT (CAT-OP) and the CCPR (CCPR-OP2-DP) as well as the CED.³¹⁷

c. *Compliance with Thematic Issues*

In its voluntary pledges, Bangladesh undertook to “take measures to prevent sexual exploitation and abuse and to ensure justice for the victims of such exploitation and abuse.”³¹⁸ In a major step in the lead up to the 2018 national election, the Election Commission of Bangladesh added the “*Hijra*” in the gender identity section of voter’s list as a mark of recognition to their right as the citizens of the country.³¹⁹ However, during the Session, it voted against the resolution seeking to renew the *Mandate of the independent expert on protection against violence and discrimination based on Sexual Orientation and Gender Identity*.³²⁰

Equality and safety of the members of the LGBTI+ community in Bangladesh remains an issue of concern, and they are reported to regularly receive threatening messages via telephone, text and social media from various radical Islamist groups. Extremist groups like *Basher Kella*, *Salaudinner Ghora* and *Hizb ut-Tahrir* have extensively posted online about the LGBT community, calling on the people of Bangladesh to resist the ‘evil’ of homosexuality.³²¹ Earlier this year, eight members of an al-Qaeda affiliated terrorist group, *Ansar al-Islam*, were charged with the murder of two pioneering LGBTI advocates in Bangladesh, Xulhaz Mannan and Mahbub Tonoy.³²² Both were hacked to death with machetes in April 2016 after a mob gained entry into Mannan’s house in Dhaka by pretending to be courier-delivery men. Mannan was the editor of the country’s first LGBT magazine, *Roopbaan*, and organised its first pride rally – the Rainbow Rally – for recognition of LGBTI rights.³²³

In May 2017, Bangladesh’s Rapid Action Battalion (RAB) raided a gathering in Dhaka and arrested 28 men, paraded them in front of the media, while saying ‘they were gay’ and accused them of possessing drugs.³²⁴ A RAB official explained that the men were arrested before they could engage in “homosexual acts” which is why they were not

311 Ibid.

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

313 Ibid.

314 Ibid.

315 Ibid.

316 Ibid.

317 Office of the High Commissioner for Human Rights, Treaty Bodies, Ratification Status of Bangladesh. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=14&Lang=EN.

318 Office of the High Commissioner for Human Rights, Voluntary Pledges and Commitments submitted by Bangladesh, 14 June 2018. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/73/90.

319 Dhaka Tribune, ‘EC adding ‘Hijra’ as a gender identity in voters’ list’, 13 January 2018. Available at: <https://www.dhakatribune.com/bangladesh/2018/01/13/ec-adding-hijra-gender-identity-voters-list>.

320 Resolution 41/18 Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2019).

321 East Asia Forum, ‘The ruins of Bangladesh’s LGBT community’, 23 March 2018. Available at: <https://www.easiaforum.org/2018/03/23/the-ruins-of-bangladeshs-lgbt-community/>.

322 The Telegraph, ‘Eight al-Qaeda linked militants charged with LGBT murders in Bangladesh’, 13 May 2019. Available at: <https://bit.ly/2tafnhz>.

323 Ibid.

324 The Washington Post, ‘Police just arrested 27 men ‘for homosexuality’ in Bangladesh’, 19 May 2017. Available at: <https://wapo.st/34cBTTR>.

charged for violating the law criminalising consensual same-sex relationships.³²⁵ Between 2015 and 2017, Bangladesh had the second highest number of asylum applications to the UK based on sexual orientation, after Pakistan.³²⁶

In its pledges submitted in 2018, Bangladesh committed to “continue its pro-people development agenda, with particular attention to women”.³²⁷ It joined consensus in the Council for adopting the resolution on *Elimination of all forms of discrimination against women and girls*,³²⁸ which urges States to ensure that women and girls equally enjoy economic, social, cultural, civil and political rights by eliminating all forms of discrimination by State and non-State actors alike. In the interactive dialogue with the Special Rapporteurs on violence against women and on trafficking in persons, especially women and children, Bangladesh noted that empowerment and eliminating violence against women and girls are their priorities and elaborated on the administrative and legislative actions undertaken to address the crime of human trafficking in the country.³²⁹

However, violence against women is a serious social, cultural and economic problem in Bangladesh, and domestic violence is a common, but largely underreported, occurrence.³³⁰ The Committee on Economic, Social and Cultural Rights, in its concluding observations on Bangladesh in 2018, recommended that the country revise its Penal Code to recognise marital rape as an offence, strengthen the enforcement of the legislation on sexual and gender-based violence, bring perpetrators of such violence to justice, and prosecute and punish those found responsible.³³¹ A research undertaken by two independent rights groups found that two out of every three women, around 66 per cent, suffer from domestic violence in Bangladesh.³³² Between January and July 2019, 791 women were raped and there were 134 attempted rapes during the same period.³³³

In a survey conducted earlier this year across 4,800 people in 64 districts, more than 40 per cent people considered physical abuse to be the only form of violence against women.³³⁴ According to the annual report of the National Human Rights Commission of Bangladesh (NHRCB), incidence of rape of women, including girl children, had increased in 2018.³³⁵ Last year, at least 1648 women faced six different forms of violence -- rape, domestic abuse, assault on domestic workers, dowry-related attacks, acid attacks, and assaults by *salish* (village arbitration).³³⁶ The number has been 1467 cases in 2016, 1627 cases in 2015 and 1615 in 2014.³³⁷ 73 per cent of female internet users in Bangladesh reported cybercrime.³³⁸ By December 2017, the Government’s Information and Communication Technology Division’s Cyber Help Desk received more than 17,000 complaints, out of which 70 per cent of complainants were women.³³⁹ In 78 per cent of the cases related with digitally manipulated images with pornographic material, the victim was found to be a woman.³⁴⁰

325 Ibid.

326 Government of the UK, ‘Asylum claims on the basis of sexual orientation’. Available at: <https://www.gov.uk/government/statistics/asylum-claims-on-the-basis-of-sexual-orientation>.

327 Office of the High Commissioner for Human Rights, Voluntary Pledges and Commitments submitted by Bangladesh, 14 June 2018. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/73/90.

328 Resolution 41/6 Elimination of all forms of discrimination against women and girls (2019).

329 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=27/06/2019%2000:00:00>.

330 MDG Achievement Fund, ‘Bangladesh: Joint UN Programme to Address Violence against Women in Bangladesh’. Available at: <http://mdgfund.org/program/jointunprogrammeaddressviolenceagainstwombangladesh>.

331 Committee on Economic, Social and Cultural Rights, Concluding observations on the initial report of Bangladesh, 18 April 2018. Available at: <https://bit.ly/2qLNnQH>.

332 The Daily Star, ‘Violence against women is a men’s issue’, 25 August 2019. Available at: <https://www.thedailystar.net/opinion/news/violence-against-women-mens-issue-1789915>.

333 Ain O Salish Kendra, ‘Violence Against Women - Rape (January-July 2019)’, 8 August 2019. Available at: <http://www.askbd.org/ask/2019/08/08/violence-against-women-rape-january-july-2019/>.

334 The Daily Star, ‘Violence Against Women: Not all forms recognised’, 9 March 2019. Available at: <https://www.thedailystar.net/frontpage/news/violence-against-women-not-all-forms-recognised-1712527>.

335 National Human Rights Commission of Bangladesh, Annual Report 2018. Available at: <http://bit.ly/38AGCC7>.

336 The Daily Star, ‘Int’l Day for Elimination of Violence Against Women: It shows little sign of easing’, 25 November 2018. Available at: <https://bit.ly/2YE6GRQ>.

337 Ibid.

338 Bangladesh Legal Aid and Services Trust (BLAST), ‘Legal Action on Cyber Violence against Women’. Available at: <https://www.blast.org.bd/content/publications/Cyber-violence.pdf>.

339 Ibid.

340 Ibid.

In its voluntary pledges, Bangladesh committed 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.”³⁴¹ Bangladesh joined consensus in adopting the resolution on *The rights to freedom of peaceful assembly and of association*,³⁴² extending the mandate of the Special Rapporteur on the issue for a period of three years. However, concerns over **freedom of assembly and association and freedom of expression** have continued to persist in the country, which were also raised by various UN human rights mechanisms.³⁴³

The Human Rights Committee and the Special Rapporteur on freedom of religion were concerned about limitations on the rights to freedom of opinion, expression and association, particularly the lack of police protection, as well as death threats, physical attacks, intimidation of journalists, bloggers and human rights defenders by extremist groups and their harassment under the Information and Communication Technology Act (ICT Act) of 2006 (amended in 2013) and now under the new Digital Security Act (DSA) of 2018.³⁴⁴ When the ICT Act was in force, the Special Rapporteur observed that Section 57 of the Act limited freedom of opinion and expression by using vague and overbroad terminology to criminalise the online publication of information that hurt “religious sentiment” or prejudiced “the image of the State” as cognisable and non-bailable offences.³⁴⁵ The 2013 Act also eliminated the need for arrest warrants and official permission to prosecute, restricted the use of bail to release detainees pending trial, and increased prison terms on conviction.³⁴⁶ On 5 August 2018, Shahidul Alam, a well-known photo-journalist, was arrested and arbitrarily detained under the provision for ‘spreading disinformation’ after publishing photos of a students’ demonstration against deaths due to bad traffic management.³⁴⁷ He was later released in November 2018 after an order by the High Court, which was upheld by the Supreme Court.³⁴⁸

The DSA is criticised for being even more repressive and is feared to be used for intimidating and imprisoning journalists and social media users, silence dissent and use invasive form of surveillance.³⁴⁹ Concerns were raised internationally³⁵⁰ on the DSA for vaguely drafted provisions that may lead to criminalising legitimate speech and expression, retaining the controversial Section 57 of its predecessor,³⁵¹ conferring broad and undefined powers on the authorities, and allowing removal of content or seizure of devices without adequate safeguards.³⁵² Bangladesh ranks 150th in the 2019 World Press Freedom Index,³⁵³ while it has consistently ranked between 144th and 146th since 2013.³⁵⁴ Over the last five years, criminalisation of free speech and use of laws to restrict expression have been on a rise; 463 violations of freedom of speech occurred in the country last year, out of which 51 per cent involved journalists.³⁵⁵ Two journalists were murdered, 19 suffered severe physical assault, 156 were victims of different physical attacks and 22 were forcibly disappeared in 2018.³⁵⁶ While cases of legal harassment of communicators rose from 33 in 2013 to 169 in 2017; the use of physical force and assault as a silencing tactic dropped from 173 in 2013 to 113 in 2017.³⁵⁷ This

341 Office of the High Commissioner for Human Rights, Voluntary Pledges and Commitments submitted by Bangladesh, 14 June 2018. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/73/90.

342 Resolution 41/12 The rights to freedom of peaceful assembly and of association (2019).

343 Human Rights Council, Working Group on the Universal Periodic Review, Compilation on Bangladesh, 19 March 2018. Available at: <https://bit.ly/2YHvj1>.

344 Ibid.

345 Ibid.

346 Human Rights Watch, ‘No Place for Criticism Bangladesh Crackdown on Social Media Commentary’, May 2018. Available at: https://www.hrw.org/sites/default/files/report_pdf/bangladesh0518_web.pdf.

347 The Daily Star, ‘SC upholds HC stay on probe into Shahidul’s case’, 18 August 2019. Available at: <https://www.thedailystar.net/country/photographer-shahidul-alam-case-sc-upholds-hc-stay-probe-1786858>.

348 Ibid.

349 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/>.

350 The Dhaka Tribune, ‘Washington concerned about certain Digital Security Act provisions’, 12 June 2019. Available at: <https://bit.ly/34gam3K>; see also: Forbes, ‘Bangladeshi Digital Security Act draws fire from EU’, 28 September 2018. Available at: <https://bit.ly/2RKYIRn>.

351 The Diplomat, ‘Bangladesh enacts new law that could silence dissenters’, 10 October 2018. Available at: <https://thediplomat.com/2018/10/bangladesh-enacts-new-law-that-could-silence-dissenters/>.

352 The Daily Star, ‘Criminalising dissent: What about muzzling opinions?’, 9 November 2019. Available at: <https://bit.ly/2LO4XuB>.

353 Reporters Without Borders, World Press Freedom Index 2019, Bangladesh. Available at: https://rsf.org/en/ranking_table.

354 Ibid.

355 The Daily Tribune, ‘463 breaches of freedom of speech right’, 3 May 2019. Available at: <https://www.thedailystar.net/frontpage/news/463-breaches-freedom-speech-1737874>.

356 Ibid.

357 Article 19, ‘Bangladesh: Violations of the right to freedom of expression in 2017’, 2 May 2018. Available at: <https://www.article19.org/resources/bangladesh-violations-right-freedom-expression-2017/>.

has also forced journalists and others to self-censor³⁵⁸ and has contributed to further shrinking of the civic space in the country.³⁵⁹

Bangladesh pledged to “host the forcibly displaced Myanmar nationals until they return to their homeland in safety, security and dignity”.³⁶⁰ It joined consensus on adopting the resolution on ***The human rights of migrants***, which reaffirmed the need to ensure full respect for the human rights and fundamental freedoms of all migrants, regardless of their legal status.³⁶¹ In the interactive dialogue with the Special Rapporteur on Myanmar as well as with the High Commissioner on the situation of human rights of Rohingya Muslims and other minorities in Myanmar, Bangladesh informed of its efforts for bringing about safe and voluntary repatriation of Rohingyas³⁶² and identified creation of safe zones within the Rakhine state as the only feasible approach for ensuring peace and restoring the human rights of the Rohingyas.³⁶³ It was also among the 164 countries to have adopted the Global Compact for Safe, Orderly and Regular Migration (the Compact) in Marrakech, Morocco.³⁶⁴ Md. Shahidul Haque, Foreign Secretary of Bangladesh, in the aftermath of the Compact, had said that Bangladesh recognised cross-border forced displacement caused by violence, extremism and ultra-nationalism, and that it has concluded an arrangement with the EU for a humane and mutually beneficial return process for Bangladeshis.³⁶⁵

During the 73rd UN General Assembly, Prime Minister Sheikh Hasina said there are 1.1 million Rohingya refugees in Bangladesh.³⁶⁶ According to Inter-sectoral Coordination Group (ISCG), some 911,566 Rohingya refugees in Cox’s Bazar while 905,754 refugees were identified in camps according to Refugee Relief and Repatriation Commission (RRRC-UNHCR) Registration exercise.³⁶⁷ The Government of Bangladesh has enacted Overseas Employment and Migrant Act 2013 to safeguard the rights and privileges of migrant workers.³⁶⁸ It provides for compulsory employment contract for the migrant workers, mandatory stipulation of terms and conditions relating to salary, accommodation, contract period and compensation for workplace injury or death.³⁶⁹ The Government has set up 29 Labour Welfare Wings at 26 Bangladesh missions abroad to address the interests of migrant workers.³⁷⁰ Four safe homes have been established in Jeddah, Riyadh, Medina and Muscat for vulnerable female workers.³⁷¹ The Committee on Migrant Workers was concerned about reports that undocumented nationals of Myanmar working in Bangladesh were frequently subjected to sexual and gender-based violence and labour exploitation and that Indian migrant workers were subjected to debt bondage in the brick kiln sector.³⁷²

Over the last decade, nearly 700,000 Bangladeshis were displaced on average each year by natural disasters, according to the Internal Displacement Monitoring Centre.³⁷³ Disasters led to 78,000 new displacements in 2018, 44,000 of

358 Ibid.

359 The Daily Star, ‘Ensure democratic space for civil society and media in Bangladesh’, 4 July 2019. Available at: <https://www.thedailystar.net/city/news/ensure-democratic-space-civil-society-media-1766482>.

360 Office of the High Commissioner for Human Rights, Voluntary Pledges and Commitments submitted by Bangladesh, 14 June 2018. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/73/90.

361 Resolution 41/7 The human rights of migrants (2019).

362 Office of the High Commissioner for Human Rights, Human Rights Council Extranet Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=10/07/2019%2000:00:00>.

363 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=02/07/2019%2000:00:00>.

364 Global Compact For Safe, Orderly And Regular Migration. Available at: <http://bit.ly/38ugjxw>.

365 United Nations, Press Release, ‘World Leaders Adopt First-Ever Global Compact on Migration, Outlining Framework to Protect Millions of Migrants, Support Countries Accommodating Them’, 10 December 2018. Available at: <https://www.un.org/press/en/2018/dev3375.doc.htm>.

366 Dhaka Tribune, ‘Rohingya crisis: Population exploding as 91,000 babies are born in two years’, 29 August 2019. Available at: <https://bit.ly/34ehA8D>.

367 Ibid.

368 Overseas Employment and Migrant Act, 2013. Available at: <https://www.ilo.org/dyn/migpractice/docs/169/Act.pdf>.

369 Ibid.

370 Human Rights Council, Working Group on the Universal Periodic Review, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, 26 February 2018. Available at: <https://bit.ly/2NVwyu8>.

371 Ibid.

372 Human Rights Council, Working Group on the Universal Periodic Review, Compilation on Bangladesh, 19 March 2018. Available at: <https://bit.ly/2rl7Knw>.

373 Internal Displacement Monitoring Centre, Country Information, Bangladesh. Available at: <https://bit.ly/35ic0mV>.

which were associated with river bank erosion in Shariatpur.³⁷⁴ The changes in the amplitude and frequency of sea-level extremes in Bangladesh, exacerbated by the poor availability of high-saline tolerant crop varieties, increased soil salinity from rising seas is likely to displace nearly 200,000 from their coastal homes in Bangladesh.³⁷⁵ World Bank Report 2018 states that the Bangladeshis displaced due to climate change could reach 13.3 million by 2050.³⁷⁶

In its voluntary pledges, Bangladesh committed 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.”³⁷⁷ Bangladesh joined consensus on the resolution focusing on *The right to education: follow-up to Human Rights Council Resolution 8/4*,³⁷⁸ which urges all States to expand educational opportunities for all without discrimination, by implementing special programmes to address inequalities at all levels.³⁷⁹

Bangladesh has made considerable progress over the past decades in increasing primary school enrolment—raising GER (gross enrolment ratio) to 107 per cent and NER (net enrolment ratio) to 95.6 per cent.³⁸⁰ It has also been leading efforts for closing gender gap in enrolment in primary and secondary education, and in ensuring female-friendly environment and infrastructure in the educational sector.³⁸¹ The participation of girls in primary education was recorded at 95.4 per cent in 2017, whereas in 2008, it was only 57 per cent.³⁸² However, the concern is that an estimated 39.8 per cent children are reported to have dropped out before completing primary schooling.³⁸³ The number of out-of-school children is thought to be declining, but according to UNICEF estimates, approximately 2.9 million children of primary school age (6-10 years) do not regularly attend school.³⁸⁴ According to the 2018 World Bank Report, 35 per cent of the students who passed grade three, cannot even read Bangla comprehensively, whereas only 25 per cent of students who passed grade five, pass the minimum proficiency threshold in the country.³⁸⁵ The Committee on the Rights of the Child was concerned about the limited implementation in 2010 of the National Education Policy.³⁸⁶ It urged Bangladesh to increase the budget and ensure the Policy was implemented.³⁸⁷

In its voluntary pledges, Bangladesh committed to “promote and protect the rights of religious and ethnic minorities and work towards maintaining the traditional communal harmony”.³⁸⁸ In the general debate on racism, **racial discrimination**, xenophobia and related forms of intolerance, Bangladesh expressed grave concern regarding the rise of intolerance, religious profiling, and Islamophobia across the world.³⁸⁹

Although the Constitution promises equal rights for all citizens, members of the Dalit community are still reported to be treated as ‘untouchables’ and ostracised by the society.³⁹⁰ Key challenges to the full enjoyment of fundamental human rights for Dalits in Bangladesh include lack of access to education, extreme poverty issues, health and housing

374 Ibid.

375 International Food Policy Research Institute, ‘Coastal climate change, soil salinity and human migration in Bangladesh’, 22 October 2018. Available at: <https://www.nature.com/articles/s41558-018-0313-8>.

376 The World Bank, ‘Groundswell: Preparing for Internal Climate Migration – 2018’. Available at: <https://openknowledge.worldbank.org/handle/10986/29461>.

377 Office of the High Commissioner for Human Rights, Voluntary Pledges and Commitments submitted by Bangladesh, 14 June 2018. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/73/90.

378 Resolution 41/16 The right to education: follow-up to Human Rights Council resolution 8/4 (2019).

379 Ibid.

380 The Daily Star, ‘Can Bangladesh provide quality education to its children?’, 19 March 2019. Available at: <https://bit.ly/34gnINs>.

381 The Daily Star, ‘How is Bangladesh faring in gender equality?’, 27 May 2019. Available at: <https://www.thedailystar.net/opinion/perspective/news/how-bangladesh-faring-gender-equality-1749268>.

382 Ibid.

383 The Daily Star, ‘Can Bangladesh provide quality education to its children?’, 19 March 2019. Available at: <https://bit.ly/34gnINs>.

384 Ibid.

385 World Bank, World Development Report - 2018. Available at: <https://www.worldbank.org/en/publication/wdr2018>.

386 Human Rights Council, Working Group on the Universal Periodic Review, Compilation on Bangladesh, 19 March 2018. Available at: <https://bit.ly/2rl7Knw>.

387 Ibid.

388 Office of the High Commissioner for Human Rights, Voluntary Pledges and Commitments submitted by Bangladesh, 14 June 2018. Available at: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/73/90.

389 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=08/07/2019%2000:00:00>.

390 Constitution of the People’s Republic of Bangladesh, Article 28 (1). Available at: <http://hrlibrary.umn.edu/research/bangladesh-constitution.pdf>.

problems, and unequal access to work and employment.³⁹¹ Dalit women suffer from multiple forms of discrimination and are yet to be empowered to take an active part in the socio-cultural, economic and political arena in the community and the country.³⁹² Due to social stigma of untouchability, Hindu sweepers in Bangladesh have been subjected to discrimination and marginalisation, and deprived of choices such as free selection of occupation, access to housing, education and other benefits.³⁹³ It has been reported that 209 indigenous persons and 125 families, in the Chittagong Hill Tracts and the plains, fell victim to different forms of violence and persecution in the first six months of 2018.³⁹⁴ The Committee on the Rights of the Child noted Bangladesh's efforts to combat discrimination, but reiterated its concerns regarding discrimination against certain groups. It recommended that Bangladesh adopt a comprehensive strategy to eliminate *de facto* discrimination against all children in disadvantaged situations and ensure the implementation of all legal provisions.³⁹⁵

VI. Conclusions

Bangladesh participated in five interactive dialogues, two general debates and one panel discussion. It sponsored the resolution on *Human rights and climate change* adopted by the Council with consensus.³⁹⁶

- Bangladesh has only one treaty body report outstanding against it since 2002: the report of CERD.³⁹⁷ Reports to the CRC-OP-AC, CRC-OP-SC, and CRPD were submitted in 2017 after a delay of seven years.³⁹⁸ There was a delay of 20 years in submitting the report to the CAT.³⁹⁹
- Bangladesh is one of the two Commonwealth members of the HRC, which has not extended standing invitations to thematic Special Procedures, despite submitting a voluntary pledge committing to such cooperation. It has 20 pending visit requests and reminders, which is one of the highest among the Commonwealth countries.
- For the 2018 election, the Election Commission added the “Hijra” in the gender identity section of voter's list as a mark of recognition to their right as the citizens of the country.⁴⁰⁰
- Gender-based violence remains rampant in the country. In 2017, at least 1648 women faced six forms of violence -- rape, domestic abuse, assault on domestic workers, dowry-related attacks, acid attacks, and assault unleashed by *salish* (village arbitration).⁴⁰¹

391 The Daily Star, 'The Dalits In Bangladesh', 19 January 2016. Available at: <https://bit.ly/2sl41XE>.

392 Ibid.

393 Committee on Economic, Social and Cultural Rights, Concluding observations on the initial report of Bangladesh, 18 April 2018. Available at: <https://bit.ly/2PdmCxU>.

394 Dhaka Tribune, 'Report: 209 indigenous people victimized in six months', 2 July 2018. Available at: <https://www.dhakatribune.com/bangladesh/2018/07/02/report-209-indigenous-people-victimized-in-six-months>.

395 Human Rights Council, Working Group on the Universal Periodic Review, Compilation on Bangladesh, 19 March 2018. Available at: <https://bit.ly/2rl7Knw>.

396 Resolution 41/21 Human rights and climate change (2019).

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

398 Ibid.

399 Ibid.

400 Dhaka Tribune, 'EC adding 'Hijra' as a gender identity in voters' list', 13 January 2018. Available at: <https://www.dhakatribune.com/bangladesh/2018/01/13/ec-adding-hijra-gender-identity-voter-s-list>.

401 The Daily Star, 'Int'l Day for Elimination of Violence Against Women: It shows little sign of easing', 25 November 2018. Available at: <https://bit.ly/35exZLu>.

I. Introduction

Cameroon was elected to serve its third term at the HRC in 2018 by virtue of a clean slate election.⁴⁰² Its current term ends in 2021.⁴⁰³ It has previously served as a member of the Council for two terms, i.e., from 2006-2009⁴⁰⁴ and from 2009-2011.⁴⁰⁵

II. Voluntary Pledges and Commitments

Cameroon submitted its voluntary pledges and commitments in 2006 when it was first elected to serve as a member of the Council.⁴⁰⁶ These have not been updated since.⁴⁰⁷ 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 resolutely pursue its policy of personal fulfilment as well as the promotion and respect of its rights and freedoms.⁴⁰⁸

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 organisations, 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.

⁴⁰² United Nations General Assembly, Elections of the Human Rights Council, 12 October 2018. Available at: <https://www.un.org/en/ga/73/meetings/elections/hrc.shtml>.

⁴⁰³ United Nations Human Rights Council, Current Membership of the Council (2019). Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/CurrentMembers.aspx>.

⁴⁰⁴ United Nations General Assembly, Elections of the Human Rights Council, 9 May 2006. Available at: <https://bit.ly/35sq512>.

⁴⁰⁵ United Nations General Assembly, Elections of the Human Rights Council, 12 May 2009. Available at: https://www.un.org/en/ga/63/elections/hrc_elections.shtml.

⁴⁰⁶ Office of the High Commissioner for Human Rights, Voluntary Pledges and Commitments submitted by Cameroon. Available at: <https://www.un.org/ga/60/elect/hrc/cameroun.pdf>.

⁴⁰⁷ Ibid.

⁴⁰⁸ Ibid.

III. Participation at the 41st Session of the HRC

The following is a representative selection of Cameroon's participation in the interactive dialogues and general debates during the Session:

S.No	Interactive Dialogue	Cameroon's Interventions
1.	Clustered interactive dialogue with the Special Rapporteur on the human rights of migrants and the Independent Expert on international solidarity	<ul style="list-style-type: none"> • Affirmed that international solidarity should primarily aim at consolidating States' stability as it is a prerequisite in the promotion of the rule of law and the protection of human rights. • Asserted that in this perspective of understanding international solidarity, secession and terrorism should be the subject of condemnation. • Highlighted its efforts in managing the security crisis in its territory and sought bilateral and multilateral support for preserving its unity and integrity. • Commended the recent actions and decisions taken by the UK police and judicial authorities concerning the international solidarity and hoped that this acts a lesson for states that host sponsors, planners and members of secessionist armed groups.⁴⁰⁹
2.	Clustered interactive dialogue with the Special Rapporteur on the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association	<ul style="list-style-type: none"> • Reiterated the utility of freedom of expression, but maintained that it may be subject to restrictions necessary in a democratic society, in accordance with Articles 20, 21 and 22 (2) of the ICCPR. • Stated that its actions are guided by international law which allows prohibition of a demonstration carrying a real, foreseeable risk of violence or its incitement or rejection of democratic principles by those concerned. • Asserted that the right to freedom of assembly does not include "a demonstration whose organisers and participants are motivated by violent intentions". • Stated that international law permits it to punish deliberate disturbances and unlawful activities orchestrated on the pretext of the enjoyment of the right to freedom of assembly and of manifestation. • Reminded that international human rights law condemns challenges to the authority of the State and other violations of laws and regulations governing public freedoms by political and social actors.⁴¹⁰
3.	Clustered interactive dialogue with the Special Rapporteur on summary executions and the Special Rapporteur on the right to education	<ul style="list-style-type: none"> • Highlighted the situation in the North-West and South-West Cameroon whereby, since 2017, armed secessionist groups have spread terror, destroyed schools, killed and abducted civilians, particularly students, security personnel and summarily executed doctors and priests. • Reported statements by the OHCHR and UNICEF condemning these acts of violence against schools and calling for protection of the rights of all children. • Asked for greater interest of the Council in these flagrant, persistent cases of extrajudicial executions, torture and human rights violations, including the right to education.⁴¹¹

409 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=25/06/2019%2000:00:00>.

410 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=26/06/2019%2000:00:00>.

411 Ibid.

4.	Clustered interactive dialogue with the Special Rapporteur on extreme poverty and the Special Rapporteur on the rights of internally displaced persons	<ul style="list-style-type: none"> • Asserted that as a result of the security crises in its territory, there 1,52,000 IDPs in its North-West and South-West regions and 57,417 IDPs in the Far North due to the atrocities orchestrated by Boko Haram. • Reported its methodology to arrive at the figures of the IDPs in Cameroon: by collecting data at the scale of each village; transmission of these figures at the level of each district, each department, each region, and then finally at the central administration level located in Yaoundé. • Stressed that data reported by NGOs and bilateral and multilateral partners is incorrect, without an objective basis and motivated by geopolitical interests.⁴¹²
5.	Interactive dialogue with the Special Rapporteur on Eritrea	<ul style="list-style-type: none"> • Noted positive developments due to the reconciliation between Eritrea and Ethiopia, and other countries in the region has ushered peace and cooperation. • Welcomed the lifting of sanctions on Eritrea by the UNSC stating that it is, in collaboration with neighboring countries, working to promote peace, security, development in the Horn of Africa with positive effect to Red Sea region and the Arabian Gulf. • Called for the non-renewal of the Special Rapporteur's mandate highlighting Eritrea's sustained efforts and increasing engagement with the UN bodies and development agencies. • Affirmed its support for the efforts in consolidating regional peace, security, and promoting complementarity and economic integration in the Horn of Africa.⁴¹³
6.	Interactive dialogue with the Commission of Inquiry on Burundi	<ul style="list-style-type: none"> • Agreed that while promotion and protection of human rights are essential vehicles for the achievement of peace and international security, stability in the States is essential for their realisation. • Asserted that given the fragility of some States, consolidation of legitimate institutions should be promoted, and reiterated that only cooperation — based on mutual respect and respect for international law — would encourage African States to better interact with the various OHCHR mechanisms. • Favoured peaceful and healthy cooperation with Burundi in absolute respect of its sovereignty and legitimate aspirations of its people.⁴¹⁴
7.	Enhanced Interactive dialogue on the Sudan	<ul style="list-style-type: none"> • Agreed that while promotion and protection of human rights are essential vehicles for the achievement of peace and international security, stability in the States is essential for their realisation. • Asserted that given the fragility of some States, consolidation of legitimate institutions should be promoted, especially in plural, complex societies like in African countries. • Promoted cooperation based on mutual respect and respect for international law that would encourage African States to better interact with the various OHCHR mechanisms. • Favoured peaceful and healthy cooperation with Sudan in absolute respect to its sovereignty and its people's legitimate aspirations. • Supported regional initiatives under the leadership of the African Union for restoring peace in the country per the provisions of Chapter 8 of the UN Charter.⁴¹⁵

⁴¹² Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=28/06/2019%2000:00:00>.

⁴¹³ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=02/07/2019%2000:00:00>.

⁴¹⁴ Ibid.

⁴¹⁵ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=09/07/2019%2000:00:00>.

8.	Enhanced interactive dialogue on the Democratic Republic of the Congo (DRC)	<ul style="list-style-type: none"> Appreciated the DRC and its people for their commitment to the consolidation of democracy and rule of law despite challenging circumstances. Encouraged bilateral and multilateral partners to collaborate with the DRC with mutual and exclusive respect of the international law, and for its sovereignty and its people's legitimate aspirations. Confirmed its fraternal, constant, unconditional support to the DRC.⁴¹⁶
9.	Interactive dialogue with the Independent Expert on the situation of human rights in Central African Republic (CAR)	<ul style="list-style-type: none"> Expressed admiration for the people of CAR for their resilience under the leadership of their legitimate authorities. Pointed out to CAR's partners that the protection and promotion of human rights require a context of peace, security, and stability. Welcomed the strong political will displayed by CAR to make institutional progress favourable to human rights and commended CAR's national report for its third UPR review. Confirmed its permanent, constant and unreserved fraternal support to the CAR.⁴¹⁷

S.No.	General Debate	Cameroon's Interventions
1.	General debate on Oral update by the United Nations High Commissioner for Human Rights	<ul style="list-style-type: none"> Welcomed the High Commissioner for deploying preventive approach, methodological rigour and mutual respect, and recalled the statement of the UNSG stressing its unity and territorial integrity. Confirmed the irreversible developments in terms of peace, security, rule of law, democracy and human rights with regard to Cameroon's political situation. Asserted that no Cameroonian citizen has been detained for political activities and those detained for common law violations enjoy the guaranteed rights. Reiterated that the rule of law infers a respect for legitimate institutions and that international human rights law has established that a State can suspend a right when it threatens public order. Deplored and rejected any statement that does not consider facts, realities and constraints involved. Reaffirmed its continued contribution in achieving peace, international security, and the promotion and protection of human rights.⁴¹⁸
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"> Condemned all hate speech and resurgence of identity retreats observed in social networks and stated that these cannot jeopardise Cameroon's unity. Recalled Article 30 of UDHR and Article 5 of ICCPR which establish the principle of restriction of guaranteed rights to prevent the abuse of rights. Affirmed the legitimacy of the Government measures against terrorism, incitement to hatred or discrimination, and totalitarian doctrines with the aim to protect public order, peace, and general interest.⁴¹⁹

⁴¹⁶ Ibid.

⁴¹⁷ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=10/07/2019%2000:00:00>.

⁴¹⁸ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=25/06/2019%2000:00:00>.

⁴¹⁹ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=01/07/2019%2000:00:00>.

3.	General debate on Human rights situations that require the Council's attention	<ul style="list-style-type: none"> Noted that the Xinjiang Uyghur region of China has suffered threats due to terrorism and extremism trampling the essential human rights of all ethnic groups and appreciated China's approach towards human rights protection and fight against terrorism. Expressed its appreciation particularly for the vocational education and training institutions consisting of trainees from different ethnic backgrounds with full respect to their rights. Commended the full legal protection of the freedom of religious belief in the Xinjiang Uyghur Region of China, while effectively promoting and protecting the Uyghur culture in the region. Asserted that no one should interfere with the counter-terrorism measures conducted by a country according to its sovereignty and called upon China to continue its efforts to combat terrorism in line with the UN Global Counter-Terrorism Strategy.⁴²⁰
4.	General debate on Human rights bodies and mechanisms	<ul style="list-style-type: none"> Stated that an updated reflection on Special Procedures with questions of form and substance is needed. Reminded the HRC that there is a lack of methodological rigour observed and that communications and press releases published by the mandate holders are insufficiently founded. Added that this generates feeling of lack of transparency, objectivity and integrity, raising questions on the legitimacy of the Special Procedures. Affirmed that, on substance, there is the lack of respect for their code of conduct and a simplistic interpretation of international human rights law projects some mandate holders to be perceived as factors of fragility and destabilisation in Africa. Confirmed its collaboration with the Special Procedures of the OHCHR despite its reservations.⁴²¹
5.	General debate on Follow-up and implementation of the Vienna Declaration and Programme of Action (VDPA)	<ul style="list-style-type: none"> Reminded that the VDPA recognises that all human rights derive from the dignity of the human person, and raised concerns about human rights violations faced by migrants and their families across the world, including stereotyping and marginalisation as well as state policies and laws undermining their rights. Encouraged States to cooperate in the development process and to eliminate obstacles to it, and hoped that they fulfil their promises regarding interdependence of human rights. Affirmed that it is tirelessly working to improve the human rights situation despite numerous challenges and that it has made considerable progress in this area in the last 25 years of VDPA.⁴²²
6.	General debate on Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action (DDPA)	<ul style="list-style-type: none"> Underscored the urgent need to fully and effectively implement the DDPA which provides a solid foundation for addressing and preventing contemporary forms of racism, discrimination, xenophobia and intolerance. Provided seven principles to the Council to guide the process of developing standards complementary to the ICERD. Affirmed that the approach should focus on specific fund issues rather than general arguments about the need for complementary standards.⁴²³

420 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=03/07/2019%2000:00:00>.

421 Ibid.

422 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=08/07/2019%2000:00:00>.

423 Ibid.

7.	General debate on Technical assistance and capacity-building, including oral update on Georgia and oral update on Nicaragua	<ul style="list-style-type: none"> • Affirmed its view of depoliticisation of technical assistance and capacity building essential in promoting and protecting of human rights taking into account the specificities of the beneficiary States and based only on their explicit request. • Stated that in some cases, technical assistance is used as pretext for achieving goals far from improving human rights situation, including interference in the internal affairs. • Alleged that the joint declaration is based on unverified facts, propaganda and misinformation purposely conveyed on social networks. • Asserted the continuation of its efforts for an internal solution for return to peace, stability, preservation of national unity, territorial integrity in line with respect of human rights and rule of law, and called for bilateral and multilateral actors support in this process.⁴²⁴
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IV. Voting Pattern on Resolutions

Thematic Resolutions

Cameroon voted in favour of four thematic resolutions that were put to vote during the Session, namely, *Enhancement of international cooperation in the field of human rights*,⁴²⁵ *Promotion of the right to peace*,⁴²⁶ *Human rights and international solidarity*,⁴²⁷ and *The contribution of development to the enjoyment of all human rights*.⁴²⁸

Cameroon did not vote against any thematic resolutions nor did it abstain from voting on any resolution.⁴²⁹

However, it was unusual that Cameroon's vote on the resolution concerning the *Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity* was not recorded.⁴³⁰

It joined the consensus in adopting the remaining 15 thematic resolutions tabled in this Session.⁴³¹

Country Situation Resolutions

Cameroon did not vote in favour of any country situation resolution tabled during the Session.⁴³²

It voted against three country situation resolutions, namely, *Cooperation with and assistance to Ukraine in the field of human rights*,⁴³³ *Situation of human rights in Eritrea*,⁴³⁴ and *Promotion and protection of human rights in the Philippines*,⁴³⁵ and abstained from voting on two country situation resolutions concerning the *Situation of human rights in Belarus*⁴³⁶ and *The human rights situation in the Syrian Arab Republic*.⁴³⁷

424 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=10/07/2019%2000:00:00>.

425 Resolution 41/3 Enhancement of international cooperation in the field of human rights (2019).

426 Resolution 41/4 Promotion of the right to peace (2019).

427 Resolution 41/5 Human rights and international solidarity (2019).

428 Resolution 41/19 The contribution of development to the enjoyment of all human rights (2019).

429 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President's statements. Available at: <https://bit.ly/2PfcTqH>.

430 Ibid.

431 Ibid.

432 Ibid.

433 Resolution 41/25 Cooperation with and assistance to Ukraine in the field of human rights (2019).

434 Resolution 41/1 Situation of human rights in Eritrea (2019).

435 Resolution 41/2 Promotion and protection of human rights in the Philippines (2019).

436 Resolution 41/22 Situation of human rights in Belarus (2019).

437 Resolution 41/23 The human rights situation in the Syrian Arab Republic (2019).

Cameroon joined the consensus in adopting the resolution on *Renouvellement du mandat de l'Equipe d'experts internationaux sur la situation au Kasai* [Renewal of the mandate of the team of international experts on the situation in Kasai].⁴³⁸

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

Cameroon has extended a standing invitation to all thematic Special Procedures since 2014.⁴³⁹ However, currently, Cameroon has a total of seven visit requests and reminders pending from Special Procedures.⁴⁴⁰ It has visit requests pending from the Working Groups on arbitrary detention and on discrimination against women, and the Special Rapporteurs on freedom of assembly, on independence of judges, and on health.⁴⁴¹

The request from the Special Rapporteur on water and sanitation stands postponed / cancelled since 2013, while that from the Special Rapporteur on human rights defenders since 2015.⁴⁴² Cameroon has accepted visit requests from three Special Rapporteurs, namely, on indigenous peoples, minority issues, and sale of children.⁴⁴³

b. Compliance with Reporting Obligations to Treaty Monitoring Bodies

Cameroon pledged to continue its efforts to remain fully compliant with the obligations under international human rights law.⁴⁴⁴ However, despite this, it has two treaty body reports pending, one with CRC-OP-AC since February 2015 and with CEDAW since February 2018.⁴⁴⁵

In July 2019, Cameroon submitted its report to the CERD, which was pending for two years till it was submitted.⁴⁴⁶ The remaining treaty body reports were submitted, but after a delay of about two-three years.⁴⁴⁷

Cameroon has not ratified the *Convention for the Protection of All Persons from Enforced Disappearance* (CED), *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (CMW), *Convention on the Rights of Persons with Disabilities* (CRPD), and the *Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography* (CRC-OP-SC).⁴⁴⁸

c. Compliance with Thematic Issues

During the 41st Session, Cameroon's vote was not recorded on the resolution concerning the *Mandate of the Independent Expert on protection against violence and discrimination based on **sexual orientation and gender identity***.⁴⁴⁹ Members of the LGBTI+ community in Cameroon continue to face criminalisation, violence, intimidation, and discrimination.⁴⁵⁰ Article 347-1 of Cameroon's penal code prohibits sexual relations with a person of the same

438 Resolution 41/26 *Renouvellement du mandat de l'Equipe d'experts internationaux sur la situation au Kasai* [Renewal of the mandate of the team of international experts on the situation in Kasai] (2019).

439 Office of the High Commissioner for Human Rights, Country visits by Special Procedures to Cameroon. Available at: https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en

440 Ibid.

441 Ibid.

442 Ibid.

443 Ibid.

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

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

446 Ibid.

447 Ibid.

448 Ibid.

449 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President's statements. Available at: <https://bit.ly/368uzKv>.

450 Human Rights Watch, 'Country Profiles: Sexual Orientation and Gender Identity', Cameroon. Available at: <https://www.hrw.org/video-photos/interactive/2019/09/23/sexual-orientation-gender-identity-country-profiles>.

sex with a penalty of between six months to five years imprisonment, as well as fines between 20,000 and 200,000 CFA francs.⁴⁵¹ The law is framed in gender neutral terms and therefore applies to sexual relations between men and between women.⁴⁵² Article 83 of the 2010 law on cyber-crimes and cyber security criminalises with imprisonment and/or a fine a person who makes “sexual propositions to another person of the same sex” by electronic communications, and those penalties double “if those propositions are followed by sexual relations”.⁴⁵³

In 2018, 1134 cases of violence and abuse against LGBTI+ people were documented — almost twice the figure of 578 such cases in 2017.⁴⁵⁴ A wide range of discriminatory practices and policies against sexual minorities were reported, including arbitrary arrests; physical, psychological and sexual abuse; blackmailing; bribery; and hate speech.⁴⁵⁵ In a shocking case in 2018, Kenfack Tobi Aubin Parfait, a 20 year old man, was murdered by his older brother who suspected that he was gay.⁴⁵⁶ In a separate instance, in May 2018, police arrested 25 men on suspicion of being gay.⁴⁵⁷ The arrests were conducted in establishments in the capital city known to be popular with the gay community, and the arrested men alleged that they were tortured for two days before being released.⁴⁵⁸

In its third UPR cycle in 2018, several Member States such as Australia, Ireland, Mexico, Uruguay, Switzerland, USA, Netherlands and Argentina recommended that Cameroon to take immediate steps to decriminalise consensual same-sex relations and cease targeted discrimination and violence against LGBTI+ persons.⁴⁵⁹ In December 2017, the Committee Against Torture, in its concluding observations on Cameroon, expressed concern at the continued criminalisation of same-sex relations and the reports of violence against LGBTI+ persons and the lack of investigation of these incidents.⁴⁶⁰ In November 2017, the Human Rights Committee reiterated the same concerns in its concluding observations on the country.⁴⁶¹ It recommended that Cameroon take all measures to adopt comprehensive legislation that protects against discrimination in all areas including sexual orientation and gender identity, and to review Article 347-1.⁴⁶² In May 2017, in its concluding observations, the Committee on the Rights of the Child expressed concerns about the persistent discrimination faced by children in marginalised and disadvantaged situations; Cameroon’s rejection of the identity of LGBTI+ children; and the stigmatisation and discrimination experienced by such children.⁴⁶³ Accordingly, it urged Cameroon to “recognise the identity of LGBTI+ children and protect them against discrimination in law and in practice.”

During the Session, Cameroon joined the consensus in adopting the resolution concerning *Elimination of all forms of discrimination against women and girls*,⁴⁶⁴ urging States to ensure equal enjoyment of economic, social, cultural, civil and political rights of women and girls by eliminating all forms of discrimination by State and non-State actors alike.⁴⁶⁵ However, it is reported that the laws in Cameroon remain discriminatory towards women and despite recommendations by international bodies, no legal reforms have been undertaken to enhance the protection of human rights of women.⁴⁶⁶ The Committee on Economic, Social and Cultural Rights, in its concluding observations in 2019, noted the inherent inequality between men and women in Cameroon and recommended that Cameroon take measures to combat gender stereotypes and change traditional attitudes that interfere with women’s enjoyment of their rights, including their access to land.⁴⁶⁷

451 Cameroon Penal Code 2016, Article 347-1: Homosexuality. Available here: <https://bit.ly/362RiaB>.

452 Human Dignity Trust, Country Profiles: Cameroon. Available at: <https://bit.ly/2rwQtse>.

453 Law No. 2010/012 of 21 December 2010 on Cybersecurity and Cybercrime in Cameroon. Available at: <https://bit.ly/2YFtozs>.

454 Humanity First Cameroon and Alternatives-Cameroon, ‘L’ignorance’, Annual Report 2018. Available at: <https://bit.ly/2RkbZe8>.

455 Ibid.

456 Reuters, ‘Lesbian ‘witches’ chained and raped by families in Cameroon’, 2 October 2018. Available at: <https://reut.rs/2RMPMWu>.

457 Pink News, ‘Cameroon police arrest and torture 25 men for being gay’, 15 May 2018. Available at: <https://bit.ly/2DLTVI5>.

458 Ibid.

459 Report of the Working Group on Universal Periodic Review on Cameroon, 39th Session of the Human Rights Council, 10 July 2018. Available at: <https://bit.ly/2DNFTzC>.

460 Committee Against Torture, Concluding observations on the fifth periodic report of Cameroon, 18 December 2017. Available at: <https://bit.ly/2OReBi8>.

461 Human Rights Committee, Concluding observations on the fifth periodic report of Cameroon, 30 November 2017. Available at: <https://bit.ly/2RmwXJu>.

462 Ibid.

463 Committee on the Rights of the Child, Concluding observations on the combined third to fifth periodic reports of Cameroon, 6 July 2017. Available at: <https://bit.ly/3622wMA>.

464 Resolution 41/6 Elimination of all forms of discrimination against women and girls (2019).

465 Ibid.

466 Africa for Human Rights: Cameroon. Available at: <https://bit.ly/34Thm7Q>.

467 Committee on Economic, Social and Cultural Rights, Concluding observations on the fourth periodic report of Cameroon, 25 March 2019. Available at: <https://bit.ly/2OQCAYh>.

In the UNDP Gender Inequality Index 2017, Cameroon ranked 141st out of 189 countries assessed.⁴⁶⁸ The percentage of seats in the Parliament occupied by women is 27.1.⁴⁶⁹ In April 2018, the President of Cameroon appointed 30 senators to join 70 other elected ones for a five-year mandate ending 2023, among which only 4 were females.⁴⁷⁰ The Index also showed a high maternal mortality ratio with an average of 596 deaths out of 1,00,000 live births.⁴⁷¹ There are barriers for young people to access sexual and reproductive health information and services are vast.⁴⁷² The Committee on Economic, Social and Cultural Rights had noted with concern that Article 377 of the Criminal Code criminalises voluntary termination of pregnancy, except under limited circumstances.⁴⁷³ It had recommended that Cameroon review its criminal legislation under which abortion is prohibited and make it more compatible with women's rights, including the right to mental and physical health and the right to life.⁴⁷⁴ Resultantly, women are at risk of unwanted pregnancies, unsafe abortions, and sexually transmitted infections (STIs).⁴⁷⁵ Women are almost twice as likely to be HIV-positive than their male counterparts in the country.⁴⁷⁶ Harmful traditional practices like breast-ironing is still prevalent in parts of Cameroon, although the Ministry of Health, along with national and international media have been running educational campaigns and reporting suffering experienced by girls who are subjected to such practices.⁴⁷⁷ Reports estimate that around 1.3 million girls in Cameroon have been subjected to breast ironing, the proportion being as high as one in three.⁴⁷⁸

The Committee on Economic, Social and Cultural Rights, in its concluding observations, had noted that practices harmful to women and girls remain widespread in Cameroon, even though they are prohibited by law.⁴⁷⁹ The Committee on the Elimination of Discrimination Against Women recommended that Cameroon ensure the effective implementation of Article 356 of the Criminal Code criminalising perpetrators of forced or early marriages, adopt legal provisions specifically criminalising female genital mutilation, breast ironing and discriminatory widowhood rites, and include adequate sanctions for perpetrators of such acts.⁴⁸⁰ It also urged Cameroon to arrest, prosecute and punish perpetrators of kidnapping of children, including young girls, for the sale of organs or magic or religious practices.⁴⁸¹ Violence against women, however, widespread with 51 per cent women having experienced intimate partner violence in their life-time.⁴⁸² Earlier in 2019, a local television show that featured a demonstration of how to physically abuse one's wife sparked outrage in Cameroon where violence against women run high.⁴⁸³ Women were reportedly used as human shields during hostilities in Cameroon's conflict hit regions of the country.⁴⁸⁴

During this Session, in the clustered interactive dialogue with the Special Rapporteur on the **right to freedom of opinion and expression** and the Special Rapporteur on the rights **to freedom of peaceful assembly** and of association, Cameroon reiterated the utility of freedom of expression as a right, but maintained that it may be subject

468 UNDP, 'Human Development Reports – Statistical Report 2018', Gender Inequality Index, p. 40. Available at: <https://bit.ly/2OPJK5i>.

469 Ibid.

470 Women For A Change – Cameroon, '43 years of compulsive sexism in Cameroon'. Available at: <https://bit.ly/33ONqbW>.

471 UNDP, Human Development Reports – Statistical Report 2018, Gender Inequality Index, p. 40. Available at: <https://bit.ly/2OPJK5i>.

472 International Women's Health Coalition, 'Driving feminist change in Cameroon', 20 August 2018. Available at: <https://iwhc.org/2018/08/driving-feminist-change-cameroon/>.

473 Committee on Economic, Social and Cultural Rights, Concluding observations on the fourth periodic report of Cameroon, 25 March 2019. Available at: <https://bit.ly/2P9iIEQ>.

474 Ibid.

475 International Women's Health Coalition, 'Driving feminist change in Cameroon', 20 August 2018. Available at: <https://iwhc.org/2018/08/driving-feminist-change-cameroon/>.

476 UNAIDS, Country Overview 2018: Cameroon. Available at: <https://bit.ly/2OTMYVv>.

477 Fair Planet, 'Breasts are a reason to mutilate women', 22 November 2019. Available at: <https://www.fairplanet.org/story/breasts-as-a-reason-to-mutilate-woman/>.

478 Quartz, 'Breast ironing is a harmful practice that is not getting sufficient attention', 8 May 2019. Available at: <https://qz.com/africa/1614334/breast-ironing-is-ignored-problem-in-cameroon-across-africa/>.

479 Committee on Economic, Social and Cultural Rights, Concluding observations on the fourth periodic report of Cameroon, 25 March 2019. Available at: <https://bit.ly/2P9iIEQ>.

480 Human Rights Council, Working Group on the Universal Periodic Review, Compilation on Cameroon, 12 March 2018. Available at: <https://bit.ly/38uEI9>.

481 Ibid.

482 UN Women, Global Database on Violence Against Women. Available at: <https://bit.ly/2PRJCBr>.

483 Thomson Reuters Foundation, "'Grab her by the neck' - TV show on how to abuse women sparks fury in Cameroon', Reuters, 7 March 2019. Available at: <https://reut.rs/2OPthhA>.

484 UN Office for the Coordination of Humanitarian Affairs, 'Cameroon: North-West and South-West Crisis Situation Report No. 9', 31 July 2019. Available at: <https://bit.ly/2PDEH7p>.

to legal restrictions necessary in a democratic society, in accordance with Articles 20, 21 and 22 (2) of the ICCPR.⁴⁸⁵ It joined consensus in adopting the resolution on *The rights to freedom of peaceful assembly and of association*, which extended the mandate of the Special Rapporteur for a term of three years.⁴⁸⁶

In order to facilitate the exercise of these freedoms, Cameroon enacted two laws: Act No. 2015/006 of 20 April 2015, which amends and supplements the Electronic Communications Act (No. 2010/013 of 21 December 2010), and the Audio-visual Act (No. 2015/007 of 20 April 2015).⁴⁸⁷ However, in December 2018, three Special Rapporteurs — on the rights to freedom of peaceful assembly and of association; on the promotion and protection of the right to freedom of opinion and expression; and on the situation of human rights defenders — expressed concerns over a crackdown against protesters in Cameroon following President Paul Biya's re-election, and called for the protection of freedom of expression, peaceful assembly and association.⁴⁸⁸ The Human Rights Committee has also urged Cameroon to lift any unnecessary restrictions on the freedom of assembly and freedom to demonstrate, particularly for members of the country's English-speaking minority.⁴⁸⁹ A series of internet shutdowns in the North-West and South-West Regions began in early 2017 and continued into 2018. Between January 2017 and March 2018, the internet was shut down for a total of 230 days in the Anglophone regions, curtailing free expression and the exchange of information among those impacted.⁴⁹⁰ The Government stated that this was necessary to maintain law and order.⁴⁹¹

In the World Press Freedom Index 2019, Cameroon ranked 131st out of 180 countries that were assessed.⁴⁹² On 28 May 2019, in the capital city of Yaounde, five police officers arrested Paul Chouta, who worked as a reporter for the privately owned Cameroon Web news website, in response to a defamation complaint filed by French Cameroonian writer Calixthe Beyala.⁴⁹³ He continues to be detained by authorities after being charged with defamation, spreading false news, and hate speech (the hate speech charge was later dropped).⁴⁹⁴ Earlier in January 2019, Mr Chouta was beaten and stabbed by three unidentified individuals after having covered topics such as the arrest of a former Cameroonian government official and abuse allegations against police and a pro-government journalist.⁴⁹⁵ According to a prison census, Cameroon ranks third in Africa, after Egypt and Eritrea, in terms of journalists who have been jailed for their work. At least seven journalists are behind bars as of 1 December 2018.⁴⁹⁶ It ranks second in terms of journalists imprisoned on false news charges in the world, after Egypt.⁴⁹⁷

In this Session, Cameroon joined consensus in adopting the resolution concerning *The human rights of migrants*, reaffirming the need to ensure full respect for human rights and fundamental freedoms of all migrants, regardless of their status.⁴⁹⁸ During the interactive dialogue with the Special Rapporteur on the rights of IDPs, Cameroon highlighted that the atrocities by Boko Haram in Cameroon have resulted in as many as 152,000 IDPs in its North-West and South-West regions and 57,417 in the Far North.⁴⁹⁹ Cameroon was one of 164 countries that adopted the Global Compact

485 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=26/06/2019%2000:00:00>.

486 Resolution 41/12 The rights to freedom of peaceful assembly and of association (2019).

487 Working Group on the Universal Periodic Review, National Report of Cameroon, 5 March 2018. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/057/04/PDF/G1805704.pdf?OpenElement>.

488 Office of the High Commissioner for Human Rights, Press Releases, 'Cameroon: UN experts concerned by crackdown on protests after election', 11 December 2018. Available at: <https://bit.ly/33MPEII>.

489 Human Rights Council, Working Group on the Universal Periodic Review, Compilation on Cameroon, 12 March 2018. Available at: <https://bit.ly/38uJEI9>.

490 Internet Without Borders, 'Internet Shutdowns Archives'. Available at: <https://internetwithoutborders.org/tag/internet-shutdowns/>.

491 Human Rights Council, Working Group on the Universal Periodic Review, Cameroon National report submitted in accordance with paragraph 5 of the annex to resolution 16/21 of the Human Rights Council, 5 March 2018. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/057/04/PDF/G1805704.pdf?OpenElement>.

492 Reporters Without Borders, World Press Freedom Index 2019, Cameroon. Available at: https://rsf.org/en/ranking_table.

493 Committee to Protect Journalists, 'Cameroonian journalist detained on criminal defamation and false news charges', 20 June 2019. Available at: <https://bit.ly/2skHomI>.

494 Ibid.

495 Reporters Without Borders, 'Knife attack on well-known Cameroonian investigative reporter', 31 January 2019. Available at: <https://rsf.org/en/news/knife-attack-well-known-cameroonian-investigative-reporter>.

496 Committee to Protect Journalists, 'Prison Census 2018'. Available at: <https://cpj.org/tags/prison-census-2018>.

497 Ibid.

498 Resolution 41/7 The human rights of migrants (2019).

499 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=28/06/2019%2000:00:00>.

for Safe, Orderly and Regular Migration (the Compact) in Marrakech, Morocco.⁵⁰⁰ Mr. Adoum Gargoum, Minister for External Relations in charge of Islamic Cooperation, stated that Cameroon recognises the rights of all human beings, regardless of their migration status, and in that regard, Cameroon has worked to secure their rights of family reunification, property, education and housing, among other measures.⁵⁰¹ He also stated that Cameroon has set up employment projects in fields such as agriculture, aiming to facilitate integration of young people in profitable and sustainable work.⁵⁰²

The Committee on Economic, Social and Cultural Rights, in its concluding observations in March 2019, raised concerns about the large number of persons displaced by widespread violence and security crises in some regions of Cameroon and its negative impact on the rights of the affected persons.⁵⁰³ In January 2019, the UN Resident and Humanitarian Coordinator for Cameroon stated that four million people are affected by the conflict in Cameroon's western region.⁵⁰⁴ Additionally, due to the deteriorating situation in North-East Nigeria, more than 10,000 new refugees had arrived in Cameroon in 2018, bringing the number of Nigerian refugees to 100,000.⁵⁰⁵ However, in January 2019, in one of its biggest clampdowns on asylum-seekers, Cameroonian authorities began the forceful repatriation of about 9,000 Nigerian refugees who had fled across the border after militants attacked the border town of Rann in Nigeria's Borno state.⁵⁰⁶ This decision was criticised for violating the principle of *non-refoulement*, which forbids countries from sending refugees or asylum-seekers back to countries where they face real or imminent threat of persecution.⁵⁰⁷

In its voluntary pledges, Cameroon committed itself to continue its efforts to implement full compliance with the obligations of international human rights law.⁵⁰⁸ In the 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), Cameroon underscored the urgent need to fully and effectively implement the DDPA and recommended seven principles to guide the Council develop implementation standards complementary to the ICERD.⁵⁰⁹

However, the Committee on Economic, Social and Cultural Rights, in its concluding observations, pointed out the discrimination and exclusion faced by indigenous peoples in Cameroon and the lack of recognition of their rights with regard to access to land, their ancestral territories and natural resources.⁵¹⁰ It urged Cameroon to adopt a broad anti-discrimination law in accordance with article 2(2) of the ICESCR, and in so doing, to consider the CESCR General Comment No. 20 (2009) on non-discrimination in economic, social and cultural rights with a view to prohibiting direct and indirect discrimination.⁵¹¹ The current 'Anglophone' conflict in Cameroon that has resulted in violence, was spurred by the linguistic split between the French-speaking and English-speaking communities, which has brought Cameroon to the brink of civil war.⁵¹² The Government claimed that armed English-speaking separatists have terrorised civilians and attacked government forces, prompting them to retaliate; while the response of the forces is also reported to

500 Global Compact For Safe, Orderly And Regular Migration, Available at: <https://bit.ly/2PAR1Fk>.

501 United Nations, 'World Leaders Adopt First-Ever Global Compact on Migration, Outlining Framework to Protect Millions of Migrants, Support Countries Accommodating Them', Press Release, 10 December 2018. Available at: <https://www.un.org/press/en/2018/dev3375.doc.htm>.

502 Ibid.

503 Committee on Economic, Social and Cultural Rights, Concluding observations on the fourth periodic report of Cameroon, 25 March 2019. Available at: <https://bit.ly/2EcJoQd>.

504 UN Office for the Coordination of Humanitarian Affairs. 'Cameroon: Conflict In Western Cameroon Drives Up Humanitarian Needs, International Support Urgently Needed', 24 January 2019. Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/Press%20Release%20-%20Cameroon%202019.pdf>.

505 Ibid.

506 United Nations High Commissioner for Refugees, 'UNHCR deplores forced refugee returns from Cameroon', 18 January 2019. Available at: <https://bit.ly/389GjOw>.

507 Foreign Policy, 'Cameroon Used to Welcome Refugees. Now It Forcibly Expels Them', 12 February 2019. Available at: <https://bit.ly/2PfkeH5>.

508 Office of the High Commissioner for Human Rights, Voluntary pledges and commitments submitted by Cameroon. Available at: <https://www.un.org/ga/60/elect/hrc/cameroun.pdf>.

509 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=08/07/2019%2000:00:00>.

510 Committee on Economic, Social and Cultural Rights, Concluding observations on the fourth periodic report of Cameroon, 25 March 2019. Available at: <https://bit.ly/2EcJoQd>.

511 Ibid.

512 Independent, 'War of words: Cameroon being torn apart by deadly language division', 27 February 2019. Available at: <https://bit.ly/2LMqKmi>.

have been excessive and indiscriminate.⁵¹³ The UN Office for the Coordination of Humanitarian Affairs (OCHA) has reported that the conflict has forced more than 530,000 people to flee their homes since late 2017.⁵¹⁴

Since October 2018 alone, around 170 civilians have been killed due to the escalating conflict between separatist groups and security forces in Cameroon's English-speaking regions.⁵¹⁵ There have been repeated recommendations by UN bodies that Cameroon redouble its efforts in favour of effective implementation of the official policy of bilingualism, and ensure that the English-speaking population was not subject to inequality, particularly in the areas of employment, education and judicial procedures.⁵¹⁶ President Biya responded to international pressure by organising talks that took place from 30 September to 4 October 2019, leading to the adoption of dozens of recommendations to restore peace.⁵¹⁷ However, many civil society representatives boycotted these talks, since their conditions for dialogue were not met by the Government.⁵¹⁸ Many separatist leaders based in USA and Europe had also declined invitation to participate in the talks since their demand of the dialogue to be held outside Cameroon with non-Cameroonians as mediators was not met.⁵¹⁹ Cameroon's orders of releasing more than 330 people held over political charges, including opposition leader Maurice Kamto, was seen as a gesture of reconciliation extended by President Biya.⁵²⁰ However, it has been reported that since the 'National Dialogue', the level of violence between the Cameroonian military and secessionist fighters has intensified.⁵²¹

During this Session, in the interactive dialogue with the Special Rapporteur on **extrajudicial, summary or arbitrary executions**, Cameroon highlighted the situation in the North-West and South-West regions of the country, where they alleged that armed secessionist groups have spread terror, destroyed schools, killed and abducted numerous civilians, particularly students, security personnel and summarily executed doctors and priests.⁵²² The Committee against Torture, in its concluding observations in 2017, recommended that Cameroon fully comply with its obligation to ensure that all allegations of serious crimes and abuses committed by Boko Haram and certain State forces, including extrajudicial, arbitrary and summary executions and enforced disappearances, are the subject of impartial investigation and that those responsible are punished.⁵²³

In August 2018, a video was circulated on social media platforms showing several men in the military uniform summarily executing a dozen people believed to be Boko Haram terrorists.⁵²⁴ In June 2019, Cameroon's Ministry of Defence announced that it would prosecute seven soldiers suspected of summarily killing two women and two children in the Far North.⁵²⁵ In September 2019, these seven soldiers pleaded not guilty before a military tribunal.⁵²⁶ The Cameroon Government had initially branded the video "fake news" and a "horrible montage", but said it would

513 Ibid.

514 UN Office for the Coordination of Humanitarian Affairs, 'CAMEROON: North-West and South-West Situation Report No. 09', 31 July 2019. Available at: <https://bit.ly/2s5R4AL>.

515 Human Rights Watch, 'Cameroon: New attacks on civilians by troops, separatists', 27 March 2019. Available at: <https://bit.ly/2sR4npj>.

516 Human Rights Council, Working Group on the Universal Periodic Review, Compilation on Cameroon, 12 March 2018. Available at: <https://bit.ly/38uJEI9>.

517 Gulf Today, 'Cameroon peace prospects slim in wake of national dialogue', 30 October 2019. Available at: <https://www.gulftoday.ae/news/2019/10/30/cameroon-peace-prospects-slim-in-wake-of-national-dialogue>.

518 Reuters, 'Cameroon peace talks falter as separatists, politicians boycott', 30 September 2019. Available at: <https://reuters/2rEYdby>.

519 VOA News, 'Separatist Leaders Shun Cameroon's 'National Dialogue'', 26 September 2019. Available at: <https://www.voanews.com/africa/separatist-leaders-shun-camerouns-national-dialogue>.

520 BBC, 'Cameroon opposition leader, Maurice Kamto walks free from jail, 5 October 2019. Available at: <https://www.bbc.com/news/world-africa-49947652>.

521 African Arguments, 'Why has violence increased since Cameroon's National Dialogue?', 29 October 2019. Available at: <https://bit.ly/36oFIMw>.

522 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=26/06/2019%2000:00:00>.

523 Human Rights Council, Working Group on the Universal Periodic Review, Compilation on Cameroon, 12 March 2018. Available at: <https://bit.ly/38uJEI9>.

524 Observers – France 24, 'Video proves Cameroonian soldiers executed civilians', 10 August 2018. Available at: <https://observers.france24.com/en/20180810-video-cameroon-soldiers-executed-civilians>.

525 Business Standard, 'Cameroon to prosecute seven soldiers over atrocity video', 24 June 2019. Available at: <https://bit.ly/2Pfc69d>.

526 News 24, 'Seven Cameroonian soldiers plead not guilty to executing women and children', 21 October 2019. Available at: <https://bit.ly/2Pe2lmt>.

investigate the matter. A month later, six soldiers and a captain were charged with joint participation in murder, breach of regulations and conspiracy.⁵²⁷

In June 2019, Cameroonian forces were alleged to have killed at least four civilians during security operations in one of the country's Anglophone regions.⁵²⁸ It was reported that members of the Cameroonian air force killed a 20-year-old man with mental disability, shooting him in the chest in his home, and a construction worker they had stopped, forced off his motorbike, stripped and dragged on the road.⁵²⁹ In a separate incident in June 2019, a group of at least 20 soldiers allegedly killed an elderly disabled man and raped a woman.⁵³⁰ In July 2019, Cameroonian soldiers killed a nurse and injured his sister in an alleged act of retaliation against separatists.⁵³¹

VI. Conclusions

Cameroon participated actively across Interactive dialogues, general debates and panel discussions during the 41st HRC Session.

- In Cameroon's third UPR cycle in 2018, several countries had recommended that Cameroon take steps to decriminalise consensual same-sex relations and cease targeted discrimination against LGBTI+ persons.⁵³² However, discrimination against the LGBTI+ community persists. Cameroon's vote on the relevant resolution was not recorded in this Session.⁵³³
- The concluding observations of the CESCR on Cameroon in March 2019 noted the inherent inequality between men and women and recommended that Cameroon undertake measures to combat gender stereotypes and change traditional attitudes that interfere with women's enjoyment of their rights, including their access to land. It also expressed concerns at the discrimination faced by indigenous peoples in Cameroon and at the lack of recognition of their rights of access to land, their ancestral territories and natural resources.⁵³⁴
- Between January 2017 and March 2018, the internet was shut down for a total of 230 days in the Anglophone regions, curtailing free expression and the exchange of information among those impacted.⁵³⁵

527 Ibid.

528 The Guardian, 'Cameroonian forces in anglophone region accused of killing four people', 22 July 2019. Available at: <https://bit.ly/2PDE2Tt>.

529 Ibid.

530 Human Rights Watch, 'Cameroon: Security forces kill civilians, rape woman', 22 July 2019. Available at: <https://www.hrw.org/news/2019/07/22/cameroon-security-forces-kill-civilians-rape-woman>.

531 Ibid.

532 Report of the Working Group on the Universal Periodic Review of Cameroon, 39th Session of the Human Rights Council, 10 July 2018. Available at: <https://bit.ly/2DNFTzC>.

533 Ibid.

534 Committee on Economic, Social and Cultural Rights, Concluding observations on the fourth periodic report of Cameroon, 25 March 2019. Available at: <https://bit.ly/2LOTta7>.

535 Internet Without Borders, 'Internet Shutdowns Archives'. Available at: <https://internetwithoutborders.org/tag/internet-shutdowns/>.

I. Introduction

Following a clean slate election in 2018,⁵³⁶ Fiji became the first ever Pacific Small Island Developing State (PSIDS) to be elected as a member of the HRC.⁵³⁷ Its first three-year term at the Council started in 2019 and is due to end in 2021.⁵³⁸

II. Voluntary Pledges and Commitments

After being elected in 2018, Fiji committed to give the South Pacific region a voice in the Council.⁵³⁹ It reaffirmed its work in terms of cooperation and dialogue in driving worldwide progress of human rights, and stressed the Council's role as a forum for dialogue, mutual understanding, shared values and common progress.⁵⁴⁰

Fiji pledged to⁵⁴¹:

- 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 and 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.

⁵³⁶ United Nations General Assembly, Elections of the Human Rights Council, 12 October 2018. Available at: <https://www.un.org/en/ga/73/meetings/elections/hrc.shtml>.

⁵³⁷ United Nations Secretary General, Address to Fijian Parliament, 15 March 2019. Available at: <https://www.un.org/sg/en/content/sg/speeches/2019-05-15/address-fijian-parliament>.

⁵³⁸ Office of the High Commissioner for Human Rights, Current Membership of the Human Rights Council (2019). Available at: <https://www.ohchr.org/en/hrbodies/hrc/pages/currentmembers.aspx>.

⁵³⁹ Voluntary pledges and commitments submitted by Fiji. Available at: https://www.universal-rights.org/wp-content/uploads/2018/08/Fiji_Voluntary-pledges-and-commitments.pdf.

⁵⁴⁰ Ibid.

⁵⁴¹ Ibid.

III. Participation at the 41st Session of the HRC

Fiji's participation in the dialogues and debates during the Session is represented in the tables below:

S. No.	Interactive Dialogue	Fiji's Interventions
1.	Clustered interactive dialogue with the Special Rapporteur on the right to health and the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members	<ul style="list-style-type: none"> Supported the report of the Special Rapporteur on health which identified physical environment as a determinant of well-being enabling a life with dignity. Asserted that the risks and impacts of climate change on mental health are rapidly accelerating and disproportionately affecting the most marginalised. Noted that the topic of mental health is absent from the discourse on climate change although it has a transformative effect on people and communities. Affirmed that understanding this nexus will facilitate context-specific actions to plan and build resilient mental health systems.⁵⁴²
2.	Clustered interactive dialogue with the Special Rapporteur on the human rights of migrants and the Independent Expert on international solidarity	<ul style="list-style-type: none"> Noted that the Pacific region as a whole is dealing with the emerging issue of climate-displaced people with national boundaries becoming less significant and displacement becoming a reality. Identified climate change and related disasters as contributing factors for migration of women, who are at a greater risk of gender-based violence, trafficking and other intersectional discrimination and violations. Added that, in some contexts, women are unable to migrate from regions at high risk of disaster due to stereotypes, discrimination, lack of economic resources and limited access to social capital. Shared its experience as a climate vulnerable nation noting that well-designed risk reduction and climate change initiatives that ensure effective participation of women can advance gender equality, women's empowerment and sustainable development.⁵⁴³
3.	Clustered interactive dialogue with the Working Group on discrimination against women and the Working Group on business and human rights	<ul style="list-style-type: none"> Supported the report of Working Group on discrimination against women which highlights that lack of opportunities to women makes them more vulnerable to poverty and deprivation of liberty. Were encouraged by the reminder that proper regulations governing labour conditions providing equal access to opportunities, resources and services to women is vital to minimise effects of poverty. Welcomed the adoption of the ILO Convention on Violence and Harassment and the accompanying Recommendation acknowledging that gender-based violence disproportionately affects women and girls. Affirmed that an inclusive, integrated and gender responsive approach is essential to ending violence and harassment in workplaces and thanked the Working Group for contributing to the ILO efforts to promulgate standards in this regard.⁵⁴⁴

542 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=24/06/2019%2000:00:00..>

543 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=25/06/2019%2000:00:00.>

544 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=27/06/2019%2000:00:00.>

S. No.	UPR Outcomes	Fiji's Interventions
1.	New Zealand	<ul style="list-style-type: none"> Appreciated New Zealand's constructive engagement in its third UPR cycle. Commended it for accepting more than two-third of all recommendations, including that of Fiji's, on implementing Zero Carbon Bill and Environmental Health Action Plan. Appreciated New Zealand's intention to complete the first national climate change risk assessment in 2020. Applauded New Zealand's commitment towards submission of a mid-term report in 2021.⁵⁴⁵
2.	Vanuatu	<ul style="list-style-type: none"> Welcomed Vanuatu's continued engagement with the UPR process. Recognised the positive steps undertaken to implement and strengthen policies on Climate Change and Disaster Risk Reduction and the establishment of the National Advisory Board, to assist those most affected. Acknowledged Vanuatu's acceptance of Fiji's recommendations on climate change and gender policies and setting out strategies to ensure participation of women in decision-making processes, specifically on climate action policies. Continued to support the Vanuatu Government in the promotion and protection of citizens' human rights.⁵⁴⁶

IV. Voting Pattern on Resolutions

Thematic Resolutions

Fiji voted in favour of all five thematic resolutions adopted by vote: *Enhancement of international cooperation in the field of human rights*,⁵⁴⁷ *Promotion of the right to peace*,⁵⁴⁸ *Human rights and international solidarity*,⁵⁴⁹ *Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*,⁵⁵⁰ and *The contribution of development to the enjoyment of all human rights*.⁵⁵¹

It did not vote against, nor did it abstain from voting on any thematic resolution in this Session.⁵⁵² Fiji joined consensus on the remaining 15 thematic resolutions during the Session.⁵⁵³

Country Situation Resolutions

Fiji voted in favour of all five country situation resolutions that were adopted by vote, namely, *Cooperation with and assistance to Ukraine in the field of human rights*,⁵⁵⁴ *Situation of human rights in Belarus*,⁵⁵⁵ *Situation of human rights in Eritrea*,⁵⁵⁶ *Promotion and protection of human rights in the Philippines*,⁵⁵⁷ and *The human rights situation in the*

⁵⁴⁵ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=04/07/2019%2000:00:00..>

⁵⁴⁶ Ibid.

⁵⁴⁷ Resolution 41/3 Enhancement of international cooperation in the field of human rights (2019).

⁵⁴⁸ Resolution 41/4 Promotion of the right to peace (2019).

⁵⁴⁹ Resolution 41/5 Human rights and international solidarity (2019).

⁵⁵⁰ Resolution 41/18 Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2019).

⁵⁵¹ Resolution 41/19 The contribution of development to the enjoyment of all human rights (2019).

⁵⁵² Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President's statements. Available at: <https://bit.ly/2EbehVi>.

⁵⁵³ Ibid.

⁵⁵⁴ Resolution 41/25 Cooperation with and assistance to Ukraine in the field of human rights (2019).

⁵⁵⁵ Resolution 41/22 Situation of human rights in Belarus (2019).

⁵⁵⁶ Resolution 41/1 Situation of human rights in Eritrea (2019).

⁵⁵⁷ Resolution 41/2 Promotion and protection of human rights in the Philippines (2019).

It did not vote against or abstain from voting on any country situation resolution.⁵⁵⁹ Fiji joined consensus on the country situation resolution with respect to the *Renouvellement du mandat de l'Équipe d'experts internationaux sur la situation au Kasai* [Renewal of the mandate of the team of international experts on the situation in Kasai].⁵⁶⁰

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

Fiji has extended standing invitations to all thematic Special Procedures since March 2015.⁵⁶¹ Despite its commitment to “cooperate with the Council and its mechanisms, particularly, on visits by the Special Rapporteurs on human rights and the environment and on the right to freedom of religion”,⁵⁶² it has 11 visit requests and reminders pending with the Special Procedures.⁵⁶³

The pending requests include those from the Special Rapporteurs on torture since 2006, on freedom of assembly since 2011, and on human rights defenders since 2012 and the Working Group on arbitrary detention, among others.⁵⁶⁴

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”.⁵⁶⁵ Fiji partially honoured this commitment by acceding to two core human rights treaties, in August 2019, namely, the International 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).⁵⁶⁶

It has reports pending for three treaty bodies, namely, CERD since 2016, CAT since 2017, and CRPD since July 2019.⁵⁶⁷ In the previous reporting cycle, Fiji submitted its reports to CRC and CEDAW after a delay of six years and two years respectively.⁵⁶⁸ Fiji has also not ratified the optional protocols to the core treaties, such as, CAT-OP, CCPR-OP2-DP, CRC-OP-AC, and CRC-OP-SC.⁵⁶⁹

c. Compliance with Thematic Issues

During the Session, Fiji voted in favour of the resolution concerning the *Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*,⁵⁷⁰ It is one of only five countries in the world where the Constitution explicitly guarantees equality on the basis of both **sexual orientation**

558 Resolution 41/23 The human rights situation in the Syrian Arab Republic (2019).

559 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President's statements. Available at: <https://bit.ly/35h899H>.

560 Resolution 41/26 *Renouvellement du mandat de l'Équipe d'experts internationaux sur la situation au Kasai* [Renewal of the mandate of the team of international experts on the situation in Kasai] (2019).

561 Office of the High Commissioner for Human Rights, Standing Invitations to Special Procedures. Available at: https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/StandingInvitations.aspx.

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

563 Office of the High Commissioner for Human Rights, Country visits of Special Procedures of the Human Rights Council since 1998. Available at: <https://bit.ly/36qfynk>.

564 Ibid.

565 Voluntary pledges and commitments submitted by Fiji. Available at: <http://bit.ly/35ckzQa>.

566 Office of the High Commissioner for Human Rights, Treaty Bodies, Reporting status for Fiji. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=FJI&Lang=EN.

567 Ibid.

568 Ibid.

569 Ibid.

570 Resolution 41/18 Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2019).

and gender identity.⁵⁷¹ In February 2010, Fiji passed a law decriminalising private, adult, consensual and non-commercial homosexual conduct, for both males and females, through the Fiji National Crimes Decree.⁵⁷² The Mental Health Decree of 2010 banned conversion therapy and stated that people are not to be considered mentally ill, if they refuse or fail to express a particular sexual orientation.⁵⁷³ Section 26 (3) of the Constitution of Fiji that promulgated in September 2013 clearly prohibits any discrimination, directly or indirectly, on the basis of sexual orientation and gender identity or expression.⁵⁷⁴

However, in spite of these progressive steps, the Fijian family law expressly bans same-sex marriage.⁵⁷⁵ There is no legal recognition of partnerships between same-sex couples,⁵⁷⁶ and they cannot adopt children, use in-vitro fertilisation or commercial surrogacy services.⁵⁷⁷ It is not possible for transgender people to change gender markers on identity documents and there is no legal recognition of Fiji's traditional third gender peoples.⁵⁷⁸ Section 26 of the Fijian Constitution makes no mention of intersex people.⁵⁷⁹ The Prime Minister of Fiji has reiterated his government's stance on same-sex marriage and said that such marriage would never be allowed under his leadership.⁵⁸⁰ His recent comments come in succession with his other statements in the past where he described marriage equality as 'rubbish'.⁵⁸¹ Civil society groups in Fiji said that the Prime Minister's statement 'threatens the progress that the country has made on human rights' and 'exacerbates the existing discrimination against members of the LGBTI+ community'.⁵⁸²

There have been reports of LGBTI+ girls being subjected to bullying in schools.⁵⁸³ The LGBTI+ community has also reported suspected hate crimes as an issue: in 2018, a transgender woman was found dead after a blunt force trauma injury to the head.⁵⁸⁴ However, local media reports did not acknowledge this or the fact that the victim was transgender woman.⁵⁸⁵ The Committee on the Elimination of Discrimination Against Women, in its concluding observations, stated that it is almost impossible to record changes in gender on birth certificates.⁵⁸⁶ LGBTI+ community has also reported discrimination in employment and access to healthcare, although it is prohibited.⁵⁸⁷

In its voluntary pledges, Fiji committed to offer strong support to the Council initiatives where it has a particular interest, including women's rights, sexual and reproductive rights, and **violence and discrimination against women**.⁵⁸⁸ In the interactive dialogue with the Working Group on discrimination against women, Fiji affirmed that an inclusive, integrated and gender responsive approach is essential to ending violence and harassment in workplaces.⁵⁸⁹ The Government of Fiji has stated that it has devised strategies based on a cross-cutting approach to address the issue of gender parity by promoting sustainable economic growth through women empowerment and by eliminating

571 World Economic Forum, 'This is the state of LGBTI rights around the world in 2018', Fiji. Available at: <https://www.weforum.org/agenda/2018/06/lgbti-rights-around-the-world-in-2018/>.

572 UNAIDS, 'Fiji first Pacific Island nation with colonial-era sodomy laws to formally decriminalise homosexuality', 4 March 2010. Available at: <https://bit.ly/2tbiJRA>.

573 Government of Fiji, Mental Health Decree 2010 (Decree No. 54 of 2010). Available at: <https://www.mindbank.info/item/5772>.

574 Constitution of the Republic of Fiji, Section 26. Available at: <http://bit.ly/2YP8LBa>.

575 Marriage Act 1968. Available at: <https://www.laws.gov.fj/Home/laws>.

576 Equaldex, LGBT Rights in Fiji. Available at: <https://www.equaldex.com/region/fiji>.

577 Rainbow Pride Foundation Fiji, 'Down By The River: Addressing the rights, needs and strengths of Fijian sexual and gender minorities in disaster risk reduction and humanitarian response', p 15. Available at: https://www.gdonline.org/resources/Down-By-The-River_Web.pdf.

578 Ibid.

579 Constitution of the Republic of Fiji, Section 26. Available at: <http://bit.ly/2YP8LBa>.

580 Fiji Sun, 'PM Bainimarama reiterates, "no" to same-sex marriage in Fiji', 8 April 2019. Available at: <https://fijisun.com.fj/2019/04/08/pm-bainimarama-reiterates-no-same-sex-marriage-in-fiji/>.

581 Q News, 'Fiji's Prime Minister slammed for same-sex marriage comments', April 2019. Available at: <https://qnews.com.au/fijis-prime-minister-slammed-for-same-sex-marriage-comments/>.

582 Ibid.

583 Committee on the Elimination of Discrimination Against Women, Concluding observations on the periodic report of Fiji, 14 March 2018. Available at: <https://bit.ly/2LMKYfA>.

584 ABC News, 'Murdered on International day against Transphobia: fears Fiji killing is a hate crime', 23 July 2018. Available at: <https://ab.co/2snNsdS>.

585 Ibid.

586 Committee on the Elimination of Discrimination Against Women, Concluding observations on the periodic report of Fiji, 14 March 2018. Available at: <https://bit.ly/35eKTcD>.

587 Freedom House, 'Freedom in the World: 2019', Fiji. Available at: <http://bit.ly/35j7cK>.

588 Voluntary pledges and commitments submitted by Fiji. Available at: <http://bit.ly/35ckzQa>.

589 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=27/06/2019%2000:00:00>.

discriminatory barriers to ensure their economic participation.⁵⁹⁰ However, despite these efforts, gender-based violence and discrimination remain a continuing challenge.⁵⁹¹

Fiji ranks 106th out of 149 countries, on the Global Gender Gap Index 2018, performing far below the global average, particularly in the area ‘political empowerment’⁵⁹² – it has never had a female head of State, and only 10 out of 51 Parliamentarians are women.⁵⁹³ On the parameter of ‘economic participation and opportunity’ for women, it ranked 112th.⁵⁹⁴ Article 26 (3) of the Constitution of Fiji includes a broad prohibition of discrimination, including on the basis of sex. However, currently, there is no comprehensive legislation on gender equality.⁵⁹⁵ Coordination within the national machinery and with external partners, particularly NGOs, is reported to be insufficient, weakening the limited gender mainstreaming efforts in the country.⁵⁹⁶ The pay gap is also the widest in the region, and the percentage of women is concentrated in lower-paid or unpaid work; they make up 90 per cent of the garment industry receiving salaries below the minimum wage.⁵⁹⁷

The incidence of gender-based violence in Fiji continues to be the highest in the Pacific⁵⁹⁸ – an estimated 64 per cent of women face violence from intimate partners.⁵⁹⁹ Recently, in August 2019, the murder of a 35-year old woman by her estranged husband sparked outrage in Fiji.⁶⁰⁰ There were 294 reported cases of domestic violence in the first half of 2019 alone.⁶⁰¹ In 2018, there were 94 reported cases of rape; all the victims were women and the average age was 14. The youngest victim was 6 months old.⁶⁰² Abortion is legal if the woman’s life or her physical or mental health is in danger, but reportedly, it is still sometimes denied by health professionals.⁶⁰³ In the event of rape, much depends on the discretion of the doctor, causing women to resort to unsafe abortions.⁶⁰⁴ However, the Government announced that it would strengthen its work around gender issues and creating opportunities for women to move out of poverty, which has been widely welcomed.⁶⁰⁵

The Fijian Constitution provides for **freedom of expression**, including for the press,⁶⁰⁶ but it grants authority to the government to restrict these rights for a broad array of reasons.⁶⁰⁷ The Media Industry Development Decree of 2010 has vaguely worded provisions, the violation of which can lead to up to two years in prison.⁶⁰⁸ Fiji ranks 52nd out of 180 countries in the Press Freedom Index, and its ranking has steadily improved since 2013, when it was 107th.⁶⁰⁹ The acquittal in May 2018 of the Fiji Times and three of its journalists charged with sedition, the definition of which includes government criticism,⁶¹⁰ was seen as an encouraging victory for press freedom.⁶¹¹ Similarly, three journalists from New

590 Government of Fiji, Ministry of Women, Children and Poverty Alleviation, Response to written question: ‘How does the Government intend to achieve gender parity in terms of economic participation’, 15 May 2018. Available at: <http://www.parliament.gov.fj/wp-content/uploads/2018/05/WQ152-2018.pdf>.

591 Fiji Women’s Crisis Centre, Statistics from 1984 to 2019. Available at: <http://www.fijiwomen.com/publications/statistics/fiji-womens-crisis-centre-statistics/>.

592 World Economic Forum, Global Gender Gap Index 2018, p 11. Available at: http://www3.weforum.org/docs/WEF_GGGR_2018.pdf.

593 Parliament of the Republic of Fiji: Members of Parliament. Available at: <http://bit.ly/2PdUbQk>.

594 World Economic Forum, Global Gender Gap Index 2018, p 11. Available at: http://www3.weforum.org/docs/WEF_GGGR_2018.pdf.

595 Committee on the Elimination of Discrimination Against Women, Concluding observations on the periodic report of Fiji, 14 March 2018. Available at: <https://bit.ly/35eKTcD>.

596 Ibid.

597 Ibid.

598 Freedom House, ‘Freedom in the World: 2019’, Fiji. Available at: <http://bit.ly/35j7jck>.

599 The Fiji Times, ‘64 percent of women in Fiji face intimate violence’, 18 September 2019. Available at: <https://www.fijitimes.com/64-per-cent-of-women-in-fiji-face-intimate-violence/>.

600 Fiji Village, ‘FWRM strongly condemns horrific and brutal killing of Fijian woman in intimate partner violence’, 23 August 2019. Available at: <http://bit.ly/2YHvGxY>.

601 Fiji Women’s Crisis Centre, ‘Domestic Violence – Whose Responsibility?’. Available at: <http://www.fijiwomen.com/flare/domestic-violence/domestic-violence-whose-responsibility/>.

602 Fiji Women’s Rights Movement, Rape Analysis 2018. Available at: <http://bit.ly/2Ee3nhr>.

603 Committee on the Elimination of Discrimination Against Women, Concluding observations on the periodic report of Fiji, 14 March 2018. Available at: <https://bit.ly/35eKTcD>.

604 Ibid.

605 RNZ, ‘Fiji government plan to help women leave abusive relationships hailed’, 11 September 2019. Available at: <https://bit.ly/2LJLbjO>.

606 Constitution of the Republic of Fiji, Section 26. Available at: <http://bit.ly/2YP8LBa>.

607 Reporters Without Borders, World Press Freedom Index 2019, Fiji. Available at: <https://rsf.org/en/fiji>.

608 Ibid.

609 Ibid.

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

611 Reporters Without Borders, World Press Freedom Index 2019, Fiji. Available at: <https://rsf.org/en/fiji>.

Zealand were arrested and detained overnight in April 2019,⁶¹² for which the Prime Minister had offered an apology.⁶¹³

However, the threat of prosecution is said to force journalists to practice self-censorship.⁶¹⁴ Since May 2018, there have been calls to repeal the “archaic and colonial” sedition law in Fiji as critics state that it has been used to suppress dissenting voices.⁶¹⁵ The Public Order Act also risks restricting **freedom of expression, assembly and association** and such restrictions may be intensified under the Parliamentary Powers and Privileges Bill of 2016.⁶¹⁶ In addition, The Public Order (Amendment) Decree allows the authorities to refuse permit applications for demonstrations deemed to prejudice peace, public safety, and good order.⁶¹⁷ In June 2019, the National Secretary of the Fiji Trade Union Congress (FTUC), Felix Anthony, was arrested after months of tensions between the government and trade unions throughout April-May which led to multiple arrests of prominent trade unionists and workers.⁶¹⁸ It was reported that police used stalling tactics to withhold the permit for a march.⁶¹⁹ In April 2019, at least ten Executive Members of the Fijian Teachers Association, an affiliate of FTUC, were summoned by police for questioning and threatened with ‘further action’, on failure to attend.⁶²⁰ The Ministry of Education warned that any involvement in the nationwide strike would be unlawful and the participating teachers would be subject to disciplinary action.⁶²¹

In its voluntary pledges, Fiji offered strong support to Council initiatives where it has a particular interest, including human rights and migration and human rights of IDPs.⁶²² In the interactive dialogue with the Special Rapporteur on the **human rights of migrants**, Fiji shared its experiences in dealing with the emerging issue of climate-displaced people in the Pacific.⁶²³ In August 2019, it ratified the CMW, being the first Pacific Island to do so,⁶²⁴ although with a reservation regarding Article 92(1), thereby refusing to submit its disputes for settlement by arbitration or referral to the International Court of Justice (ICJ).⁶²⁵ It voted in favour of the Global Compact on Migration at the General Assembly in December 2018, speaking out especially about climate change as a cause of migration, stressing the Compact will need to address this.⁶²⁶ Fiji has indicated that it would accept climate refugees from Kiribati and other South Pacific island nations.⁶²⁷ In Fiji, Internal migration, too, poses a challenge – poverty influences people to migrate to urban areas for work, increasing their vulnerability to exploitation and with particular concern from the perspective of environmental risks and human rights, such as urban sprawl, inadequate sewage collection and treatment infrastructure and poor solid waste management.⁶²⁸ Fiji has been at the forefront of leading advocacy on

612 Amnesty International, ‘New Zealand journalists feel force of Fiji’s contempt for human rights’, 4 April 2019. Available at: <http://bit.ly/2EaXtNV>.

613 Fiji Sun, ‘PM Bainimarama: I’m Sorry’, 5 April 2019. Available at: <http://bit.ly/38qFjpk>.

614 Reporters Without Borders, World Press Freedom Index 2019, Fiji. Available at: <https://rsf.org/en/fiji>.

615 ABC News, ‘Calls in Fiji for the offence of sedition to be repealed’, 23 May 2018. Available at: <https://www.abc.net.au/radio/programs/pm/calls-in-fiji-for-the-offence-of-sedition-to-be-repealed/9792840>.

616 Committee on the Elimination of Discrimination Against Women, Concluding observations on the periodic report of Fiji, 14 March 2018. Available at: <https://bit.ly/2RMomQi>.

617 Government of Fiji, Public Order (Amendment) Decree, Part III and Section 8. Available at: <http://www.parliament.gov.fj/wp-content/uploads/2017/03/Act-9-Public-Order-Amendment-No-2.pdf>.

618 Fiji Women’s Rights Movement, ‘Harassment and arrests of trade unionists must stop’, 28 June 2019. Available at: <http://bit.ly/2qHUIk2>.

619 Amnesty International, ‘Fiji: Cease harassment of trade unionists ahead of major ADB meeting’, 30 April 2019. Available at: <http://bit.ly/36vei2o>.

620 Ibid.

621 Equal Times, ‘Has Fiji’s democracy decayed into a police state?’, 10 June 2019. Available at: <https://www.equaltimes.org/has-fiji-s-democracy-decayed-into#.XYH6rfAzblU>.

622 Voluntary pledges and commitments submitted by Fiji. Available at: <https://bit.ly/35baD9A>.

623 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=25/06/2019%2000:00:00>.

624 Office of the High Commissioner for Human Rights, Treaty Bodies, Reporting status for Fiji. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=FJI&Lang=EN.

625 UN Treaty Collection, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-13&chapter=4&clang=_en.

626 United Nations, Meetings Coverage and Press Releases, ‘General Assembly Endorses First-Ever Global Compact on Migration, Urging Cooperation among Member States in Protecting Migrants’, 19 December 2018. Available at: <https://www.un.org/press/en/2018/ga12113.doc.htm>.

627 Office of the High Commissioner for Human Rights, Statement of the United Nations Special Rapporteur on human rights and environment on the conclusion of his mission to Fiji, 17 December 2018. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23964&LangID=E>.

628 Ibid.

the cross-sectional issue of migration and climate change and its effects on rights.⁶²⁹

Fiji pledged to support Council initiatives in relation to **human rights and climate change** and to build bridges between communities in order to strengthen the implementation of the UNFCCC Paris Agreement.⁶³⁰ It has shown leadership in a number of areas, including relocation of villages from low-lying coastal areas and developing Planned Relocation Guidelines to ensure that the rights of persons involved are respected. Relocation is the last resort and only considered on request of the affected village after a collaborative process.⁶³¹ Fiji is not only exercising leadership through international advocacy on climate change, but also implementing mitigation and adaptation actions domestically pursuant to the National Climate Change Strategy (2012), National Adaptation Plan Framework (2017), and NDC Implementation Roadmap.⁶³² The use of renewable energy in Fiji has grown from 56 per cent in 2011 to 67 per cent in 2015, the goal being 100 per cent by 2030.⁶³³

There are roughly 200 informal settlements in Fiji that are home to approximately 15 per cent of the population, which are particularly vulnerable to climate change.⁶³⁴ The Special Rapporteur on the issue stated that use of plastic is particularly problematic in Fiji due to inadequate waste management services as its burning produces highly carcinogenic dioxins and furans.⁶³⁵ Regarding Environmental Impact Assessments (EIAs), local groups reported inability to access information in an easy, timely and affordable way citing high prescribed fees of \$5 per page.⁶³⁶ There are also constraints on the public's ability to participate in assessment processes and there is a lack of access to remedies.⁶³⁷ While commending Fiji's work and environmental legislation, the Special Rapporteur noted that law reform in the country has not kept pace with policy development and recommended that Fiji carry out a review of its legislation to identify where new or amended legislation and regulations are needed to be consistent with the constitutional right to a clean and healthy environment and other human rights.⁶³⁸

VI. Conclusions

Fiji participated and contributed actively to the thematic developments in the Council in this Session.

- In August 2019, Fiji acceded to both the CED and CMW in fulfilment of its voluntary pledges. It has, thus, ratified all the core treaties, except their optional protocols, such as, CAT-OP, CCPR-OP2-DP, CRC-OP-AC, and CRC-OP-SC.
- Despite its commitment to tackle challenges to women's rights, and sexual and reproductive rights expressed both in its voluntary pledges and its advocacy at the Council, gender-based violence and discrimination, especially intimate partner violence, remain a continuing challenge in Fiji with the highest incidence in the entire Pacific region.
- Despite its commitment to enhance cooperation with human rights mechanisms, including the Special Procedures, Fiji currently has 11 requests pending, especially from the Special Rapporteurs on torture since 2006, on freedom of assembly since 2011, and on human rights defenders since 2012 and the Working Group on arbitrary detention, among others.
- Fiji has established itself as a leader in international advocacy on climate change and on implementing mitigation and adaptation actions domestically. To add to these progressive steps, the Special Rapporteur on human rights and environment recommended that Fiji conduct a review of its environmental legislations and EIA techniques to keep up with the policy changes in the country.

629 Ibid.

630 Voluntary pledges and commitments submitted by Fiji. Available at: <https://bit.ly/35baD9A>.

631 United Nations, Meetings Coverage and Press Releases, 'Secretary-General hails Fiji's courage, conviction in taking on global challenges, including climate, development, and peace-keeping, in address to the Parliament', 16 May 2019. Available at: <https://www.un.org/press/en/2019/sgsm19582.doc.htm>.

632 Office of the High Commissioner for Human Rights, Statement of United Nations Special Rapporteur on human rights and environment on the conclusion of his mission to Fiji. 17 December 2018. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23964&LangID=E>.

633 Ibid.

634 Ibid.

635 Ibid.

636 Ibid.

637 Ibid.

638 Ibid.

I. Introduction

India was among the first 47 Member States elected to the HRC for its inaugural session in 2006.⁶³⁹ It continued to play an active role at the HRC in its subsequent terms in 2011-2013⁶⁴⁰ and in 2015-2017.⁶⁴¹ India was elected to the Council to serve its fourth term in 2019 following a clean slate election.⁶⁴² Its current term ends in 2021.⁶⁴³

II. Voluntary Pledges and Commitments

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

India pledged to⁶⁴⁴:

- 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.

639 United Nations General Assembly, Elections of the Human Rights Council, 9 May 2006. Available at: <https://www.un.org/press/en/2006/ga10459.doc.htm>.

640 United Nations General Assembly, Elections of the Human Rights Council, 20 May 2011. Available at: <https://www.un.org/en/ga/65/meetings/elections/hrc.shtml>.

641 United Nations General Assembly, Elections of the Human Rights Council, 28 October 2015. Available at: <https://www.un.org/en/ga/70/meetings/elections/hrc.shtml>.

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

643 Ibid.

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

- 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 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 41st Session of the HRC

India participated very actively across Interactive dialogues, general debates and panel discussions. The following is a selected representation of India's participation in this Session:

S. No.	Interactive Dialogue	India's Interventions
1.	Clustered interactive dialogue with the Special Rapporteur on the right to health and the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members	<ul style="list-style-type: none"> • Reiterated that it is committed to eradicating leprosy and the consequent discrimination that follows. • Noted that those suffering from leprosy, particularly women and children, are victims of a patriarchal biomedical system, discriminatory legislation and social stigma, due to a lack of awareness. • Identified that a holistic effort is required by the State and the respective stakeholders to ensure the protection of rights of those with mental health issues.⁶⁴⁵
2.	Clustered interactive dialogue with the Special Rapporteur on the human rights of migrants and the Independent Expert on international solidarity	<ul style="list-style-type: none"> • Prioritised the process of ensuring a safe, orderly, legal and humane migration process, and making migration a choice rather than a consequence. • Highlighted its national institutional framework for migrants welfare and protection: E-Migrate system to ensure accountability, transparency in recruitment system, skill development initiatives such as Pravasi Kaushal Vikas Yojana, online grievance redressal portal (MADAD); the pre-departure orientation pilot program; the Indian Community Welfare Fund (ICWF) for emergencies; the Pravasi Bharatiya Bima Yojana (PBBY) for insurance cover and 24X7 help lines for migrants. • Recognised the usefulness of the SR's report on migration in terms of identifying the causes of migration (particularly for women and children), the challenges faced by migrants during the migration process and the positive impact that migration can have with regard to women's empowerment.⁶⁴⁶
3.	Clustered interactive dialogue with the Special Rapporteur on the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association	<ul style="list-style-type: none"> • Reiterated that freedom of speech and freedom of expression are constitutionally guaranteed in India, but these fundamental liberties are balanced with India's pluralistic, multi-ethnic and multi-religious social fabric. • Highlighted that India's rights oriented constitutional framework, ensures harmony across its extremely diverse population while protecting fundamental liberties. • Identified the internet as a medium through which fundamental liberties can potentially be abused and highlighted the various procedural safeguards in place to prevent it.⁶⁴⁷

⁶⁴⁵ Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1947>.

⁶⁴⁶ Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1950>.

⁶⁴⁷ Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1952>.

4.	Clustered interactive dialogue with the Special Rapporteur on summary executions and the Special Rapporteur on the right to education	<ul style="list-style-type: none"> • Stated that to achieve quality education for all, the right to full time elementary education, under The Right of Children to Free and Compulsory Education (RTE) Act, must be enforced. • Noted that while development in the area of commercial education would improve the quality of education (in line with SGD 4), it could potentially impinge on the right, and access to education, for the marginalised. • Highlighted that inclusivity is largely brought about by compulsory reservation, pursuant to the RTE Act, which requires 25 per cent of seats to be reserved for children belonging to economically weaker sections of society.⁶⁴⁸
5.	Clustered interactive dialogue with the Working Group on discrimination against women and the Working Group on business and human rights	<ul style="list-style-type: none"> • Informed that India has issued national guidelines on responsible business conduct and will be bring out a National Action Plan on Business and Human Rights. • Noted that India is in the process of considering the National Policy for Women which aims to enable women to participate in all spheres to their full potential. • Reiterated that in order to enhance the effectiveness of laws pertaining to women, existing legislations will be fine-tuned in accordance with the constitutional provisions and international standards.⁶⁴⁹
6.	Interactive dialogue with the Special Rapporteur on Myanmar	<ul style="list-style-type: none"> • Expressed its concern regarding the segmented approach to the Rohingya crisis, which has resulted in the provision of prescriptive solutions. Further noted that the Special Rapporteur's report did not elucidate the positive developments taking place in Myanmar. • Reminded that threatening Myanmar with punitive action, including referring it to the ICC either by the Security Council or by certain States will generate exactly the opposite result from what is required. • Emphasised on socio-economic development of the Rakhine state as the only sustainable solution.⁶⁵⁰
7.	Interactive dialogue with the Special Rapporteur on racism	<ul style="list-style-type: none"> • Highlighted that countering racism remains a matter of priority for India as it regards racism as the anti-thesis to everything that the human rights movement strives for. • Noted that there needs to be strict implementation of laws, institutional change in harmful attitudes and inculcation of tolerance and respect, while following the Convention obligations and the Durban Declaration and Programme of Action to the fullest extent possible.⁶⁵¹
8.	Interactive dialogue with the High Commissioner on the situation of human rights of Rohingya Muslims and other minorities in Myanmar	<ul style="list-style-type: none"> • Asserted that as a close partner and geographical neighbour of both Bangladesh and Myanmar, India has a direct national interest in supporting all constructive efforts to end to the ethnic conflict in Myanmar. • Affirmed its undiluted commitment to offer any assistance required by Myanmar in dealing with the Rohingya crisis and its impact. • Identified socio-economic underdevelopment as the underlying cause for the problems faced by Myanmar in Rakhine state. • Encouraged the implementation of the agreement between Myanmar and Bangladesh for the repatriation of persons verified to have been displaced.⁶⁵²

648 Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1971>.

649 Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1969>.

650 Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1976>.

651 Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1996>.

652 Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1998>.

S. No.	General Debate	India's Interventions
1.	General debate on Oral update by the United Nations High Commissioner for Human Rights	<ul style="list-style-type: none"> Emphasised the importance of mainstreaming measures to be both inclusive and constructive, bringing different stakeholders together and facilitating open dialogue and cooperation between nations. Identified the digital divide as a threat to human rights. Reaffirmed its commitment towards ensuring socially responsible businesses. Stated that it would be supportive of the OHCHR's project regarding the application of the UN Guiding Principles on Business and Human Rights.⁶⁵³
2.	General debate on Follow-up and implementation of the Vienna Declaration and Programme of Action (VDPA)	<ul style="list-style-type: none"> Focused on the universality of human rights, as enshrined in the VDPA, and cautioned that prioritising one right over another, could lead to an erosion of trust and a reluctance to cooperate. Stated that increasingly political discussions would lead to contentious and acrimonious dialogue which would adversely affect the development of human rights. Reiterated that dialogue and capacity building are the best ways to promote and protect human rights.⁶⁵⁴
3.	General debate on Technical assistance and capacity-building	<ul style="list-style-type: none"> Stated that the discussion under Agenda Item 10 must be used to focus on technical cooperation rather than human rights situations. Endorsed the importance of regular monitoring and evaluation of results in order for technical cooperation to be effective. Noted the efforts of the OHCHR in improving its Performance Monitoring System.⁶⁵⁵

S. No.	Panel Discussion	India's Interventions
1.	Annual full-day discussion on the human rights of women: Violence against women in the world of work	<ul style="list-style-type: none"> Stated that combating discrimination and violence against women at work is an integral part of gender equality and women's empowerment process. Highlighted that ensuring accountability would be key for combating violence against women at work. Highlighted the 2013 amendments to Indian criminal law which broadened the definition of sexual assault and harassment and increased penalties for offenders. Identified the creation of a suitable work environment, provision of sufficient training and raising awareness as key elements for the elimination of violence at workplace.⁶⁵⁶
2.	Annual full-day discussion on the human rights of women: The rights of older women and their economic empowerment	<ul style="list-style-type: none"> Noted that elderly women are more susceptible to poverty in India, particularly single or widowed. Elucidated on projections showing that senior citizens will represent 20 per cent of the population by the year 2050, with older women outnumbering the men. Elaborated on a new policy under consideration, which is meant to be an improvement from the National Policy of 1999 on Older Persons of India, and ensures senior citizens, especially elderly women who are single or widowed, are eligible for all schemes of government.⁶⁵⁷

⁶⁵³ Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1956>.

⁶⁵⁴ Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1984>.

⁶⁵⁵ Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1999>.

⁶⁵⁶ Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1970>.

⁶⁵⁷ Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1972>.

3.	Panel discussion on women rights and climate change: climate action, best practices and lessons learned	<ul style="list-style-type: none"> Highlighted that while climate change can have adverse effects on communities as a whole, women are seen to suffer more than their male counterparts, particularly, in situations which result in poverty stemming from the implementation of measures that do not consider the specific needs of women. Noted that climate change impact mitigation schemes in India empower women through reservation in various committees dedicated to environmental management as well as gender-responsive budgeting.⁶⁵⁸
4.	Annual thematic panel discussion on technical cooperation in the promotion and protection of human rights – Technical cooperation and capacity-building in the field of human rights of older persons	<ul style="list-style-type: none"> Maintained that India is committed to taking all possible steps towards improving quality of life of older persons and protecting their rights and dignity through full implementation of Madrid International Plan of Action on Ageing and the 2030 Agenda. Highlighted that it is crucial to implement sustainable measures rather than direct solutions, by focusing on equipping people at a younger age so that they may continue their involvement in the family and community throughout the ageing process.⁶⁵⁹

S. No.	UPR Outcome	India's Intervention
1.	Cyprus	<ul style="list-style-type: none"> Appreciated the Government of Cyprus for adopting majority of the recommendations that were proposed. Noted that as many as 163 recommendations have been accepted by Cyprus, including two made by India. Also noted that Cyprus has partially accepted six of the recommendations involving the ratification of or accession to a number of treaties.⁶⁶⁰

IV. Voting Pattern on Resolutions

Thematic Resolutions

India voted in favour of four of the five thematic resolutions tabled during the Session, namely, *Enhancement of international cooperation in the field of human rights*,⁶⁶¹ *Promotion of the right to peace*,⁶⁶² *Human rights and international solidarity*,⁶⁶³ and *The contribution of development to the enjoyment of all human rights*.⁶⁶⁴

India did not vote against any thematic resolution during the Session, but it abstained from voting on the resolution concerning the *Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*.⁶⁶⁵ It joined consensus in adopting the remaining 15 thematic resolutions.⁶⁶⁶

Country Situation Resolutions

India did not vote in favour of any of the five country situation resolutions tabled during the Session.

It voted against three country situation resolutions: *Situation of human rights in Eritrea*,⁶⁶⁷ *Promotion and protection*

⁶⁵⁸ Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1983>.

⁶⁵⁹ Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=2001>.

⁶⁶⁰ Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1991>.

⁶⁶¹ Resolution 41/3 Enhancement of international cooperation in the field of human rights (2019).

⁶⁶² Resolution 41/4 Promotion of the right to peace (2019).

⁶⁶³ Resolution 41/5 Human rights and international solidarity (2019).

⁶⁶⁴ Resolution 41/19 The contribution of development to the enjoyment of all human rights (2019).

⁶⁶⁵ Resolution 41/18 Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2019).

⁶⁶⁶ Office of the High Commissioner of Human Rights, 41st Session of the Human Rights Council, Resolutions, decisions and President's statements. Available at: <https://bit.ly/36nEJqz>.

⁶⁶⁷ Resolution 41/1 Situation of human rights in Eritrea (2019).

of human rights in the Philippines,⁶⁶⁸ and Situation of human rights in Belarus.⁶⁶⁹ It abstained from voting on two resolutions, namely, *Cooperation with and assistance to Ukraine in the field of human rights*⁶⁷⁰ and *The human rights situation in the Syrian Arab Republic*.⁶⁷¹

It joined consensus in adopting the resolution concerning *Renouvellement du mandat de l'Équipe d'experts internationaux sur la situation au Kasai* [Renewal of the mandate of the team of international experts on the situation in Kasai].⁶⁷²

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 standing invitation to all thematic Special Procedures. Between 2000 and 2017, India has complied with requests from 10 Special Procedures.⁶⁷³ Recently, it also accepted the visit request from the Special Rapporteur on the sale of children during the second half of 2019.⁶⁷⁴ India has 14 reminders and seven requests 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.⁶⁷⁵

India has maintained that it will not entertain any communication with Special Rapporteurs⁶⁷⁶ which is based on the 2018 OHCHR Report on Jammu and Kashmir.⁶⁷⁷

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.⁶⁷⁸

India has the following treaty body reports outstanding against it:

- For the last two decades, India has not submitted a report to the CCPR; this is due since 2001. Recently, the UN Human Rights Committee decided to review India in absentia (list of issues prior to reporting).⁶⁷⁹
- CERD since 2010.⁶⁸⁰
- CESCR since 2011.⁶⁸¹

668 Resolution 41/2 Promotion and protection of human rights in the Philippines (2019).

669 Resolution 41/22 Situation of human rights in Belarus (2019).

670 Resolution 41/25 Cooperation with and assistance to Ukraine in the field of human rights (2019).

671 Resolution 41/23 The human rights situation in the Syrian Arab Republic (2019).

672 Resolution 41/26 *Renouvellement du mandat de l'Équipe d'experts internationaux sur la situation au Kasai* [Renewal of the mandate of the team of international experts on the situation in Kasai] (2019).

673 Office of the High Commissioner for Human Rights, Country visits by Special Procedures to India. Available at: https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=IND.

674 Ibid.

675 Ibid.

676 Office of the High Commissioner for Human Rights, Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit-Baltistan. Available on: <https://www.ohchr.org/Documents/Countries/IN/DevelopmentsInKashmirJune-2016ToApril2018.pdf>.

677 The Hindu, ‘India cuts off UN panel after Jammu and Kashmir report’, 21 May 2019. Available at: <https://www.thehindu.com/news/national/india-cuts-off-un-panel-after-jammu-kashmir-report/article27190445.ece>.

678 Office of the High Commissioner for Human Rights, Treaty Bodies, Reporting status of India. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=79.

679 Ibid.

680 Ibid.

681 Ibid.

India has not yet ratified the CAT, despite having signed it in 1997; CCPR-OP2-DP, CED, despite having signed it in 2007; and CMW.⁶⁸²

c. *Compliance with Thematic Issues*

In its voluntary pledges, India vowed to uphold the highest standards in the promotion and protection of human rights.⁶⁸³ During this Session, however, India maintained its three-year-old position by abstaining from voting on the resolution seeking to renew the *Mandate of the independent expert on protection against violence and discrimination based on sexual orientation and gender identity*.⁶⁸⁴ India abstained despite its Supreme Court having struck down and declared Section 377 of the Indian Penal Code as unconstitutional, insofar as it criminalises same-sex relations between consenting adults in September 2018.⁶⁸⁵ UNESCO, in its June 2019 report, surveyed 371 sexual and gender minority youth, and gathered in-depth information from more than 60 through focus group discussions in the state of Tamil Nadu.⁶⁸⁶ 84 per cent of participants reported being bullied, most by other students, but in one-fifth of the cases, by a male teacher.⁶⁸⁷ Only 18 per cent of those who were bullied said they reported the incident to school authorities.⁶⁸⁸

A prominent rights group, in its June 2019 report, has detailed human rights violations suffered by LGBTI+ persons in India at their family homes, workplaces, and public spaces including streets, public toilets, public transport and shopping centres, based on 65 interviews conducted across 6 states.⁶⁸⁹ The report found that the Supreme Court directives in *National Legal Services Authority. v. Union of India*, which recognised the legal identity of transgender persons as the ‘third’ gender,⁶⁹⁰ particularly, relating to the provision for welfare schemes, entitlements such PAN card and passport, and access to public facilities like shelter homes, toilets and transportation, among other things, have not been uniformly followed in different states across the country.⁶⁹¹ The Transgender Persons (Protection of Rights) Bill, passed by the Lok Sabha (Lower House of the Parliament) on 5 August 2019, was strongly criticised for several reasons.⁶⁹² It was observed that the bill dilutes the rights of intersex persons since they were included within the definition of transgender, and since not all intersex people identify themselves as trans-people.⁶⁹³ It also makes no mention of reservations in public jobs, education, etc.⁶⁹⁴ More prominently, the penalty stipulated for raping a trans-person is six months to two years, while it is life imprisonment for raping a woman under the Indian Penal Code.⁶⁹⁵ The transgender community has raised the concern that crimes against them are considered and penalised as “petty” crimes.⁶⁹⁶

In positive developments, In November 2018, the High Court of Delhi ruled in favour of a married cis-woman, whereby the trans-man partner had filed a *habeas corpus* petition for the production of the woman stating that she was held captive by her parents.⁶⁹⁷ The Court found that her choice to live with the petitioner is “within the ambit of inalienable

682 Ibid.

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

684 Resolution 41/18 Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2019).

685 *Navtej Singh Johar & Ors. Versus Union Of India Thr. Secretary Ministry Of Law And Justice*, Writ Petition (CRIMINAL) NO. 76 OF 2016.

686 UNESCO, ‘Be a Buddy, not a Bully: Experiences of sexual and gender minority youth in Tamil Nadu schools’, 2019. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000368435>.

687 Ibid.

688 Ibid.

689 International Commission of Jurists, ‘Living with Dignity - Sexual Orientation and Gender Identity-Based Human Rights Violations in Housing, Work, and Public Spaces in India’. Available at: <http://bit.ly/2PgCQGH>.

690 *National Legal Services Authority. v. Union of India*, (2014) Writ Petition (C.) No. 604/2013, (NALSA).

691 International Commission of Jurists, ‘Living with Dignity - Sexual Orientation and Gender Identity-Based Human Rights Violations in Housing, Work, and Public Spaces in India’. Available at: <http://bit.ly/2PgCQGH>.

692 The Transgender Persons (Protection of Rights) Bill, 2019. Available at: <https://bit.ly/2Pag96L>.

693 DownToEarth, ‘Why is transgender community unhappy with Trans Persons Bill?’, 9 October 2019. Available at: <https://bit.ly/2RJTF7Z>.

694 Ibid.

695 Ibid.

696 Ibid.

697 *Mann @ Manjusha Yadav v. State*, W.P. (Crl.) No. 3451/2018.

human and fundamental rights.”⁶⁹⁸ In April 2019, the High Court of Madras recognised the right of transgender women to be married under Hindu Marriage Act 1956.⁶⁹⁹ The judgment also prohibited surgical interventions in the case of intersex children which led to a government order from Tamil Nadu on the issue.⁷⁰⁰

In its voluntary pledges, India committed itself to promote and protect human rights and fundamental freedoms of all its citizens.⁷⁰¹ During this Session, it joined consensus for adopting the resolution on *Elimination of all forms of discrimination against women and girls*,⁷⁰² which urged States to ensure equal enjoyment of economic, social, cultural, civil and political rights of women and girls by eliminating all forms of discrimination by State and non-State actors alike. During the interactive dialogue with the Working Group on discrimination against women, India stated that it is in the process of considering the National Policy for Women, which aims at enabling and empowering women to participate in all spheres.⁷⁰³ During the panel discussion on Violence against women in the world of work, India highlighted the 2013 amendments to Indian criminal law, which broadened the definition of sexual assault and harassment and introduced stricter penalties.⁷⁰⁴

However, the latest data from the National Crime Records Bureau (NCRB) of India shows that there has been no decline in the rate of crimes against women from 2001 to 2016.⁷⁰⁵ In the five-year period from 2012 to 2016, 170000 women in India had reported rape.⁷⁰⁶ Cases under the category of “crimes against women” had reportedly increased by 2.9 per cent from 2015 to 2016.⁷⁰⁷ Majority of these cases were under “cruelty by husband or his relatives” (32.6 per cent), followed by “assault on women with intent to outrage her modesty” (25.0 per cent), “kidnaping and abduction of women” (19.0 per cent) and “rape” (11.5 per cent).⁷⁰⁸

In UNDP’s Gender Inequality Index 2018, India ranked 127th out of 189 countries.⁷⁰⁹ According to the World Bank, less than 30 per cent of working-age women are currently in work compared to nearly 80 per cent of men in India.⁷¹⁰ In a survey conducted across a total of 354,944 households and 546,527 children between the age group 3 to 16, it was observed that in 2006, 10.3 per cent of girls between the ages of 11 to 14 were out of school, while in 2018 the figure stood at 4.1 per cent, a significant decline.⁷¹¹ In 2018, 13.5 per cent of girls between the ages 15-16 were out of school, as opposed to more than 20 per cent in 2008.⁷¹² However, when compared with the rest of the world, the female literacy rate is considerably low at around 60 per cent, which is 22 percentage points below the world average.⁷¹³ The Protection of Children from Sexual Offences (POCSO) (Amendment) Act, 2019 was passed on 5 August 2019.⁷¹⁴ It seeks to protect children from offences such as sexual assault, harassment and pornography.⁷¹⁵ To further combat rising cases of child sex abuse, in July 2019, the Union Cabinet approved the amendments to the POCSO Act, including death penalty for aggravated sexual assault on children, besides providing stringent punishments for other crimes against minors.⁷¹⁶

698 Ibid, para. 15.

699 *Arunkumar and Sreeja v. Inspector General of Registration (2019)*, Writ Petition (MD) No.4125 of 2019 and Writ Petition (MD) No.3220 of 2019.

700 Ibid.

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

702 Resolution 41/6 Elimination of all forms of discrimination against women and girls (2019).

703 Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1969>.

704 Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1970>.

705 National Crime Records Bureau, Ministry of Home Affairs, ‘Crime in India 2016’. Available at: <http://ncrb.gov.in/>.

706 Ibid.

707 Ibid.

708 Ibid.

709 UNDP, ‘Human Development Reports – Statistical Report 2018’, Gender Inequality Index, p. 40. Available at: <https://bit.ly/2OPIK5i>.

710 The World Bank, ‘Labor force participation rate, female (% of female population ages 15+) (modelled ILO estimate) - India. Available at: <https://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS?contextual=default&locations=IN>.

711 Annual Status of Education Report 2018, January 2019. Available at: <https://bit.ly/2Py1yRI>.

712 Ibid.

713 Firstpost, ‘India’s female literacy has gone up but still 22 percentage points behind world average; education among young women rising’, 21 August 2019. Available at: <https://bit.ly/2siCUMM>.

714 The Protection Of Children From Sexual Offences (Amendment) Act, 2019. Available at: <https://bit.ly/2LIZ1mm>.

715 Ibid.

716 The Hindu, ‘Govt approves changes in POCSO Act, includes death penalty for sexual offences against children’, 10 July 2019. Available at: <https://bit.ly/36zB4Gv>.

In its voluntary pledges, India committed itself to strive for the full realisation of civil, political, economic, social and cultural rights.⁷¹⁷ It joined consensus in adopting the resolution on *The rights to freedom of peaceful assembly and of association*,⁷¹⁸ which extended the mandate of the Special Rapporteur for a period of three years. During the clustered interactive dialogue with the Special Rapporteur on the right to **freedom of opinion and expression** and the Special Rapporteur on the rights to free of **peaceful assembly** and of association, India stated that its rights-oriented constitutional framework, ensures harmony across its diverse population while protecting fundamental liberties.⁷¹⁹

However, it has been reporting that 12 journalists have been killed in India since 2015 for their work.⁷²⁰ India ranks 140th in the World Press Freedom Index in 2019.⁷²¹ In 2018, Reliance Infrastructure Limited & Others filed a ₹7000-crore defamation suit against Seema Mustafa, founder-editor of *The Citizen* for the website's coverage on the controversial Rafale defence deal.⁷²² In June 2019, the Uttar Pradesh police arrested Prashant Kanojia, a freelance journalist; Ishika Singh, the head of the news-channel, Nation Live; and Anuj Shukla, one of the editors of the channel.⁷²³ On June 10, police arrested Anshul Kaushik, another editor of the news channel.⁷²⁴ They were booked for publishing "objectionable content" related to a controversial video of a woman who claimed she had sent a marriage proposal to the state's Chief Minister.⁷²⁵ Similarly, in the state of Kerala, recent data showed that police cases were filed against as many as 119 people for allegedly abusing and criticising the Chief Minister on social media over the last three years.⁷²⁶ The data came from the Government of Kerala itself.⁷²⁷ The colonial sedition law under Section 124A of the Indian Penal Code continues to be retained⁷²⁸; in July 2019, the Ministry of Home Affairs (MHA), in a written reply to the Rajya Sabha (Upper House), confirmed the Centre's stand to retain the sedition law to "effectively combat anti-national, secessionist and terrorist elements".⁷²⁹

On 5 August 2019, the Indian Government announced that it was amending the 70-year-old provisions of the Constitution that granted a special status of the state of Jammu and Kashmir.⁷³⁰ However, before making such announcement, the Government detained all major political leaders from the state, imposed broad restrictions on freedom of movement and on media, banned public meetings and imposed a shutdown on the internet, telecommunication services, and educational institutions.⁷³¹ There have already been 53 instances of internet shutdowns in the state of Jammu and Kashmir in 2019, the largest number in the country.⁷³² On 22 August 2019, five UN mandate-holders, including: David Kaye, Special Rapporteur on the right to freedom of opinion and expression; Michel Forst, Special Rapporteur on the situation of human rights defenders; Bernard Duhaime, Chair-Rapporteur of the working group on enforced or involuntary disappearances; Clement Nyaletsossi Voule, Special Rapporteur on the right to peaceful assembly and association; and Agnes Callamard, Special Rapporteur on extrajudicial, summary or arbitrary executions, called on the Government of India to lift the communication clampdown in Kashmir, describing the measures as a "collective punishment" for the entire population of the region and that the blanket shutdown of internet and communication networks "without justification from the government, are inconsistent with the fundamental norms of necessity and proportionality".⁷³³

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

718 Resolution 41/12 The rights to freedom of peaceful assembly and of association (2019).

719 Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1952>.

720 Committee to Protect Journalists. Available at: <https://bit.ly/2YBC1v3>.

721 Reporters Without Borders, World Press Freedom Index 2019, India. Available at: https://rsf.org/en/ranking_table

722 The Wire, 'After Suing NDTV, Reliance Group Files Rs 7,000 Crore Suit Against The Citizen', 23 October 2018. Available at: <https://thewire.in/media/ndtv-reliance-group-rs-7000-defamation-suit-the-citizen>.

723 Asia Times, 'Free speech under fire in India', 14 June 2019. Available at: <https://bit.ly/2qL0kKw>.

724 Ibid.

725 Ibid.

726 The Times of India, 'Over 100 booked for posting comments against Kerala CM', 13 June 2019. Available at: <https://bit.ly/2LJvRE2>.

727 Ibid.

728 Government of India, Indian Penal Code 1860, Section 124A. Available at: <https://bit.ly/3579tMi>.

729 India Today, 'Sedition law to stay, says Government', 3 July 2019. Available at: <https://bit.ly/34bT6Nk>.

730 The Hindu, 'Amit Shah moves resolution to revoke provisions of Article 370, bifurcate J&K', 5 August 2019. Available at: <https://bit.ly/2rA2NYA>.

731 Human Rights Watch, 'India: Basic Freedoms at Risk in Kashmir', 6 August 2019. Available at: <https://www.hrw.org/news/2019/08/06/india-basic-freedoms-risk-kashmir>.

732 Ibid.

733 Office of the High Commissioner of Human Rights, Press Release, 'UN rights experts urge India to end communications shutdown in Kashmir', 22 August 2019. Available at: <https://bit.ly/36mzPdQ>.

During this Session, in the interactive dialogue with the Special Rapporteur on the **human rights of migrants**, India highlighted its national institutional framework for migrants' welfare and protection: E-Migrate system, to ensure accountability and transparency in recruitment system; skill development initiatives such as *Pravasi Kaushal Vikas Yojana*; online grievance redressal portal (MADAD); the pre-departure orientation pilot program; the Indian Community Welfare Fund (ICWF) for emergencies; the *Pravasi Bharatiya Bima Yojana* (PBBY) for insurance cover and 24X7 help lines for migrants.⁷³⁴ India joined consensus in adopting the resolution concerning the *human rights of migrants*, which recommitted full respect for the human rights and fundamental freedoms of all migrants, regardless of their migration status.⁷³⁵

India is a major country of origin and transit, as well as a popular destination, for workers across international borders.⁷³⁶ While exact numbers are not known, several studies⁷³⁷ point to the presence of larger outflows of labour migration and the presence of large numbers of undocumented migrants in the GCC region (now known as the Cooperation Council for the Arab States of the Gulf).⁷³⁸ According to the IOM World Migration Report 2018, Indian diaspora is world's largest, ahead of China, with slightly more than 15.6 million people from India living overseas.⁷³⁹ According to the last population census carried out in 2011, 45.36 crore Indians (37 per cent) in India are migrants — now settled in a place different from their previous residence.⁷⁴⁰ In 2001, the figure stood at 31.45 crores.⁷⁴¹

In the wake of the alarming increase in the number of cases of human trafficking in India and the inadequacy of the existing legal framework to deal with it, the Ministry of Women and Child Development proposed the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill 2018.⁷⁴² However, there were several concerns about the draft legislation, especially on its vague language, leaving room for abuse.⁷⁴³ Relevant UN mandate-holders — Maria Grazia Giammarinaro, Special Rapporteur on trafficking in persons, and Urmila Boola, Special Rapporteur on contemporary forms of slavery — were concerned by the Bill since its focus on addressing trafficking from a criminal law perspective was not sufficiently complemented by a human rights and victim-centric approach, and this risked harming the already vulnerable individuals.⁷⁴⁴

In December 2018, UN mandate-holders had expressed concerns about the National Register of Citizens (NRC) list which could potentially have far-reaching consequences, predominantly affecting members of minority groups living in Assam who would fail to establish themselves as citizens of India.⁷⁴⁵ On 31 August 2019, the NRC Directorate released the final list of people whose names were included in the draft register of citizens.⁷⁴⁶ However, the list left out 1.9 million people.⁷⁴⁷ The spokesperson of the Ministry of Home Affairs (MHA) clarified that every individual, whose name did not figure in the final list, can represent his or her case in front of Foreigners Tribunals.⁷⁴⁸ However

734 Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1950>.

735 Resolution 41/7 The human rights of migrants (2019).

736 India hosts 5.2 million migrants as per the UNDESA Migration Trends 2015. Also see ILO Labour Migration Update 2016 for available data on India as a destination.

737 India Migration Report 2014 (New Delhi, Routledge, 2014), India Migration Report 2015 (New Delhi, Routledge, 2015), and India Migration Report 2016 (New Delhi, Routledge, 2016).

738 N. Shah, 'Recent amnesty programmes for irregular migrants in Kuwait and Saudi Arabia: Some successes and failures', Explanatory Note No. 9/2014 (Gulf Labour Markets, Migration and Population Programme, 2014). Available at: http://cadmus.eui.eu/bitstream/handle/1814/34577/GLMM_ExpNote_2014_09.pdf?sequence=1&isAllowed=y.

739 IOM, "World Migration Report 2018". Available at: <https://www.iom.int/wmr/world-migration-report-2018>.

740 Government of India, 2011 Population Census. Available at: <http://bit.ly/2rHRe1r>.

741 Ibid.

742 Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill 2018. Available at: <https://bit.ly/38vGEev>.

743 Economic and Political Weekly, 'India's Trafficking Bill 2018 is Neither Clear Nor Comprehensive', 17 July 2018. Available at: <https://bit.ly/2Pa2pc5>.

744 Office of the High Commissioner of Human Rights, Press Release, 'India must bring its new anti-trafficking Bill in line with human rights law, urge UN experts', 23 July 2018. Available at: <https://bit.ly/34ctnEg>.

745 Office of the High Commissioner of Human Rights, Press Release, 'Assam's National Register of Citizens risks stirring tensions and potential humanitarian crisis, UN experts warn', 27 December 2018. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24048&LangID=E>.

746 Firstpost, 'Assam NRC Final List: Names of all 3.30 crore applicants published online; check status at www.nrcassam.nic.in', 14 September 2019. Available at: <https://bit.ly/2t5lyn3>.

747 BBC, 'Assam NRC: What next for the 1.9 million 'stateless' Indians?', 31 August 2019. Available at: <https://www.bbc.com/news/world-asia-india-49520593>.

748 India Today, 'Adequate arrangements to appeal for people non-included in final NRC: MHA', 20 August 2019. Available at: <https://bit.ly/2LJ2HEG>.

there were concerns that it would be a stressful, long and arduous process which would include a first appeal to the Foreigner's Tribunals.⁷⁴⁹ Rejection of an appeal by the Foreigners Tribunals could be challenged in the Guwahati High Court and further in the Supreme Court as a last recourse.⁷⁵⁰ The MHA clarified that those whose names were excluded in the NRC would not automatically be declared "foreigners" as they would be given adequate opportunity to present their case before the Foreigners Tribunals, the High Court and the Supreme Court.⁷⁵¹ It also said the Assam Government has made necessary arrangements to provide legal aid to the needy amongst those excluded from the final list through the district legal services authorities.⁷⁵²

India signed the Global Compact for Safe, Orderly and Regular Migration, a non-binding agreement for the better management of migration, which was adopted by the United Nations member countries in December 2018.⁷⁵³ In January 2019, the Ministry of External Affairs published a Draft Emigration Bill for public comments.⁷⁵⁴ It aims at changing the direction of the policy from the regulation of emigration to its management.⁷⁵⁵ While the 2019 draft bill includes all emigrant workers and students within its purview, it continues to exclude the family and undocumented migrants.⁷⁵⁶ Of the different stages of the migrant life cycle, the 2019 draft bill focuses mostly on pre-departure while ignoring the rights of migrants at their destination and their return.⁷⁵⁷

During this Session, in the interactive dialogue with the Special Rapporteur on the right to education, India stated that it prioritised **inclusive and quality education** for all.⁷⁵⁸ It also joined consensus in adopting the resolution concerning *The right to education: follow-up to Human Rights Council resolution 8/4*,⁷⁵⁹ which urges States to promote holistic technical vocational education and training. In India, under the Right To Education Act 2009, all private schools are required to reserve 25 per cent seats for children belonging to the economically weaker section of the society and the expenses incurred would be reimbursed by State as part of the public-private partnership.⁷⁶⁰ The Act also provides that no child shall be held back, expelled, or required to pass a board examination until the completion of elementary education.⁷⁶¹

In an indictment of official policies, UNESCO's State of the Education Report for India 2019: Children With Disabilities, pointed out that among 5 year-olds with disabilities, three-fourths do not go to any educational institution,⁷⁶² nor do one-fourth children with disabilities between ages 5 and 19.⁷⁶³ The number of children enrolled in school drops significantly with each successive level of schooling.⁷⁶⁴ The proportion of children with disabilities who are out of school is much higher than the overall proportion of out-of-school children at the national level.⁷⁶⁵ According to the UNESCO Report, the National Council of Educational Research and Training (NCERT) created the Barkha – A Graded Reading Series for children, which highlights the possibilities of Universal Design of learning.⁷⁶⁶ It has developed two manuals on 'Including Children with Special Needs' for primary and upper primary stage teachers.⁷⁶⁷ Many states are

749 The Wire, 'As NRC Appeals Process Begins, Confusion and Panic Still Prevail for Those Excluded', 28 September 2018. Available at: <https://bit.ly/34ceq5f>.

750 The Economic Times, 'NRC: 400 Foreigners' Tribunals to deal with cases of excluded people', 31 August 2019. Available at: <https://bit.ly/38sWzKD>.

751 The Hindu, 'Citizens left out of NRC will not go to jail at once', 24 August 2019. Available at: <https://bit.ly/344hyA8>.

752 India Today, 'No person excluded from NRC to be detained till all legal remedies exhausted: MHA', 2 September 2019. Available at: <https://bit.ly/349cZV9>.

753 Economic and Political Weekly, 'India and the Global Compact for Migration', Vol. 54, Issue No. 11, 16 March, 2019. Available at: <https://www.epw.in/journal/2019/11/commentary/india-and-global-compact-migration.html>.

754 Draft Emigration Bill, 2019. Available at: <https://mea.gov.in/emigrationbill.htm>.

755 Ibid.

756 Economic and Political Weekly, 'Draft Emigration Bill, 2019', Vol. 54, Issue No. 30, 27 July 2019. Available at: <https://www.epw.in/journal/2019/30/commentary/draft-emigration-bill-2019.html>.

757 Ibid.

758 Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1971>.

759 Resolution 41/16 The right to education: follow-up to Human Rights Council resolution 8/4 (2019).

760 Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1971>.

761 Right to Education Act 2009. Available at: https://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/rte.pdf.

762 UNESCO, 'State of the Education Report for India 2019 Children with Disabilities'. Available at: <https://bit.ly/2E7Qsxn>.

763 Ibid.

764 Ibid.

765 Ibid.

766 National Council of Educational Research and Training, 'Barkha Series'. Available at: <https://bit.ly/2PbrbZy>.

767 Ibid.

using them extensively to understand the need for curriculum adaptations wherever children with disabilities study in inclusive classrooms.⁷⁶⁸

Recently, the Government of India released the Draft National Education Policy which consists of four parts: “School Education,” “Higher Education,” “Additional Key Focus Areas,” and “Transforming Education”. There is an addendum, and 14 appendices. It is animated by a vision to create an “India-centred” education system that will lead to the creation of an “equitable and vibrant knowledge society”.⁷⁶⁹ A study on the mental health status of school-going adolescents in North East India, published in 2017, found that nearly one tenth of the participants had some mental health issues.⁷⁷⁰ A class 10 student was found dead inside the washroom of a South Kolkata school in June 2019.⁷⁷¹ The suicide note left behind indicates that she was depressed and facing a lot of pressure.⁷⁷² A few days later, elsewhere in Kolkata, an engineering student attempted suicide.⁷⁷³ In April 2019, 20 students in Telangana state committed suicide after having failed their two-year Higher Secondary School Certificate (HSSC) exams.⁷⁷⁴

In its voluntary pledges, India promised to support international efforts to combat racism, **racial discrimination**, xenophobia and related intolerance.⁷⁷⁵ During the interactive dialogue with the Special Rapporteur on racism, India highlighted that countering racism remains a matter of priority as it regards racism as the anti-thesis of what the human rights movement strives for.⁷⁷⁶ According to the 2019 World Population Review, India ranks at the top of the “most racist country” of countries in the study.⁷⁷⁷ Approximately 43.6 per cent of all the people who took the survey said that they would not be comfortable with neighbours who were of different cultures, ethnicities, or races than themselves.⁷⁷⁸ A heightened percentage of 64.3 per cent of the participants from India also reported that they were either discriminated against or witnessed discrimination unfold in their home country.⁷⁷⁹

In August 2019, an Assistant Central Intelligence Officer, in a complaint to the National Commission for Scheduled Castes (NCSC), narrated his long drawn ordeal of working with the Intelligence Bureau for four years and the alleged caste discrimination that he was subjected to while on duty.⁷⁸⁰ The Tamil Nadu government identified some schools in the state where students are made to wear colour-coded wrist bands to distinguish between those belonging to “upper castes” and “lower castes”.⁷⁸¹ In a recent survey conducted between 2016 and 2017 across 2124 Dalits and Muslims in Delhi, Uttar Pradesh, Rajasthan and Mumbai, it was observed that caste discrimination prevails across these regions.⁷⁸² In Delhi, more than one-fifth of Dalits reported facing caste discrimination.⁷⁸³ In Mumbai, 25 per cent Dalits and 30 per cent Muslims reported to have personally experienced discrimination in interactions with a government official.⁷⁸⁴

Another common location for discrimination is schools, where reports of discrimination ranged from 10 to 25 per

768 UNESCO, ‘State of the Education Report for India 2019 Children with Disabilities’. Available at: <https://bit.ly/2PyZ45p>.

769 Draft National Education Policy 2019. Available at: <http://bit.ly/2qK01Oe>.

770 Asian Journal of Psychiatry, ‘Assessment of mental health status among school going adolescents in North East India: A cross sectional school based survey’, 30 (2017) 114–117. Available at: <https://bit.ly/2PDirWg>.

771 The Indian Express, ‘Access Denied’, 30 July 2019. Available at: <https://bit.ly/2PbLx4N>.

772 Ibid.

773 Ibid.

774 The Telegraph, ‘Over twenty Indian students commit suicide after inaccurate university admission results’, 30 April 2019. Available at: <https://bit.ly/38ryxQ5>.

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

776 Permanent Mission of India to the United Nations. Available at: <https://www.pmindiaun.gov.in/pages.php?id=1996>.

777 World Population Review 2019. Available at: <https://bit.ly/2PbHtBO>.

778 Ibid.

779 Ibid.

780 The Wire, ‘IB Officer Alleges Caste Discrimination; Faces Criminal Charges, Suspension’, 14 August 2019. Available at: <https://thewire.in/caste/intelligence-bureau-discrimination-harassment>.

781 The Telegraph, ‘Caste bands in Tamil Nadu schools’, 14 August 2019. Available at: <https://www.telegraphindia.com/india/caste-bands-in-tamil-nadu-schools/cid/1697686>.

782 Research Institute for Compassionate Economics, ‘Social Attitudes Research, India (SARI)’, 14 September 2018. Available at: <https://riceinstitute.org/blog/social-attitudes-research-india-sari-data-is-available/>.

783 Ibid.

784 Ibid.

cent across geographies and groups.⁷⁸⁵ The authors of the study observed that in both Mumbai and Rajasthan, more than 60 per cent Dalits and Muslims believe their communities face discrimination.⁷⁸⁶ In July 2019, in a written reply by the Union Home Ministry in Parliament, it was stated that between 2016 and June 2019, NHRC registered 2008 cases, where minorities / Dalits were harassed.⁷⁸⁷ Of these, Uttar Pradesh alone accounted for 869 cases.⁷⁸⁸ Uttar Pradesh, Rajasthan, Bihar, Haryana and Madhya Pradesh accounted for 64 per cent cases of harassment of minorities and Dalits in the country.⁷⁸⁹

VI. Conclusions

India participated very actively in the 41st Session of the Council. It sponsored the resolution on *Access to medicines and vaccines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health*.⁷⁹⁰

- Out of the 11 Commonwealth Member States at the HRC, India is the only State to have not yet ratified the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.⁷⁹¹
- Latest data from the National Crime Records Bureau (NCRB), from 2001 to 2016, shows no decline in the crime rate against women⁷⁹²; in the five-year period from 2012 to 2016, nearly 170000 women in India had reported being raped.
- India ranks 140th out of 180 countries in the 2019 World Press Freedom Index. In August 2019, five UN mandate-holders, expressed concerns over the unprecedented communications blackout imposed in Kashmir.⁷⁹³

785 Ibid.

786 Ibid.

787 India Today, 'With 43% share in hate crimes, UP still most unsafe for minorities, Dalits', 19 July 2019. Available at: <https://bit.ly/35dBZfh>.

788 Ibid.

789 Ibid.

790 Resolution 41/10 Access to medicines and vaccines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2019).

791 Office of the High Commissioner of Human Rights, Treaty Bodies, Ratification status of India. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=9&Lang=EN.

792 National Crime Records Bureau, Ministry of Home Affairs, 'Crime in India 2016'. Available at: <http://ncrb.gov.in/>.

793 The Guardian, 'Kashmir: India's 'draconian' blackout sets worrying precedent, warns UN', 8 August 2019. Available at: <https://www.theguardian.com/world/2019/aug/08/kashmir-communications-blackout-is-draconian-says-un-envoy>.

I. Introduction

Nigeria was amongst the 47 member states elected to the HRC for its first term.⁷⁹⁴ It played an active role at the HRC in subsequent terms in 2009-2011,⁷⁹⁵ and again for the term of 2015-2017.⁷⁹⁶ Nigeria was elected to serve a fourth term as a council member in 2018⁷⁹⁷ by virtue of clean slate election. Its current term will end in 2020.⁷⁹⁸

II. Voluntary Pledges and Commitments

Nigeria submitted its voluntary pledges in 2006,⁷⁹⁹ and has not updated it since then. 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 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).
- Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of

⁷⁹⁴ United Nations General Assembly, Elections of the Human Rights Council, 9 May 2006. Available at: <https://www.un.org/ga/60/elect/hrc/index.html>.

⁷⁹⁵ United Nations General Assembly, Elections of the Human Rights Council, 12 May 2009. Available at: https://www.un.org/en/ga/63/elections/hrc_elections.shtml.

⁷⁹⁶ United Nations General Assembly, Elections of the Human Rights Council, 21 October 2014. Available at: <https://www.un.org/en/ga/69/meetings/elections/hrc.shtml>.

⁷⁹⁷ United Nations General Assembly, Elections of the Human Rights Council, 16 October 2017. Available at: <https://www.un.org/en/ga/72/meetings/elections/hrc.shtml>.

⁷⁹⁸ 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>.

⁷⁹⁹ Office of the High Commissioner for Human Rights, Voluntary Pledges and Commitments submitted by the Permanent Mission of the Federal Republic of Nigeria to the United Nations, 24 April 2006. Available at: <https://www.un.org/ga/60/elect/hrc/nigeria.pdf>.

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 41st Session of the HRC

The following is a selected representation of Nigeria's participation during this Session, in particular its interventions during interactive dialogues and general debates:

S.No.	Interactive Dialogue	Nigeria's Interventions
1.	Clustered interactive dialogue with the Special Rapporteur on the right to health and the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members	<ul style="list-style-type: none"> • Strongly condemned all forms of discrimination, stigma and stereotype against persons affected by leprosy and their family members. • Remained committed to combatting the issue and the need to create public awareness to address stigma and discrimination against affected persons. • Stressed on its National Leprosy and Buruli Ulcer Strategic Plan 2016-2020 facilitating the implementation of strategies to increase detection, improve treatment, prevent disabilities, and provide rehabilitation services.⁸⁰⁰
2.	Clustered interactive dialogue with the Special Rapporteur on the human rights of migrants and the Independent Expert on international solidarity	<ul style="list-style-type: none"> • Reiterated its call for humane and dignified treatment of migrants in all circumstances, particularly of migrant women and children who are the most vulnerable. • Commended the Special Rapporteur's contribution in adopting the Global Compact on Migration and called for focus on its effective, gender-responsive and child-sensitive implementation through cooperation. • Underscored the importance of a strong international solidarity in the field of human rights to attain sustainable international peace and security and committed to uphold the rights of migrants in adherence to its obligations.⁸⁰¹
3.	Clustered interactive dialogue with the Special Rapporteur on the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association	<ul style="list-style-type: none"> • Underlined that the rights of freedom of expression and opinion are guaranteed by its Constitution and that journalists and citizens exercise their freedom unhindered with unfettered access to the internet also being made accessible. • Stressed on the duty of the Government in ending fake news, hate speech, and disinformation that has a negative impact on the enjoyment of the rights and can threaten peace and security in the society. • Reaffirmed the guarantee of the right to freedom of peaceful assembly and association in its Constitution and in ensuring good governance and the rule of law, without negating the rights of others.⁸⁰²

⁸⁰⁰ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=24/06/2019%2000:00:00>.

⁸⁰¹ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=25/06/2019%2000:00:00>.

⁸⁰² Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=26/06/2019%2000:00:00>.

4.	Clustered interactive dialogue with the Special Rapporteur on summary executions and the Special Rapporteur on the right to education	<ul style="list-style-type: none"> • Reiterated its strong and unequivocal condemnation of all forms of extrajudicial, summary or arbitrary executions and that it remained resolute in addressing these challenges. • Informed the Council about the measures adopted, including training for the security forces in protecting human rights, particularly the right to life, while maintaining peace and security. • Assured that rare instances of breaches are investigated and perpetrators are brought to justice. • Remained fully committed to provide quality education to its citizens and to provide job opportunities in realising a progressive society and has continued to invest in the education sector.⁸⁰³
5.	Clustered interactive dialogue with the Working Group on discrimination against women and the Working Group on business and human rights	<ul style="list-style-type: none"> • Remained committed to building a nation devoid of gender-based discrimination by guaranteeing equal access to political, social and economic opportunities by constitutionally providing an enabling environment for all women to realise their full potential. • Rejected the part of the report of the Working Group on discrimination against women and clarified that no detention is carried out on the basis of gender. • Stressed that military custody is used only for rehabilitating and reintegrating rescued persons, including women, back into the society.⁸⁰⁴
6.	Clustered interactive dialogue with the Special Rapporteur on violence against women and the Special Rapporteur on trafficking in persons, especially women and children (Country concerned in this interactive dialogue)	<ul style="list-style-type: none"> • Pleased that the Special Rapporteur understood and appreciated the political will of the Government of Nigeria to fight the scourge of human trafficking, and enhance the general well-being of its people. • Highlighted the enactment of the Trafficking in Persons Law Enforcement and Administration Act, criminalising all forms of trafficking and prescribing a minimum penalty of five years on conviction. • Reiterated that its counter-trafficking operations are in line with its international and domestic human rights obligations and that it will continue to collaborate with the global community to ensure that the menace of human trafficking is appropriately addressed. • Reaffirmed its commitment to the effective, transparent and accountable utilization of resources earmarked for trafficked persons.⁸⁰⁵
7.	Clustered interactive dialogue with the Special Rapporteur on extreme poverty and the Special Rapporteur on the rights of internally displaced persons	<ul style="list-style-type: none"> • Remained committed to alleviate the suffering of the victims of internal displacement, particularly women and children and to its poverty alleviation initiatives. • Underlined its commitment to development, particularly in its North Eastern part, through coordinated efforts and resettlement of the IDPs into their communities and appreciated their development partners for their support in tackling the humanitarian challenges in the country. • Listed the measures undertaken in ensuring economic growth and all-inclusive prosperity to enhance the general well-being of people through social investment programmes aimed at creating jobs and supporting small businesses.⁸⁰⁶

803 Ibid.

804 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=27/06/2019%2000:00:00>.

805 Ibid.

806 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=28/06/2019%2000:00:00>.

S.No.	General Debate	Nigeria's Interventions
1.	General debate on Oral update by the United Nations High Commissioner for Human Rights	<ul style="list-style-type: none"> • Reaffirmed its commitment to the fight against corruption, while upholding human rights and called for international collaboration in combating corruption and ensuring unconditional repatriation of its proceeds for the betterment of the society. • Remained committed in its efforts to address the security challenges that threaten sustainable peace and security in the country and recognised the importance of upholding human rights while countering them. • Reiterated its call for non-politicisation of human rights and avoiding double standards that deteriorate the human rights situation around the world. • Emphasised the need to strengthen multilateralism and genuine global synergy ensuring full enjoyment of human rights by all.⁸⁰⁷
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"> • Remained committed to the promotion and protection of human rights and fundamental freedoms as well as to the fight against corruption which undermines the rule of law, good governance, social cohesion, economic progress, and the realisation of the 2030 Sustainable Development Agenda. • Affirmed that the anti-corruption campaign is one of the cardinal priorities for the Government and has ensured respect for human rights, principles of the rule of law and its international obligations. • Reiterated its call for enhanced international cooperation in ensuring repatriation of proceeds of corruption and combatting illicit financial flows. • Maintained the view that universality of human rights should not mean imposition of values alien to their culture, traditions, and natural laws.⁸⁰⁸
3.	General debate on Human rights situation in Palestine and other occupied Arab territories	<ul style="list-style-type: none"> • Remained concerned over the continued occupation of Palestine and other Arab territories by Israel despite numerous UN resolutions and urged Israel to implement them to amicably resolve the crisis. • Reiterated that avoiding double-standards is imperative to ensure the promotion and protection of human rights and freedoms in the occupied territories. • Reaffirmed its support for the inalienable right to self-determination of the Palestinian people, and their human rights and fundamental freedoms, and maintained that the ultimate solution is having an independent State of Palestine coexisting with Israel. • Called for renewed efforts by the HRC to ensure protection and promotion of human rights and fundamental freedoms in the occupied territories.⁸⁰⁹

807 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=25/06/2019%2000:00:00>.

808 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=01/07/2019%2000:00:00>.

809 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=08/07/2019%2000:00:00>.

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 (DDPA)	<ul style="list-style-type: none"> • Reiterated its unequivocal condemnation of all forms of racism and xenophobia, and remained concerned by the trend of racism, social exclusion, and other forms of marginalisation against people of African descent across the world. • Called the international community for renewed commitment in combatting populism and right-wing extremism in ensuring just and inclusive societies. • Called the Council to rise to the occasion in ensuring the sincere, effective, and comprehensive implementation of the DDPA.⁸¹⁰
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IV. Voting Pattern on Resolutions

Thematic Resolutions

Nigeria voted in favour of four thematic resolutions: *Enhancement of international cooperation in the field of human rights*,⁸¹¹ *Promotion of the right to peace*,⁸¹² *Human rights and international solidarity*,⁸¹³ and *The contribution of development to the enjoyment of all human rights*.⁸¹⁴

It voted against one thematic resolution concerning the Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.⁸¹⁵ It did not abstain from voting on any thematic resolution during this Session.⁸¹⁶

Nigeria joined the consensus in adopting the remaining 15 thematic resolutions.⁸¹⁷

Country Situation Resolutions

Nigeria did not vote in favour of or against any country situation resolution during this Session.⁸¹⁸

It abstained from voting on all the five country situation resolutions concerning *Cooperation with and assistance to Ukraine in the field of human rights*,⁸¹⁹ *Situation of human rights in Belarus*,⁸²⁰ *Situation of human rights in Eritrea*,⁸²¹ *Promotion and protection of human rights in the Philippines*⁸²² and *The human rights situation in the Syrian Arab Republic*.⁸²³

It joined consensus in adopting the resolution concerning *Renouvellement du mandat d'Equipe d'experts internationaux sur la situation au Kasai* [Renewal of the mandate of the team of international experts on the situation in Kasai].⁸²⁴

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

⁸¹⁰ Ibid.

⁸¹¹ Resolution 41/3 Enhancement of international cooperation in the field of human rights (2019).

⁸¹² Resolution 41/4 Promotion of the right to peace (2019).

⁸¹³ Resolution 41/5 Human rights and international solidarity (2019).

⁸¹⁴ Resolution 41/19 The contribution of development to the enjoyment of all human rights (2019).

⁸¹⁵ Resolution 41/18 Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2019).

⁸¹⁶ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President's statements. Available at: <https://bit.ly/2rGjXDN>.

⁸¹⁷ Ibid.

⁸¹⁸ Ibid.

⁸¹⁹ Resolution 41/25 Cooperation with and assistance to Ukraine in the field of human rights (2019).

⁸²⁰ Resolution 41/22 Situation of human rights in Belarus (2019).

⁸²¹ Resolution 41/1 Situation of human rights in Eritrea (2019).

⁸²² Resolution 41/2 Promotion and protection of human rights in the Philippines (2019).

⁸²³ Resolution 41/23 The human rights situation in the Syrian Arab Republic (2019).

⁸²⁴ Resolution 41/26 *Renouvellement du mandat d'Equipe d'experts internationaux sur la situation au Kasai* [Renewal of the mandate of the team of international experts on the situation in Kasai] (2019).

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”.⁸²⁵ It also extended standing invitation to all thematic Special Procedures in 2013.⁸²⁶

However, Nigeria has a total of 11 visit requests and reminders pending from the Special Procedures.⁸²⁷ These include requests from the Independent Experts on access to safe drinking water and sanitation and on albinism, Special Rapporteurs on freedom of assembly, on racism, on sale of children, among others.⁸²⁸ It also has reminders pending from the Working Group on mercenaries, and the Special Rapporteurs on violence against women, on toxic waste, and on counter-terrorism and human rights.⁸²⁹

b. Compliance with Reporting Obligations to Treaty Monitoring Bodies

Nigeria pledged 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.⁸³⁰ However, currently, Nigeria has eight treaty body reports pending: 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).⁸³¹ Six out of these eight treaty body reports have been pending for over five years.⁸³²

Interestingly, Nigeria is the only Commonwealth Member of the HRC that has ratified almost all major human rights instruments, except the CCPR-OP2-DP.⁸³³ It has also accepted four inquiry procedures, namely, for CAT, CERD, CEDAW-OP, and CRPD-OP, and two individual complaints procedures, for CEDAW-OP and CRPD-OP.⁸³⁴

c. Compliance with Thematic Issues

In its voluntary pledges, Nigeria pledged to “uphold the principles of non-discrimination and protection and promotion of the human rights of all citizens”.⁸³⁵ During the Session, Nigeria voted against the resolution seeking to extend the *Mandate of the Independent Expert on protection against violence and discrimination based on **sexual orientation and gender identity***.⁸³⁶ The Same-Sex Marriage Prohibition Act,⁸³⁷ which banned gay relationships and entrenched intolerance to sexual minorities in Nigerian society, was signed by President Goodluck Jonathan in January 2014.⁸³⁸ It explicitly prohibits same-sex relationships and imposes an imprisonment of 14 years for contracting a same-sex marriage. Members of the LGBTI+ community have to socialise in private spaces, but the trust afforded by these

825 Office of the High Commissioner for Human Rights, Voluntary Pledges and Commitments submitted by the Permanent Mission of the Federal Republic of Nigeria to the United Nations, 24 April 2006. Available at: <https://www.un.org/ga/60/elect/hrc/nigeria.pdf>.

826 Office of the High Commissioner for Human Rights, Country visits by Special Procedures to Nigeria. Available at: https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en.

827 Ibid.

828 Ibid.

829 Ibid.

830 Office of the High Commissioner for Human Rights, Voluntary Pledges and Commitments submitted by the Permanent Mission of the Federal Republic of Nigeria to the United Nations, 24 April 2006. Available at: <https://www.un.org/ga/60/elect/hrc/nigeria.pdf>.

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

832 Ibid.

833 Ibid.

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

835 Office of the High Commissioner for Human Rights, Voluntary Pledges and Commitments submitted by the Permanent Mission of the Federal Republic of Nigeria to the United Nations, 24 April 2006. Available at: <https://www.un.org/ga/60/elect/hrc/nigeria.pdf>.

836 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President’s statements. Available at: <https://bit.ly/2KBdZK6>.

837 Government of Nigeria, Same Sex Marriage (Prohibition) Act, 2013. Available at: <https://www.refworld.org/pdfile/52f4d9cc4.pdf>.

838 The Guardian, ‘Blackmail, prejudice and persecution: gay rights in Nigeria’, 30 March 2018. Available at: <https://bit.ly/2PHI78Y>.

closed spaces is increasingly fragile.⁸³⁹ They reportedly have to struggle to access basic primary healthcare services, and encounter prejudice from healthcare providers.⁸⁴⁰ They may also be refused healthcare on the basis of their sexuality or gender, although such refusal contravenes the HIV/AIDS Anti-Discrimination Act of 2014.⁸⁴¹

In 2018, there were 213 human rights violations allegedly based on real or perceived sexual orientation and gender identity in Nigeria.⁸⁴² The types of violations documented range from assault and battery, infringement on freedom of assembly, unlawful detention and arbitrary arrests, extortion, invasion of privacy, denial of fair hearing, mob attacks and theft.⁸⁴³ These were allegedly perpetrated by both State and non-State actors. In June 2018, a group of 100 people partying at a hotel in Delta state were arrested by the Nigerian police on the charges of being gay.⁸⁴⁴ In another incident in 2018, nearly 57 men were arrested at a party on the suspicion that “some youths would be initiated into a Gay/Homosexual Club” through the party.⁸⁴⁵

Despite the largely negative societal attitude towards LGBTI+ issues in Nigeria, a 2019 Social Perception Survey carried out across 36 states in Nigeria and the Federal Capital Territory Abuja showed that there has been a gradual increase in social acceptance of the LGBTI community members.⁸⁴⁶ According to the survey, about 60 per cent of Nigerians refused to accept a family member who identified as LGBT.⁸⁴⁷ While this number is significantly high by itself, it was as high as 83 per cent in 2017.⁸⁴⁸ Similarly, there was a positive shift in the attitude towards the Same-Sex Marriage Prohibition Act, as more Nigerians appear to no longer support the law. In 2015, 90 per cent of the respondents supported the law; in 2019, this number dropped to 75 per cent.⁸⁴⁹

In its voluntary pledges, Nigeria committed itself to “accelerate the process of domestication of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC)”.⁸⁵⁰ During the interactive dialogue with the Special Rapporteur on **violence against women**, Nigeria reiterated that it is committed to implement legal and institutional frameworks to alleviate the sufferings of the most vulnerable groups, particularly, women, girls and children.⁸⁵¹ In the interactive dialogue with the Working Group on discrimination against women, Nigeria reiterated its commitment to build a nation devoid of gender-based discrimination by guaranteeing equal access to political, social and economic opportunities by constitutionally providing an enabling environment for all women to realise their full potential.⁸⁵² During the Session, it joined the consensus for adopting the resolution concerning *Elimination of all forms of **discrimination against women and girls***,⁸⁵³ which urges States to ensure equal enjoyment of economic, social, cultural, civil and political rights by women and girls by eliminating all forms of discrimination by State and non-State actors alike.⁸⁵⁴

However, Nigeria has one of the lowest female representation in Parliament across Africa, with less than 6 per cent

839 Ibid.

840 Bisi Alimi Foundation, ‘Not dancing to their music: The Effects of Homophobia, Biphobia and Transphobia on the lives of LGBT people in Nigeria’, January 2017. Available at: <https://bit.ly/38z6L4c>.

841 Ibid.

842 The Initiative for Equal Rights, ‘Human Rights Violations based on Real or Perceived Sexual Orientation and Gender Identity in Nigeria’, 2018. Available at: <https://bit.ly/2DmQD7F>.

843 Ibid.

844 Rights Africa, ‘Nigeria: Police arrest over 100 alleged gay and lesbians’, 11 June 2018. Available at: <https://rightsafrika.com/2018/06/11/nigeria-police-arrest-over-50-alleged-gay-and-lesbians/>.

845 News24, ‘Police storm hotel in Lagos, arrest at least 57 suspected of homosexuality’, 29 August 2018. Available at: <http://bit.ly/35h77L0>.

846 Social Perception Survey on Lesbian, Gay, Bi-sexual and Transgender persons Rights in Nigeria, 3 June 2019. Available at: <https://bit.ly/34hsFFQ>.

847 Ibid.

848 Ibid.

849 Ibid.

850 Office of the High Commissioner for Human Rights, Voluntary Pledges and Commitments submitted by the Permanent Mission of the Federal Republic of Nigeria to the United Nations, 24 April 2006. Available at: <https://www.un.org/ga/60/elect/hrc/nigeria.pdf>.

851 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=27/06/2019%2000:00:00>.

852 Ibid.

853 Resolution 41/6 Elimination of all forms of discrimination against women and girls (2019).

854 Ibid.

women in the Parliament.⁸⁵⁵ It ranks 181st out of 193 countries on this parameter.⁸⁵⁶ Nigeria stood at an overall position of 133rd out of 149 countries in the Global Gender Gap Report 2018.⁸⁵⁷ The report highlighted that the literacy rate among females is 41.1 per cent, as compared to 61.3 per cent among males.⁸⁵⁸ The percentage of girls out of school is 40 per cent, as compared to 29 per cent of boys.⁸⁵⁹ On the parameter of educational attainment, Nigeria ranked 140th out of the 149 countries that were assessed.⁸⁶⁰ A positive development in this regard is that, in 2018, the Governor of Edo State introduced the EdoBEST reforms in the educational sector,⁸⁶¹ which has led to the return of children to their public primary schools.⁸⁶²

The Gender and Equal Opportunity Bill that was first introduced in Nigeria in 2010 to eradicate the gender inequality in politics, education and employment; however, it has not yet been passed by the Parliament.⁸⁶³ The maternal mortality rates in Nigeria remain the highest in the world, particularly in the North-Eastern part of the country, and among poor, rural or conflict-affected women due to limited access to reproductive health care.⁸⁶⁴ Gender-based violence, including rapes of women and girls in the camps for IDPs as well as sexual violence against female detainees by police, has continued despite the Violence against Persons Prohibition (VAPP) Act of 2015.⁸⁶⁵ The Act seeks to eliminate violence in private and public life, prohibit all forms of violence including physical, sexual, psychological, domestic, harmful traditional practices, discrimination against persons and to provide maximum protection and effective remedies for victims and punishment of offenders.⁸⁶⁶ According to the National Agency for the Prohibition of Trafficking in Persons, it received a total of 1,076 cases of human trafficking and related cases in 2018.⁸⁶⁷ A total of 1,173 victims were rescued in 2018, of whom 16.2 per cent were men and 83.8 per cent were women; children accounted for 49.5 per cent of the total victims rescued by the Agency.⁸⁶⁸ 67 of the rescued victims were nationals of other countries, mainly from Benin, Ghana and Togo.⁸⁶⁹ The Special Rapporteur on trafficking in persons, in her recent visit to Nigeria, observed that a widespread characteristic of the trafficking system in Nigeria is the threats of “voodoo curses” (juju in Nigeria) to manipulate victims, especially women and girls, and force them into exploitative situations.⁸⁷⁰ During her visit, she was informed of the existence of “baby factories”, often disguised as orphanages, maternity homes or religious centres, where women are held against their will, raped and forced to carry and deliver children. The children are then sold, sometimes with the intent to exploit them in forced labour and sex trafficking.⁸⁷¹

In its voluntary pledges, Nigeria committed to “promote and protect all human rights, particularly civil and political rights, and economic, social and cultural rights”.⁸⁷² Nigeria joined consensus on the resolution *The rights to freedom of peaceful assembly and of association*,⁸⁷³ extending the mandate of the Special Rapporteur for a period of three

855 Statistics on Women in National Parliaments, International Parliamentary Union: Nigeria. Available at: <http://archive.ipu.org/wmn-e/classif.htm>.

856 Ibid.

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

858 Ibid.

859 Ibid.

860 Ibid.

861 World Economic Forum, ‘These Nigerian schools are teaching more in a term than they used to in a year. Here’s how’, 24 June, 2019. Available at: <https://bit.ly/2LPiX7h>.

862 Ibid.

863 NewsDeeply, ‘Nigeria’s Looming Election Puts Gender Equality Bill in Peril’, 8 August 2018. Available at: <https://bit.ly/2Pd1cko>.

864 Office of the High Commissioner of Human Rights, Press releases, ‘End of visit statement of the Special Rapporteur on extra-judicial, summary or arbitrary executions on her visit to Nigeria’, 2 September 2019. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24934&LangID=E>.

865 Government of Nigeria, Violence against Persons Prohibition (VAPP) Act of 2015. Available at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/104156/126946/F-1224509384/NGA104156.pdf>.

866 Ibid.

867 Government of Nigeria, National Agency for the Prohibition of Trafficking in Persons, ‘Data analysis report – fourth quarter of 2018’, June 2019. Available at: <https://bit.ly/38wRr8p>.

868 Ibid.

869 Ibid.

870 Report of the Special Rapporteur on trafficking in persons, especially women and children, Visit to Nigeria, 41st Session of Human Rights Council, 16 April 2019. Available at: <https://bit.ly/2PHfnNT>.

871 Ibid.

872 Office of the High Commissioner for Human Rights, Voluntary Pledges and Commitments submitted by the Permanent Mission of the Federal Republic of Nigeria to the United Nations, 24 April 2006. Available at: <https://www.un.org/ga/60/elect/hrc/nigeria.pdf>.

873 Resolution 41/12 The rights to freedom of peaceful assembly and of association (2019).

years. During the clustered interactive dialogue with the Special Rapporteur on right to freedom of expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Nigeria underlined that freedom of expression and opinion is guaranteed by its Constitution and that journalists and citizens exercise their freedom with unfettered access to the internet.⁸⁷⁴ It reaffirmed the right to freedom of peaceful assembly and association in its Constitution and in ensuring good governance and the rule of law, without negating the rights of others.⁸⁷⁵ Section 39 (1) of Nigeria's Constitution explicitly provides that every person shall be entitled to freedom of expression including the freedom to hold opinions.⁸⁷⁶

However, Nigeria ranks 120th in the world in the World Press Freedom Index 2019.⁸⁷⁷ On 22 August 2019, Agba Jalingo, the publisher of CrossRiverWatch, an online newspaper, was arrested from his residence in Lagos by the Federal Special Anti-Robbery Squad (FSARS) of the Nigerian police.⁸⁷⁸ In July 2019, Jalingo had written a critical story about an alleged diversion of 500 million naira (about \$1.4 million) meant for the establishment of Cross River state Micro-Finance Bank,⁸⁷⁹ for which he was charged with treason, terrorism, cultism and public disturbance in a Federal High Court in Abuja.⁸⁸⁰ In May 2019, Nigeria's security agents detained and charged journalist Jones Abiri for crimes of sabotage, terrorism and cybercrimes that he had allegedly committed in 2016.⁸⁸¹ Abiri, editor of the Weekly Sources newspaper, was arrested on August 2016 on accusations of being part of a separatist group and carrying out terrorist activities and was held incommunicado in an undisclosed location.⁸⁸² However, his family and colleagues believed that his arrest was in connection with a report he had published alleging that the country's military were planning a coup against President Muhammadu Buhari.⁸⁸³

Legislative provisions have been used to target critics and journalists in the country.⁸⁸⁴ Section 24 of the Cybercrime Act criminalises the distribution of messages deemed false "for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, ill will or needless anxiety to another or causes such a message to be sent".⁸⁸⁵ In March 2019, authorities used the Act to charge a group of young men for merely criticising the poor conditions and mistreatment of staff and students at their university.⁸⁸⁶ Ambiguous and subjective terms like "inconvenience," "annoyance" or "insult" make it difficult to determine their definitions.⁸⁸⁷ The Terrorism Act also threatens fundamental human rights, giving broad and sweeping powers to security agencies to arrest and detain a suspect without any judicial oversight.⁸⁸⁸ Some aspects of the Act are criminalise dissent, since the Government can thereby curb free speech by labelling it as "hate speech, anti-government and anti-security information."⁸⁸⁹

Nigeria joined consensus in adopting the resolution concerning *the Human rights of migrants*, which recommitted full respect for the human rights and fundamental freedoms of all migrants, regardless of their migration status.⁸⁹⁰

874 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=27/06/2019%2000:00:00>.

875 Ibid.

876 Constitution of Nigeria. Available at: <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm>.

877 Reporters Without Borders, World Press Freedom Index 2019, Nigeria. Available at: https://rsf.org/en/ranking_table.

878 Global Voices, 'Nigerian journalist charged with treason after criticizing governor for corruption', 2 September 2019. Available at: <https://bit.ly/36lIXAe>.

879 Ibid.

880 Ibid.

881 Global Voices, 'How Nigeria uses the law to repress free speech: The case of journalist Jones Abiri', 17 July 2019. Available at: <https://bit.ly/35h5Ao2>.

882 Ibid.

883 Ibid.

884 Ibid.

885 Government of Nigeria, Cybercrime (Prohibition, Prevention, etc.) Act, 2015. Available at: https://www.cert.gov.ng/file/docs/CyberCrime_Prohibition_Prevention_etc_Act_2015.pdf.

886 Global Voices, 'Nigerian students face cybercrime charges for criticising their university online', 11 July 2019. Available at: <https://bit.ly/2qMeBGT>.

887 Global Voices, 'How Nigeria uses the law to repress free speech: The case of journalist Jones Abiri', 17 July 2019. Available at: <https://bit.ly/35h5Ao2>.

888 Ibid.

889 International Service for Human Rights, 'Nigeria: Secure an enabling environment for defenders', 12 March 2019. Available at: <https://www.ishr.ch/news/nigeria-secure-enabling-environment-defenders>.

890 Resolution 41/7 The human rights of migrants (2019).

During the interactive dialogue with the Special Rapporteur on the human rights of migrants, Nigeria reiterated its call for humane and dignified treatment of migrants in all circumstances, particularly that of migrant women and children who are the most vulnerable.⁸⁹¹ In the interactive dialogue with the Special Rapporteur on the rights of IDPs, it underlined its commitment to development, particularly in its North Eastern part, through coordinated efforts and resettlement of the IDPs into their communities.⁸⁹² Nigeria was one of 164 countries that adopted the Global Compact for Safe, Orderly and Regular Migration (the Compact) in Marrakech, Morocco.⁸⁹³ Abubakar Malami, Attorney General and Minister for Justice, had then emphasised “the need for coherent approaches to address the challenges of migration induced by climate change and natural disasters, alongside the need for capacity-building and funding to support Member States in implementing the Global Compact”.⁸⁹⁴

However, Nigeria is yet to incorporate the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) into its domestic legal framework.⁸⁹⁵ In the first half of 2019, about 142,000 new displacements were recorded in Nigeria: 140,000 by conflict and 2,000 by disasters.⁸⁹⁶ In May 2019, UNHCR reported that a spike in violence in North Western parts of the country had forced an estimated 20,000 people to seek safety and security in Niger since April.⁸⁹⁷ People have fled due to various reasons, including clashes between farmers and herders of different ethnic groups, vigilantism, as well as kidnappings for ransom in Nigeria’s Sokoto and Zamfara States.⁸⁹⁸ The populations of the state of Borno are caught in the middle of violent attacks by Boko Haram, and its splinter groups, and the counter-insurgency operations of the Nigerian armed forces. Approximately 1.7 million people remain displaced by the conflict while 7.7 million are in need humanitarian assistance.⁸⁹⁹ The conflict’s estimated number of casualties since 2011 vary from 26,000⁹⁰⁰ to 37,500.⁹⁰¹ According to the UN Secretary-General’s report on Children and Armed Conflict, in 2017 alone, 881 children were killed in Nigeria, with 620 deaths attributed to Boko Haram and 261 to the Nigerian Security Forces.⁹⁰² The recent surge of deadly xenophobic attacks against migrants, including Nigerians, in South Africa has sparked retaliation and calls for an end to the operation of South African businesses in Nigeria.⁹⁰³ The National Association of Nigerian Students (NANS)- which represents university students at campuses across the country- has picketed branches of South African telecoms giant MTN, and those of supermarket chain ‘Shoprite’, turning away staff and customers.⁹⁰⁴

The Director of the ILO Country Office in Abuja, Mr. Dennis Zulu, observed that migrant workers continued to suffer from violations of their rights which lead to increase in the social and financial “costs of Labour migration” and that migrant workers were often concentrated in specific sectors like agriculture, construction, domestic work, or manufacturing.⁹⁰⁵ Despite the ratification of ILO Convention on Employment Migration- C97 and adoption of a

891 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=25/06/2019%2000:00:00>.

892 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=28/06/2019%2000:00:00>.

893 Global Compact For Safe, Orderly And Regular Migration, Available at: <https://bit.ly/34g794u>.

894 United Nations, ‘World Leaders Adopt First-Ever Global Compact on Migration, Outlining Framework to Protect Millions of Migrants, Support Countries Accommodating Them’, Press Release, 10 December 2018. Available at: <https://www.un.org/press/en/2018/dev3375.doc.htm>.

895 Human Rights Council, Working Group on the Universal Periodic Review, Compilation on Nigeria, 27 August 2018. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/259/06/PDF/G1825906.pdf?OpenElement>.

896 Internal Displacement Monitoring Centre, Mid-Year Figures 2019. Available at: <http://bit.ly/2PB5wJg>.

897 UNHCR, ‘Violent attacks in Nigeria drive thousands of refugees into Niger’, 28 May 2019. Available at: <https://bit.ly/2Pc9hps>.

898 Ibid.

899 United Nations Office for the Coordination of Humanitarian Affairs, ‘About OCHA Nigeria’. Available at: <https://www.unocha.org/nigeria/about-ocha-nigeria>.

900 Council on Foreign Relations, Nigeria Security Tracker. Available at: <https://on.cfr.org/36ENBIL>.

901 Council on Foreign Relations, Global Conflict Tracker. Available at: <https://on.cfr.org/2RJ3Vng>.

902 United Nations General Assembly, 72nd Session, Report of the Secretary General, ‘Children and Armed Conflict’, para 67, 16 May 2018. Available at: <https://undocs.org/s/2018/465>.

903 BBC, ‘Letter from Africa: Nigerian anger over South African xenophobia’, 29 August 2019. Available at: <https://www.bbc.com/news/world-africa-49432558>.

904 Ibid.

905 Human Rights Council, Working Group on the Universal Periodic Review, Compilation on Nigeria, 27 August 2018. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/259/06/PDF/G1825906.pdf?OpenElement>.

National Policy on Migration, migrant workers continue to face several challenges.⁹⁰⁶ In May 2017, the Committee on the Protection of the Rights of all Migrant Workers, in its concluding observations on Nigeria, expressed concern over the lack of transparency of programmes guaranteeing access to medical care, education and social protection to migrant workers in the country that contributes to further violations of their rights.⁹⁰⁷

In its voluntary pledges, Nigeria committed to ‘uphold the principles of non-discrimination and the protection and promotion of the human rights of all citizens’.⁹⁰⁸ During the 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), it reiterated its unequivocal condemnation of all forms of racism, and remained concerned by the trend of social exclusion and other forms of marginalisation against people of African descent across the world.⁹⁰⁹ After broad consultations, Nigeria finalised its second National Action Plan (NAP) for the Promotion and Protection of Human Rights covering 2017 to 2022, which addresses, among others, racial discrimination, xenophobia and intolerance.⁹¹⁰ Article 42 of the Nigerian Constitution guarantees protection against racial discrimination.⁹¹¹ The Committee on Migrant Workers recommended that Nigeria take all measures necessary to extend to migrant workers the guarantees relating to privacy, freedom of movement and protection against racial discrimination and to remove from its legislation all provisions that discriminated against foreign men in relation to the acquisition of nationality.⁹¹² Earlier in 2019, 130 people were killed during an attack by the Fulani ethnic group (predominantly Muslims) on the people of the Adara ethnic group (predominantly Christians).⁹¹³ During investigation, it was found that the main objective of the attack was to ‘wipe out certain communities’.⁹¹⁴ Between January 2016 and October 2018 nearly 3641 people were killed due to clashes with Fulani farmer communities and herder communities over disputes concerning access to resources: water, land and pasture, ethnic differences among others.⁹¹⁵

During the interactive dialogue with the Special Rapporteur on **extrajudicial, summary or arbitrary executions**, Nigeria reiterated its strong and unequivocal condemnation of all forms of extrajudicial executions and that it remained resolute in addressing these challenges.⁹¹⁶ However, the domestic framework in Nigeria permits a broad use of lethal force, including in defence of property; some provisions of the Code of Criminal Procedure, the Administration of Criminal Justice Act, and the Police Order 237, authorise use of force without adequately restricting its nature and without setting out the principles of necessity or proportionality.⁹¹⁷ The then Special Rapporteur on the issue, Mr. Philip Alston, had criticised these laws in his 2006 Report,⁹¹⁸ which were recently underlined by the Human Rights Committee in its concluding observations on Nigeria in 25 July 2019.⁹¹⁹ International human rights bodies

- 906 ILO, ‘ILO Highlights the Need for Decent Work and Labour Standards for Migrant Workers’, 10 August, 2018. Available at: https://www.ilo.org/africa/about-us/offices/abuja/WCMS_644012/lang-en/index.htm.
- 907 Human Rights Council, Working Group on the Universal Periodic Review, Compilation on Nigeria, 27 August 2018. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/259/06/PDF/G1825906.pdf?OpenElement>.
- 908 Office of the High Commissioner for Human Rights, Voluntary Pledges and Commitments submitted by the Permanent Mission of the Federal Republic of Nigeria to the United Nations, 24 April 2006. Available at: <https://www.un.org/ga/60/elect/hrc/nigeria.pdf>.
- 909 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=08/07/2019%2000:00:00>.
- 910 Human Rights Council, Working Group on the Universal Periodic Review, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, 27 August 2018. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/182/589/9X/PDF/1825899.pdf?OpenElement>.
- 911 Constitution of Nigeria, Article 42. Available at: <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm>.
- 912 Human Rights Council, Working Group on the Universal Periodic Review, Compilation on Nigeria, 27 August 2018. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/259/06/PDF/G1825906.pdf?OpenElement>.
- 913 Reuters, ‘Death toll from northwest Nigeria attack doubles to 130’, 19 February 2019. Available at: <https://reut.rs/2PGHwEr>.
- 914 Ibid.
- 915 Amnesty International, ‘Harvest of Death’, May 2018. Available at: <https://www.amnesty.org/en/documents/afr44/9503/2018/en/>.
- 916 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=26/06/2019%2000:00:00>.
- 917 Office of the High Commissioner of Human Rights, Press releases, ‘End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Nigeria’, 2 September 2019. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24934&LangID=E>.
- 918 Report of Special Rapporteur on extrajudicial, summary or arbitrary executions, paras. 47 and 105(c), 8 March 2006. Available at: <https://bit.ly/2sIQsqO>.
- 919 Human Rights Committee, Concluding observations on Nigeria in the absence of its second periodic report, paras. 26 and 27, 25 July 2019. Available at: <https://bit.ly/2qRy5d6>.

have received preliminary reports of alleged violations of human rights and international humanitarian law by the Government forces during counter-insurgency operations, including extrajudicial killings, enforced disappearances, arbitrary arrests and detention, and ill-treatment and have taken cognisance of these violations.⁹²⁰ The UPR Working Group noted the previous recommendations made to Nigeria to conduct prompt, thorough and independent investigations into such allegations to ensure accountability for all violations of international human rights law and humanitarian law, regardless of the position or rank of the perpetrator.⁹²¹

The Special Rapporteur on the issue visited Nigeria from 19 August to 3 September 2019, and held consultations with various stakeholders, including government officials, right groups, civil society groups, the media and victims of abuses, including survivors, witnesses and family members whose relatives have been killed.⁹²² She was alarmed by the ‘increase in numbers of attacks and killings over the last five years; increased criminality and spread of insecurity; widespread failure by the federal authorities to investigate and hold perpetrators to account, even for mass killings; toxic ethno-religious narratives and “extremist” ideologies characterised by dehumanisation of the “others” and denial of the legitimacy of the others’ claims; a generalised break down of the rule of law, with acute consequences for the most vulnerable and impoverished populations of Nigeria’.⁹²³ However, she noted as a positive development that the number of allegations of arbitrary killings and deaths in custody at the hands of the military forces has decreased over the last two years,⁹²⁴ but there has been little progress reported in the securing of accountability and reparations for past violations of international human rights or humanitarian law.⁹²⁵

VI. Conclusions

Nigeria participated actively across Interactive dialogues, general debates and panel discussions during the 41st Session. It also responded as a country concerned in the interactive dialogue with the Special Rapporteur on trafficking in persons, especially women and children, who presented the visit report to Nigeria.⁹²⁶

- Nigeria has a total of 11 requests and reminders pending from the Special Procedures. These include Independent Experts on access to safe drinking water and sanitation and on albinism, Special Rapporteurs on freedom of assembly, on racism, on sale of children, on violence against women and on counter-terrorism and human rights, and the Working Group on mercenaries.⁹²⁷
- Nigeria is the only Commonwealth member of the HRC that has ratified almost all major human rights instruments, except the CCPR-OP2-DP. But it currently has eight reports pending with treaty bodies, six out of which have been outstanding for over five years.⁹²⁸
- Although Nigerians have consistently shown a negative attitude towards LGBT rights issues, there has been a gradual increase in acceptance as shown by the results from a 2019 Social Perception Survey carried across 36 states in Nigeria and the Federal Capital Territory Abuja.⁹²⁹ However, rights of LGBTI+ community as well as gender inequality continue to remain major challenges in the country.
- According to the UN Secretary-General’s report on Children and Armed Conflict, in 2017 alone, a total of 881 children were killed in Nigeria: with 620 attributed to Boko Haram and 261 to the Nigerian Security Forces.⁹³⁰ Similarly, between January 2016 and October 2018 nearly 3,641 people were killed due to clashes with Fulani farmer communities and herder communities over disputes concerning access to resources: water, land and pasture, ethnic differences among others.

920 Human Rights Council, Working Group on the Universal Periodic Review, Compilation on Nigeria, 27 August 2018. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/259/06/PDF/G1825906.pdf?OpenElement>.

921 Ibid.

922 Office of the High Commissioner of Human Rights, Press releases, ‘End of visit statement of the Special Rapporteur on extra-judicial, summary or arbitrary executions on her visit to Nigeria’, 2 September 2019. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24934&LangID=E>.

923 Ibid.

924 Ibid.

925 Ibid.

926 Report of the Special Rapporteur on trafficking in persons, especially women and children, 41st Session of the Human Rights Council, 16 April 2019. Available at: <https://bit.ly/2EbB0AA>.

927 Ibid.

928 Ibid.

929 Social Perception Survey on Lesbian, Gay, Bisexual and Transgender persons Rights in Nigeria, June 2019. Available at: <https://bit.ly/2RM4X2a>.

930 United Nations General Assembly, 72nd Session, Report of the Secretary General, ‘Children and Armed Conflict’, para 67, 16 May 2018. Available at: <https://undocs.org/s/2018/465>.

I. Introduction

Pakistan was elected for its fourth term at the HRC, after the conclusion of a ‘non-clean slate’, contested election in 2017.⁹³¹ It has previously served as a member of the Council from 2006-08,⁹³² 2009-11,⁹³³ and 2013-15.⁹³⁴ Its current term ends in 2020.⁹³⁵

II. Voluntary Pledges and Commitments

Pakistan submitted its updated pledges in 2017 and undertook to promote and protect human rights at the national and international levels through cooperation and engagement.⁹³⁶ 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.⁹³⁷

Pakistan pledged to⁹³⁸:

At the National Level:

- Undertake effective enforcement of its existing human rights legislation and policy, and 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: Strengthen 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 Resolution 5/1).
- Contribute to the effectiveness of the Council’s Mechanisms and its review process.

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

932 United Nations General Assembly, Elections of the Human Rights Council, 2006. Available at: <https://www.un.org/press/en/2006/ga10459.doc.htm>.

933 United Nations General Assembly, Elections of the Human Rights Council, 2008. Available at: https://web.archive.org/web/20081114214133/https://www.un.org/ga/62/elections/hrc_elections.shtml.

934 United Nations General Assembly, Elections of the Human Rights Council, 2012. Available at: <https://www.un.org/en/ga/67/meetings/elections/hrc.shtml>.

935 Office of the High Commissioner for Human Rights, Current Membership of the Human Rights Council (2019), Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/MembersByGroup.aspx>.

936 United Nations General Assembly, Note verbale 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>.

937 Ibid.

938 Ibid.

- 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 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 41st Session of the HRC

Pakistan participated actively across the interactive dialogues and general debates during the Session. The following is a selected representation of Pakistan’s interventions:

S.No.	Interactive Dialogue	Pakistan’s Interventions
1.	Clustered interactive dialogue with the Special Rapporteur on the right to health and the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members	<ul style="list-style-type: none"> • Affirmed the Special Rapporteur’s finding that mental health and well-being cannot be defined by the absence of a mental health condition, but must be defined by the social, psychosocial, political, economic and physical environment enabling individuals to live with dignity, with full enjoyment of their rights. • Informed the Council of its comprehensive mental health legislation which has been in place since 2001. • Agreed with Special Rapporteur on leprosy that human rights of all must be recognised and fulfilled on a non-discriminatory basis and by a multi-sectoral strategy. • Supported the mandate for giving an opportunity to address structural discrimination against persons affected by leprosy and their family members and asked the Special Rapporteur to elaborate as to how international cooperation can assist the process of destigmatisation.⁹³⁹
2.	Clustered interactive dialogue with the Special Rapporteur on summary executions and the Special Rapporteur on the right to education	<ul style="list-style-type: none"> • Noted the critical importance of SDG 4 on inclusive and equitable quality education and the need to work both nationally as well as internationally for its fulfilment. • Elaborated ‘National Education Policy Framework 2018’ laying down a uniform system of education and standardised syllabus to ensure common standards of teaching and learning, and multi-language proficiency. • Regretted the killing of Jamal Khashoggi, noted the ongoing judicial proceedings in Saudi Arabia, and hoped for the joint cooperation between Turkey and Saudi Arabia to hold the perpetrators accountable.⁹⁴⁰

939 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Oralstatements.aspx>.

940 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Oralstatements.aspx>.

3.	Clustered interactive dialogue with the Special Rapporteur on violence against women and the Special Rapporteur on trafficking in persons, especially women and children	<ul style="list-style-type: none"> • Affirmed cognisance of its responsibilities to protect and uphold the rights of women, to be free from violence through various laws and policies and informed about the establishment of women police stations and complaint centres and adoption of the Domestic Violence (Prevention and Protection) Act in 2012. • Stated that necessary actions are taken in cases of violence against women and that the presence of a free and vibrant media has increased reporting of such incidents leading to timely action against perpetrators. • Concurred with the findings of the Special Rapporteur on trafficking and affirmed the importance of ensuring social inclusion of trafficked persons through measures employed at both the national and regional level. • Noted the presence of domestic legislation such as the Trafficking Act 2018 drafted to address the menace of trafficking in all its forms and manifestations.⁹⁴¹
4.	Clustered interactive dialogue with the Special Rapporteur on extreme poverty and the Special Rapporteur on the rights of internally displaced persons	<ul style="list-style-type: none"> • Endorsed the Special Rapporteur's assessment that the groups that will be most negatively affected by this challenge are those living in poverty across the globe. • Requested the Special Rapporteur to elaborate on his recommendations on the possible avenues of international cooperation to ensure that the poor do not have to bear the brunt of this eventuality. • Expressed concern about the fact that 41.4 million IDPs are struggling to have basic subsistence and noted that the Global Plan (GP20) initiative is a step in the right direction, to step up the protection of displaced people. • Identified war and natural disasters as the two major causes of displacement and reiterated that all humanitarian responses to IDPs should be on the basis of neutrality and impartiality.⁹⁴²
5.	Interactive dialogue with the Special Rapporteur on Myanmar	<ul style="list-style-type: none"> • Concurred with the Special Rapporteur that the extreme vulnerability and steady marginalisation of Rohingya Muslims and other minorities stemmed from State policies and practices implemented over decades. • Maintained that anti-Muslim hatred in Myanmar's public discourse has led to the systemic persecution and 'ethnic cleansing' of the Rohingyas. • Feared that unless its socio-political causes are addressed and all ranks within the security forces are held accountable, such violence and atrocities will continue. • Reiterated that the international community must take a united stand to bring this catastrophe to an end and assist Myanmar in addressing the root causes of its problems.⁹⁴³
6.	Interactive dialogue with the High Commissioner on the situation of human rights of Rohingya Muslims and other minorities in Myanmar	<ul style="list-style-type: none"> • Reiterated that Rohingyas have been victims of a systemic persecution for decades and that the UN Secretary General identified it as ethnic cleansing. • Maintained that Pakistan was ready to work together with all stakeholders, including the Government of Myanmar, to prevent human rights violations committed on the Rohingyas and for their sustainable return and rehabilitation to their ancestral homes in Myanmar in conditions of peace.⁹⁴⁴

941 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Oralstatements.aspx>.

942 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Oralstatements.aspx>.

943 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Oralstatements.aspx>.

944 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Oralstatements.aspx>.

S.No.	General Debate	Pakistan's Interventions
1.	General debate on the Oral update by the High Commissioner for Human Rights	<ul style="list-style-type: none"> Reiterated the High Commissioner's emphasis on the human rights violations due to statelessness, incitement to violence/hate speech, religious intolerance, inequalities, lack of social safety nets and impunity and urged the Council to adopt an impartial approach to mitigate them. Brought attention to the High Commissioner's 2018 report on the human rights situation in Jammu and Kashmir, and criticised of India's use of force and application of laws. Urged the High Commissioner to present the 2019 report on human rights situation in Jammu and Kashmir, as per her mandate.⁹⁴⁵
2.	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"> Stated that the promotion and protection of all human rights rests on foundation of the right to self-determination of the people. Highlighted the political conflict in Jammu and Kashmir and stated that India must allow access to the OHCHR in Kashmir. Condemned what it termed impunity and violence and instability in Kashmir. Endorsed its support for the OHCHR's monitoring and reporting on the human rights situation in Jammu and Kashmir and awaited the release of the 2019 report.⁹⁴⁶
3.	General debate on Human rights situations that require the Council's attention	<ul style="list-style-type: none"> Stated that the gravity of the human rights situation in Jammu and Kashmir deserves special attention and continued monitoring of the Council. Criticised internet suspension in Kashmir and India's treatment of journalists and human right defenders. Cited the practice of torture by Indian security forces and highlighted that India is not a party to the CAT and drew attention to laws such as AFSPA and PSA. Noted the absence of judicial prosecution of security officials involved in torture, extrajudicial killings, arbitrary detention, rape etc. in Kashmir.⁹⁴⁷
4.	General debate on Human rights bodies and mechanisms	<ul style="list-style-type: none"> Stated that it takes engagement with Special Procedures and other mechanisms seriously and that it has been diligently responding to communications received and reporting to treaty bodies. Affirmed that the working of human rights bodies and mechanisms must be guided by the principles of transparency, accountability, objectivity, impartiality, constructive dialogue and non-politicisation. Endorsed the 'protect, respect, and remedy' framework which could help in the protection of the rights of women from business-related human rights abuses and affirmed the Working Group's identification of negative business practices leading to perpetuation of gender stereotypes and discriminatory social norms. Stated that cyber space has carried benefits and disadvantages for gender-based discrimination and voiced the need for a comprehensive approach to empower women without exposing them to its ill-effects. Urged the human rights bodies and mechanisms to closely monitor the situation of human rights of women and girls in conflict areas, especially the disputed territories, due to their increased vulnerability.⁹⁴⁸

⁹⁴⁵ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Oralstatements.aspx>.

⁹⁴⁶ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Oralstatements.aspx>.

⁹⁴⁷ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Oralstatements.aspx>.

⁹⁴⁸ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Oralstatements.aspx>.

5.	General debate on Human rights situation in Palestine and other occupied Arab territories	<ul style="list-style-type: none"> • Reiterated that the right to self-determination is a basic human right enshrined in the UN Charter and Common Article 1 of ICCPR and ICESCR. • Noted that the Palestinians continue to face well-entrenched and systematic violations of their human rights at the hands of the Israeli occupation forces. • Condemned the systematic aggression and attacks against Al-Aqsa Mosque as a clear violation of the UN charter for freedom of religion. • Regretted the Israeli settlement activity characterised by demolition of houses, forced evictions of families and communities, and building new colonies, in grave violation of UN Security Council Resolution 2334. • Urged Israel to end the illegal occupation of all occupied Arab territories, and the continuing violations of the human rights of their people.⁹⁴⁹
6.	General debate on Follow-up and implementation of the Vienna Declaration and Programme of Action	<ul style="list-style-type: none"> • Endorsed the 2019 OHCHR report on Jammu and Kashmir. • Supported the establishment of a 'Commission of Inquiry' with regard to human rights in Jammu and Kashmir. • Endorsed the call by the report to fully respect of the people of Kashmir. • Stated that there is no parallel between the human rights situation in Jammu and Kashmir and the environment in 'Azad Jammu and Kashmir and Gilgit-Baltistan'.⁹⁵⁰
7.	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"> • Expressed deep concern regarding the rise of racism, xenophobia and intolerance, and rejected these in the strongest possible terms. • Specifically referred to the ideologies of hatred, anti-Islamism, anti-Semitism and discrimination and growing trends of "state-egotism and nationalism" in Europe. • Stated that there is an urgent need to strengthen the legal and policy framework for addressing discrimination and xenophobia underwriting chauvinistic nationalism. • Highlighted the important role it has played, at the forefront of the global effort, towards the promotion of inter-religious and inter-cultural dialogue.⁹⁵¹

S.No.	UPR Outcome	Pakistan's Intervention
1.	New Zealand	<ul style="list-style-type: none"> • Commended the Government of New Zealand for accepting majority of the recommendations made during the UPR Working Group Session in January 2019. • Appreciated New Zealand's efforts of reviewing protections against hate speech and developing a national strategy to tackle racial discrimination.⁹⁵²

949 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Oralstatements.aspx>.

950 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Oralstatements.aspx>.

951 Ibid.

952 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Oralstatements.aspx>.

IV. Voting Pattern on Resolutions

Thematic Resolutions

Pakistan voted in favour of four thematic resolutions: *Enhancement of international cooperation in the field of human rights*,⁹⁵³ *Promotion of the right to peace*,⁹⁵⁴ *Human rights and international solidarity*,⁹⁵⁵ and *The contribution of development to the enjoyment of all human rights*.⁹⁵⁶

It voted against the resolution on the *Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*.⁹⁵⁷ It did not abstain from voting on any thematic resolution and joined consensus in adopting the remaining 15 thematic resolutions tabled during the Session.⁹⁵⁸

Country Situation Resolutions

Pakistan did not vote in favour of any country situation resolution in this Session.⁹⁵⁹

It voted against the resolution on the *Situation of human rights in Eritrea*⁹⁶⁰ and abstained from voting on four resolutions, namely, *Promotion and protection of human rights in the Philippines*,⁹⁶¹ *Situation of human rights in Belarus*,⁹⁶² *The human rights situation in the Syrian Arab Republic*,⁹⁶³ and *Cooperation with and assistance to Ukraine in the field of human rights*.⁹⁶⁴

It joined consensus in adopting the resolution concerning the *Renouvellement du mandat de l'Équipe d'experts internationaux sur la situation au Kasai* [Renewal of the mandate of the team of international experts on the situation in Kasai].⁹⁶⁵

V. Analysis: compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

Pakistan, in its voluntary pledges, committed itself to 'strengthen cooperation and engagement with the High Commissioner for Human Rights and Special Procedures'.⁹⁶⁶ However, it has not yet extended a standing invitation to the Special Procedures.⁹⁶⁷

Presently, Pakistan has a total of 17 visit requests pending over the last 10 years. These pending requests and reminders include those from the Special Rapporteurs on cultural rights, on minority issues, on internally displaced persons, on freedom of expression, on torture, on freedom of religion, on contemporary forms of slavery, on human rights and counter terrorism, on human rights defenders, on extrajudicial, summary or arbitrary executions, on freedom of

953 Resolution 41/3 Enhancement of international cooperation in the field of human rights (2019).

954 Resolution 41/4 Promotion of the right to peace (2019).

955 Resolution 41/5 Human rights and international solidarity (2019).

956 Resolution 41/19 The contribution of development to the enjoyment of all human rights (2019).

957 Resolution 41/18 Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2019).

958 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President's statements. Available at: <https://bit.ly/2rhYhXT>.

959 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President's statements. Available at: <https://bit.ly/2PFKJ7B>.

960 Resolution 41/1 Situation of human rights in Eritrea (2019).

961 Resolution 41/2 Promotion and protection of human rights in the Philippines (2019).

962 Resolution 41/22 Situation of human rights in Belarus (2019).

963 Resolution 41/23 The human rights situation in the Syrian Arab Republic (2019).

964 Resolution 41/25 Cooperation with and assistance to Ukraine in the field of human rights (2019).

965 Resolution 41/26 *Renouvellement du mandat de l'Équipe d'experts internationaux sur la situation au Kasai* [Renewal of the mandate of the team of international experts on the situation in Kasai] (2019).

966 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>.

967 Office of the High Commissioner for Human Rights, Country visits by Special Procedures to Pakistan. Available at: https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=PAK.

assembly; Independent Expert on minorities; and Working Groups on mercenaries on discrimination against women.⁹⁶⁸

b. Compliance with Reporting Obligations to Treaty Monitoring Bodies

Pakistan pledged to comply with its treaty obligations, to ensure periodic submission of reports, and constructive engagement during the reviews.⁹⁶⁹ It has only one outstanding treaty body report, that is, with the CRPD since 2013.⁹⁷⁰

Pakistan submitted two treaty body reports, namely, CEDAW in October 2018, and CRC-OP-SC in March 2019, after the delay of 6 years.⁹⁷¹ Its report to the CCPR was submitted in October 2015; to the CAT in January 2016; and to the CESCR in October 2015, after a delay of four years in their first reporting cycles.⁹⁷²

Pakistan has not ratified 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).⁹⁷³ Furthermore, Pakistan has not accepted individual complaints procedures under CAT, CEDAW-OP, CESR-OP, CRC-OP-AC, and CRPD-OP.⁹⁷⁴

c. Compliance with Thematic Issues

In its voluntary pledges, Pakistan committed to ‘prioritise future interventions... on other vulnerable segments of society’.⁹⁷⁵ However, the LGBTI+ community has continued to encounter challenges in Pakistan with respect to the issues of **sexual orientation and gender identity**.⁹⁷⁶ At this Session, it voted against the resolution extending the *Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*.⁹⁷⁷ Pakistan continues to retain Section 377 of the Pakistan Penal Code, which criminalises consensual same-sex relations.⁹⁷⁸

Pakistan has taken positive steps towards eliminating discrimination based on gender identity by officially recognising a ‘third gender’ and allowing for registration of this gender identity on the national identity cards.⁹⁷⁹ In 2018, Pakistan passed the *Transgender Persons (Protection of Rights) Act*,⁹⁸⁰ which guarantees basic rights for transgender citizens and protects them from discrimination.⁹⁸¹ However, there were 479 recorded instances of attacks on transgenders in the Khyber Pakhtunkhwa province in 2018 alone.⁹⁸² At least four trans-women were killed there in 2018, and at least 57 have been killed since 2015.⁹⁸³ In September 2017, in Karachi, a group of men broke into a house rented by trans-women and subjected them to sexual violence, including gangrape of two women.⁹⁸⁴ On 4 May 2018, a transgender woman was fatally shot in the Mansehra district.⁹⁸⁵ In June 2019, another trans-woman from Mardan in

968 Ibid.

969 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>.

970 Office of the High Commissioner for Human Rights, Treaty Bodies, Reporting status of Pakistan. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=131.

971 Ibid.

972 Ibid.

973 Ibid.

974 Ibid.

975 United Nations General Assembly, Note verbale 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>.

976 Human Rights Watch, Pakistan: Events of 2018. Available at: <https://bit.ly/34fTQB0>.

977 Resolution 41/18 Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2019).

978 Government of Pakistan, Ministry of Law and Justice, Laws, Penal Code, Section 377. Available at: <http://pakistancode.gov.pk/english/UY2FqJw1-apaUY2Fq-apaUY2NpZpg%3D-sg-jjjjjjjjjjjj>.

979 Human Rights Watch, Pakistan: Events of 2018. Available at: <https://bit.ly/34fTQB0>.

980 Independent, ‘Pakistan passes law guaranteeing transgender rights’, 9 May 2018. Available at: <https://bit.ly/35gJbY6>.

981 Human Rights Watch, Pakistan: Events of 2018. Available at: <https://bit.ly/34fTQB0>.

982 Ibid.

983 Ibid.

984 Amnesty International, Annual Report 2017/18: Pakistan. Available at: <https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/>.

985 Human Rights Watch, Pakistan: Events of 2018. Available at: <https://bit.ly/34fTQB0>.

Northern Pakistan was kidnapped, beaten, and tansured for refusing to pay protection money to a local gang.⁹⁸⁶ In a separate instance in July 2019, bodies of two transgender women were found in Sahiwal in Eastern Punjab who were reportedly tortured and beaten to death.⁹⁸⁷

In its voluntary pledges, Pakistan committed to undertake effective enforcement of its existing human rights legislation and policy and further pledged to prioritise future interventions on vulnerable segments of society, including women and girls.⁹⁸⁸ In the interactive dialogue with the Special Rapporteur on **violence against women**, it stated that it is cognisant of the importance of protecting and upholding the rights of women through legislation and national policy.⁹⁸⁹ However, violence and discrimination against women and girls have been serious issues in the country.⁹⁹⁰ According to the Global Gender Gap Index 2018, Pakistan ranks 148th out of 149 countries in terms of the gender gap.⁹⁹¹ The gender disparity is particularly noticeable in the area of economic participation of women, where Pakistan ranks 146th out of 149 countries, with gender gap being more than 90 per cent in managerial positions.⁹⁹² Pakistan is yet to adopt anti-discriminatory laws for hiring women, including laws which mandate equal pay.⁹⁹³ On a positive note, the Punjab Fair Representation of Women Act 2014, amends certain laws of Punjab for purposes of fair representation of women in decision-making process and their empowerment.⁹⁹⁴

Women and girls from religious minority groups continue to suffer forced conversions and marriages,⁹⁹⁵ with reports suggesting that “at least 1000 girls belonging to Christian and Hindu communities are forced to marry Muslim men every year”.⁹⁹⁶ Early marriage is also a concern as 21 per cent and 3 per cent of girls marry before the age of 18 and 15 respectively. Despite joining consensus on the resolution on *Consequences of child, early and forced marriage*,⁹⁹⁷ there is no legislation addressing these issues in Pakistan.⁹⁹⁸ The Sindh Criminal Law (Protection of Minorities) bill, which criminalises forced conversions, is yet to be ratified,⁹⁹⁹ while a bill proposing to raise the age of consent of women / girls from 16 to 18 years of age, failed to pass muster in the Parliament.¹⁰⁰⁰ The Criminal Law (Amendment) (Offences in the Name or on Pretext of Honour) Act, 2016 prescribes punishment of a minimum of ten years to maximum life imprisonment even in cases involving pardon from the victim’s family.¹⁰⁰¹ However, honour killing of women and girls remains a serious issue in Pakistan, with 900 to 1000 killings per year.¹⁰⁰² In 2017-18, 94 women were reportedly murdered by their relatives in the Khyber Pakhtunkhwa north-west province alone,¹⁰⁰³ exacerbated by “loopholes”¹⁰⁰⁴ such as *qisas* and *diyat* laws, which allow offenders to escape prosecution in exchange for a pardon from the victim’s family.¹⁰⁰⁵

986 Evening Standard, ‘Transgender woman suffers kidnapping and humiliating abuse by gang in Pakistan’, 11 June 2019. Available at: <http://bit.ly/2sk7gic>.

987 The Washington Times, ‘Two transgender women tortured, killed in Pakistan’, 28 July 2019. Available at: <https://www.washingtontimes.com/news/2019/jul/28/2-transgender-women-tortured-killed-in-pakistan/>.

988 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>.

989 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Oralstatements.aspx>.

990 Human Rights Watch, Pakistan: Events of 2018. Available at: <https://bit.ly/34fTQB0>.

991 World Economic Forum, Global Gender Gap Report 2018, p. 9. Available at: <https://www.weforum.org/reports/the-global-gender-gap-report-2018>.

992 Ibid, p.11.

993 Ibid, p.216.

994 Government of Pakistan, The Punjab Fair Representation of Women Act 2014. Available at: <http://punjablaws.gov.pk/laws/2558.html>.

995 Amnesty International, Annual Report 2017/18: Pakistan. Available at: <http://bit.ly/2tcK6L4>.

996 Human Rights Watch, Pakistan: Events of 2018. Available at: <https://bit.ly/34fTQB0>.

997 Resolution 41/8 Consequences of child, early and forced marriage (2019).

998 Human Rights Watch, Pakistan: Events of 2018. Available at: <https://bit.ly/34fTQB0>.

999 Amnesty International, Annual Report 2017/18: Pakistan. Available at: <http://bit.ly/2tcK6L4>.

1000 Ibid.

1001 Government of Pakistan, The Criminal Law (Amendment) (Offences in the Name or on Pretext of Honour) Act, 2016. Available at: http://www.na.gov.pk/uploads/documents/1475762285_283.pdf.

1002 Amnesty International, ‘Shocking: Surge of honour killings in Pakistan’, 10 August 2019. Available at: <https://www.amnestyusa.org/shocking-surge-of-honor-killings-in-pakistan/>.

1003 Amnesty International, Annual Report 2017/18: Pakistan. Available at: <http://bit.ly/2tcK6L4>.

1004 Amnesty International, ‘Shocking: Surge of honour killings in Pakistan’, 10 August 2019. Available at: <https://www.amnestyusa.org/shocking-surge-of-honor-killings-in-pakistan/>.

1005 Amnesty International, Annual Report 2017/18: Pakistan. Available at: <http://bit.ly/2tcK6L4>.

During this Session, Pakistan joined consensus in adopting the resolution on *The rights to freedom of peaceful assembly and of association*.¹⁰⁰⁶ In the interactive dialogue with the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression and on freedoms of peaceful assembly and of association, Pakistan claimed that it has upheld the **freedom of expression** and has a “free and vibrant” media.¹⁰⁰⁷ However, it currently ranks 142nd out of 180 countries in terms of freedom of press.¹⁰⁰⁸ Blasphemy laws, in the form of draconian legislation such as the Prevention of Electronic Crimes Act of 2016,¹⁰⁰⁹ have been used to make several arrests against persons posting “blasphemous content” online.¹⁰¹⁰ In January 2017, five bloggers were arrested for posting content critical of the military, with two of the bloggers claiming that they had been tortured; one of them remains untraced.¹⁰¹¹ Besides bloggers, journalists have been forced to exercise self-censorship as a result of incidents such as the abduction of Gul Bukhari and the assault on Asad Kharal in Lahore.¹⁰¹²

In its voluntary pledges, Pakistan undertook to protect the rights of minorities and promote interfaith harmony at the national level.¹⁰¹³ In the general debate on **racism, racial discrimination, xenophobia and related forms of intolerance**, it highlighted its contributions to the global effort to promote inter-religious dialogue.¹⁰¹⁴ Notwithstanding these efforts, religious discrimination continues to be a concerning issue; as of 2018, Pakistan has been placed on tier one of the USA’s special watch list of countries that have engaged in severe violations of religious freedoms.¹⁰¹⁵ Broadly defined blasphemy laws, which carry a death sentence on conviction,¹⁰¹⁶ have continued to be misused by religious fundamentalists in Pakistan to persecute religious minorities, without any attempts by the government to amend them.¹⁰¹⁷

Following the release of Asia Bibi, a Christian woman from a village in Punjab, who was finally acquitted on blasphemy charges by the Supreme Court in October 2018, after spending eight years on death row, violence erupted as supporters of the blasphemy law took to the streets to protest the decision.¹⁰¹⁸ In another incident, Nadeem James, a Christian man, was sentenced to death for sharing what was considered to be a blasphemous poem over WhatsApp.¹⁰¹⁹ This persecution is not limited to members of a different faith as Muslim minorities such as the Ahmadis are also victims of blasphemy laws.¹⁰²⁰ Though the Ahmadiyya minority is a Muslim sect, “an amendment to the Constitution of Pakistan in 1974 declared them as non-Muslims” and the amendment continues to form a part of the current Pakistani Constitution.¹⁰²¹ As a result, social discrimination against the Ahmadis has increased, led by militant groups and the Islamist party *Tehreek-e-Labbaik*, as they are accused to be “posing as Muslims”, an ‘act’ which is criminalised under the Pakistan Penal Code.¹⁰²²

During this Session, Pakistan joined consensus on the resolution on *The human rights of migrants*,¹⁰²³ and pledged to prioritise future interventions on vulnerable segments of societies.¹⁰²⁴ Pakistan signed the Global Compact for

1006 Resolution 41/12 The rights to freedom of peaceful assembly and of association (2019).

1007 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/OralStatements.aspx>.

1008 Reporters Without Borders, World Press Freedom Index 2019, Pakistan. Available at: <https://rsf.org/en/pakistan>.

1009 Amnesty International, Annual Report 2017/18: Pakistan. Available at: <http://bit.ly/2tcK6L4>.

1010 Ibid.

1011 Ibid.

1012 Human Rights Watch, Pakistan: Events of 2018. Available at: <https://bit.ly/34fTQB0>.

1013 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>.

1014 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/OralStatements.aspx>.

1015 United States Commission on International Religious Freedom (USCIRF), Annual Report 2019. Available at: <https://www.uscifr.gov/sites/default/files/2019USCIRFAnnualReport.pdf>.

1016 BBC News, ‘What are Pakistan’s blasphemy laws?’, 8 May 2019. Available at: <https://bbc.in/38EO8MD>.

1017 Ibid.

1018 Human Rights Watch, Events of 2018: Pakistan. Available at: <https://bit.ly/34fTQB0>.

1019 Amnesty International, Annual Report 2017/18: Pakistan. Available at: <http://bit.ly/2tcK6L4>.

1020 Human Rights Watch, Events of 2018: Pakistan. Available at: <https://bit.ly/34fTQB0>.

1021 Office of the High Commissioner for Human Rights, Press releases, ‘Pakistan must repeal discriminatory measures leading to persecution of Ahmadis, say UN experts’, 25 July 2018. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23401&LangID=E>.

1022 Human Rights Watch, Events of 2018: Pakistan. Available on: <https://bit.ly/34fTQB0>.

1023 Resolution 41/7 The human rights of migrants (2019).

1024 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>.

Safe, Orderly and Regular Migration, a non-binding agreement for the better management of migration, which was adopted by the UN Member States in December 2018.¹⁰²⁵ The UN High Commissioner for Refugees (UNHCR) has termed the repatriation of Afghan refugees as “voluntary” which is implemented through the regional multi-year Solutions Strategy for Afghan Refugees (SSAR) framework.¹⁰²⁶ It noted that the number of refugees being repatriated to Afghanistan has decreased from 59,020 in 2017¹⁰²⁷ to 14,017 in 2018.¹⁰²⁸

However, contrasting reports have emerged from human rights organisations working on ground stating that, as of 2016, Pakistan engaged in mass involuntary repatriation of Afghan refugees.¹⁰²⁹ It has been described as the “world’s largest recent anti-refugee crackdowns”.¹⁰³⁰ These reports based on 115 interviews with refugee returnees in Afghanistan, Afghan refugees and undocumented Afghans in Pakistan, documented how Pakistan’s pressure left many of them with no choice but to leave in 2016.¹⁰³¹ The Pakistani Prime Minister unsuccessfully proposed to offer citizenship to Afghan refugees.¹⁰³²

During this Session, in the interactive dialogue with the Special Rapporteur on the **right to education**, Pakistan highlighted the critical importance of inclusive and equitable quality education.¹⁰³³ It joined consensus on the resolution focusing on *The right to education: follow-up to Human Rights Council resolution 8/4*.¹⁰³⁴ However, according to the education index drawn up in a UNDP report, Pakistan ranks 150th out of 189 countries, with the mean expected years of schooling of 8.6 years.¹⁰³⁵ 22.8 million children between the ages of 5-16 years are estimated to be out-of-school in Pakistan, which is the second highest in the world.¹⁰³⁶ There is also a notable gender disparity when it comes to education, with the inequality in education measuring 46.2 per cent.¹⁰³⁷ Due to under-investment in schools, girls in Pakistan have a diminutive access to education.¹⁰³⁸

As of 2017, Pakistan has only directed 2.8 per cent of its Gross Domestic Product towards educational investment.¹⁰³⁹ This further compounded by the lack of domestic legislation that enforces compulsory education.¹⁰⁴⁰ The lack of access to education for Pakistani girls has been a particular problem in Balochistan, where 78 per cent girls are out of school.¹⁰⁴¹ However, Pakistan has attempted to address these issues through the National Education Policy Framework of 2018 (NEP 2018)¹⁰⁴² and the Early Child Education (ECE) scheme.¹⁰⁴³ The NEP 2018 strives towards the

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- 1025 Resolutions and Decisions adopted by the General Assembly during its seventy-third session, Volume I. Available at: [https://undocs.org/en/A/73/49\(Vol.I\)](https://undocs.org/en/A/73/49(Vol.I)).
- 1026 UNHCR, Fact Sheet on Islamic Republic of Pakistan, December 2018. Available at: <https://unhcrpk.org/wp-content/uploads/2019/01/Pakistan-Factsheet-December-2018-2.pdf>.
- 1027 UNHCR, Fact Sheet on Islamic Republic of Pakistan, December 2017. Available at: <https://unhcrpk.org/wp-content/uploads/2018/05/Factsheet-December-2017.pdf>.
- 1028 UNHCR, Fact Sheet on Islamic Republic of Pakistan, December 2018. Available at: <https://unhcrpk.org/wp-content/uploads/2019/01/Pakistan-Factsheet-December-2018-2.pdf>.
- 1029 Amnesty International, Annual Report 2017/18: Pakistan. Available at: <http://bit.ly/2tcK6L4>.
- 1030 Human Rights Watch, ‘Pakistan Coercion, UN Complicity: The Mass Forced Return of Afghan Refugees’, 13 February 2017. Available at: <http://bit.ly/2Pj2n21>.
- 1031 Ibid.
- 1032 Amnesty International, ‘Pakistan: A chance to show leadership on refugee rights’, 20 June 2019. Available at: <https://www.amnesty.org/en/latest/news/2019/06/pakistan-a-chance-to-show-leadership-on-refugee-rights/>.
- 1033 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Oralstatements.aspx>.
- 1034 Resolution 41/16 The right to education: follow-up to Human Rights Council resolution 8/4 (2019).
- 1035 UNDP, Human Development Reports: Pakistan. Available at: <http://hdr.undp.org/en/countries/profiles/PAK>.
- 1036 United Nations International Children’s Education Fund (UNICEF), Pakistan. Available at: <https://www.unicef.org/pakistan/education>.
- 1037 UNDP, Human Development Reports, Country Notes: Pakistan. Available at: http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/PAK.pdf.
- 1038 Human Rights Watch, ‘Pakistan: Girls Deprived of Education’, 12 November 2018. Available at: <https://www.hrw.org/news/2018/11/12/pakistan-girls-deprived-education>.
- 1039 Ibid.
- 1040 Ibid.
- 1041 UNDP, Human Development Reports, Country Notes: Pakistan. Available at: http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/PAK.pdf.
- 1042 Government of Pakistan, Ministry of Federal Education and Professional Training, Policies and Plans. Available at: www.moent.gov.pk.
- 1043 UNDP, Human Development Reports, Country Notes: Pakistan. Available at: http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/PAK.pdf.

UN sustainable development goal to ensure inclusive and equitable quality education (SDG 4),¹⁰⁴⁴ by “undertaking education sector planning exercises”¹⁰⁴⁵ and increasing investment in the educational sector.¹⁰⁴⁶ The ECE scheme focuses on investments in the early learning/pre-primary education sectors to increase primary school enrolment.¹⁰⁴⁷

VI. Conclusions

Pakistan participated very actively across interactive dialogues, general debates and panel discussions during the 41st HRC Session.

- Presently, Pakistan has a total of 17 visit requests pending over the last 10 years, including six requests and 11 reminders.
- Pakistan continues to have in place Section 377 of the Pakistan Penal Code, which criminalises sexual relations between same-sex couples.¹⁰⁴⁸ There are no legal protections against discrimination on the basis of sexual orientation or gender identity.¹⁰⁴⁹
- According to the Global Gender Gap Index 2018 published by the World Economic Forum, Pakistan ranks 148th out of 149 countries in terms of the gender gap.¹⁰⁵⁰
- According to the UNDP Education Index, Pakistan ranks 150th out of 189 countries, with the mean expected years of schooling of 8.6 years. 22.8 million children between the ages of 5-16 years are estimated to be out-of-school, the second highest number in the world.¹⁰⁵¹

1044 United Nations, Sustainable Development Goals, SDG 4. Available at: <https://sustainabledevelopment.un.org/sdg4>.

1045 UNICEF, Pakistan. Available at: <https://www.unicef.org/pakistan/education>.

1046 Ibid.

1047 Ibid.

1048 Government of Pakistan, Ministry of Law and Justice, Laws, Penal Code, Section 377. Available at: <http://pakistancode.gov.pk/english/UY2FqaJw1-apaUY2Fqa-apaUY2NpZpg%3D-sg-jjjjjjjjjjjj>.

1049 Equaldex, LGBT Rights in Pakistan, 2018. Available at: <https://www.equaldex.com/region/pakistan>.

1050 World Economic Forum, Global Gender Gap Report 2018, p. 9. Available at: <https://www.weforum.org/reports/the-global-gender-gap-report-2018>.

1051 UNICEF, Pakistan. Available at: <https://www.unicef.org/pakistan/education>.

I. Introduction

Rwanda was elected to serve as a member of the HRC for the first time in 2016 through a clean state election.¹⁰⁵² Its term began in 2017 and is set to end in 2019.¹⁰⁵³

II. Voluntary Pledges and Commitments

Rwanda has not submitted its voluntary pledges for its election to the HRC.¹⁰⁵⁴

III. Participation in the 41st Session of the HRC

The following is a representative selection of Rwanda's participation in various debates during the Session:

S.No.	Interactive Dialogue	Rwanda's Intervention
1.	Clustered interactive dialogue with the Special Rapporteur on violence against women and the Special Rapporteur on trafficking in persons, especially women and children	<ul style="list-style-type: none"> Emphasised the efforts, policies, laws and other mechanisms, inspired from existing regional and international legal norms, undertaken to address violence against women and girls in Rwanda. Considered the implementation of the National Action Plan on violence against women in line with recommendation No. 35. Highlighted the adoption of a comprehensive law regarding the prevention, suppression and punishment of human trafficking in August 2018.¹⁰⁵⁵

S.No.	General Debate	Rwanda's Intervention
1.	General debate on the Universal Periodic Review (UPR)	<ul style="list-style-type: none"> Expressed its appreciation for the recent review process and emphasised on the importance of the UPR process. Noted that its Government accepted to implement 50 recommendations in 2015, and committed itself to update the Council on the progress and outcomes of these recommendations. Highlighted its efforts to create an open implementation process, inclusive of all relevant stakeholders. It separately noted that out of the 50 accepted recommendations, 44 have been implemented, while 6 are in progress, including the establishment of the National Preventive Mechanism under CAT-OP.¹⁰⁵⁶

1052 General Assembly of the United Nations, Elections of the Human Rights Council, 28 October 2016. Available at: <https://www.un.org/en/ga/71/meetings/elections/hrc.shtml>.

1053 Office of the High Commissioner for Human Rights, Current Membership of the Human Rights Council, 2019. Available at <https://www.ohchr.org/en/hrbodies/hrc/pages/membersbygroup.aspx>.

1054 Office of the High Commissioner for Human Rights, Rwanda. Available at: <https://www.ohchr.org/en/countries/africaregion/pages/rwindex.aspx>.

1055 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=27/06/2019%2000:00:00>.

1056 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=05/07/2019%2000:00:00>.

IV. Voting Pattern on Resolutions

Thematic Resolutions

Rwanda voted in favour of all five thematic resolutions that were adopted by vote: *Enhancement of international cooperation in the field of human rights*,¹⁰⁵⁷ *Promotion of the right to peace*,¹⁰⁵⁸ *Human rights and international solidarity*,¹⁰⁵⁹ *Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*,¹⁰⁶⁰ and *The contribution of development to the enjoyment of all human rights*.¹⁰⁶¹

It did not vote against or abstain from voting on any thematic resolution.¹⁰⁶²

Country Situation Resolutions

Rwanda voted in favour of two country situation resolutions, namely, *Cooperation with and assistance to Ukraine in the field of human rights*¹⁰⁶³ and *The human rights situation in the Syrian Arab Republic*.¹⁰⁶⁴

While it did not vote against any country situation resolution,¹⁰⁶⁵ it abstained from voting on three resolutions regarding the *Situation of human rights in Belarus*,¹⁰⁶⁶ the *Situation of human rights in Eritrea*¹⁰⁶⁷ and the *Promotion and protection of human rights in the Philippines*.¹⁰⁶⁸

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

Rwanda has extended standing invitations to all thematic Special Procedures since June 2011.¹⁰⁶⁹ However, as of 2013, it has eight pending requests and reminders for visits from the Special Procedures. These include the requests from the Special Rapporteur on Truth pending since 2013, from the Working Group on arbitrary detention since 2015, and the Working Group on discrimination against women pending since 2018.¹⁰⁷⁰

b. Compliance with Reporting Obligations to Treaty Monitoring Bodies

Rwanda has a comparatively better record of compliance with its obligations to submit periodic reports to the treaty body. It submitted its report to CMW in time, while its 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 five years. Currently, the only pending reports from Rwanda are those to the CCPR since March 2019, and to the CESC since 2018.¹⁰⁷¹

¹⁰⁵⁷ Resolution 41/3 Enhancement of international cooperation in the field of human rights (2019).

¹⁰⁵⁸ Resolution 41/4 Promotion of the right to peace (2019).

¹⁰⁵⁹ Resolution 41/5 Human rights and international solidarity (2019).

¹⁰⁶⁰ Resolution 41/18 Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2019).

¹⁰⁶¹ Resolution 41/19 The contribution of development to the enjoyment of all human rights (2019).

¹⁰⁶² Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President's statements. Available at: <https://bit.ly/2rw1fPv>.

¹⁰⁶³ Resolution 41/25 Cooperation with and assistance to Ukraine in the field of human rights (2019).

¹⁰⁶⁴ Resolution 41/23 The human rights situation in the Syrian Arab Republic (2019).

¹⁰⁶⁵ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President's statements. Available at: <https://bit.ly/2rw1fPv>.

¹⁰⁶⁶ Resolution 41/22 Situation of human rights in Belarus (2019).

¹⁰⁶⁷ Resolution 41/1 Situation of human rights in Eritrea (2019).

¹⁰⁶⁸ Resolution 41/2 Promotion and protection of human rights in the Philippines (2019).

¹⁰⁶⁹ Office of the High Commissioner for Human Rights, Standing invitations to Special Procedures. Available at: https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/StandingInvitations.aspx.

¹⁰⁷⁰ Office of the High commissioner for Human Rights, Country visits by Special Procedures to Rwanda. Available at: <http://bit.ly/2E8w7lr>.

¹⁰⁷¹ Office of the High Commissioner for Human Rights, Treaty Bodies, Reporting status of Rwanda. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=RWA&Lang=EN.

Rwanda has ratified 12 out of the 13 major human rights treaties, including their optional protocols, one of the highest among the Commonwealth members of the HRC. The only exception is Convention for the Protection of All Persons from Enforced Disappearance (CED).¹⁰⁷²

c. *Compliance with Thematic Issues*

During the 41st Session, Rwanda was among 27 countries that voted in favour of the thematic resolution seeking to renew the *Mandate of the Independent Expert on protection against violence and discrimination based on **sexual orientation and gender identity***.¹⁰⁷³ Despite the emergence of a small, though largely underground, movement to begin advocating the rights of sexual minority groups, many in Rwanda continue to deny the existence of homosexuality, or restrict its reach to limited segments of the population.¹⁰⁷⁴

Same-sex relationship is not criminalised in Rwanda under the penal code, but social stigma still exists for people from the LGBTI community.¹⁰⁷⁵ There are no laws that specifically provide protection against discrimination based on sexual orientation or gender identity in the country.¹⁰⁷⁶ Same-sex marriage is not recognised by law in the country.¹⁰⁷⁷ Instances of physical attacks against LGBTI+ people were reported¹⁰⁷⁸ and fear of threats and bullying have made it difficult for people to be open about their sexual orientation.¹⁰⁷⁹ In May 2017, prominent Ugandan gay rights activist, Kasha Jacqueline Nabagesera was arrested upon her arrival at the airport of the Rwandan capital Kigali on suspicion of “drunkenness and gross misconduct”.¹⁰⁸⁰ After being released, she said that whiskey in her bag was used by authorities as an excuse to arrest her after a co-pilot allegedly overheard her call the Rwandan president a “young dictator”.¹⁰⁸¹ In another instance in August 2019, a gospel singer in Rwanda publicly revealed that he is gay,¹⁰⁸² and has faced severe backlash and ostracism for his decision.¹⁰⁸³ Soon after his decision to publicly reveal his sexual orientation, his employer allegedly ‘forced him to resign’ from his job.¹⁰⁸⁴ In 2017, a gay Rwandan TV journalist publicly proposing to her partner stirred a controversy.¹⁰⁸⁵ Although the LGBTI community in Rwanda does not face the kind of persecution as elsewhere in the region, the backlash came when the proposal challenged traditional notions of marriage in a conservative society.¹⁰⁸⁶

During the 41st Session, Rwanda joined consensus for adopting the resolution on *Elimination of all forms of discrimination against women and girls*,¹⁰⁸⁷ which urges States to ensure equal enjoyment of women’s and girls’ economic, social, cultural, civil and political rights by eliminating all forms of discrimination by State and non-

1072 Office of the High Commissioner for Human Rights, Treaty Bodies, Ratification status of Rwanda. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=145&Lang=EN.

1073 Office of the High Commissioner of Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President’s statements. Available at: <https://bit.ly/2PdbXTV>.

1074 Outright Action International, LGBT situation in Rwanda. Available at: <http://bit.ly/2YGtG9r>.

1075 BBC News, ‘LGBT rights in Africa’, 11 October 2019. Available at: <https://www.bbc.com/news/topics/c8nq32jwjp0t/lgbt-rights-in-africa>.

1076 Freedom House, Freedom in the World 2018: Rwanda, 1 August 2018. Available at: <https://www.refworld.org/docid/5b7bcc516.html>.

1077 Equaldex, LGBT Rights in Rwanda. Available at: <https://www.equaldex.com/region/rwanda>.

1078 US Department of State, Country Reports on Human Rights Practices 2018: Rwanda. Available at: <https://www.state.gov/reports/2017-country-reports-on-human-rights-practices/rwanda/>.

1079 Voice Of America News, ‘Rwandan LGBT Community steps out of shadows’, 16 August 2019. Available at: <https://www.voanews.com/gallery/rwandan-lgbt-community-steps-out-shadows#&gid=1&pid=5>

1080 Reuters, ‘Rwandan police arrest prominent Ugandan gay rights activist’, 12 May 2017. Available at: <https://reut.rs/2rJugqT>.

1081 SBS News, ‘Ugandan LGBT+ activist arrested in Rwanda’, 16 May 2017. Available at: <https://www.sbs.com.au/topics/sexuality/agenda/article/2017/05/15/ugandan-lgbt-activist-arrested-rwanda>.

1082 BBC News, ‘Shock after Rwanda gospel singer reveals he is gay’, 28 August 2019. Available at: <https://www.bbc.com/news/topics/c8nq32jwjp0t/lgbt-rights-in-africa>.

1083 Independent, ‘Rwandan gospel singer faces backlash after coming out as gay’, 16 September 2019. Available at: <http://bit.ly/2RLYynj>.

1084 BBC News, ‘Gay gospel singer ‘forced to resign’ after coming out’, 9 October 2019. Available at: <https://www.bbc.com/news/topics/c8nq32jwjp0t/lgbt-rights-in-africa>.

1085 Quartz, ‘An African strongman meeting with the world’s most famous lesbian TV host isn’t just a photo-op’, 6 June 2018. Available at: <https://qz.com/africa/1298383/paul-kagame-meets-ellen-degeneres-and-portia-de-rossi/>.

1086 Ibid.

1087 Resolution 41/6 Elimination of all forms of discrimination against women and girls (2019).

State actors alike.¹⁰⁸⁸ In the interactive dialogue with the Special Rapporteur on violence against women, Rwanda emphasised its efforts, policies, laws and other mechanisms undertaken to address **violence against women** and girls in the country.¹⁰⁸⁹ It also reiterated its commitment towards the implementation of national action plan on violence against women (2018-2022),¹⁰⁹⁰ inclusive of all stakeholders on the issue.¹⁰⁹¹ The main objective of this plan is to prevent violence against women and protection from violence.¹⁰⁹² Additionally, Rwanda highlighted the adoption of comprehensive laws regarding the prevention, suppression and punishment of human trafficking in August 2018.¹⁰⁹³

The Committee on the Rights of Persons with Disabilities, in its 2019 concluding observations, was concerned about insufficient laws and policies to combat multiple and intersectional discrimination against women and children with disabilities.¹⁰⁹⁴ In the Global Gender Gap Report 2018, Rwanda ranked 6th out of 149 countries in the overall rankings.¹⁰⁹⁵ While the Rwandan women are politically more empowered with 61.3 per cent female participation in the Parliament as compared to 38.8 per cent of men,¹⁰⁹⁶ the percentage of women holding high-level governmental positions is as low as 25 to 35 per cent.¹⁰⁹⁷ The Committee on the Elimination of Discrimination against Women, in its concluding observations in 2017, highlighted 5,579 cases of gender based physical violence against females as compared to 1,838 cases of males in 2017.¹⁰⁹⁸ It also expressed concern about the lack of awareness of legal rights among women.¹⁰⁹⁹ Rwanda has laws against sexual harassment at workplace both enshrined in labour law and criminal law¹¹⁰⁰; however, cases of workplace harassment are hardly reported or there is excessive delay due to fear of stigmatisation.¹¹⁰¹ Similarly, the unemployment rate among females is 17 per cent higher than males.¹¹⁰² Nearly 45 per cent women are employed only in low-paying agricultural work or informal, unorganised sectors.¹¹⁰³

At the 41st Session, Rwanda joined consensus to adopt the resolution on the *rights to freedom of peaceful assembly and of association*,¹¹⁰⁴ which sought to extend the mandate of the Special Rapporteur for a term of three years. The Rwandan Constitution, under Article 38, provides for the right to freedom of press, **freedom of expression and access to information**.¹¹⁰⁵ Article 40 of the Constitution guarantees **freedom of assembly**.¹¹⁰⁶ However, despite constitutional safeguards, Rwanda ranks 155th out of 180 countries in the Global Press Freedom Index 2019.¹¹⁰⁷

In July 2018, journalist Jean Bosco Kabakura had to flee from Rwanda because of the threats he received after publishing an article regarding the examination of the roles of police in the death of protesters at the Kiziba refugee

1088 Ibid.

1089 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=27/06/2019%2000:00:00>.

1090 Ibid.

1091 Ibid.

1092 Ministry of Gender and Family Promotion, Rwanda, Rwanda Nation Action Plan (2018-2022) for the implementation of the United Nations Security Council Resolutions 1325 (2000) and subsequent resolutions. Available at: <https://www.peacewomen.org/sites/default/files/NAPRwanda2018.pdf>.

1093 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=27/06/2019%2000:00:00>.

1094 Committee on the Rights of Persons with Disabilities, Concluding observations on Rwanda, 3 May 2019. Available at: <https://bit.ly/2EdBVQK>.

1095 World Economic Forum, Global Gender Gap Report 2018. Available at: <https://bit.ly/2PHu6Zb>.

1096 Ibid.

1097 National Institute of Statistics of Rwanda, Statistical Yearbook - 2018. Available at: <http://www.statistics.gov.rw/publication/statistical-yearbook-2018>.

1098 Committee on the Elimination of Discrimination Against Women, Concluding observations on the combined periodic reports of Rwanda, 9 March 2017. Available at: <https://bit.ly/2LND71C>.

1099 Ibid.

1100 Law Regulating Labour Law No. 13/2009 and Penal Code of 2012, Rwanda.

1101 The New Times, 'How to deal with sexual harassment in the workplace', 4 May, 2017. Available at: <https://bit.ly/2OomKT4>.

1102 National Institute of Statistics of Rwanda, Labour Force Survey, Annual Report, December 2018. Available at: <http://www.statistics.gov.rw/publication/labour-force-survey-report-december-2018>.

1103 Ibid.

1104 Resolution 41/12 The rights to freedom of peaceful assembly and of association (2019).

1105 Constitution of Rwanda, 2015. Available at: <http://www.mininfra.gov.rw/index.php?id=rwandaconstitution>.

1106 Ibid.

1107 Reporters Without Borders, World Press Freedom Index 2019, Rwanda. Available at: https://rsf.org/en/ranking_table.

camp.¹¹⁰⁸ Free speech – or the freedom to criticise the government or the ruling party – has been repressed in Rwanda.¹¹⁰⁹ Several journalists in Rwanda have restrained themselves from expressing their views on governmental policies and politically sensitive issues due to fear of being prosecuted and threatened.¹¹¹⁰ The BBC Kinyarwanda is not in service for the past five years.¹¹¹¹ Private radio stations rarely broadcast discussions on sensitive issues.¹¹¹² An American pastor was arrested in Kigali just before he was to hold a conference to denounce the government for closing a Christian radio station ‘Amazing Grace FM’ and some hundred churches in the country.¹¹¹³ The Government stated that the radio station was closed ‘because it misled the public and denigrated women’,¹¹¹⁴ while the Pastor was arrested for ‘holding illegal public meeting with journalists without authorisation’.¹¹¹⁵ In another instance, a retired brigadier and his brother-in-law were prosecuted and sentenced to 20 years in 2016 for remarks critical of the Government in a private conversation; they have appealed against the verdict.¹¹¹⁶ They were prosecuted for “inciting insurrection and tarnishing the government’s image”.¹¹¹⁷ This has contributed to stifling of freedom of expression in the country.¹¹¹⁸

A year after the lethal crackdown of protests in Karongi and Kiziba refugee camp, whereas there is no official investigation into the killing of protesters, at least 63 refugees are facing charges in connection with the protests which range from ‘participating in and organising illegal demonstrations’ to ‘spreading false information to create a hostile international opinion against the Rwandan government’.¹¹¹⁹ In September 2019, a senior official in the opposition party was stabbed to death which was claimed to be an attempt at intimidating political opponents.¹¹²⁰ Spokesperson of the same opposition party was found dead in March 2019.¹¹²¹ However, in May 2018, Rwanda celebrated World Press Freedom Day in collaboration with UNESCO, whereby more than 100 participants participated to evaluate the freedom of press in Rwanda and around the world, to defend the media freedom and to pay tribute to the journalists who have lost their lives in their profession.¹¹²² In April 2019, the Rwandan Supreme Court repealed a law banning publication of political and satirical cartoons, but upheld the one that punishes insulting or defaming the President.¹¹²³ President Paul Kagame, in response to the judgment, made a rare public statement lending his support to decriminalisation of dissent.¹¹²⁴

Rwanda joined consensus in adopting the resolution concerning ***The human rights of migrants***, which reaffirms the need for ensuring full respect for the human rights and fundamental freedoms of all migrants, regardless of their migration status.¹¹²⁵ Rwanda was one of 164 countries which adopted the Global Compact for Safe, Orderly and Regular Migration (the Compact) in Marrakech, Morocco.¹¹²⁶ Given the peace and stability in Rwanda since the

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- 1108 US Department of State, Country Reports for Human Rights Practices 2018: Rwanda. Available at: <https://www.justice.gov/eoir/page/file/1146601/download>.
- 1109 Human Rights Watch, ‘No space for criticism of Rwanda’, 27 June 2019. Available at: <https://www.hrw.org/news/2019/06/27/no-space-criticism-rwanda>.
- 1110 Human Rights Watch, Rwanda: Events of 2018. Available at: <http://bit.ly/36EOPDR>.
- 1111 Ibid.
- 1112 Human Rights Watch, Rwanda: Events of 2017. Available at: <http://bit.ly/2smMluC>.
- 1113 CBN News, ‘16-year US Baptist missionary arrested after Rwanda’s regime closes thousands of churches’, 10 September 2019. Available at: <http://bit.ly/34aLcUK>.
- 1114 RFI, ‘Rwanda claims closed radio spread hatred’, 14 October 2019. Available at: <http://bit.ly/2PhaEU3>.
- 1115 CBN News, ‘16-year US Baptist missionary arrested after Rwanda’s regime closes thousands of churches’, 10 September 2019. Available at: <http://bit.ly/34aLcUK>.
- 1116 The Telegraph, ‘Rwanda – the country where a private conversation can cost you your freedom’, 7 November 2019. Available at: <http://bit.ly/2YG4Arj>.
- 1117 Human Rights Watch, ‘Rwanda: Ex-military officers convicted over comments’, April 2016. Available at: <https://www.hrw.org/news/2016/04/01/rwanda-ex-military-officers-convicted-over-comments>.
- 1118 Ibid.
- 1119 Ibid.
- 1120 Reuters, ‘Rwandan President’s rival worried after second aide killed this year’, 24 September 2019. Available at: <https://reut.rs/2LLHuKj>.
- 1121 Ibid.
- 1122 UNESCO Regional Office for Eastern Africa, Rwanda Celebrates World Press Freedom Day within a Changing Media Landscape, 8th May, 2018. Available at: <http://bit.ly/2qQRECs>.
- 1123 Reuters, ‘Rwanda court repeals law banning satirical cartoons’, 24 April 2019. Available at: <https://reut.rs/2RLZw2V>.
- 1124 The Washington Post, ‘Rwanda’s strongman finally says the right thing on free speech’, 1 May 2019. Available at: <https://wapo.st/38APSGn>.
- 1125 Resolution 41/7 The human rights of migrants (2019).
- 1126 Global Compact For Safe, Orderly And Regular Migration. Available at: <http://bit.ly/38ugjxw>.

genocide against the Tutsi in 1994 and its geographical location, the country has become a safe haven for people fleeing conflicts and other hardships in the region.¹¹²⁷ Rwanda hosts thousands of refugees from neighbouring countries in refugee camps as well as in urban settings.¹¹²⁸ In June 2019, UN Women opened a Women Opportunity Centre to provide livelihood to women in Kigeme Refugee Camp,¹¹²⁹ which provides vocational training to women in the camps so that they can earn their livelihood and take care of their family.¹¹³⁰ After attacks on migrant detention centres in Libya's capital, Tripoli, the European Union introduced a plan to evacuate vulnerable migrants and refugees stranded in Libya by sending them to Rwanda.¹¹³¹ However, as Rwanda is a small country, finding available land to expand refugee camps or land on which refugees can farm is difficult.¹¹³²

The IOM noted that Rwanda has accommodated 158,194 refugees: 74,276 from the DRC and 83,918 from Burundi.¹¹³³ Similarly, over 3.4 million refugees have returned to Rwanda in the peaceful years after the 1994 genocide against the Tutsi.¹¹³⁴ The 2018 Annual Report on Labour Force Survey published by the National Institute of Statistics of Rwanda found that out of the total migrant population (1,455,070 persons) surveyed, nearly 5,95,695 were internal migrant workers.¹¹³⁵ Majority of these workers were employed as domestic workers (24 per cent), in agriculture (18.5 per cent), in wholesale and retail trade (15.6 per cent) and in construction (9.6 per cent).¹¹³⁶ The UNHCR reported in 2017 that Rwanda hosted nearly 53 per cent Burundi refugees and also subsequently granted them the right to work.¹¹³⁷ Primary health facilities have also been provided to these refugees.¹¹³⁸ Nearly 19,000 Burundian refugees have been integrated in the Rwandan national school system.¹¹³⁹

However, there have been instances of violations amidst these efforts: in 2018, the Rwandan police officers reportedly used lethal force on protesting Congolese refugees at the UNHCR field office in Karongi and then at the Kiziba refugee camp in February 2018.¹¹⁴⁰ They allegedly fired tear gas and shot into the crowd resulting in the death of eight refugees and injuries to several more, who were protesting about the cuts in the assistance that they had been receiving from the UNHCR.¹¹⁴¹ There has been no official investigation into the killing of protesters even a year after the incident.¹¹⁴² The Committee on the Elimination of Discrimination Against Women, in its concluding observations in 2017, expressed concerns over the high level of risk of gender-based violence with women and girls in these refugee camps.¹¹⁴³

The preamble of the Rwandan Constitution, revised in 2015, underlines its commitment to prevent and punish, "divisionism and **discrimination** based on ethnicity, region or any other ground."¹¹⁴⁴ The eradication of discrimination is one of the fundamental principles stated in Article 10 of the Constitution.¹¹⁴⁵ Article 16 promotes equality of all, whereas there are other provisions in the Constitution that also ensure prohibition of divisionism or discrimination

1127 IOM, 'Country Overview: Rwanda'. Available at: <https://www.iom.int/countries/rwanda>.

1128 Ibid.

1129 UN Women, In Rwanda, weaving baskets and brighter futures, 19 August 2019. Available at: <https://www.unwomen.org/en/news/stories/2019/8/feature-in-rwanda-weaving-baskets-and-brighter-futures>.

1130 Ibid.

1131 The New Humanitarian, 'EU-Rwanda plan: Another short-sighted answer to Libya migration crisis', 16 August 2019. Available at: <https://www.thenewhumanitarian.org/opinion/2019/08/16/migration-eu-rwanda-libya-plan>.

1132 The Conversation, 'How Rwanda can do a better job of supporting refugees', 3 March 2019. Available at: <http://theconversation.com/how-rwanda-can-do-a-better-job-of-supporting-refugees-112424>.

1133 IOM, 'World Migration Report 2018'. Available at: <https://www.iom.int/wmr/world-migration-report-2018>.

1134 Ibid.

1135 National Institute of Statistics of Rwanda, Labour Force Survey, Annual Report, December 2018. Available at: <http://www.statistics.gov.rw/publication/labour-force-survey-report-december-2018>.

1136 Ibid.

1137 UNHCR, Rwanda. Available at: <https://www.unhcr.org/rwanda.html>.

1138 Ibid.

1139 Ibid.

1140 Amnesty International, 'Rwanda: Police officers remain free while protesting Congolese refugees face jail time', 22 February, 2019. Available at: <http://bit.ly/2YHrM8o>.

1141 Ibid.

1142 Ibid.

1143 Committee on the Elimination of Discrimination Against Women, Concluding observations on the combined periodic reports of Rwanda, 9 March 2017. Available at: <https://bit.ly/2LND71C>.

1144 Constitution of Rwanda, 2015. Available at: <http://www.mininfra.gov.rw/index.php?id=rwandaconstitution>.

1145 Ibid.

on any ground, along with several other provisions.¹¹⁴⁶ However, in May 2019, a joint report published by three rights group on the status of inclusion and involvement of marginalised people in Rwanda found that the marginalised people often did not report cases of human right violations.¹¹⁴⁷ For many, extreme poverty acted as a barrier in seeking remedy for their human rights violations. The report found that long-term poverty has been an obstacle in integrating the marginalised people into government's social programmes. Women from the marginalised groups also face discrimination mainly due to lack of access to education, economic opportunities or justice.¹¹⁴⁸

The Rwandan government continues to enforce a policy of denial of ethnicity in Rwandan society to promote social cohesion. It has, however, adversely affected the Batwa community.¹¹⁴⁹ The yearly commemorations of the Rwandan genocide have overlooked the consequences of the conflict on the Batwa.¹¹⁵⁰ They are Rwanda's indigenous people and make up about one per cent of its population, but roughly a third of the community — at least 10,000 people — were killed during the genocide, and another third became refugees.¹¹⁵¹ The prejudice against the Batwa community has marginalised its position in comparison with Hutu and Tutsi communities, and in some parts of Rwanda, a sort of untouchability is practiced, where Batwa are not allowed to use the same utensils or sit in the same areas as others.¹¹⁵²

Summary executions and enforced disappearances, along with arbitrary detention and torture, reportedly remain serious problems in Rwanda.¹¹⁵³ The Committee Against Torture, in its concluding observations on Rwanda in 2017, expressed concerns about the reports of the Rwandan security forces and the police having summarily executed at least 37 suspected petty offenders between July 2016 and March 2017 in North-Western Rwanda, while encouraging local residents to execute others on at least two occasions.¹¹⁵⁴ Most victims were accused of stealing items such as bananas, cow, or a motorcycle.¹¹⁵⁵ Others were suspected of smuggling marijuana, illegally crossing the border from the Democratic Republic of Congo, or of using illegal fishing nets.¹¹⁵⁶

The Committee also noted concerns about reports of continuing occurrence of enforced disappearance, including targeting of members of opposition political parties, such as Jean Damascène Munyeshyaka, Illuminée Iragena, Jean Damascène Habarugira and Théophile Ntirutwa, members of the banned political party United Democratic Forces (FDU-Inkingi).¹¹⁵⁷ Eugène Ndereyimana, a member of the said party was reported missing by his colleagues on 15 July 2019 after he failed to arrive for a meeting in Nyagatare, in Rwanda's Eastern Province.¹¹⁵⁸ In another instance, Constantin Tuyishimire, a journalist with TV1 Rwanda was reported missing on 16 July 2019, while he was supposed to be on a reporting trip to Gicumbi District.¹¹⁵⁹ At least two other members of the said political party have gone missing in 2019 in unexplained circumstances.¹¹⁶⁰ Mysterious disappearance of opposition members in Rwanda is

1146 The New Times, 'The right to protection from discrimination', 10 April 2019. Available at: <https://www.newtimes.co.rw/lifestyle/right-protection-discrimination>.

1147 Report on the Status of Inclusion and Involvement of Historically Marginalised People (HMP) In Various Socio-Economic and Political Programmes and Promotion of Their Human Rights in Rwanda, May 2019. Available at: <https://minorityrights.org/publications/rwanda-final-baseline-study-report/>.

1148 Ibid.

1149 Committee on the Elimination of Racial Discrimination, Concluding observations on the periodic reports of Rwanda, June 2016. Available at: <https://bit.ly/36vB6it>.

1150 The Washington Post, '25 years after genocide, Rwanda commemorates those killed — but omits one group that was almost wiped out', 5 April 2019. Available at: <https://wapo.st/36WWdeu>.

1151 Minority Rights Group International, 'The Batwa Pygmies of the Great Lakes Region'. Available at: <http://bit.ly/2rJ6NG6>.

1152 The Washington Post, '25 years after genocide, Rwanda commemorates those killed — but omits one group that was almost wiped out', 5 April 2019. Available at: <https://wapo.st/36WWdeu>.

1153 Human Rights Watch, 'No space for criticism of Rwanda', 27 June 2019. Available at: <https://www.hrw.org/news/2019/06/27/no-space-criticism-rwanda>.

1154 Committee Against Torture, Concluding observations on the second periodic report of Rwanda, 21 December 2017. Available at: <https://bit.ly/2PDMMbZ>.

1155 Ibid.

1156 Human Rights Watch, 'All Thieves Must Be Killed: Extrajudicial killings in Western Rwanda', 13 July 2017. Available at: <https://www.hrw.org/report/2017/07/13/all-thieves-must-be-killed/extrajudicial-executions-western-rwanda>.

1157 Committee Against Torture, Concluding observations on the second periodic report of Rwanda, 21 December 2017. Available at: <https://bit.ly/2PDMMbZ>.

1158 Human Rights Watch, 'Rwanda: Disappearances require credible investigations', 15 August 2019. Available at: <https://www.hrw.org/news/2019/08/15/rwanda-disappearances-require-credible-investigations>.

1159 Ibid.

1160 Reuters, 'Rwandan President's rival worried after second aide killed this year', 24 September 2019. Available at: <https://reut.rs/2LLHuKj>.

not a new occurrence,¹¹⁶¹ and they have reported to be exposed to intimidation, violence, prison or the prospect of disappearing for their criticism of President Kagame and the ruling party, the Rwandan Patriotic Front (RPF).¹¹⁶²

VI. Conclusions

Rwanda's participation during the 41st Council Session was sporadic. It participated in one general debate and interactive dialogue respectively during the Session.

- Rwanda remains the only present Commonwealth HRC member to have not yet submitted its voluntary pledges for its election.¹¹⁶³
- Rwanda ranked 4th out of 149 countries in the Global Gender Gap Index on the parameter of political participation of women, with 61.3 per cent members of the Parliament being women. It ranks first among the Commonwealth HRC members for political empowerment of women, followed closely by Bangladesh, which ranks 5th.
- Despite the constitutional guarantees, Rwanda ranks 155th out of 180 countries on the 2019 Global Press Freedom Index.¹¹⁶⁴

1161 CNN, 'Opposition members keep going 'missing' in Rwanda. Few expect them to return', 27 July 2019. Available at: <https://edition.cnn.com/2019/07/27/africa/rwanda-opposition-disappearances-intl/index.html>.

1162 DW, 'Rwanda's disappearing opposition', 5 August 2019. Available at: <http://bit.ly/2YPgUpe>.

1163 Office of the High Commissioner for Human Rights, Rwanda. Available at: <https://www.ohchr.org/en/countries/africaregion/pages/rwindex.aspx>.

1164 Reporters Without Borders, World Press Freedom Index 2019, Rwanda. Available at: https://rsf.org/en/ranking_table.

I. Introduction

South Africa was elected for the fourth time to the HRC in 2017 through a clean slate election¹¹⁶⁵ to serve a second consecutive term.¹¹⁶⁶ It had previously served as a member of the Council from 2006-07,¹¹⁶⁷ 2008-10,¹¹⁶⁸ and 2014-16.¹¹⁶⁹ Its current term is set to end in 2019.¹¹⁷⁰

II. Voluntary Pledges and Commitments

South Africa updated its voluntary pledges while submitting its candidature in 2016 for a second consecutive term.¹¹⁷¹ A central aspect of South Africa's policy is commitment to the promotion, protection and fulfilment of human rights and fundamental freedoms, as well as the advancement of democracy.¹¹⁷²

South Africa pledged to¹¹⁷³:

- 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 and 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 HRC sessions 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.
- Ensure that the UN human rights system adopts the four requisite additional protocols to the International Convention on the Elimination of All Forms of Racial Discrimination covering the following areas: xenophobia, Islamophobia, anti-Semitism and the incitement to hatred through ethnic, religious and racial profiling.
- Remain committed to the letter and spirit of the Vienna Declaration and Programme of Action (VDPA) that human rights are the legitimate concern of the international community and that they should be addressed dispassionately and in a fair and equal manner without politicisation, double standards and selective targeting.

¹¹⁶⁵ United Nations General Assembly, Elections of the Human Rights Council, 2016. Available at: <https://www.un.org/en/ga/71/meetings/elections/hrc.shtml>.

¹¹⁶⁶ United Nations General Assembly, Elections of the Human Rights Council, 2013. Available at: <https://www.un.org/en/ga/68/meetings/elections/hrc.shtml>.

¹¹⁶⁷ United Nations General Assembly, Elections of the Human Rights Council, 2006. Available at: <https://www.un.org/ga/60/elect/hrc/>.

¹¹⁶⁸ United Nations General Assembly, Elections of the Human Rights Council, 2007. Available at: <https://web.archive.org/web/20190110031542/http://www.un.org/ga/61/elect/hrc/>.

¹¹⁶⁹ United Nations General Assembly, Elections of the Human Rights Council, 2013. Available at: <https://www.un.org/en/ga/68/meetings/elections/hrc.shtml>.

¹¹⁷⁰ Office of the High Commissioner for Human Rights, Current Membership of the Human Rights Council, 2019, Available at: <https://www.ohchr.org/en/hrbodies/hrc/pages/currentmembers.aspx>.

¹¹⁷¹ The Permanent Mission of South Africa to the United Nations, Candidature of South Africa to the Human Rights Council 2017-19, Voluntary pledges and commitments, 10 October 2016. Available at: <https://undocs.org/en/A/71/568>.

¹¹⁷² Ibid.

¹¹⁷³ Ibid.

III. Participation at the 41st Session of the HRC

The following tables summarise the South Africa's participation in the interactive dialogues and general debates in the 41st Session of the Council.

S. No.	Interactive Dialogue	South Africa's Interventions
1.	Clustered interactive dialogue with the Independent Expert on sexual orientation and gender identity and the Special Rapporteur on the independence of judges and lawyers	<ul style="list-style-type: none"> • Endorsed the view that self-serving interpretations of religion, tradition, and culture lead to hate speech, violence and discrimination based in sexual orientation and gender identity. • Agreed with the findings of the report highlighting intersectionality of such discrimination with that based on race, and that stigmatisation of LGBTI+ also raises health-related and other concerns. • Shared concerns about the use of data to monitor, harass, entrap, arrest and persecute LGBTI people. • Highlighted that the independence of the judiciary is enshrined in its Constitution and that practices around Africa could be looked into in this regard.¹¹⁷⁴
2.	Clustered interactive dialogue with the Special Rapporteur on the right to health and the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members	<ul style="list-style-type: none"> • Noted the reference by the Special Rapporteur on the right to health on the obligation by States to respect, protect and fulfil the right to mental health. • Reminded the Council that the Global South continues to face challenges in enacting an inclusive policy and legal framework promoting of mental health or well-being, especially for those in disadvantaged situations. • Stated that these efforts should be complemented by the demonstration of political will by the international community for creating a conducive environment for the realisation of the right to mental health and reinforced by SGD 17. • Endorsed the work of the Special Rapporteur for investigating and providing remedial actions for an international, united front against the discrimination of those afflicted by leprosy.¹¹⁷⁵
3.	Clustered interactive dialogue with the Special Rapporteur on the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association	<ul style="list-style-type: none"> • Concurred that weak regulatory environments, poor procedural safeguards and lack of adequate national legislation and enforcement has allowed arbitrary and unlawful infringements of the rights to privacy and freedom of opinion and expression. • Concerned by the lack of accountability for unregulated digital surveillance by private industry violating the individual rights with impunity, including activities of private military / security companies. • Urged the international community to support initiatives strengthening the international regulatory framework to hold the private industry accountable and to ensure effective remedies for the victims. • Endorsed the view of the Special Rapporteur on freedom of peaceful assembly that although peaceful assembly in the digital age includes online interactions between people, it is important to fill gaps on the rights and obligations of States in this regard.¹¹⁷⁶

1174 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=24/06/2019%2000:00:00>.

1175 Ibid.

1176 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=26/06/2019%2000:00:00>.

4.	Clustered interactive dialogue with the Working Group on discrimination against women and the Working Group on business and human rights	<ul style="list-style-type: none"> Noted that deprivation of woman's liberty is a consequence of gender-based discrimination and it came from policies perpetuating patriarchal practices. Informed the Council of the process adopted to remove barriers to access justice ensuring that victims of violence can receive necessary support. Affirmed the need for integrated programmes between police, social development, justice and traditional leaders to bridge preventative and protective gaps in ensuring access to justice.¹¹⁷⁷
5.	Clustered interactive dialogue with the Special Rapporteur on violence against women and the Special Rapporteur on trafficking in persons, especially women and children	<ul style="list-style-type: none"> Expressed concern about the violence against women in the workplace and stated that until women are empowered on socio-economic fronts, the patriarchal societal norms would continue to dominate. Recognised the need for an integrated approach to tackle gender-based violence and highlighted its legislations and policies to prevent violations and protect the rights of women and children. Informed the Council about conducting consultations on a well-resourced National Strategic Plan against gender-based violence and femicide. Recognised trafficking of persons as a grievous violation of human rights and appreciated the Special Rapporteur's efforts in providing recommendations to combat, prevent, and protect survivors.¹¹⁷⁸

S. No.	General Debate	South Africa's Interventions
1.	General debate on the Oral update by the United Nations High Commissioner for Human Rights	<ul style="list-style-type: none"> Welcomed the approach by the High Commissioner to promote and protect human rights through dialogue and cooperation, with a focus on capacity-building and technical assistance. Was encouraged by the balanced approach adopted by the High Commissioner towards country-specific situations and appreciated her recognition of the peace and security initiatives taken by the African Union. Welcomed the High Commissioner's understanding on human rights in the context of new digital technologies and encouraged the OHCHR to consider ILO's report on the anxieties of workers due to the changing nature of their work in light of the rapid digital development.¹¹⁷⁹
2.	General debate on Human rights situation in Palestine and other occupied Arab territories	<ul style="list-style-type: none"> Reiterated the emphasis on lack of access to natural resources and environmental degradation in the Occupied Palestinian Territory (OPT). Stated that the continuing settlements in the West Bank have exacerbated the situation such that the Israeli occupation is indistinguishable from the occupation constituting gross violation of human rights of the Palestinian people. Reported the difficulties faced by the people living in the OPT as well as activities of the Israeli authorities to obstruct the work of human rights defenders and the necessary space for advocacy. Called on Israel to cooperate with the Special Rapporteur in addressing the critical environmental and human rights situation in the State of Palestine.¹¹⁸⁰

¹¹⁷⁷ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=27/06/2019%2000:00:00>.

¹¹⁷⁸ Ibid.

¹¹⁷⁹ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=25/06/2019%2000:00:00>.

¹¹⁸⁰ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=08/07/2019%2000:00:00>.

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 (DDPA)	<ul style="list-style-type: none"> • Reiterated that the DDPA provides a comprehensive international framework to address the menace of racism, racial discrimination and xenophobia. • Noted an upsurge in violent extremism, populism, militant forms of nationalism that are further fuelling hatred and animosity across the world. • Encouraged by the establishment of the Permanent Forum on People of African Descent allowing full and proper implementation of the DDPA and ensuring that the people of African Descent receive the necessary recognition, justice, and development. • Affirmed the universality and indivisibility of human rights while working to achieve the 2030 SDGs.¹¹⁸¹
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IV. Voting Pattern on Resolutions

Thematic Resolutions

South Africa voted in favour of all five thematic resolutions that were adopted by vote, namely, *Enhancement of international cooperation in the field of human rights*,¹¹⁸² *Promotion of the right to peace*,¹¹⁸³ *Human rights and international solidarity*,¹¹⁸⁴ *Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*,¹¹⁸⁵ and *The contribution of development to the enjoyment of all human rights*.¹¹⁸⁶

It did not vote against or abstain from voting on any thematic resolution.¹¹⁸⁷ It joined consensus on remaining 15 thematic resolutions during the Session.¹¹⁸⁸

It sponsored two thematic resolutions adopted by consensus, namely, *Equal pay*¹¹⁸⁹ and *Access to medicines and vaccines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health*.¹¹⁹⁰

Country Situation Resolutions

South Africa did not vote in favour of or against any country situation resolution tabled during the Session.¹¹⁹¹

It abstained from voting on all the five resolutions that came up for voting, namely, *Cooperation with and assistance to Ukraine in the field of human rights*,¹¹⁹² *Situation of human rights in Belarus*,¹¹⁹³ *Situation of human rights in Eritrea*,¹¹⁹⁴ *Promotion and protection of human rights in the Philippines*,¹¹⁹⁵ and *The human rights situation in the Syrian Arab Republic*.¹¹⁹⁶

¹¹⁸¹ Ibid.

¹¹⁸² Resolution 41/3 Enhancement of international cooperation in the field of human rights (2019).

¹¹⁸³ Resolution 41/4 Promotion of the right to peace (2019).

¹¹⁸⁴ Resolution 41/5 Human rights and international solidarity (2019).

¹¹⁸⁵ Resolution 41/18 Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2019).

¹¹⁸⁶ Resolution 41/19 The contribution of development to the enjoyment of all human rights (2019).

¹¹⁸⁷ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President's statements. Available at: <https://bit.ly/2DnTtth>.

¹¹⁸⁸ Ibid.

¹¹⁸⁹ Resolution 41/14 Equal pay (2019).

¹¹⁹⁰ Resolution 41/10 Access to medicines and vaccines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2019).

¹¹⁹¹ Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President's statements. Available at: <https://bit.ly/2DnTtth>.

¹¹⁹² Resolution 41/25 Cooperation with and assistance to Ukraine in the field of human rights (2019).

¹¹⁹³ Resolution 41/22 Situation of human rights in Belarus (2019).

¹¹⁹⁴ Resolution 41/1 Situation of human rights in Eritrea (2019).

¹¹⁹⁵ Resolution 41/2 Promotion and protection of human rights in the Philippines (2019).

¹¹⁹⁶ Resolution 41/23 The human rights situation in the Syrian Arab Republic (2019).

South Africa joined consensus on the country situation resolution with respect to the *Renouvellement du mandat de l'Équipe d'experts internationaux sur la situation au Kasai* [Renewal of the mandate of the team of international experts on the situation in Kasai].¹¹⁹⁷

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

South Africa has extended a standing invitation to all thematic Special Procedures since July 2003.¹¹⁹⁸ It pledged to “continue to receive visits of the Special Procedures and other HRC mechanisms in keeping with their various mandates, without any impediments or restrictions”.¹¹⁹⁹ However, since 2008, South Africa has 21 visit requests and reminders pending from Special Procedures,¹²⁰⁰ including those from the Special Rapporteurs on extrajudicial, summary or arbitrary executions, water and sanitation, torture, health, trafficking, and the Working Groups on arbitrary detention, disappearances and business and human rights, among others.¹²⁰¹

b. Compliance with Reporting Obligations to Treaty Monitoring Bodies

South Africa pledged to “submit country reports to human rights treaty monitoring bodies”.¹²⁰² It stated that it had been working tirelessly to improve the situation of its reporting obligations to the treaty monitoring bodies and has submitted at least three treaty body reports to cover the backlog from the previous cycles.¹²⁰³ It has largely fulfilled its commitment; its only pending report is that with the CRC-OP-AC since 2011.¹²⁰⁴

In the previous reporting cycles, however, there were delays in fulfilling its reporting obligations. The CCPR report was submitted after a delay of 14 years; CRC report, after a delay of 12 years; CRC-OP-SC report after a delay of 9 years; CAT report after a delay of 8 years; and the CERD and CRPD reports after a delay of 4 years each.¹²⁰⁵

South Africa has not ratified 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).¹²⁰⁶ Furthermore, it has not accepted individual complaints procedures from the CESCOP and CRC-OP-IC.¹²⁰⁷

c. Compliance with Thematic Issues

In its voluntary pledges, South Africa reiterated that a central aspect of its policy is commitment to the promotion, protection and fulfilment of human rights and fundamental freedoms.¹²⁰⁸ In the interactive dialogue with the Independent Expert on **sexual orientation and gender identity**, it affirmed that ‘self-serving interpretations of religion, tradition and culture constitute hate speech, fanning the flames of violence and discrimination against the

1197 Resolution 41/26 *Renouvellement du mandat de l'Équipe d'experts internationaux sur la situation au Kasai* [Renewal of the mandate of the team of international experts on the situation in Kasai] (2019).

1198 Office of the High Commissioner for Human Rights, Standing invitations to Special Procedures. Available at: https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/StandingInvitations.aspx.

1199 The Permanent Mission of South Africa to the United Nations, Candidature of South Africa to the Human Rights Council 2017-19, Voluntary pledges and commitments, 10 October 2016. Available at: <https://undocs.org/en/A/71/568>.

1200 Office of the High Commissioner for Human Rights, Country visits of Special Procedures to South Africa. Available at: https://spinternet.ohchr.org/_layouts/15/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=ZAF.

1201 Ibid.

1202 The Permanent Mission of South Africa to the United Nations, Candidature of South Africa to the Human Rights Council 2017-19, Voluntary pledges and commitments, 10 October 2016. Available at: <https://undocs.org/en/A/71/568>.

1203 Ibid.

1204 Office of the High Commissioner for Human Rights, Treaty Bodies, Reporting status of South Africa. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=ZAF&Lang=EN.

1205 Ibid.

1206 Ibid.

1207 Ibid.

1208 The Permanent Mission of South Africa to the United Nations, Candidature of South Africa to the Human Rights Council 2017-19, Voluntary pledges and commitments, 10 October 2016. Available at: <https://undocs.org/en/A/71/568>.

LGBTI people’.¹²⁰⁹ It voted in favour of the resolution seeking to extend the *Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*.¹²¹⁰ South Africa was the first jurisdiction in the world to provide constitutional protection against discrimination to LGBTI+ people.¹²¹¹ It was the fifth country to have legalised marriage for same-sex couples, and one of the first countries to have prohibited discrimination, harassment, and hate speech against intersex people by incorporating them within the definition of ‘sex’ in its anti-discrimination legislation.¹²¹²

This progressive legislative framework, however, has not been fully realised in practice.¹²¹³ The LGBTI+ community still faces harassment and discrimination.¹²¹⁴ There have been reports of gay men being beaten by their church and asked to “pay damages for shaming the church”.¹²¹⁵ In January 2018, a lesbian couple was raped, killed and their car set alight in a homophobic attack by an acquaintance.¹²¹⁶ In a separate instance, a gay couple was bullied and harassed and by police officers in Pietermaritzburg.¹²¹⁷ Refugees fleeing homophobic legal regimes in other countries, who seek asylum in South Africa for its progressive laws, have found the society to be conservative with respect to the LGBTI+ community.¹²¹⁸ The *Prevention and Combating of Hate Crimes and Hate Speech Bill*, which included homophobic hate crimes, was introduced in 2016, but is pending before the National Assembly.¹²¹⁹ On a positive note, the Western Cape High Court ruled that the refusal by the Department of Home Affairs to allow transgender people, who had transitioned after marriage, to change their gender on official documents infringed their rights to equality and human dignity.¹²²⁰ Previously, it was necessary to get divorced before their gender could be changed.¹²²¹

In the clustered interactive dialogue with the Working Group on **discrimination against women**, South Africa affirmed its current process in removing barriers to access to justice for vulnerable and marginalised groups and to ensure to the victims of sexual and **gender-based violence** necessary support.¹²²² However, statistics reveal that ‘gender-based violence in South Africa is unacceptably high’.¹²²³ Statistics South Africa survey data revealed that, in June 2018, the murder rate for women increased by 117 per cent between 2015 and 2016/17. Similarly, the number of women who experienced sexual offences rose 53 per cent from 31,665 in 2015/16 to 70,813 in 2016/17.¹²²⁴ In 2018, the police recorded 40,035 cases of rape across South Africa, an average of 110 incidents of reported rape each day.¹²²⁵ As many as 53,263 women were assaulted and 2,930 murdered, many at the hands of their intimate partners.¹²²⁶ Despite South Africa’s Domestic Violence Act being among the most progressive worldwide, there have been implementation

1209 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=24/06/2019%2000:00:00>.

1210 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President’s statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Resolutions.aspx>.

1211 Office of the High Commissioner for Human Rights, ‘Living Free and Equal’, p.36. Available at: <https://www.ohchr.org/Documents/Publications/LivingFreeAndEqual.pdf>

1212 Ibid.

1213 Ibid.

1214 Amnesty International, Annual Report 2017/2018, South Africa. Available at: <https://bit.ly/2DtlYIV>.

1215 Times Live, ‘Gay men allegedly beaten in church - then forced to pay “damages”’, 1 February 2018. Available at: <https://www.timeslive.co.za/news/south-africa/2018-02-01-gay-men-beaten-in-church/>.

1216 Pink News, ‘Man allegedly behind the rape, murder and burning of lesbian couple was their good friend’, January 2018. Available at: <http://bit.ly/2EfOw5S>.

1217 Pink News, ‘South African gay couple abused and told to stay naked by police in a horrific viral video’, February 2018. Available at: <http://bit.ly/36oiAsa>.

1218 The Atlantic, ‘The unfulfilled promise of LGBTQ rights in South Africa’, 2 July 2019. Available at: <https://www.theatlantic.com/international/archive/2019/07/southafrica-lgbtq-rights/593050/>.

1219 Amnesty International, Annual Report 2017/2018, South Africa. Available at: <http://bit.ly/2LOG81M>.

1220 Times Live, ‘Major victory for transgender marriage in Cape High Court’, September 2017. Available at: <https://www.timeslive.co.za/news/south-africa/2017-09-07-major-victory-for-transgender-marriage-in-cape-high-court/>.

1221 Amnesty International, Annual Report 2017/2018, South Africa. Available at: <http://bit.ly/2LOG81M>.

1222 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=27/06/2019%2000:00:00>.

1223 Statistics South Africa, ‘Crime against women in South Africa’, June 2018, p.7. Available at: <http://www.statssa.gov.za/publications/Report-03-40-05/Report-03-40-05June2018.pdf>.

1224 UN Women, ‘In South Africa, women call for total shutdown on gender-based violence’, 3 August 2018. Available at: <http://bit.ly/2Pgg15O>.

1225 South African Police Service (SAPS), Crime Statistics 2017/2018. Available at: <https://www.saps.gov.za/services/crimestats.php>.

1226 Ibid.

and oversight challenges and systemic failures that have hindered access to justice for victims of domestic violence.¹²²⁷

Sex workers, majority of whom are women, often do not benefit from enhanced access to justice.¹²²⁸ Since sex work is treated as a crime, it compromises the safety of women and deters them from reporting rape and violence. They are subjected to frequent arbitrary arrests which leads them to work in dangerous, more secluded areas.¹²²⁹ ‘Harmful practices’, such as virginity testing of girl child above the age of 16 if the child has given consent after counselling,¹²³⁰ are still permitted in South Africa.¹²³¹ The practice in itself has no scientific basis or clinical utility and can be traumatic. Additionally, the social expectation that women should remain ‘virgins’ is based on stereotypical notions that female sexuality should be curtailed within marriage, and UN agencies maintain that this notion is harmful.¹²³² There has been a recent resurgence of the practice of ‘*Ukuthwala*’, a form of abduction that involves kidnapping a girl or a young woman by a man and his friends or peers with the intention of compelling the girl or young woman’s family to endorse marriage negotiations in the Eastern Cape and KwaZulu-Natal Provinces.¹²³³ In the absence of the girl’s consent, it is considered a form of trafficking.¹²³⁴ The gender pay gap in South Africa is 27 per cent: it ranks 117th out of 149 countries for wage equality.¹²³⁵ The labour laws do not have principle equal pay for work of equal value.¹²³⁶ The proportion of women is also much higher in precarious employment and despite attempts to provide legal protection, farm and domestic workers live in intolerable conditions with low wages and no formal terms of employment.¹²³⁷

South Africa, in its voluntary pledges, committed to promotion, protection and fulfilment of human rights and fundamental freedoms.¹²³⁸ In the clustered interactive dialogue with the Special Rapporteurs on **freedom of expression** and on freedom of peaceful assembly and association, it expressed concerns over the lack of accountability for unlawful digital surveillance and by unregulated activities of the private industry violating the rights of individuals with impunity.¹²³⁹ Freedom of expression is protected in the South African constitution.¹²⁴⁰ However, journalists covering allegations of corruption involving the former President reported threats and harassment from the members of Black First Land First (BFL).¹²⁴¹ The South Gauteng High Court granted an interdict order preventing them from intimidating and assaulting journalists, but they were found in contempt of the order.¹²⁴² Recently, journalist Karima Brown was hounded and subject to numerous threatening phone calls and messages by supporters of a political leader.¹²⁴³ Terrorism laws are sometimes used to limit coverage of government institutions when “national interest”

1227 Daily Maverick, ‘Law isn’t enough to stop domestic violence’, 31 October 2018. Available at: <https://www.dailymaverick.co.za/article/2018-10-31-a-law-isnt-enough-to-stop-domestic-violence/>.

1228 Daily Maverick, ‘Total shutdown revisited: Women are under stack in South Africa’, 1 August 2019. Available at: <https://www.dailymaverick.co.za/article/2019-08-01-thetotalshutdown-revisited-women-are-under-attack-in-sa/>

1229 Human Rights Watch, ‘South Africa: Decriminalise Sex Work’, 7 August 2019. Available at: <https://www.hrw.org/news/2019/08/07/south-africa-decriminalise-sex-work>.

1230 Children’s Act No. 38 (2005), Section 12(5). Available at: <http://www.justice.gov.za/legislation/acts/2005-038%20childrensact.pdf>.

1231 Committee on Economic, Social and Cultural Rights, Concluding observations on the initial report of South Africa, 29 November 2018. Available at: <https://bit.ly/2YHIK7L>.

1232 WHO, OHCHR, and UN WOMEN, ‘Eliminating Virginity Testing: An Interagency Statement’, 2018. Available at: <https://apps.who.int/iris/bitstream/handle/10665/275451/WHO-RHR-18.15-eng.pdf?ua=1>.

1233 South Africa Department of Justice and Constitutional Development, ‘Ukuthwala’. Available at: <http://www.justice.gov.za/brochure/ukuthwala/ukuthwala.html>.

1234 Committee on Economic, Social and Cultural Rights, Concluding observations on the initial report of South Africa, 29 November 2018. Available at: <https://bit.ly/2YHIK7L>.

1235 World Economic Forum, Global Gender Gap Report 2018. Available at: http://www3.weforum.org/docs/WEF_GGGR_2018.pdf.

1236 Committee on Economic, Social and Cultural Rights, Concluding observations on the initial report of South Africa, 29 November 2018. Available at: <https://bit.ly/2YHIK7L>.

1237 Business Day, ‘Not much in minimum wage for vulnerable women to celebrate’, 24 August 2019. Available at: <https://www.businesslive.co.za/bd/opinion/2019-08-24-not-much-in-minimum-wage-for-vulnerable-women-to-celebrate/>.

1238 The Permanent Mission of South Africa to the United Nations, Candidature of South Africa to the Human Rights Council 2017-19, Voluntary pledges and commitments, 10 October 2016. Available at: <https://undocs.org/en/A/71/568>.

1239 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=26/06/2019%2000:00:00>.

1240 Constitution of South Africa 1997, Chapter 2: Bill of Rights, Section 16. Available at: <http://bit.ly/38HxfRo>.

1241 Amnesty International, Annual Report 2017/2018, South Africa. Available at: <http://bit.ly/2LOG81M>.

1242 Times Live, ‘BLF in contempt of court for harassing journalists’, 8 August 2017. Available at: <https://www.timeslive.co.za/politics/2017-08-08-blf-mngxitama-in-contempt-of-court-for-harassing-journalists/>.

1243 Reporters Without Borders, ‘South African journalist hounded, threatened by opposition politician’, 13 March 2019. Available at: <https://rsf.org/en/news/south-african-journalist-hounded-threatened-opposition-politician>.

is concerned.¹²⁴⁴ State security agency spies on journalists, while others are harassed and subjected to intimidation campaigns, if they report on topics involving the ruling party, government finances or corruption.¹²⁴⁵ On the positive note, South Africa ranks 31st out of 180 countries overall for press freedom, higher than its BRICS counterparts as well as the USA and the UK.¹²⁴⁶

Similarly, **freedom of assembly** is constitutionally guaranteed and generally respected in South Africa.¹²⁴⁷ In November 2018, the Constitutional Court declared the *Gatherings Act*, which required prior notification of protests, as unconstitutional concluding a five-year court case on an arrest following a peaceful protest for sanitation.¹²⁴⁸ However, restrictions on activists and environment defenders have been reported.¹²⁴⁹ In the mining areas in the country, the municipalities have been alleged to have infringed on citizens' rights to freedom of assembly, imposing extra-legal requirements for protests, despite constitutional guarantees established in South African law. In other cases, it was companies themselves that requested community activists notify them of their upcoming protests, wrongfully claiming that this was a legal requirement.¹²⁵⁰

South Africa has not ratified the International Convention on the Protection of the **Rights of All Migrant Workers** and Members of Their Families (CMW),¹²⁵¹ despite hosting a large number of asylum seekers. The then South African Minister of Home Affairs, Siyabonga Cwele, stated that traveller movements to South Africa have increased from 1.49 million in 2016 to 1.52 million in 2017 and 1.57 million in 2018.¹²⁵² At the Marrakech Inter-Governmental Conference in December 2018, South Africa accepted the Global Compact on Migration, laying out the global cooperation framework for sharing responsibility to protect the world's migrants as a voluntary tool to guide national migration policy.¹²⁵³

However, the asylum seekers' right to work has been denied under Section 22(8) of the *Refugees Amendment Act*, and there is a large backlog of asylum applications in the appeal process.¹²⁵⁴ Foreign nationals, including refugees and asylum seekers, continue to face xenophobic violence, threats and harassment.¹²⁵⁵ In August 2018, at least four people died when violence erupted in Johannesburg.¹²⁵⁶ A few days thereafter, an anti-foreigner political group marched in demand of deportation of all undocumented foreigners in South Africa by the end of the year.¹²⁵⁷ The *Immigration Act* states that staff at clinics and hospitals must find out the legal status of patients before providing care and report to the Director-General of Home Affairs any illegal foreigner or anyone whose status is not clear. However, this can only be enacted if this does not affect patients' rights set out in the Constitution, National Health Act and Refugees Act.¹²⁵⁸ Anti-immigrant rhetoric, popularised through social media, has added to the attacks against foreigners in the country.¹²⁵⁹

1244 Reporters Without Borders, World Press Freedom Index 2019, South Africa. Available at: <https://rsf.org/en/south-africa>.

1245 Ibid.

1246 Ibid.

1247 Constitution of South Africa 1997, Chapter 2: Bill of Rights, Sections 17 and 18. Available at: <http://bit.ly/38HxfRo>.

1248 Equal Education, 'Joint statement: #sjc10 victory as ConCourt decriminalises peaceful protest', 19 November 2018. Available at: <https://equaleducation.org.za/2018/11/19/joint-statement-sjc10-victory-as-concourt-decriminalises-peaceful-protest/>.

1249 Human Rights Watch, 'South Africa: Activists in Mining Areas Harassed', 16 April 2019. Available at: <https://www.hrw.org/news/2019/04/16/south-africa-activists-mining-areas-harassed>.

1250 Ibid.

1251 Office of the High Commissioner for Human Rights, Treaty Bodies, Ratification status of South Africa. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=162&Lang=EN.

1252 Government of South Africa, Media Statements, 'Minister Siyabonga Cwele: Visit to Home Affairs operations and UN Conference on Global Compact on Migration', 13 December 2018. Available at: <http://bit.ly/2PctkwT>

1253 United Nations, Press Releases, 'World Leaders Adopt First-Ever Global Compact on Migration, Outlining Framework to Protect Millions of Migrants, Support Countries Accommodating Them', 10 December 2018. Available at: <https://www.un.org/press/en/2018/dev3375.doc.htm>

1254 Committee on Economic, Social and Cultural Rights, Concluding observations on the initial report of South Africa, 29 November 2018. Available at: <https://bit.ly/2YHIK7L>.

1255 Human Rights Watch, Events of 2018: South Africa. Available at: <http://bit.ly/2LObEwx>.

1256 Times Live, 'Fourth person killed in attacks on foreign owned shops', 31 August 2019. Available at: <https://www.timeslive.co.za/news/south-africa/2018-08-31-fourth-person-killed-in-attacks-on-foreign-owned-shops/>.

1257 Human Rights Watch, Events of 2018: South Africa. Available at: <http://bit.ly/2LObEwx>.

1258 Sonke Gender Justice, 'Refugees, migrants and health care in South Africa, explained'. Available at: <http://bit.ly/2LM9UEk>.

1259 Daily Maverick, 'Migrants' forum claims police were warned of impending xenophobic attacks', 4 September 2019. Available at: <http://bit.ly/38ybG5x>.

On a related issue, in its voluntary pledges of 2007, South Africa had committed to submitting a National Action Plan on **racism and racial discrimination**.¹²⁶⁰ This plan was approved by the Cabinet in February 2019,¹²⁶¹ 12 years after the pledge was submitted.¹²⁶² In the 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), it expressed its belief in the principle, ‘no one should be left behind’ while working to achieve the 2030 SDGs.¹²⁶³ However, in August 2018, at least four people were killed, more were injured, and shops were looted during xenophobic mob attacks in Soweto that targeted Somali shop owners.¹²⁶⁴ Remnants of the past are still visible: neighbourhoods in Cape Town remain structurally segregated.¹²⁶⁵ There are specific parts of town occupied predominantly by black, coloured and white people.¹²⁶⁶ In an incident in 2018, private guards hired by local residents allegedly targeted black people when clearing a public beach, while they had no authority to ask people to leave.¹²⁶⁷

There were reports of xenophobic violence against Malawians fuelled by the anti-immigrant rhetoric before elections in May 2019.¹²⁶⁸ Major violent incidents occurred in Durban, where foreign nationals were attacked and displaced in five locations around the city.¹²⁶⁹ Nigerians in South Africa have over the years become targets of xenophobic fatal attacks which have triggered protests against South African investments in Nigeria.¹²⁷⁰ Most recently, violence erupted in many regions of Gauteng in early September 2019, two people were reportedly killed and the police had to use tear-gas and rubber bullets to disperse groups of men armed with machetes and sticks while shouting anti-immigrant slogans.¹²⁷¹ Officials believe at least 11 people have died and scores of shops have been burned.¹²⁷² The attacks were have primarily affected Nigerians, Zambians, Malawians, Somalis, and Bangladeshis.¹²⁷³ President Ramaphosa had condemned the attacks,¹²⁷⁴ but hundreds of Nigerians have reportedly left South Africa after the recent flare up.¹²⁷⁵ Although 1000 policemen were deployed in Johannesburg to quell the violence, a municipal officer has admitted that the police was unprepared to deal with the sporadic violent attacks and called for deployment of more public order police in the province.¹²⁷⁶

The South African Government stated that the country’s economy grew by 2.2 per cent quarter-on-quarter in the third quarter of 2018.¹²⁷⁷ However, the growth has not reflected in the socio-economic parameters, with the poverty ratio in South Africa being 55.5 per cent in 2018.¹²⁷⁸ 24.5 per cent of South Africa’s total population (over 13 million

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- 1260 The Permanent Mission of South Africa to the United Nations, Candidature of South Africa to the Human Rights Council 2008-10, Voluntary pledges and commitments, 26 April 2007. Available at: <http://bit.ly/2PdybFl>.
 - 1261 Republic of South Africa, National Action Plan (NAP) to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance 2019. Available at: <http://www.justice.gov.za/docs/other-docs/NAP/NAP-20190313.pdf>.
 - 1262 South African Government News Agency, ‘NAP a tool to combat racism, xenophobia’, 25 March 2019. Available at: <https://www.sanews.gov.za/south-africa/nap-tool-combat-racism-xenophobia>;
 - 1263 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/41Session/Pages/Statements.aspx?SessionId=30&MeetingDate=08/07/2019%2000:00:00>.
 - 1264 Freedom House, Freedom in the World: 2019, South Africa. Available at: <http://bit.ly/2YHY0jT>.
 - 1265 The Daily Vox, ‘What exactly is spatial apartheid and why is it still relevant in 2017’, April 2019. Available at: <http://bit.ly/2PCu2tD>.
 - 1266 Ibid.
 - 1267 BBC News, ‘Cape Town race row erupts after “black visitors cleared from beach”’, 29 December 2018. Available at: <https://www.bbc.com/news/world-africa-46709435>.
 - 1268 Quartz, ‘South Africa’s election season rhetoric has sparked fresh xenophobic attacks on African migrants’, 2 April 2019. Available at: <https://qz.com/africa/1585736/xenophobic-attacks-on-africans-in-south-africa-ahead-of-elections/>.
 - 1269 Daily Maverick, Is the State complicit in xenophobic violence in South Africa’, 13 August 2019. Available at: <http://bit.ly/2rwj40Q>.
 - 1270 All Africa, ‘Nigeria: Buhari, Ramaphosa meet over killings of Nigerians in South Africa’, 28 August 2019. Available at: <http://bit.ly/36vmcc6>.
 - 1271 The Guardian, ‘“We are a target”: Wave of xenophobic attacks sweeps Johannesburg’, 10 September 2019. Available at: <https://www.theguardian.com/world/2019/sep/10/we-are-a-target-wave-of-xenophobic-attacks-sweeps-johannesburg>.
 - 1272 Ibid.
 - 1273 Ibid.
 - 1274 BBC, ‘South Africa’s President Ramaphosa condemns ‘anti-foreigner violence’’, 4 September 2019. Available at: <https://bbc.in/35r6PBr>.
 - 1275 News 24, ‘Xenophobic attacks: Hundreds of Nigerians leave SA’, 12 September 2019. Available at: <https://www.news24.com/Africa/News/watch-xenophobic-attacks-hundreds-of-nigerians-leaving-sa-20190911>.
 - 1276 Eyewitness News, ‘1,000 metro cops deployed in Johannesburg to deal with xenophobic attacks’, 11 September 2019. Available at: <https://ewn.co.za/2019/09/11/city-of-jhb-deploys-over-1-000-cops-over-xenophobic-attacks>.
 - 1277 Government of South Africa, ‘Economy and finance’. Available at: <https://www.gov.za/about-sa/economy>.
 - 1278 Committee on Economic, Social and Cultural Rights, Concluding observations on the initial report of South Africa, 29 November 2018. Available at: <https://bit.ly/2YHIK7L>.

people) lives in **extreme poverty**.¹²⁷⁹ Levels of all non-contributory social assistance benefits are too low to ensure an adequate standard of living for recipients.¹²⁸⁰ There is also a high incidence of food insecurity and malnutrition, especially among children.¹²⁸¹ The child support grant (400 Rand per month / 27.12 USD)¹²⁸² has been set far below the food poverty line (the amount of money that an individual will need to afford the minimum required daily energy intake) which is 547 R/m (37.09 USD). The upper bound poverty line (which includes expenditure on non-food items) is 1183 R/m (80.19 USD).¹²⁸³ An estimate 18 per cent of eligible children do not benefit from the support grant due to lack of documentation.¹²⁸⁴ Recently, a minimum wage was introduced at 3,500 R/m (237.24 USD), though not all workers are covered by it.¹²⁸⁵ Large numbers of people also live in inadequate housing without access to basic services¹²⁸⁶ — the last available data (2017) shows a national rate of 13.6 per cent.¹²⁸⁷ Despite increased public spending on health, education and essential services, the national statistical service reported that the country was unable to reduce poverty and inequality.¹²⁸⁸

VI. Conclusions

South Africa contributed actively to deliberations in the Council. It sponsored two thematic resolutions adopted by consensus, namely, *Equal pay*¹²⁸⁹ and *Access to medicines and vaccines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health*.¹²⁹⁰

- In its voluntary pledges, South Africa affirmed visits of the Special Procedures without any impediments or restrictions. However, to date, it has 21 requested visits and reminders pending from Special Procedures, including three Working Groups reminders concerning arbitrary detention, enforced disappearances and business and human rights.
- Despite having affirmed its current process in removing barriers to access to justice for vulnerable and marginalised groups and to ensure to the victims of sexual and gender-based violence necessary support, gender-based violence in South Africa remains unacceptably high and access to justice has been hindered by systemic inadequacies and implementation and oversight challenges.
- South Africa has pledged on the area of racism and racial discrimination and the recent adoption of the National Action Plan (NAP), but many instances of xenophobic attacks, violence and harassment of foreign nationals have been reported throughout the country.

1279 World Poverty Clock. Available at: <https://worldpoverty.io/index.html>.

1280 Committee of Economic, Social and Cultural Rights, Concluding observations on the initial report of South Africa, 29 November 2018. Available at: <https://bit.ly/2YHIK7L>.

1281 Ibid.

1282 Ibid.

1283 Statistics South Africa, National Poverty Lines 2018. Available at: <http://bit.ly/2PE1jVI>.

1284 Committee of Economic, Social and Cultural Rights, Concluding observations on the initial report of South Africa, 29 November 2018. Available at: <https://bit.ly/2YHIK7L>.

1285 Reuters, 'South Africa's Ramaphosa signs minimum wage bill into law', 26 November 2018. Available at: <https://reut.rs/2Pe4cwU>.

1286 Committee of Economic, Social and Cultural Rights, Concluding observations on the initial report of South Africa, 29 November 2018. Available at: <https://bit.ly/2YHIK7L>.

1287 Government of South Africa, 'Housing'. Available at: <https://www.gov.za/about-sa/housing>.

1288 Amnesty International, Annual Report 2017/2018, South Africa. Available at: <http://bit.ly/2LOG81M>.

1289 Resolution 41/14 Equal pay (2019).

1290 Resolution 41/10 Access to medicines and vaccines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2019).

I. Introduction

The United Kingdom of Great Britain and Northern Ireland (UK) was re-elected to serve a second consecutive term at the HRC after the conclusion of a clean slate election in 2017.¹²⁹¹ The UK is now serving its fourth term at the Council, the previous terms being in 2006,¹²⁹² 2009,¹²⁹³ and 2014.¹²⁹⁴ Its current term expires in 2019.¹²⁹⁵

II. Voluntary Pledges and Commitments

The UK submitted its voluntary pledges in 2016.¹²⁹⁶ They stated that the UK would focus 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 to¹²⁹⁷:

- 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 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 Goal 5).
 - b) Tackling the scourge of modern slavery across borders (SDG Target 8.7).
 - c) Supporting work on justice, the rule of law and open societies (SDG 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.

¹²⁹¹ 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>.

¹²⁹² General Assembly of the United Nations, Elections of the Human Rights Council, 2006. Available at: <https://www.un.org/ga/60/elect/hrc/>.

¹²⁹³ General Assembly of the United Nations, Elections of the Human Rights Council, 2008. Available at: https://www.un.org/en/ga/62/elections/hrc_elections.shtml.

¹²⁹⁴ Office of the High Commissioner for Human Rights, Membership of the Human Rights Council, 2014. Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/Group2014.aspx>.

¹²⁹⁵ United Nations Human Rights Council, Current Membership of the Human Rights Council. Available at: <https://www.ohchr.org/en/hrbodies/hrc/pages/currentmembers.aspx>.

¹²⁹⁶ 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, Voluntary pledges and commitments. Available at: <http://undocs.org/en/A/71/572>.

¹²⁹⁷ Ibid.

III. Participation at the 41st Session of the HRC

The UK was one of the most active participants in the Session. A representative participation of the UK in the debates and discussions in this Session is as follows:

S. No.	Interactive Dialogue	The United Kingdom's Interventions
1.	Clustered interactive dialogue with the Independent Expert on sexual orientation and gender identity and the Special Rapporteur on the independence of judges and lawyers	<ul style="list-style-type: none"> Underlined its support for the work of the Independent Expert and welcomed his report highlighting the importance of data collection and management to address violence and discrimination based on sexual orientation and gender identity. Highlighted their national survey to gather experiences of the LGBT population and the resultant LGBT Action Plan based on these findings. Noted with concern that 5 per cent of the respondents were offered conversion or reparative therapy to cure them of their "sexuality" and expressed its commitment to bring forward proposals to end such abusive and harmful practices. Requested the Independent Expert for his views on ways in which States can implement such sensitive data collection in their national censuses and to raise awareness of the dangers of practices of 'changing' sexual orientation.¹²⁹⁸
2.	Clustered interactive dialogue with the Special Rapporteur on the right to health and the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members	<ul style="list-style-type: none"> Stressed the importance of mental health and expressed its commitment to remove the stigma and discrimination attached to it, to promote well-being and to galvanise global action to increase quality, human rights-based mental health services. Informed about the Alliance of Champions for Global Mental Health and Well-being that it co-founded with Australia and Canada and their partnership with the Netherlands to set up a donor group on mental health and psychosocial support in crises. Requested the Special Rapporteur on the right to health for his views on the main obstacle to achieving mental health services that are treated on an equal footing with physical health.¹²⁹⁹
3.	Clustered interactive dialogue with the Special Rapporteur on the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and association	<ul style="list-style-type: none"> Agreed with reports of both Special Rapporteurs highlighting the negative consequences of digital technologies used by States to restrict freedoms. Committed to defend the rights of journalists and HRDs by leading the Global Campaign to Defend Media Freedom, along with Canada, to call on States to draw up National Action Plans on media freedom. Expressed concerns about the impact of surveillance technologies used to silence and harass those who wish to peacefully challenge, discuss and debate, such as through increasing number of internet shutdowns. Requested the Special Rapporteurs to recommend collective actions to the Council members to counter the suppression of these freedoms.¹³⁰⁰

¹²⁹⁸ UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on sexual orientation and gender identity. Available at: <https://www.gov.uk/government/news/un-human-rights-council-41-uk-statement-on-sexual-orientation-and-gender-identity>.

¹²⁹⁹ UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on leprosy and health. Available at: <https://www.gov.uk/government/news/un-human-rights-council-41-uk-statement-on-leprosy-and-health>.

¹³⁰⁰ UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on freedom of expression and association and assembly. Available at: <http://bit.ly/35eUmQY>.

4.	Clustered interactive dialogue with the Special Rapporteur on summary executions and the Special Rapporteur on the right to education	<ul style="list-style-type: none"> • Reiterated its commitment to enable all children to receive 12 years of quality education. • Supported the Special Rapporteur on summary executions for her work to report the killing of journalist Jamal Khashoggi and insisted that those responsible should be held to account following a credible judicial process. • Urged the Saudi authorities to provide a clear explanation of events. • Stressed the recommendations in the Special Rapporteur's report to strengthen international action to protect journalists and against impunity.¹³⁰¹
5.	Clustered interactive dialogue with the Working Group on discrimination against women and the Working Group on business and human rights	<ul style="list-style-type: none"> • Welcomed the report of the Working Group on business and human rights highlighting the disproportionate impact of business activities on women and girls since they constitute majority of victims of modern slavery and domestic servitude. • Stated that economic empowerment of women and girls is essential for full realisation of human rights and gender equality and reiterated its commitment towards achieving SDG 5 and in promoting women empowerment. • Requested the Working Group for further guidance regarding particular high-risk sectors where women are disproportionately affected.¹³⁰²
6.	Clustered interactive dialogue with the Special Rapporteur on violence against women and the Special Rapporteur on trafficking in persons, especially women and children	<ul style="list-style-type: none"> • Supported the Special Rapporteur on trafficking in persons for focusing on the long-term needs of victims of trafficking such their care and reintegration into the society as key to combat modern slavery. • Asked the Special Rapporteur on ways to ensure a coherent message across UN agencies to address these issues and to reduce vulnerability. • Welcomed the discussion with the Special Rapporteur on violence against women and added that the UK is at the forefront of international efforts to eradicate violence against women, especially in conflict. • Stated that its programme, 'What Works to Prevent Violence', has demonstrated that violence can be reduced by up to 5 per cent in less than three years and requested for ways in which it can work with the Special Rapporteur on promoting the programme.¹³⁰³
7.	Clustered interactive dialogue with the Special Rapporteur on extreme poverty and the Special Rapporteur on the rights of internally displaced persons	<ul style="list-style-type: none"> • Welcomed the reports of the Special Rapporteur on the human rights of IDPs highlighting the role of NHRIs in working alongside Government and other counterparts in reducing internal displacement as a humanitarian, political and developmental challenge. • Was encouraged by the extensive support for the high-level panel on IDPs complementary to GP20's progress and requested for the Special Rapporteur's views on how to make the panel effective and mutually reinforcing with GP20. • Submitted a detailed response to the report of the Special Rapporteur on extreme poverty covering his visit to the UK in November 2018 and referred all the members of the Council to it for considering their comments on the report.¹³⁰⁴

1301 UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on summary executions and the right to education. Available at: <https://www.gov.uk/government/news/un-human-rights-council-41-clustered-dialogue-on-executions-and-the-right-to-education>.

1302 UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on discrimination against women and business and human rights. Available at: <https://www.gov.uk/government/news/un-human-rights-council-41-discrimination-against-women-and-business-and-human-rights>.

1303 UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on trafficking in persons and violence against women. Available at: <https://www.gov.uk/government/news/un-human-rights-council-41-trafficking-in-persons-and-violence-against-women>.

1304 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://bit.ly/2Yvi7UI>.

8.	Interactive dialogue with the Special Rapporteur on Belarus	<ul style="list-style-type: none"> Noted the Special Rapporteur's conclusion that Belarus has displayed greater willingness to engage with the international human rights systems. Raised concerns on restrictions on freedom of expression; arrest and harassment of journalists and media workers; and the effects of the media law amendments on them. Expressed concern over the continued use of death penalty in Belarus and lack of disclosure to the next of kin as a violation of the ICCPR and called on Belarus to establish a moratorium as a step towards abolition.¹³⁰⁵
9.	Interactive dialogue with the Special Rapporteur on Eritrea	<ul style="list-style-type: none"> Expressed disappointment that Eritrea, as a member of the Council, has not engaged with successive Special Rapporteurs. Welcomed Eritrea's engagement with the Council, but encouraged the Government to further strengthen its cooperation with the OHCHR to improve the human rights situation. Renewed calls for Eritrea to reform the national service system, implement its constitution, respect freedom of religion or belief and of expression, and to release those in arbitrary detention. Urged the Government of Eritrea to address the issues identified by the Special Rapporteur and use benchmarks for achieving meaningful progress.¹³⁰⁶
10.	Interactive dialogue with the Commission of Inquiry on the Syrian Arab Republic	<ul style="list-style-type: none"> Reiterated its support for the Commission's work and shared its concerns about the violations in Idlib and attacks on civilian infrastructure. Agreed that all sides must end violence and abide by the Sochi ceasefire and their international obligations. Expressed gratitude for the Commission's work on arbitrary arrests, torture, and sexual violence in the regime detention, and raised concerns about targeting of perceived opponents and journalists by the regime and extremist groups. Asked the Commission if it would investigate the targeting of medical facilities in Idlib as deliberate attacks on them would amount to war crimes.¹³⁰⁷
11.	Interactive dialogue with the Commission of Inquiry on Burundi	<ul style="list-style-type: none"> Appreciated the efforts of the Commission to investigate under challenging circumstances and alluded to the disturbing instances of human rights violations and the culture of impunity in Burundi. Stated that ending human rights violations is vital to bringing stability to Burundi and the region and called upon the Government of Burundi to ensure free and fair elections in 2020 in line with the Arusha Accord. Called on the Government to reinstate BBC's operating license that it had revoked to enable free media environment and expressed concerns about repression of civic space in the country.¹³⁰⁸

¹³⁰⁵ UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on Belarus. Available at: <https://www.gov.uk/government/news/un-human-rights-council-41-belarus>.

¹³⁰⁶ UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on Eritrea. Available at: <https://www.gov.uk/government/news/un-human-rights-council-41-eritrea>.

¹³⁰⁷ UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on Syria. Available at: <https://www.gov.uk/government/news/un-human-rights-council-41-syria>.

¹³⁰⁸ UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on Burundi. Available at: <https://www.gov.uk/government/news/un-human-rights-council-41-burundi>.

12.	Interactive dialogue with the Special Rapporteur on Myanmar	<ul style="list-style-type: none"> • Remained committed to the protection of human rights in Myanmar, including that of the Rohingyas and remained concerned at the ongoing violence between the Arakan Army and the Tatmadaw. • Encouraged the Government to promote human rights through strong legislation, reducing impunity and improving survivors' access to justice, and implementing the recommendations by the Advisory Commission on Rakhine states. • Looked forward to the Independent Investigative Mechanism for Myanmar (IIMM) becoming operational with the funding and international cooperation needed to carry out its mandate.¹³⁰⁹
13.	Enhanced interactive dialogue on the Bolivarian Republic of Venezuela	<ul style="list-style-type: none"> • Welcomed the proposal that the OHCHR will have a presence in Venezuela for technical assistance and monitoring purposes expressing deep concerns on the deteriorating human rights situation in Venezuela. • Urged the Maduro regime to urgently address these human rights violations such as torture, ill-treatment, extrajudicial killings and arbitrary detention and to guarantee victims access to justice. • Called on all the parties to engage in good faith in the Norwegian-facilitated efforts to find a peaceful and democratic solution to the crisis in Venezuela.¹³¹⁰
14.	Enhanced interactive dialogue on Sudan	<ul style="list-style-type: none"> • Supported the right of the Sudanese people to freedom of expression and assembly and their demand for a better future. • Welcomed the progress made in agreeing a transition to civilian led Government in Sudan and commended efforts of all sides in reaching an agreement. • Condemned the brutal attacks by the Sudanese security forces on peaceful protestors, including sexual assault and targeting of hospitals providing treatment injured protestors and welcomed the commitment to an independent investigation. • Remained hopeful that after decades of autocratic rule, Sudan will have a civilian administration committed to upholding the rights of the people. • Called on the Council to work with the Sudanese authorities to provide technical assistance for the development of human rights mechanisms, including through opening an in-country OHCHR office.¹³¹¹
15.	Enhanced interactive dialogue on the Democratic Republic of the Congo (DRC)	<ul style="list-style-type: none"> • Welcomed the continued cooperation of the DRC authorities, including allowing unhindered access to international experts and noted the progress made in their efforts to investigate serious crimes. • Remained concerned that the focus of these efforts has not been balanced and the investigation does not display a full range of human rights violations and abuses, or all categories of perpetrators. • Urged the DRC to broaden its investigative and prosecution strategy, combat impunity and ensure that no perpetrators are exempt from justice. • Agreed that reconciliation between communities of Kasai is key to preventing further violence, and noted that authorities have made such efforts, but more needs to be done to achieve peace and stability.¹³¹²

¹³⁰⁹ UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on Myanmar. Available at: <https://www.gov.uk/government/news/un-human-rights-council-41-myanmar>.

¹³¹⁰ UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on Venezuela. Available at: <https://www.gov.uk/government/news/un-human-rights-council-41-venezuela>.

¹³¹¹ UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on Sudan. Available at: <https://www.gov.uk/government/news/un-human-rights-council-41-sudan>.

¹³¹² UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on the Democratic Republic of the Congo. Available at: <http://bit.ly/2YGfUU4>.

16.	Interactive dialogue with the High Commissioner on Ukraine	<ul style="list-style-type: none"> • Remained repeatedly concerned about the utter disregard shown by Russia to the reports presented before the Council as the fighting continues in its sixth year around the civilian areas of eastern Ukraine. • Deplored the reports of arbitrary arrests and torture by Russia-backed armed groups in Ukraine and illegally annexed Crimea. • Remained deeply concerned about the welfare of 70 Ukrainian political prisoners held by Russia who need urgent medical treatment. • Condemned Russia for failing to comply with UNGA Resolution 73/263; called upon Russia to allow international monitoring agencies access to Crimea; and to immediately release all political prisoners.¹³¹³
17.	Interactive dialogue with the Independent Expert in the situation of human rights in the Central African Republic (CAR)	<ul style="list-style-type: none"> • Remained deeply concerned at the violence in CAR despite the promise of tangible change and called on all armed groups to cease all forms of violence without which there can no resolution of the crisis. • Condemned the attacks on villages in May 2019 where 50 civilians were killed violating the Peace Agreement and in disregard to the integrity of the peace process. • Commended the efforts of the Government of CAR, together with MINUSCA and UNDP, to bring perpetrators of serious crime to account and to end impunity and welcomed the establishment of the Special Criminal Court and its investigations. • Recognised the need to keep up momentum following the Peace Agreement and to deliver peace dividends to women, civil society and the youth of CAR.¹³¹⁴
18.	Interactive dialogue with the High Commissioner on the situation of human rights of the Rohingya Muslims and other minorities in Myanmar	<ul style="list-style-type: none"> • Noted that it has been two years since the targeted persecution, expulsion and ethnic cleansing against the Rohingyas and that the dire situation in Rakhine has worsened over the last six months. • Noted with concern that clashes between the Tatmadaw and the Arakan army have led to further civilian casualties and increased number of IDPs and called upon both sides to exercise restraint and engage in dialogue. • Continued to call for the safe, voluntary, and dignified return of the Rohingyas and to the Government to ensure that the conditions on the ground permit it. • Expressed continued support to the Rohingyas and to provide access to education, livelihood and humanitarian aid in both Rakhine and Bangladesh and noted the establishment of a Commission of Inquiry that is independent, transparent and credible.¹³¹⁵

¹³¹³ UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on Ukraine. Available at: <https://www.gov.uk/government/news/un-human-rights-council-44-ukraine>.

¹³¹⁴ UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on the Central African Republic. Available at: <https://www.gov.uk/government/news/un-human-rights-council-41-central-african-republic>.

¹³¹⁵ UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on Rohingyas. Available at: <https://www.gov.uk/government/news/un-human-rights-council-41-rohingya>.

19.	Interactive dialogue with the Special rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance	<ul style="list-style-type: none"> • Pleased that the Special Rapporteur acknowledged UK's leadership and legislative framework in prohibiting racial discrimination and for highlighting the achievement of Race Disparity Audit for transforming these formal commitments into reality. • Rejected the suggestion that its policies further entrench racial inequality and stated that it has some of the most robust legislation against hate crime. • Stated that it has been engaging with communities to ensure targeted support and that hate crime has fallen by 40 per cent over the decade. • Disappointed that the report misrepresented the 'Prevent Strategy' by stating that it disproportionately targets Muslims and wrongly suggests that its immigration strategy relies on private citizens undertaking frontline enforcement. • Informed that series of measures have been announced to tackle barriers facing ethnic minorities in the workplace including a consultation on ethnicity pay reporting and the new Race at Work Charter. • Welcomed the review into the treatment of black and minority ethnic individuals in the criminal justice system and recognised the need of the judiciary to be more diverse through a pre-application judicial education programme targeting those from under-represented groups.¹³¹⁶
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S. No.	General Debate	The United Kingdom's Interventions
1.	General debate on the Oral update by the High Commissioner for Human Rights	<ul style="list-style-type: none"> • Expressed condolences and solidarity for the people killed in the appalling attacks in Sri Lanka over Easter, while stressing the need for an inclusive, trust-building response and respect for freedom of religion and belief and urged Sri Lanka to maintain moratorium on the use of death penalty. • Remained deeply concerned by human rights violations in Cameroon leading to narrowing of political space and insisted that Cameroon's engagement with the Council must be matched by political dialogue to the conflict. • Urged the Philippines to conduct thorough investigations into killings associated with 'war on drugs', ensure safety of human rights defenders and media and refrain from reinstating death penalty. • Concerned by the restrictions on freedom of expression in Vietnam and encouraged acceptance of their UPR recommendations. • Raised grave concern over Kem Sokha's continued detention with trial in Cambodia and called upon the Government to maintain open dialogue to prevent negative impacts on the vulnerable. • Welcomed the release of political prisoners in Nicaragua, but concerned by the amnesty law suppressing free speech providing impunity to perpetrators of violent repression. • Welcomed the decision to suspend the extradition bill indefinitely in Hong Kong since large sections of public are concerned.¹³¹⁷

¹³¹⁶ UK Mission to the United Nations Geneva, Human Rights Council 41: UK response to the Special Rapporteur's report on racism. Available at: <http://bit.ly/2RNdIJK>.

¹³¹⁷ UK Mission to the United Nations Geneva, Human Rights Council 41: Item 2 General Debate. Available at: <https://www.gov.uk/government/news/un-human-rights-council-41-statement-under-item-2>.

2.	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"> • Stated that it has led the charge against conflict-related sexual violence and informed that, in November, it will hold another international conference on the topic to celebrate progress, address challenges and galvanise further action. • Maintained that it is essential to strengthen justice, tackle stigma, and prevent sexual violence in conflict and that concrete actions must be taken to this end so that perpetrators must be held to account. • Expressed pride in its long-standing support for sexual and reproductive health rights and held that every individual should be able to make own informed decisions about his / her sexuality. • Reiterated its commitment to advance gender equality, protect sexual and reproductive health rights, and stand with marginalised women and girls to ensure that no one is left behind. • Affirmed that providing 12 years of quality education for all girls remains a priority and that it intends to champion this issue with other Council members.¹³¹⁸
3.	General debate on Human rights situations that require the Council's attention	<ul style="list-style-type: none"> • Referred to its interventions on Myanmar, Belarus, Syria and Eritrea in the interactive dialogues and expressed deep concern over the recent events of use of brutal force against peaceful protestors in Khartoum in Sudan and called for accountability. • Raised increasing concern on the use of detention camps in Xinjiang, stated that UN observers should be allowed unrestricted access, and expressed wider concerns about freedom of religion or belief and of expression in China. • Remained concerned by Iran's human rights record, treatment of dual nationals, harassment of journalists and use of death penalty against minors. • Addressed the reports of human rights violations in the DPRK and called on the authorities to constructively engage with the international community and grant access to human rights actors. • Disturbed by the humanitarian crisis in Yemen, especially the cases of arbitrary detention, child soldier recruitment and persecution of religious minorities in Houthi-controlled areas. • Welcomed the progress on the NGO law in Egypt and called for the release of all detained journalists, to limit the use of pretrial detention and solitary confinement and to guarantee family prison visits. • Expressed serious concerns about the erosion of human rights, fundamental freedoms and increasing repression of the opposition in Venezuela.¹³¹⁹

¹³¹⁸ UK Mission to the United Nations Geneva, Human Rights Council 41: Item 3 General Debate. Available at: <https://www.gov.uk/government/news/un-human-rights-council-41-general-debate-on-item-3>.

¹³¹⁹ UK Mission to the United Nations Geneva, Human Rights Council 41: Item 4 General Debate. Available at: <https://www.gov.uk/government/news/un-human-rights-council-41-item-4-general-debate>.

4.	General debate on Technical assistance and capacity-building	<ul style="list-style-type: none"> Emphasised the significant role of technical cooperation, encouraged States' engagement with the Council, and to consider how best to use the agenda item to support countries that seek such cooperation. Encouraged by Afghanistan's commitment to better promote and protect human rights, but remained concerned by high level of civilian casualties, especially minorities, women, and journalists. Urged the Government of Afghanistan to fully investigate credible claims of civilian casualties and to take steps to better implement its commitments. Welcomed the co-operation between the Georgia and OHCHR and commended the Government for their openness in discussing their human rights challenges and accepting international assistance. Remained concerned that the authorities in effective control of Abkhazia and South Ossetia have continued to refuse access to human rights mechanisms and OHCHR, have restricted freedom of movement, and perpetuated ethnic inequality. Underlined support for the Government's commitment to protect the rights of all citizens.¹³²⁰
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S. No.	Panel Discussion	The United Kingdom's Interventions
1.	Annual full-day discussion on the human rights of women: Violence against women in the world of work	<ul style="list-style-type: none"> Stated that gender-based violence is pervasive and that it must be eliminated as it threatens the lives and well-being of women and girls. Added that women must be empowered to have a voice, agency, a safe life and to access opportunities fundamental to freedom and development. Affirmed their strong legal framework to prevent and address violence and harassment in the workplace and their support to the first ever ILO global treaty to end such harassment at workplace. Highlighted the need to take accelerated action to prevent violence and improve response to the impact of such violence, while commending the positive measures being taken at different levels. Stated that it is leading the efforts to prevent and eradicate all forms of violence against women and girls and highlighted the 'What Works to Prevent Violence' programme for the same.¹³²¹
2.	Annual full-day discussion on the human rights of women: Rights of older women and their economic empowerment	<ul style="list-style-type: none"> Expressed the need to ensure that older people are not left behind or discriminated against by policies neglecting them. Stated that there are nearly 300,000 more older women working in the UK than a decade ago; that large proportion of older women are in the labour market in Sub-Saharan Africa and in Asia. Maintained that States must recognise the role of older women as contributing members of the economy and the barriers that they face such as intersectional discrimination based on age and sex. Affirmed its commitment to helping women at all stages of their lives to reach their full potential and that they could benefit from access economic opportunities and policies tackling intersectional barriers. Stated that it has improved pensions for all and older women who retired in 2016 will receive more state pension than ever before.¹³²²

1320 UK Mission to the United Nations Geneva, Human Rights Council 41: Item 4 General Debate. Available at: <https://www.gov.uk/government/news/un-human-rights-council-41-item-10>.

1321 UK Mission to the United Nations Geneva, Human Rights Council 41: UK Statement for the Annual Full Day Discussion on violence against women at work. Available at: <http://bit.ly/2rl4zH3>.

1322 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Oral Statements. Available at: <https://bit.ly/2Yvi7UI>.

IV. Voting Pattern on Resolutions

Thematic Resolutions

The UK voted in favour of one thematic resolution that was put to vote in this Session, namely, *Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*.¹³²³

It voted against four thematic resolutions: *Enhancement of international cooperation in the field of human rights*,¹³²⁴ *Promotion of the right to peace*,¹³²⁵ *Human rights and international solidarity*,¹³²⁶ and *The contribution of development to the enjoyment of all human rights*.¹³²⁷

The UK provided an explanation of vote before the vote on one of the thematic resolutions that it voted against:

- On the resolution on *Promotion of the right to peace*,¹³²⁸ the UK maintained its view that ‘the right to peace’ does not exist under international law, either as a collective or individual human right; that there is no global consensus on the definition of ‘peace’; that the conceptual framework is weak as there is no agreement on the right-bearers and duty-bearers of such a right; and that absence of peace cannot be a justify a failure to respect human rights. In this view, the UK stated that it will vote against the resolution.¹³²⁹

It did not abstain from voting on any thematic resolution, while it joined the consensus in adopting the remaining 15 thematic resolutions.¹³³⁰

The UK co-sponsored two thematic resolutions adopted by consensus: *Consequences of child, early and forced marriage*¹³³¹ and *The negative impact of corruption on the enjoyment of human rights*.¹³³²

Country Situation Resolutions

The UK voted in favour of five country situation resolutions tabled during this Session: *Situation of human rights in Eritrea*,¹³³³ *Promotion and protection of the human rights in the Philippines*,¹³³⁴ *Situation of human rights in Belarus*,¹³³⁵ *The human rights situation in the Syrian Arab Republic*,¹³³⁶ and *Cooperation with and assistance to Ukraine in the field of human rights*.¹³³⁷ It also co-sponsored the resolution on the Syrian Arab Republic.¹³³⁸

The UK provided an explanation of vote on one of the resolutions that it voted in favour of:

- On the resolution on the *Situation of human rights in Eritrea*,¹³³⁹ the UK welcomed the Joint Declaration of Peace and Friendship between Eritrea and Ethiopia hoping that it will bring stability and prosperity. It also stated that it is a technical resolution, streamlined, focused and forward-looking, aiming to renew the mandate of the Special

1323 Resolution 41/18 Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2019).

1324 Resolution 41/3 Enhancement of international cooperation in the field of human rights (2019).

1325 Resolution 41/4 Promotion of the right to peace (2019).

1326 Resolution 41/5 Human rights and international solidarity (2019).

1327 Resolution 41/19 The contribution of development to the enjoyment of all human rights (2019).

1328 Resolution 41/4 Promotion of the right to peace (2019).

1329 UK Mission to the United Nations Geneva, Human Rights Council 41: Explanation of vote before the vote on the resolution on the right to peace. Available at: <http://bit.ly/38yhnAr>.

1330 Ibid.

1331 Resolution 41/8 Consequences of child, early and forced marriage (2019).

1332 Resolution 41/9 The negative impact of corruption on the enjoyment of human rights (2019).

1333 Resolution 41/1 Situation of human rights in Eritrea (2019).

1334 Resolution 41/2 Promotion and protection of the human rights in the Philippines (2019).

1335 Resolution 41/22 Situation of human rights in Belarus (2019).

1336 Resolution 41/23 The human rights situation in the Syrian Arab Republic (2019).

1337 Resolution 41/25 Cooperation with and assistance to Ukraine in the field of human rights (2019).

1338 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President’s statements. Available at: <https://bit.ly/35h81XV>.

1339 Resolution 41/1 Situation of human rights in Eritrea (2019).

Rapporteur and to ensure that the human rights in the country are promoted and protected.¹³⁴⁰

It did not vote against or abstain from voting on any country situation resolution.¹³⁴¹

It joined the consensus in adopting the resolution on *Renouvellement du mandat de l'Équipe d'experts Internationaux sur la situation au Kasai* [Renewal of the mandate of the team of international experts on the situation in Kasai].¹³⁴²

V. Analysis: Compliance with Pledges and Commitments

a. Engagement with UN Special Procedures

The UK has extended a standing invitation to Special Procedures since March 2001,¹³⁴³ and pledged to support a strong and independent UN human rights system.¹³⁴⁴ The UK has largely cooperated with the Special Rapporteurs and had accepted and facilitated visit requests of the majority of thematic Special Procedures.¹³⁴⁵ However, there are two exceptions: first, the Working Group on mercenaries, which was requested a visit in May 2015; secondly, the request from the Special Rapporteur on food, whose request stands postponed/cancelled since May 2011.¹³⁴⁶ In April 2019, the Special Rapporteur on torture sent a visit request to the UK, which also remains pending.¹³⁴⁷

In toto, the UK has three visit requests pending from the Special Procedures.¹³⁴⁸

b. Compliance with Reporting Obligations to Treaty Monitoring Bodies

The UK pledged to “support a strong and independent UN human rights system.”¹³⁴⁹ The UK has fully complied with its reporting obligations to treaty monitoring bodies by submitting its reports to the relevant treaty bodies within a reasonable time.¹³⁵⁰ However, the only exceptions are the CERD, to which the report was submitted after a delay of one year, and the CRC-OP-AC and the CRC-OP-SC, whose reports were submitted after a delay of two years in the previous reporting cycle.¹³⁵¹

However, the UK has not yet ratified some key human rights treaties which were recommended during its third UPR cycle.¹³⁵² 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.¹³⁵³

1340 UK Mission to the United Nations Geneva, Human Rights Council 41: Explanation of vote on the resolution on Eritrea. Available at: <http://bit.ly/2RNHeym>.

1341 Ibid.

1342 Ibid.

1343 Office of the High Commissioner for Human Rights, Country visits of Special Procedures to the UK. Available at: <https://bit.ly/35fSqrX>.

1344 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, Voluntary pledges and commitments. Available at: <http://undocs.org/en/A/71/572>.

1345 Office of the High Commissioner for Human Rights, Country visits of Special Procedures to the UK. Available at: <https://bit.ly/35fSqrX>.

1346 Ibid.

1347 Ibid.

1348 Ibid.

1349 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, Voluntary pledges and commitments. Available at: <http://undocs.org/en/A/71/572>.

1350 Office of the High Commissioner for Human Rights, Treaty Bodies, Reporting status of the UK. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=GBR&Lang=EN.

1351 Ibid.

1352 Report of the Working Group on the Universal Periodic Review of the UK, 36th Session of the Human Rights Council, 14 July 2017. Available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/36/9.

1353 Ibid.

c. Compliance with Thematic Issues

The UK voted in favour of the resolution concerning the *Mandate of the Independent Expert on protection against violence and **discrimination based on sexual orientation and gender identity***.¹³⁵⁴ During the interactive dialogue with the Independent Expert, it raised concerns about dangerous practices like “conversion” or “reparative” therapy for ‘changing’ sexual orientation of individuals.¹³⁵⁵ However, despite plans to ban such conversion therapy,¹³⁵⁶ it has still not been outlawed in the UK.¹³⁵⁷ Over years, there have been progressive developments in the UK and it ranked 9th out of 49 European countries in the area of LGBTI+ rights in 2019 as found in a recent survey.¹³⁵⁸ The UK Government’s 2018 LGBT Action Plan pledges £4.5 million towards the furtherance of LGBTI+ rights in England and Wales,¹³⁵⁹ while Northern Ireland legalised same-sex marriages only in July 2019.¹³⁶⁰

Despite progressive legislation and policy, instances of discrimination against the LGBTI+ community continue, and it is reflected by UK’s low score under ‘hate crime and hate speech’ among assessed parameters.¹³⁶¹ Homophobic and transphobic hate crimes, including violent assault, have more than doubled in England and Wales since 2014.¹³⁶² Recently, two women were brutally assaulted by a group of men on a London bus after refusing to kiss on command.¹³⁶³ In another incident, a theatre had to cancel the performance of an award-winning LGBTQ play after two actors were subjected to a homophobic assault.¹³⁶⁴ A study published in 2017 revealed that 87 per cent of LGBT persons have been insulted, pestered, intimidated, or harassed for their sexual orientation or gender identity.¹³⁶⁵ In the case of *Lee v Ashers Baking Co. Ltd* [2018], the UK Supreme Court unanimously ruled that a baker’s refusal to make a cake featuring a slogan supporting same-sex marriage ‘inconsistent with his religious beliefs’ did not constitute discrimination.¹³⁶⁶ In the same vein, medical intervention on intersex minors, to ensure their conformity with the male/female gender binary, without any medical necessity or before they can provide informed consent, is still not prohibited in the UK.¹³⁶⁷

In its voluntary pledges, the UK committed to “progressing gender equality domestically through... comprehensive equality legislation and ... commitment to UN [CEDAW]”.¹³⁶⁸ It had also pledged to increase the number of women in decision-making positions, as well as their economic well-being and access to justice.¹³⁶⁹ In the interactive dialogue with the Working Group on **discrimination against women**, the UK stated that economic empowerment is essential

1354 Office of the High Commissioner for Human Rights, Human Rights Council Extranet, Draft resolutions, decisions and President’s statements. Available at: <https://bit.ly/33zeugv>.

1355 UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on sexual orientation and gender identity. Available at: <http://bit.ly/35icSb8>.

1356 BBC, ‘Gay conversion therapy to be banned as part of LGBT equality plan’, 3 July 2018. Available at: <https://bbc.in/2PgPGVc>.

1357 Labour List, ‘It’s 2019 – time to finally ban conversion therapy in the UK’, 25 February 2019. Available at: <https://labourlist.org/2019/02/its-2019-time-to-finally-ban-conversion-therapy-in-the-uk/>.

1358 International Lesbian Gay Bisexual Trans and Intersex Association (ILGA) Europe Annual Review 2019, United Kingdom. Available at: <https://rainbow-europe.org/#8666/0/0>.

1359 Government and Equalities Office, LGBT Action Plan 2018. Available at: <http://bit.ly/36vsEzO>.

1360 The Irish Times, ‘Law liberalising same-sex marriage in Northern Ireland passes final stage’, 22 July 2019. Available at: <https://bit.ly/36ybmBR>.

1361 International Lesbian Gay Bisexual Trans and Intersex Association (ILGA) Europe Annual Review 2019, United Kingdom. Available at: <https://rainbow-europe.org/#8666/0/0>.

1362 The Guardian, ‘Homophobic and transphobic hate-crimes surge in England and Wales’, 14 June 2019. Available at: <http://bit.ly/35czrxY>.

1363 BBC, ‘London bus attack: Arrests after gay couple who refused to kiss beaten’, 7 June 2019. Available at: <https://www.bbc.com/news/uk-england-london-48555889>.

1364 CNN, ‘Theatre cancels shows after actors targeted in homophobic assault’, 10 June 2019. Available at: <https://edition.cnn.com/2019/06/10/europe/uk-homophobic-assault-scli-intl-gbr/index.html>.

1365 Stonewall: Acceptance Without Exception, ‘LGBT in Britain: Hate Crime and Discrimination (2017)’ p. 10. Available at: https://www.stonewall.org.uk/system/files/lgbt_in_britain_hate_crime.pdf.

1366 BBC, ‘Ashers ‘gay cake’ row: Bakers win Supreme Court Appeal’, 10 October 2018. Available at: <https://www.bbc.com/news/uk-northern-ireland-45789759>.

1367 International Lesbian Gay Bisexual Trans and Intersex Association (ILGA) Europe Annual Review 2019, United Kingdom. Available at: <https://rainbow-europe.org/#8666/0/0>.

1368 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, Voluntary pledges and commitments. Available at: <http://undocs.org/en/A/71/572>.

1369 Ibid.

for full realisation of human rights and gender equality, and reiterated its commitment towards achieving SDG 5.¹³⁷⁰ While the *Equality Act 2010* prohibits all discrimination on the basis of sex, the CEDAW provisions have not been given effect to in all parts of the UK, leading to a lack of uniformity in protection.¹³⁷¹ For instance, in Northern Ireland, until recently, access to abortion was non-existent / prohibited even in the most exceptional circumstances such as rape or incest.¹³⁷² In an instance reported in August 2019, a Northern Irish woman is set to face criminal prosecution later this year for buying abortion pills online for her teenage daughter.¹³⁷³ Whilst those in need could travel to England, Scotland or Wales and access free care, it was not available locally, thereby limiting necessary access in practice.¹³⁷⁴ The Committee on the Elimination of Discrimination Against Women, in its concluding observations, found that the UK was responsible for grave and systematic violations of women's rights under CEDAW in Northern Ireland, for failing to ensure access for women to abortion services, including by decriminalising abortion, on the grounds that it is a matter for consideration of the authorities in Northern Ireland.¹³⁷⁵ Abortion is now set to be decriminalised in Northern Ireland by 22 October 2019, unless the Northern Ireland Executive is re-established by that date.¹³⁷⁶

The UK ranks 15th out of 149, on the Global Gender Gap Index 2018, having gradually worsened since 2006 on all parameters (education, health, economic participation) except political empowerment.¹³⁷⁷ However, as of April 2018, under *The Equality Act 2010 (Gender Pay Gap Information Regulations) 2017*, larger organisations are now required to publish their gender pay gap data to increase transparency and accountability.¹³⁷⁸ Data collected has shown that 82 per cent of employers had more women than men in their lowest 25 per cent of earners.¹³⁷⁹ Due to the provision of strong penalties in the form of unlimited fines, the Regulations have shone a powerful spotlight on this disparity.¹³⁸⁰ The justice system also shows unequal gender representation: in 2019, only 32 per cent of judges were women, although even as early as 2007, over 60 per cent of law students in the UK were female.¹³⁸¹ Additionally, financial cuts to legal aid in certain areas,¹³⁸² including family, housing and debt law, are likely to have disproportionately affected women; with greater proportion of female litigants in these areas, it will potentially limit their access to justice.¹³⁸³

The UK pledged to 'work towards promoting open societies and challenge threats to civil society'.¹³⁸⁴ In the interactive dialogue with the Special Rapporteur on **freedom of expression**, it reiterated its commitment to defend the rights of journalists and human rights defenders, including on the internet, by leading the Global Campaign to Defend Media Freedom, along with Canada, to call on States to draw up National Action Plans to protect media freedom.¹³⁸⁵

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- 1370 UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on discrimination against women and business and human rights. Available at: <http://bit.ly/38zAbil>.
 - 1371 Committee on the Elimination of Discrimination Against Women, Concluding Observations on the UK, 14 March 2019. Available at: <https://bit.ly/2rEWgMf>.
 - 1372 UK House of Commons, Women and Equalities Committee, Abortion law in Northern Ireland, 3 April 2019. Available at: <http://bit.ly/34eaGjF>.
 - 1373 The Guardian, 'Northern Irish doctors' group to fight abortion pill prosecutions, 11 August 2019. Available at: <http://bit.ly/2RMvnR2>.
 - 1374 BBC, 'Abortion: 1,503 women from NI travelled to England and Wales', 13 June 2019. Available at: <https://bbc.in/2LPJIZd>.
 - 1375 Committee on the Elimination of Discrimination Against Women, Concluding Observations on the UK, 14 March 2019. Available at: <https://bit.ly/2rEWgMf>.
 - 1376 The Irish Times, 'Law liberalising same-sex marriage in Northern Ireland passes final stage', 22 July 2019. Available at: <https://bit.ly/36ybmBR>.
 - 1377 World Economic Forum, The Global Gender Gap Report 2018, p.10. Available at: http://www3.weforum.org/docs/WEF_GGGR_2018.pdf.
 - 1378 The Equality Act 2010 (Gender Pay Gap Information Regulations) 2017, Section 2. Available at: <https://www.legislation.gov.uk/ukdsi/2017/9780111152010>.
 - 1379 Government and Equalities Office, 'Mandatory Gender Pay Gap Reporting, Summary of reported data for 2018/19'. Available at: <https://bit.ly/2OPCXKW>.
 - 1380 Ibid.
 - 1381 Judicial Diversity Statistics 2019. Available at: <http://bit.ly/35hCMvR>; The Law Society Annual Statistics Report, 2009. Available at: <http://bit.ly/2RM7ysB>.
 - 1382 Legal Aid, Sentencing and Punishment of Offenders Act 2012, introductory text. Available at: <http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>.
 - 1383 Equality and Human Rights Commission, 'Pressing for progress: women's rights and gender equality in 2019'. Available at: <http://bit.ly/2rErBP2>.
 - 1384 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, Voluntary pledges and commitments. Available at: <http://undocs.org/en/A/71/572>.
 - 1385 UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on freedom of expression and association and assembly. Available at: <http://bit.ly/35eUmQY>.

However, it recently published the *Online Harms White Paper*, a proposed law establishing a duty of care on companies towards their users to combat ‘online harms’ and creating an independent regulator for setting and enforcing rules prohibiting speech that is ‘illegal’ or ‘socially damaging’.¹³⁸⁶ Civil society in the UK has raised concerns that such a blanket law might limit freedom of expression and privacy online by being over-inclusive regarding targeted websites and content.¹³⁸⁷ It has also been criticised for failing to accurately define “harmful” content on the internet, which risks sweeping up legal speech, including political expression, expressions of religious views, of sexuality and gender, and of advocating on behalf of minority groups that are fundamental to effective democratic functions.¹³⁸⁸

During the Session, the UK expressed concerns about the impact of surveillance technologies used to silence and harass those who wish to peacefully challenge, discuss, and debate.¹³⁸⁹ However, the UK being the most surveilled country through video technology,¹³⁹⁰ has itself come under the scrutiny of the European Court of Human Rights (ECtHR) for their mass surveillance activities more than once,¹³⁹¹ most prominently in *Big Brother Watch v UK* [2018].¹³⁹² The ECtHR found “the bulk interception regime in the UK to be in violation of the right to privacy and the right to freedom of expression due to, among other things, the lack of independent oversight over the entire process”.¹³⁹³ It ranked 33rd out of 180 countries in the World Press Freedom Index.¹³⁹⁴ Though it is an improvement from 40th in the previous year, it is one of the worst ranked Western European countries due to a “heavy-handed approach towards the press, in the name of national security”.¹³⁹⁵

The UK stated in its voluntary pledges that it would focus on its efforts to ‘promote human rights internationally, and uphold them domestically prioritising issues like equality and non-discrimination’.¹³⁹⁶ However, concerns have been raised about migration policies¹³⁹⁷ and the way in which immigration rules trump the UK’s obligations to protect people from other rights violations, as demonstrated by the detention of victims of trafficking.¹³⁹⁸ The UK’s **immigration** detention system is one of the largest in Europe, and it is the only country with no statutory time limit on detention.¹³⁹⁹ The International Development Committee, consisting of Members of the Parliament, expressed concerns particularly on the government’s continued engagement with Sudan and Libya on migration and displacement, via the Khartoum process, whereby the UK was “clearly undermining its commitment to human rights and protecting the most vulnerable refugees”.¹⁴⁰⁰

The “hostile environment” policies, presented in the immigration bills of 2014 and 2016, invoking new immigration responsibilities on non-State actors such as through housing, health provision, work and banking, have impacted both irregular migrants and minority individuals with, or previously holding, British citizenship.¹⁴⁰¹ The Windrush scandal of 2018 was the culmination of this – people who were legally settled in the UK as citizens of ex-colonies were wrongly

1386 Online Harms White Paper. Available at: <http://bit.ly/38s4WWZ>.

1387 Privacy International, ‘Privacy International’s Response to the Open Consultation on the Online Harms White Paper’, 1 July 2019. Available at: <http://bit.ly/2rwpnBy>.

1388 Index on Censorship, ‘Index on Censorship’s Response to the Open Consultation on the Online Harms White Paper’, 5 July 2019. Available at: <http://bit.ly/2PgjQbm>.

1389 UK Mission to the United Nations Geneva, Human Rights Council 41: UK statement on freedom of expression and association and assembly. Available at: <http://bit.ly/35eUmQY>.

1390 Surveillance Camera Commissioner, Annual Report 2017-18. Available at: <http://bit.ly/2qlahZ0>.

1391 *Catt v. UK*, April 2019. Available at: [https://hudoc.echr.coe.int/eng#{"itemid":\["001-189424"\]}](https://hudoc.echr.coe.int/eng#{);

1392 *Big Brother Watch v. UK*, September 2018. Available at: <http://bit.ly/2LPks0r>.

1393 Global Freedom of Expression, Columbia University. ‘Big Brother Watch v The United Kingdom’. Available at: <https://globalfreedomofexpression.columbia.edu/cases/big-brother-watch-v-united-kingdom/>.

1394 Reporters Without Borders, World Press Freedom Index 2019, United Kingdom. Available at: <https://rsf.org/en/united-kingdom>.

1395 Ibid.

1396 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, Voluntary pledges and commitments. Available at: <http://undocs.org/en/A/71/572>.

1397 The Guardian, ‘UK policy on migration ‘disconnected’ and ‘incoherent’, MPs warn’, 5 March 2019. Available at: <http://bit.ly/2E8JSGW>.

1398 Independent, ‘Home Office “illegally” put trafficking victims in detention centres, report finds’, 29 July 2019. Available at: <http://bit.ly/2PHTJ11>.

1399 The Guardian, “Immigration detention: how the UK compares with other countries”, 10 October 2018. Available at: <http://bit.ly/2PEqSFF>.

1400 Ibid.

1401 The Guardian, “‘It’s inhumane’: the Windrush victims who have lost jobs, homes and loved ones”. 20 April 2018. Available at: <http://bit.ly/34erlUI>.

detained, deported and denied their legal entitlements.¹⁴⁰² In addition, the Special Rapporteur on extreme poverty, in his recent report, noted that asylum seekers are banned from working and while they receive some basic supports such as housing, they are only given a poverty-level income of around £5 a day.¹⁴⁰³ Heavy restrictions on regularising stay in the UK and the lack of statutory care adequate to protect the vulnerable, can leave victims of modern slavery destitute and homeless.¹⁴⁰⁴

On a related issue of **racism and discrimination**, the UK pledged to prioritise and advocate in favour of equality and non-discrimination, including on the grounds of freedom of religion.¹⁴⁰⁵ While speaking as a country concerned in the interactive dialogue with the Special Rapporteur on racism, it stated that it has the “most robust legislation anywhere” for tackling hate crime, and that the rate of crime has fallen by 40 per cent over the last decade.¹⁴⁰⁶ However, the Special Rapporteur on racism, in her statement after her visit to the UK in 2018, stated that despite some praiseworthy initiatives, the UK Government has much to do especially in the arena of addressing structural forms of racial discrimination and inequality.¹⁴⁰⁷ In her recent report, she highlighted the difficulties faced by racial and ethnic minorities as an impact of laws and policies on austerity measures, criminal justice, counter-terrorism and immigration, as well as the impact of Brexit on racial equality.¹⁴⁰⁸ She reiterated the concerns raised by the Committee on the Elimination of Racial Discrimination, in its concluding observations in 2016, expressed concerns over the ‘Prevent Strategy’ that creates an atmosphere of suspicion towards members of Muslim communities and leads to increased profiling of individuals on the basis of ethnicity and/or religion.¹⁴⁰⁹

Civil society has expressed concerns about the legal framework as there are different standards for racially and religiously motivated hate crime – the latter requires proof of intent.¹⁴¹⁰ This causes problems for victims when perpetrators conflate religion with race (i.e. “looking or behaving Muslim”), and this causes evidentiary and accountability barrier.¹⁴¹¹ Minorities also face structural exclusion: Black people were nine and a half times as likely to be stopped and searched as white people in 2018.¹⁴¹² An increase in stop and search powers was announced in August 2019¹⁴¹³ in response to an 80 per cent increase in knife offences over the past 5 years.¹⁴¹⁴ The failure of health-care professionals to accommodate linguistic, cultural and religious diversity has created structural barriers to minority communities’ access to health.¹⁴¹⁵ The Race Disparity Audit, which aims to publish data on disparities in treatment for all races and ethnicities, is a positive development.¹⁴¹⁶ However, there is an absence of data on Gypsy, Roma and Traveller communities, in line with a systematic historical exclusion of this group. They have the lowest attainment of all ethnic groups throughout schooling, and the school curriculum contains virtually no representation of their culture, which further compounds their alienation.¹⁴¹⁷

1402 Ibid.

1403 Report of the Special Rapporteur on extreme poverty and human rights, 41st Session of the Human Rights Council, 23 April 2019. Available at: <http://bit.ly/2YGDreB>.

1404 The Guardian, ‘I’m a victim of slavery but I’m just seen as an immigration problem’, 1 August 2019. Available at: <http://bit.ly/2Pf33oJ>.

1405 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, Voluntary pledges and commitments. Available at: <http://undocs.org/en/A/71/572>.

1406 UK Mission to the United Nations Geneva, Human Rights Council 41: UK response to the Special Rapporteur’s report on racism. Available at: <http://bit.ly/2RNdlJk>.

1407 Office of the High Commissioner for Human Rights, Statement of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance at the Conclusion of Her Mission to the United Kingdom of Great Britain and Northern Ireland, para 65. Available at: <http://bit.ly/2EbcGP5>.

1408 Report of the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance, Summary, 41st Session of the Human Rights Council, 27 May 2019. Available at: <http://bit.ly/2PfAmbv>.

1409 Ibid, para 48.

1410 Ibid, para 10.

1411 Ibid.

1412 Ethnicity facts and figures: Stop and search. Available at: <http://bit.ly/2LQybZJ>.

1413 The Guardian, ‘Boris Johnson pledges to extend police stop and search powers’, 10 August 2019. Available at: <http://bit.ly/2EodQqN>.

1414 BBC, Ten charts on the rise of knife crime in England and Wales, 18 July 2019. Available at: <https://www.bbc.co.uk/news/uk-42749089>.

1415 Report of the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance, para 28, 41st Session of the Human Rights Council, 27 May 2019. Available at: <http://bit.ly/2PfAmbv>.

1416 Race Disparity Audit. Available at: <http://bit.ly/2YESkau>.

1417 Report of the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance on her visit to the UK, para 74, 41st Session of the Human Rights Council, 27 May 2019. Available at: <http://bit.ly/2PfAmbv>.

On the issue of social development, UK's austerity policies introduced in 2010 have been impacting poverty levels.¹⁴¹⁸ The Special Rapporteur on **extreme poverty** has concluded after his visit that "much of the glue that has held British society together since the Second World War has been deliberately removed and replaced with a harsh and uncaring ethos."¹⁴¹⁹ One fifth of the UK's population (roughly 14 million people) live in poverty – 4 million of those more than 50 per cent below the poverty line.¹⁴²⁰ 1.5 million of them experienced destitution in 2017.¹⁴²¹ Overall child poverty rates are expected to reach close to 40 per cent between 2015 and 2021.¹⁴²² Food bank use increased almost fourfold between 2012 and 2018, and there are now over 2,000 food banks in the UK, up from just 29 at the height of the financial crisis.¹⁴²³ Housing costs are rising disproportionately for people on low incomes, and while the Government has pledged to invest in improving the housing supply, targeted support for low-income people has been repeatedly reduced and restricted.¹⁴²⁴ The measures have also perpetuated gendered aspects of poverty: The two-child policy limits child tax credits to the first two children only, with one controversial exception - if the conception of further children occurred as a result of the rape.¹⁴²⁵ A woman living with her abuser is not eligible.¹⁴²⁶ Ethnic minorities are also at a higher risk of becoming homeless and experience higher rates of infant mortality. Black people and people from a South Asian background remain at a greater risk of living in poverty and deprivation.¹⁴²⁷

VI. Conclusions

The UK participated actively in the 41st HRC Session. It responded as a country concerned in the visit reports presented by two thematic Special Procedures in the Session, namely the Special Rapporteur on racism,¹⁴²⁸ and the Special Rapporteur on extreme poverty and human rights,¹⁴²⁹ and rejected some critical findings of both the reports.^{1430 1431}

- 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: the Working Group on mercenaries with its request pending since May 2015; the Special Rapporteur on food whose request stands postponed/ cancelled since May 2011; and lastly, the Special Rapporteur on torture, which was made in April 2019.
- Despite its commitment to "progress gender equality domestically through... comprehensive equality legislation and ... commitment to UN", it currently ranks 15th out of 149, a position that has gradually worsened since 2006 on all parameters (education, health, economic participation) except political empowerment.
- The UK has not ratified two major human rights instruments: International Convention on the Protection of the Rights of All Migrant Workers (CMW) and Members of Their Families and the Convention for the Protection of All Persons from Enforced Disappearance (CED).
- In spite of robust legislations and well-intentioned policies for tackling hate crime, the reports by the Special Rapporteur on racism and civil society as well as statistics show the adverse impacts of austerity measures, criminal justice, counter-terrorism and immigration, and Brexit in relation to racial inequality and discrimination.

1418 The Guardian, 'Austerity really has hit poor people the hardest – the figures prove it', March 2018. Available at: <http://bit.ly/38uylu6>.

1419 Report of the Special Rapporteur on extreme poverty and human rights on his visit to the UK, Summary, 41st Session of the Human Rights Council, 23 April 2019. Available at: <https://undocs.org/en/A/HRC/41/39/Add.1>.

1420 Social Metrics Commission, 'A New Measure of Poverty for the UK', September 2018. Available at: http://socialmetricscommission.org.uk/MEASURING-POVERTY-FULL_REPORT.pdf.

1421 Report of the Special Rapporteur on extreme poverty and human rights on his visit to the UK, Summary, 41st Session of the Human Rights Council, 23 April 2019. Available at: <https://undocs.org/en/A/HRC/41/39/Add.1>.

1422 Andrew Hood and Tom Waters, 'Living standards, poverty and inequality in the UK: 2017–2018 to 2021–2022', Institute for Fiscal Studies, 2 November 2017. Available at: <https://www.ifs.org.uk/uploads/publications/comms/R136.pdf>.

1423 The Trussell Trust, 'End of year stats – April 2018 to March 2019'. Available at: <http://bit.ly/36oruG6>.

1424 Joseph Rowntree Foundation, 'UK Poverty 2018'. Available at: <https://www.jrf.org.uk/report/uk-poverty-2018>.

1425 The Guardian, 'Government urged to scrap 'nasty' two-child limit on benefits', 21 July 2019. Available at: <http://bit.ly/2LPLFov>.

1426 Ibid.

1427 Equality and Human Rights Commission, 'Is Britain Fairer?' Available at: <http://bit.ly/34ghyNF>.

1428 Report of the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance, 41st Session of the Human Rights Council, 27 May 2019. Available at: <http://bit.ly/2PfAmbv>.

1429 Report of the Special Rapporteur on extreme poverty and human rights on his visit to the UK, 41st Session of the Human Rights Council, 23 April 2019. Available at: <https://undocs.org/en/A/HRC/41/39/Add.1>.

1430 The Guardian, 'UN poverty expert hits back over UK ministers' denial of facts', 24 May 2019. Available at: <http://bit.ly/2ROsr6C>.

1431 UK Mission to the United Nations Geneva, Human Rights Council 41: UK response to the Special Rapporteur's report on racism. Available at: <http://bit.ly/2RNdlJk>.

Concluding Remarks

The assessment of the performance of the Commonwealth Member States in the 41st 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 Commonwealth Member States of their commitments to make the UN Human Rights Council a strong and effective body. CHRI urges all Commonwealth Member States to strengthen the Special Procedures mechanism 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 in 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 Procedures mechanism 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 have 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 seeks to hold the Commonwealth and its member countries to high of 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. Its research, publications, workshops, analysis, mobilisation, dissemination and advocacy, informs the following principal programmes:

1. Access to Justice (ATJ)

- * **Police Reforms:** In too many countries the police are seen as an oppressive instrument of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that the police act as upholders of the rule of law rather than as enforcers of a regime. CHRI's programme in India and South Asia aims at mobilising public support for police reforms and works to strengthen civil society engagement on the issues. In Tanzania and Ghana, CHRI examines police accountability and its connect to citizenry.
- * **Prison Reforms:** CHRI's work in prisons looks at increasing transparency of a traditionally closed system and exposing malpractices. Apart from highlighting systematic failures that result in overcrowding and unacceptably long pre-trial detention and prison overstay, it engages in interventions and advocacy for legal aid. Changes in these areas can spark improvements in the administration of prisons and conditions of justice.

2. Access to Information (ATI)

- * **Right to Information:** CHRI's expertise on the promotion of Access to Information is widely acknowledged. It encourages countries to pass and implement effective Right to Information (RTI) 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 Kenya. In Ghana, CHRI as the Secretariat for the RTI civil society coalition, mobilised the efforts to pass the law; success came in 2019 after a long struggle. CHRI regularly critiques 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. It has experience of working in hostile environments as well as culturally varied jurisdictions, enabling CHRI bring valuable insights into countries seeking to evolve new RTI laws.
- * **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. This network, the South Asia Media Defenders Network (SAMDEN) recognises that such freedoms are indivisible and know no political boundaries. Anchored by a core group of media professionals who have experienced discrimination and intimidation, SAMDEN has developed approaches 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 RTI movements and activists.

3. International Advocacy and Programming (IAP)

Through its flagship Report, **Easier Said Than Done**, CHRI monitors the compliance of Commonwealth member states with human rights obligations. It advocates around human rights challenges and strategically engages with regional and international bodies including the UNHRC, Commonwealth Secretariat, Commonwealth Ministerial Action Group and the African Commission for Human and People's Rights. Ongoing strategic initiatives include advocating for SDG 16 goals, SDG 8.7, monitoring and holding the Commonwealth members to account and the Universal Periodic Review. We advocate and mobilise for the protection of human rights defenders and civil society spaces.

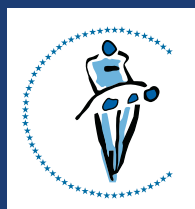
4. SDG 8.7: Contemporary Forms of Slavery

Since 2016, CHRI has pressed the Commonwealth to commit itself towards achieving the United Nations Sustainable Development Goal (SDG) Target 8.7, to 'take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.' In July 2019 CHRI launched the Commonwealth 8.7 Network, which facilitates partnerships between grassroots NGOs that share a common vision to eradicate contemporary forms of slavery in Commonwealth countries. With a membership of approximately 60 NGOs from all five regions, the network serves as a knowledge-sharing platform for country-specific and thematic issues and good practice, and to strengthen collective advocacy.

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 eleven Commonwealth Member States during the 41st regular session of the HRC: Australia, Bangladesh, The Bahamas, Cameroon, India, Nigeria, Fiji, Pakistan, Rwanda, South Africa, The United Kingdom of Great Britain and Northern Ireland. 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 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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