

Special Report

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African States at the UN Human Rights Council in 2017

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African perspectives
Global insights

Preface

There is relatively little scholarly writing on the foreign policies of African countries. For instance, of the first 10 results of a Google Scholar search for 'Botswana foreign policy', only one – an *African Affairs* article from 1974 – has 'Botswana' in the title. Most of these top 10 hits are general studies of foreign policy, but there are two on South African foreign policy and one each on the foreign policies of China, Europe and the US.

There is also very little reporting on what African countries do at the UN, and at the UN Human Rights Council specifically. One might come across the occasional news article on an African state's actions – usually South Africa's – at the Human Rights Council, but there are only a handful of these each year.

This report begins to address the gap in what we know about the actions of African countries at the Human Rights Council. While this might help citizens of African countries to hold their governments accountable for what they do at the UN, the main aim of the report is to provide scholars with packaged information that might inform their more general work on the foreign policies of African countries.

In the first half of 2018 I began teaching a postgraduate course called 'South Africa, Africa, and the global politics of human rights' at Rhodes University. As part of the course, students had to write a short paper on the actions of their chosen African country at the Human Rights Council during 2017. The report before you originated in the assignments students did for this course.

I would like to thank the Office of Research at Rhodes University for a grant that made this report possible.

Eduard Jordaan

Abbreviations & acronyms

AU	African Union
CAR	Central African Republic
DRC	Democratic Republic of Congo
ECOWAS	Economic Community of West African States
EU	European Union
HRC	Human Rights Council (UN)
ICC	International Criminal Court
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
NAM	Non-Aligned Movement
NGO	non-governmental organisation
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIC	Organisation of Islamic Cooperation
UAE	United Arab Emirates
UN	United Nations
US	United States

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SAIIA'S special reports are fairly lengthy analytical papers, usually reflecting on and analysing the findings of field research.

Cover image

People gather to demonstrate outside the office of the United Nations Human Rights Commissioner in Bujumbura, against a report by investigators tasked by the UN Human Rights Council with probing rights abuses in Burundi since it descended into violence in April 2015 (Tony Karumba/AFP/Getty Images)

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Introduction: African States at the UN Human Rights Council in 2017

Eduard Jordaan

Introduction

This report examines the actions of African countries on the UN Human Rights Council (HRC) during 2017.

As many predicted, 2017 turned out to be a challenging year for international human rights. In January, Donald Trump was sworn in as US president. The Trump administration quickly showed itself to be hostile to human rights both within and outside the US. Trump has embraced a range of authoritarian leaders, emboldened the far right the world over, attacked democratic institutions at home and ignored democratic declines elsewhere. He seems determined to damage relations between the US and many of its democratic allies. Through a mixture of malice and incompetence, Trump has done deep damage to the reputation of the US as leader of the 'free world'.

However, the crisis of human rights goes beyond Trump. In 2017, the Syrian civil war entered its sixth year. In Europe, Poland and Hungary continued their slide into illiberal democracy, while the far right strengthened across the board. Under Xi Jinping, China became internally more oppressive. Russia expanded its disruptive international footprint, including through its support for the Assad regime in Syria and by fuelling extremism and contention in democratic states. According to Freedom House, of the 25 countries in which political freedom has declined most sharply, 12 are in Africa.¹ Freedom House concluded its 2018 *Freedom in the World* report by noting that democracy has been in decline for 12 consecutive years. This is not the full story – Trump, Philippine President Rodrigo Duterte and Hungarian President Viktor Orban were all the result of democratic elections. Rather, we are witnessing a separation of democracy from its liberal precepts, human rights among them.

The UN Human Rights Council

The purpose of the HRC is the worldwide promotion and protection of human rights. The HRC might not have much ability to enforce its decisions, but it is nevertheless an important institution. The HRC's representativeness grants it a good deal of moral authority. It provides a prominent setting for discussion and debate about human rights.

¹ Freedom House, *Democracy in Crisis: Freedom in the World 2018*, https://freedomhouse.org/sites/default/files/FH_FITW_Report_2018_Final_SinglePage.pdf, accessed 1 July 2019.

It is also a good forum for sharing information, drawing attention to new problems and bringing existing problems under a human rights framework. Unlike most UN forums, non-governmental organisations (NGOs) are present in the room and have the right to participate in debates. This affords human rights defenders the opportunity to confront rights-violating regimes in ways that might not be possible in their home countries. Finally, the HRC has the ability to mandate investigations into human rights problems, including studies that can be used as a basis for International Criminal Court (ICC) prosecution. Given that abusive regimes often deny their own culpability or even that violations have taken place, the HRC's ability to get at the truth is an important weapon in the struggle for human rights.

The HRC first convened in 2006. It had replaced the Commission on Human Rights, which, according to then UN secretary-general Kofi Annan, had become a stain on the UN's reputation. Many states, Annan rightly asserted, 'sought membership of the Commission not to strengthen human rights but to protect themselves against criticism or to criticise others'.²

The HRC was supposed to build on the strengths of its predecessor and overcome its weaknesses. During the HRC's early years, however, there was little evidence that it was an improvement on the commission. However, by late 2013, two respected observers noted that 'despite a shaky start, [the HRC] is generally seen to be performing well'.³

The HRC meets for three general sessions per year, each session lasting three to four weeks. It also has the power to convene shorter 'special' sessions to address pressing problems. It has 47 members. Membership is distributed according to the size of the five regions of the UN. The African Group and the Asian Group each occupy 13 seats, the Latin American and Caribbean Group eight, the Western European and Others Group seven, and Eastern Europe six. Membership is for three years. Members may not be immediately re-elected after two consecutive terms.

At each general session, the HRC adopts a large number of resolutions. The annual number of resolutions has increased steadily (see Table 1). In 2008, the HRC adopted 69 general session resolutions. In 2009, this number was 72. In 2016, it adopted 100 general session resolutions, with the number climbing to 108 in 2017. The volume and breadth of the HRC's work – states also participate in three two-week Universal Periodic Review sessions per year – make it difficult for small delegations to keep pace with and engage fully in its work.

2 Annan K, 'In Larger Freedom: Towards Development, Security and Human Rights for All: Report of the Secretary-General', UN, Doc. A/59/2005, 21 March 2005.

3 O'Flaherty M & M Limon, 'Human rights financing: The UN's little pillar', ISHR (International Service for Human Rights), 31 October 2013, <http://www.ishr.ch/news/human-rights-financing-uns-little-pillar>, accessed 1 July 2019.

Year	Number of general session resolutions	Year	Number of general session resolutions
2006	13	2012	94
2007	49	2013	95
2008	69	2014	102
2009	72	2015	88
2010	71	2016	100
2011	89	2017	108

Source: Compiled by author

HRC resolutions cover a range of themes. A handful deal with institutional matters or matters of principle, for instance, over the extent of state cooperation with the UN. Most resolutions, however, address either country-specific or thematic human rights issues. The vast majority – about two-thirds – are thematic, covering civil, political, social, economic and cultural rights. These resolutions address matters that range from children’s rights to climate change, from extreme poverty to extrajudicial execution.

Country-specific resolutions make up about a quarter of HRC resolutions. Most country-specific problems fall under items 4 (‘Human rights situations that require the Council’s attention’) and 10 (‘Technical assistance and capacity building’) of the HRC’s standing agenda. Item 10 resolutions are the least controversial and are usually adopted without a vote. These resolutions imply that a government acknowledges that serious human rights problems exist within its borders, but also that these problems stem from a lack of capacity and technical reasons rather than malice on the government’s part. The assumption that a government subject to an item 10 resolution is not a wilful rights violator and is serious about improving its rights record is often a necessary pretence to secure a modicum of HRC involvement in the country. Item 4 resolutions are more controversial and are often adopted through a vote. These resolutions accuse the government in question of deliberately violating human rights and call on it to refrain from such misdeeds. Item 4 resolutions typically mandate thorough investigations into the rights situation of the country in question. Critics of item 4 resolutions argue that the proponents of these resolutions are trying to ‘name and shame’ developing countries and that such an approach is counterproductive.

In addition to items 4 and 10 resolutions, the HRC devotes an entire agenda item (item 7) – there are only 10 items – to the ‘human rights situation in Palestine and other occupied Arab territories’. Singling out Israel in this way is frequently presented as evidence of the HRC’s bias against Israel. Devoting an entire agenda item to Israel means that at each of the HRC’s three general sessions Israel’s actions are discussed and condemned at length. In addition, the Israel agenda item also yields a number of resolutions. In 2017,

the HRC adopted five resolutions on Israel.⁴ By comparison, during the same period, the HRC adopted 10 item 4 and 11 item 10 country resolutions. One of the ironies of Israel-related resolutions is that many of the states that push these tough resolutions are against subjecting other countries to critical country-specific resolutions. These states try to get around this bit of hypocrisy by claiming that Israel-related resolutions are not country-specific, but are thematic resolutions concerned with occupation. This move, as an Ethiopian diplomat has remarked, is simply ‘semantics’.⁵ The large number of states that vote in favour of Israel resolutions but oppose other critical country-specific resolutions means that a country’s record on Israel alone tells us very little about its commitment to international human rights.

The African Group

The African Group occupies 13 seats on the HRC. Using Freedom House’s measure, only four of the African members of the HRC in 2017 were ‘free’ during their tenure: Botswana, Ghana, South Africa and Tunisia. Another four – Côte d’Ivoire, Kenya, Nigeria and Togo – were ‘partly free’ and five – Burundi, Republic of Congo, Egypt, Ethiopia and Rwanda – were ‘not free’. The African Group’s Polity IV scores were more flattering: six HRC members were democratic (Botswana, Ghana, Kenya, Nigeria, South Africa and Tunisia), while the remaining seven were ‘anacrocies’, regimes that combine democratic and authoritarian elements.

The African Group entered the newly created HRC with a reputation for unity and resistance to international human rights. An infamous display of this unity was its insistence in 2003, in the face of vehement criticism, that Libya should be the next chair of the commission on Human Rights.⁶ By proposing as many candidates as there are seats available, the African Group got various rights-abusing states onto the commission – in 2005, Republic of Congo, Ethiopia, Egypt, Gabon, Sudan, Togo and Zimbabwe had seats on the commission. According to Algeria’s ambassador to the HRC in 2006, failure to act as a bloc would ‘spell disaster for weaker countries’.⁷

The African Group entered the newly created HRC with a reputation for unity and resistance to international human rights

- 4 UN, ‘Human rights in the occupied Syrian Golan’, Doc. A/HRC/RES/34/27, 7 April 2017; UN, ‘Right of the Palestinian people to self-determination’, Doc. A/HRC/RES/34/29, 12 April 2017; UN, ‘Human rights situation in the Occupied Palestinian Territory, including East Jerusalem’, Doc. A/HRC/RES/34/30, 11 April 2017; UN, ‘Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan’, Doc. A/HRC/RES/34/31, 3 April 2017; UN, ‘Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem’, Doc. A/HRC/RES/34/28, 11 April 2017.
- 5 Abebe AM, ‘Of shaming and bargaining: African states and the Universal Periodic Review of the United Nations Human Rights Council’, *Human Rights Law Review*, 9, 1, 2009, p. 33.
- 6 BBC, ‘Libya takes human rights role’, 20 January 2003, <http://news.bbc.co.uk/2/hi/africa/2672029.stm>, accessed 1 July 2019.
- 7 Jazāiry I, ‘The role of regional groups and coordinators: A case study – the African Group’, in Muller L (ed.), *The First 365 Days of the United Nations Human Rights Council*. Geneva: Baden, 2007, p. 129.

The African Group's resistance to international human rights remained evident during the HRC's first few years. The group was behind an attempt to curtail the independence of the HRC's investigators, its special procedures system, by subjecting them to a 'code of conduct'.⁸ In 2006–7, the African Group tried to obstruct investigations into massive human rights violations in Darfur. Although Khartoum refused to issue visas to the HRC's investigative team, the team still wrote a report. The bulk of the African Group tried to delegitimise the report. Between 2008 and 2011, the African Group repeatedly prevented attempts to conduct thorough investigations into the severe human rights problems in the Democratic Republic of Congo (DRC).⁹

With regard to unity, a former acting High Commissioner for Human Rights, Bertrand Ramcharan, complained in his 2011 book that '[a] key problem of the Council is that the African and Asian Groups have been allocated 26 out of 47 seats ... [T]hey band together to prevent discussion of situations of gross human rights violations and forthright criticism of such violations.'¹⁰ However, the African Group has increasingly voted in a less unified way.¹¹ Of the votes studied in this report, the African Group voted the same only 12% of the time.

Focus Areas of this Report: Country Situations and Civil and Political Rights

This report assesses the commitment of African countries to international human rights based on their actions in two domains of the HRC's work: country-specific human rights problems and civil and political rights.

This is not to say that economic rights are not important – they are. However, this report excludes economic rights for a number of reasons. First, the large number of resolutions on economic rights puts it beyond the scope of this project, especially if we consider the centrality of economic considerations to, for instance, human rights questions related to health, education, climate change, etc. Second, African countries vote the same on economic rights issues, thus preventing us from differentiating African countries in terms of their commitment to international human rights. Third, support for economic rights on their own is not a good indicator of overall commitment to human rights – the most repressive HRC members nearly always vote in favour of economic rights resolutions.

The purpose of the rest of this section is to give an overview of country-specific and civil and political rights issues to which states participating in the HRC during 2017 had to respond.

8 Alston P, 'Hobbling the monitors: Should UN human rights monitors be accountable?', *Harvard International Law Journal*, 52, 2, 2011, p. 592.

9 Jordaan E, 'The African Group on the UN Human Rights Council: Shifting geopolitics and the liberal international order', *African Affairs*, 115, 460, 2016.

10 Ramcharan B, *The UN Human Rights Council*. London: Routledge, 2011, p. 13.

11 Jordaan E, 2016, *op. cit.*

Country-specific resolutions

During 2017, the HRC adopted 10 item 4 country resolutions, all of which expressed at least serious concern about the human rights abuses in target countries and authorised or expressed support for investigations into these problems. Resolutions on Eritrea, Myanmar, North Korea and South Sudan were adopted without a vote. Single resolutions on Belarus, Burundi and Iran and three resolutions on the civil war in Syria were adopted through a vote. Among African states, there was limited appetite for these resolutions. The African Group's voting pattern on the three Syria resolutions¹² was 5-1-7 (for-against-abstain), on the Iran resolution it was 2-3-8; and on the Belarus resolution it was 1-2-10. (During 2017 there were also item 4 and 10 resolutions on Burundi – these will be discussed below.) In addition, during 2017, one rarely saw the name of an African country on the list of sponsors and co-sponsors of item 4 resolutions.

In 2017, the HRC adopted 11 item 10 country resolutions. The African Group was the main sponsor of seven of these – on Burundi, the Central African Republic (CAR), Libya, Mali, Sudan and two on the DRC. As is normally the case with item 10 resolutions, five of the aforementioned seven resolutions were adopted without a vote (the Burundi and the second DRC resolutions were put to a vote). The rest of this sub-section discusses item 10 resolutions on which voting took place (Georgia, Ukraine, Yemen, DRC, Cambodia), including the two resolutions on Burundi (on which the HRC adopted both an item 4 and an item 10 resolution), as well as resolutions related to three country situations (Sri Lanka, Israel and Myanmar).

The 2017 Georgia and Ukraine resolutions were unusual. Both were technical assistance and capacity-building resolutions on countries that have been subject to Russian military intervention in recent years and that contain disputed territories over which Russian-backed separatists have effective control. Despite the express support of the Georgian and Ukrainian governments for the respective resolutions, the high geopolitical stakes led to both being put to a vote.

The Georgia draft resolution, sponsored by the Georgian government and co-sponsored by mostly Western states, drew attention to several human rights problems in the disputed regions of South Ossetia and Abkhazia and pointed out that various UN human rights monitors had been denied access to these areas. The draft resolution stressed the importance of receiving regular information about human rights in the aforementioned regions. The draft resolution demanded access for the Office of the UN High Commissioner for Human Rights (OHCHR) to the disputed regions and requested a report-back from the UN High Commissioner for Human Rights.¹³ Venezuela, however, called for a vote on the

12 UN, 'The human rights situation in the Syrian Arab Republic', Doc. A/HRC/RES/34/26, 5 April 2017; UN, 'The human rights situation in the Syrian Arab Republic', Doc. A/HRC/RES/35/26, 14 July 2017; UN, 'The human rights situation in the Syrian Arab Republic', Doc. A/HRC/RES/36/20, 9 October 2017.

13 UN, 'Cooperation with Georgia', Doc. A/HRC/34/L.13, 17 March 2017.

text, arguing that Georgia was using its draft resolution as a 'geopolitical tool', that the draft resolution was 'selective' and that it had 'no objectivity'.¹⁴

The 2017 Ukraine draft resolution,¹⁵ sponsored by the Ukrainian government and co-sponsored by mostly Western governments, made reference to a 2014 resolution,¹⁶ also sponsored by the Ukrainian government, which welcomed the OHCHR's monitoring of, and requested reporting on, the human rights situation in Ukraine.¹⁷ The report that resulted from the 2014 resolution noted that 'the promotion and protection of human rights in Ukraine depends ... on the sovereignty and territorial integrity of Ukraine' and that Russian actions contravened this principle, thus hampering 'the enjoyment of human rights and fundamental freedoms' in Ukraine.¹⁸ The 2017 resolution asked the OHCHR for further 'technical assistance' on human rights in the Ukraine and invited the High Commissioner on Human Rights to give oral updates to the HRC on the situation.¹⁹ Cuba objected that the 2017 draft resolution contained 'controversial elements'. It said it therefore 'could not welcome' Ukraine's request for oral updates because the reports on which these updates would be based, Cuba alleged, had not been authorised by an intergovernmental organisation. Cuba requested a vote on the Ukraine draft resolution.²⁰

In reports presented to the HRC, the High Commissioner for Human Rights has made repeated calls for an international, independent inquiry into violations of international human rights law and international humanitarian law committed in the Yemeni civil war, an ongoing conflict that started in March 2015.²¹ In September 2017, a group of countries, led by the Netherlands, tabled a draft resolution that proposed the type of investigation the high commissioner wanted. The draft resolution proposed a commission of inquiry to identify perpetrators of human rights violations in the Yemeni conflict to ensure that they 'are held accountable',²² meaning that these perpetrators could potentially be brought before the ICC. Saudi Arabia, whose airstrikes were the 'leading cause' of civilian deaths,²³ fought against the draft resolution.²⁴ A compromise text agreed to the appointment of three experts to, among other things, 'establish the facts and circumstances surrounding

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- 14 UN Web TV, 'A/HRC/34/L.13 Vote Item:10 – 59th Meeting, 34th Regular Session Human Rights Council: Venezuela', 24 March 2017, <http://webtv.un.org/watch/ahrc34l13-vote-item10-59th-meeting-34th-regular-session-human-rights-council/537136659-0001?page=4#>, accessed 1 July 2019.
- 15 UN, 'Cooperation with and assistance to Ukraine in the field of human rights', Doc. A/HRC/35/L.10, 22 November 2017.
- 16 UN, 'Cooperation and assistance to Ukraine in the field of human rights', Doc. A/HRC/RES/26/30, 15 July 2014.
- 17 UN, 'Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Ukraine', Doc. A/HRC/27/75, 19 September 2014.
- 18 *Ibid.*, pp. 8–10.
- 19 UN, 'Cooperation with and assistance to Ukraine in the field of human rights', Doc. A/HRC/35/L.10, 16 June 2017.
- 20 UN Web TV, 'A/HRC/35/L.10 Vote Item:10 – 37th Meeting, 35th Regular Session Human Rights Council: Cuba', 23 July 2017, <http://webtv.un.org/search/ahrc35l10-vote-item10-37th-meeting-35th-regular-session-human-rights-council/548071104001?term=ukraine&sort=date&page=18#>, accessed 1 July 2019.
- 21 UN, 'Situation of human rights in Yemen: Report of the United Nations High Commissioner for Human Rights', Doc. A/HRC/33/38, 4 August 2016, p. 2; UN, 'Situation of human rights in Yemen, including violations and abuses since September 2014: Report of the United Nations High Commissioner for Human Rights', Doc. A/HRC/36/33, 13 September 2017, p. 17.
- 22 UN, 'Situation of human rights in Yemen', Doc. A/HRC/36/L.4, 22 September 2017.
- 23 UN, 'Situation of human rights in Yemen, including violations and abuses since September 2014', Doc. A/HRC/36/33, 13 September 2017, p. 7.
- 24 Wintour P & J Borger, 'Independent investigation will look into human rights abuses in Yemen', *Guardian*, 29 September 2017, <https://www.theguardian.com/world/2017/sep/29/yemen-un-investigation-human-rights-abuses>, accessed 1 July 2019.

the alleged violations and abuses [in Yemen] and, where possible, to identify those responsible'. Unlike the initial Dutch-led draft, the compromise resolution did not raise the possibility of ICC referral.

Another dire human rights situation was the DRC. At the June 2017 regular session, the HRC adopted the first of two 2017 resolutions on the DRC. The first resolution was a response to ongoing violence in the Kasai region, which, according to Human Rights Watch, had resulted in the deaths of more than 3 000 people between August 2016 and June 2017.²⁵ The HRC's response was not very strong. It decided to send experts to the DRC, but a requirement to work closely with the DRC government compromised their independence.²⁶ In September 2017, the HRC had to consider another resolution on the DRC, this time asking the OHCHR for a 'comprehensive report' on human rights in the country.²⁷ The US, while welcoming the work of experts from the OHCHR, objected to the 'congratulatory language' in the resolution. In the American view, the resolution did not accurately reflect the fraught human rights situation on the ground. The US argued that the DRC had largely failed to hold human rights violators accountable for their actions and felt that the resolution did not adequately convey the need for accountability on all sides of the conflict.²⁸ The US called for a vote, but it found little support for strengthening the resolution, which was adopted 45-1-1.

In September 2017, Japan tabled an annual draft resolution on advice and technical assistance to Cambodia.²⁹ However, in the months preceding this draft resolution, and with an eye on national elections scheduled for July 2018, the Cambodian government cracked down on civil society, the media and political opposition.³⁰ Japan's draft resolution, which defined the problem in Cambodia as a lack of capacity and encouraged the country 'to continue to take action to promote the rights and dignity of all Cambodians by protecting civil and political rights' seemed weak when considering the wilful closing down of political space in the country. The US responded to Japan's text and the worsening human rights situation in Cambodia by proposing an amendment, requesting the OHCHR to give an oral update on the situation in Cambodia at the HRC's March 2018 session and holding an 'interactive dialogue' on this information.³¹ Japan opposed the amendment,³² as

25 HRW (Human Rights Watch), 'DR Congo: UN experts to investigate Kasai region violence', 23 June 2017, <https://www.hrw.org/news/2017/06/23/dr-congo-un-experts-investigate-kasai-region-violence>, accessed 1 July 2019.

26 UN, 'Technical assistance to the Democratic Republic of the Congo and accountability concerning the events in the Kasai regions', Doc. A/HRC/RES/35/33, 29 June 2017.

27 UN, 'Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo', Doc. A/HRC/36/L.34/Rev.1, 27 September 2017.

28 UN Web TV, 'A/HRC/36/L.34/Rev.1 Vote Item:10 - 42nd Meeting, 36th Regular Session Human Rights Council: United States', 29 September 2017, <http://webtv.un.org/search/ahrc36l34rev1-vote-item10-42nd-meeting-36th-regular-session-human-rights-council/5592217939001/?term=democratic%20republic%20of%20the%20congo&sort=date&page=14#>, accessed 1 July 2019.

29 UN, 'Advisory services and technical assistance for Cambodia', Doc. A/HRC/36/L.21, 26 September 2017.

30 HRW, 'Cambodia: Events of 2017', <https://www.hrw.org/world-report/2018/country-chapters/cambodia>, accessed 1 July 2019.

31 UN Web TV, 'A/HRC/36/L.21 Vote Item:10 - 42nd Meeting, 36th Regular Session Human Rights Council: United States', 29 September 2017, <http://webtv.un.org/search/ahrc36l21-vote-item10-42nd-meeting-36th-regular-session-human-rights-council/5592217946001/?term=cambodia&sort=date&page=2#>, accessed 1 July 2019.

32 UN Web TV, 'A/HRC/36/L.21 Vote Item:10 - 42nd Meeting, 36th Regular Session Human Rights Council: Japan', 29 September 2017, <http://webtv.un.org/search/ahrc36l21-vote-item10-42nd-meeting-36th-regular-session-human-rights-council/5592217946001/?term=cambodia&sort=date&page=2#>, accessed 1 July 2019.

did Cambodia, the latter decriing the 'politically motivated' and 'unprecedented alien' amendment as a 'shameless' attempt to interfere in its elections.³³ The amendment by the US was rejected in a vote. The resolution was adopted without a vote.

At the HRC's September 2017 session, it adopted two resolutions on Burundi. These resolutions were at odds with each other. In September 2016, the HRC created a commission of inquiry to investigate possible human rights crimes committed in Burundi since April 2015 with a view to holding perpetrators accountable.³⁴ On that occasion, Ghana was the only African country to vote in favour of creating the commission of inquiry; other African states abstained. Burundi subsequently refused to allow commission members into the country. The commission compiled its report by interviewing more than 500 people from a distance and in countries with Burundian refugees.³⁵ In its report, published in August 2017, the commission reported various 'extremely cruel' violations, including extrajudicial executions, enforced disappearances, torture and sexual violence.³⁶ The government's defence and security forces were the 'principal perpetrators' of these violations.³⁷ The commission recommended prosecution of alleged perpetrators of the aforementioned human rights crimes.³⁸ It further recommended that its mandate be extended for another year to allow it to conduct further and more thorough investigations.³⁹

Burundi rejected the commission of inquiry's report. It claimed the report had 'no added value' and that the commission's attitude lacked 'Cartesian logic' and 'objectivity' and was 'biased and based on political motives'.⁴⁰ The EU tabled a draft resolution that proposed extending the commission of inquiry's mandate by one year.⁴¹ The African Group responded with a rival resolution that emphasised Burundi's sovereignty. The African Group resolution instructed the OHCHR to send three experts to Burundi to provide technical assistance and do capacity building. The three experts were further mandated⁴²

to collect and preserve information, to determine the facts and circumstances in accordance with international standards and practice, in cooperation with the Government of Burundi, and to forward to the judicial authorities of Burundi such information in order to establish the truth and ensure that the perpetrators of deplorable crimes are all accountable to the judicial authorities of Burundi.

33 UN Web TV, 'A/HRC/36/L.21 Vote Item:10 – 42nd Meeting, 36th Regular Session Human Rights Council: Cambodia', 29 September 2017, <http://webtv.un.org/search/ahrc36l.21-vote-item10-42nd-meeting-36th-regular-session-human-rights-council/5592217946001/?term=cambodia&sort=date&page=2#>, accessed 1 July 2019.

34 UN, 'Situation of human rights in Burundi', Doc. A/HRC/RES/33/24, 5 October 2016.

35 UN, 'Report of the Commission of Inquiry on Burundi', Doc. A/HRC/36/54, 11 August 2017, p. 3.

36 *Ibid.*, p. 4.

37 *Ibid.*, p. 6.

38 *Ibid.*, p. 19.

39 *Ibid.*, p. 18.

40 UN Web TV, 'Commission of inquiry on Burundi (Cont'd) – 17th Meeting, 36th Regular Session Human Rights Council: Burundi', 19 September 2017, <http://webtv.un.org/search/id-commission-of-inquiry-on-burundi-contd-17th-meeting-36th-regular-session-human-rights-council/5580223558001/?term=burundi&sort=date&page=12#>, accessed 1 July 2019.

41 UN, 'Renewal of the mandate of the Commission of Inquiry on Burundi', Doc. A/HRC/RES/36/19, 4 October 2017.

42 UN, 'Mission by the Office of the United Nations High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi', Doc. A/HRC/RES/36/2, 4 October 2017.

In other words, the resolution trusted the Burundian government – which hitherto had been denying its wrongdoing – to investigate itself. More egregiously, the African Group’s resolution instructed the three OHCHR experts to ‘forward to the judicial authorities of Burundi such information in order to establish the truth’,⁴³ thus granting the Burundian government the final say on the report.⁴⁴ The African Group’s resolution was adopted by a vote, as was the EU’s resolution, effectively creating two investigative missions on Burundi, albeit with very different mandates and levels of independence. The African Group’s resolution was adopted 23-14-9, with Western states voting against it, and all except one African state voting for it. The EU resolution was adopted 22-11-14, with mostly Western states as well as two African states voting in favour, while five African states opposed the resolution and six abstained.

In addition to the resolutions discussed above, three more country-specific situations are relevant. The first was a consensually adopted resolution, ‘Promoting reconciliation, accountability and human rights in Sri Lanka’.⁴⁵ During Mahinda Rajapaksa’s term as president of Sri Lanka (November 2005–January 2015), HRC resolutions on reconciliation and accountability for crimes committed during the Sri Lankan civil war, which ended in May 2009, were acrimonious and always adopted by a vote. After Rajapaksa’s departure in 2015, and with his successor, Maithripala Sirisena, seemingly more willing to address the violations of the past, the HRC began adopting the Sri Lanka resolutions by consensus.

During 2017, the HRC adopted five resolutions pertaining to Israel: on human rights in the Golan Heights, on Israeli settlements, on Palestinian self-determination, and on violations of human rights and of international law in the Occupied Palestinian Territory. All were adopted by a vote. The US and Togo voted against all five resolutions, developing countries largely voted in favour, and continental European states either abstained or voted in favour.

In December 2017, in light of the ongoing ethnic cleansing of the Rohingya population in Myanmar, the HRC convened a special session to address the issue. The UN High Commissioner for Human Rights spoke of ‘credible reports’ of ‘widespread, systematic and shockingly brutal attacks’ against the Rohingya. He further reported⁴⁶

acts of appalling barbarity committed against the Rohingya, including deliberately burning people to death inside their homes; murders of children and adults; indiscriminate shooting of fleeing civilians; widespread rapes of women and girls; and the burning and destruction of houses, schools, markets and mosques.

43 *Ibid.*

44 ISHR, ‘Commission of inquiry renewed, but human rights scrutiny on a razor’s edge’, 29 September 2017, <https://www.ishr.ch/news/burundi-commission-inquiry-renewed-human-rights-scrutiny-razors-edge>, accessed 1 July 2019.

45 UN, ‘Promoting reconciliation, accountability and human rights in Sri Lanka’, Doc. A/HRC/RES/34/1, 3 April 2017.

46 UNHRC (UN Human Rights Council), ‘Special Session of the Human Rights Council on the human rights situation of the minority Rohingya Muslim population and other minorities in the Rakhine State of Myanmar: Statement by UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein’, 5 December 2017, <http://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=22487&LangID=E>, accessed 1 July 2019.

A group of Muslim-majority countries sponsored a resolution that expressed deep concern about the persecution of the Rohingya, called on Myanmar to remedy the situation immediately and asked the UN High Commissioner for Human Rights to provide regular oral updates on the situation of the Rohingya and to monitor Myanmar's cooperation with various UN investigative mechanisms.⁴⁷ The resolution was adopted 33-3-9, with eight African countries voting in favour, one against, and four abstaining.

Civil and political rights

During 2017, the HRC adopted a range of resolutions on civil and political rights. Without the need for a vote, it adopted resolutions on the right to privacy in the digital age, the right to freedom of religion, the right to be recognised as a person before the law, the right to freedom of opinion and expression, the human rights of migrants, on intolerance, stereotyping, discrimination, incitement to violence and violence against persons based on their religious beliefs, and on the independence of judges and lawyers and of the judiciary. The rest of this section introduces the resolutions on which voting – whether on the draft resolution or on proposed amendments to the draft resolution – took place. It is necessary to pay attention to amendment voting because it is often here, rather than during the final adoption, where the important action takes place and countries' positions become visible.

At the March 2017 session, the HRC had to consider a Norwegian-sponsored draft resolution on human rights defenders. The draft had 83 co-sponsors, including 13 from Africa.⁴⁸ The draft resolution reiterated the important role that human rights defenders play in advancing human rights and expressed concern over acts of violence and intimidation against them and about the use of legislation to criminalise and prevent their activities.⁴⁹ However, Russia and China proposed five hostile amendments to the resolution,⁵⁰ proposing, for instance, to remove references to human rights defenders and to diminish the authority of a special rapporteur on human rights defenders' report mentioned in the draft resolution. All five of these were rejected through a vote. While some African countries supported the amendments and some abstained, on each of the five votes a clear majority of African states rejected the hostile amendments.

During 2017, the HRC adopted three resolutions on combatting racism. Only one of these, a resolution renewing the mandate of the special rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance, was adopted without a vote. During the March 2017 session, the African Group tabled a draft resolution that gave notice of the decision to implement a December 2016 General Assembly resolution⁵¹

47 UN, 'Situation of human rights of Rohingya Muslims and other minorities in Myanmar', Doc. A/HRC/RES/S-27/1, 8 December 2017.

48 Angola, Benin, Republic of Congo, Côte d'Ivoire, Djibouti, Ghana, Guinea, Mali, Mozambique, Sierra Leone, Togo, Tunisia and Zambia.

49 UN, 'Mandate of the Special Rapporteur on the situation of human rights defenders', Doc. A/HRC/34/L5, 17 March 2017.

50 UN, 'Amendment to draft resolution L5', Doc. A/HRC/34/L.42-L.45 & L.51, 21 March 2017.

51 UN, 'A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action', Doc. A/RES/71/181, 31 January 2017.

instructing a committee of the HRC⁵² to begin negotiations on adjusting the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) to criminalise racist and xenophobic acts.⁵³ In the end, four Western states opposed the resolution, while 12 other states abstained, among which India, Japan and South Korea. Brazil, speaking on behalf of itself and five other Latin American countries, criticised the resolution but voted for it. One point of contention was over whether existing national and international law was adequate for addressing racism. In this regard, the EU noted, for instance, that it already criminalises certain forms of racism.⁵⁴ The US argued that there were no gaps in ICERD. Rather, instead of amending the aforementioned treaty, the US argued, proper implementation of its existing provisions was what was needed.⁵⁵ It is relevant to note, firstly, that article 4(a) of ICERD already criminalises racist speech⁵⁶ and, secondly, that the Committee on the Elimination of Racial Discrimination's⁵⁷ general recommendation states that 'the criminalisation of forms of racist expression should be reserved for serious cases, to be proven beyond reasonable doubt, while less serious cases should be addressed by means other than criminal law'.⁵⁸ A second concern was about process. Brazil worried that the sponsors of the resolution were circumventing the work of the Ad Hoc Committee on the Elaboration of Complementary Standards to ICERD and were rushing ahead without having built the 'necessary consensus' and 'common understanding' needed to amend the treaty.⁵⁹ It might be helpful to point out that 10 of the states that supported the abovementioned criminalisation of racism opposed or abstained from the special session resolution on the persecution of the Rohingya.⁶⁰

At the September 2017 session the HRC adopted 'From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance', a wide-ranging resolution on various aspects of racism.⁶¹ The resolution repeated the need for expanding ICERD to criminalise racist and xenophobic speech. As at the March session,

52 Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination.

53 UN, 'Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination', Doc. A/HRC/34/L.31/Rev.1, 21 March 2017.

54 UN Web TV, 'A/HRC/34/L.31/Rev.1 Vote Item:9 - 58th Meeting, 34th Regular Session Human Rights Council: Germany', 24 March 2017, <http://webtv.un.org/watch/ahrc34l.31rev.1-vote-item9-58th-meeting-34th-regular-session-human-rights-council/5371366581001?page=4#>, accessed 1 July 2019.

55 UN Web TV, 'A/HRC/34/L.31/Rev.1 Vote Item:9 - 58th Meeting, 34th Regular Session Human Rights Council: United States', 24 March 2017, <http://webtv.un.org/watch/ahrc34l.31rev.1-vote-item9-58th-meeting-34th-regular-session-human-rights-council/5371366581001?page=4#>, accessed 1 July 2019.

56 According to article 4 (a) of ICERD, states 'shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof'.

57 The Committee on the Elimination of Racial Discrimination is the body of independent experts that monitors states' implementation of ICERD.

58 UN, 'General recommendation No. 35: Combating racist hate speech', Doc. CERD/C/GC/35, 26 September 2013.

59 UN Web TV, 'A/HRC/34/L.31/Rev.1 Vote Item:9 - 58th Meeting, 34th Regular Session Human Rights Council: Brazil', 24 March 2017, <http://webtv.un.org/watch/ahrc34l.31rev.1-vote-item9-58th-meeting-34th-regular-session-human-rights-council/5371366581001?page=4#>, accessed 1 July 2019.

60 Burundi, China, Congo, Ecuador, Ethiopia, Kenya, Mongolia, Philippines, South Africa and Venezuela.

61 UN, 'From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance', Doc. A/HRC/RES/36/24, 9 October 2017.

objections focused on this proposed remedy, with critics insisting that ICERD is adequate and claiming that there are superior counters to racist speech, among which, ironically, free speech.⁶²

At the March 2017 session, Morocco, Norway, Peru, Romania, South Korea and Tunisia introduced a draft resolution titled 'Human rights, democracy and the rule of law'.⁶³ A further 72 states joined as co-sponsors of the resolution, including 10 African states.⁶⁴ The draft resolution drew attention to the mutually reinforcing relationships between human rights, democracy and the rule of law and proposed a forum discussion that focused on the role of parliaments in advancing human rights, democracy and the rule of law. The draft resolution stated that the forum was to be open to various actors, including UN institutions, academics, regional organisations, national human rights institutions, and NGOs 'whose aims and purposes are in conformity with the spirit, purposes and principles' of the UN Charter. However, China, Pakistan and Russia proposed an amendment aimed at restricting the types of NGOs that would qualify to participate in the forum. Specifically, they proposed that only NGOs that respected 'the sovereignty and territorial integrity' of states should be allowed to participate in the forum.⁶⁵ This was an attempt to silence critical civil society voices. The Chinese-led hostile amendment was rejected 23-18-6 (in favour-against-abstain). African countries were divided in their support for the amendment: seven supported it, three opposed it, and three abstained. After the rejection of the amendment, the HRC adopted the resolution without a vote.

During the HRC's June 2017 session, it adopted two resolutions on women's rights – one focusing on violence against women,⁶⁶ the other on discrimination against women.⁶⁷ Canada was the main sponsor of the resolution on violence against women. This resolution had 85 co-sponsors, including 12 African states.⁶⁸ However, Russia and Belarus introduced two hostile amendments to the resolution. The first amendment proposed to remove a reference to 'women human rights defenders'.⁶⁹ The second responded to the role of education in reducing gender-based violence. In this regard, Russia and Belarus proposed deleting a specific call for states to provide 'comprehensive sexuality education'.⁷⁰ Both proposed amendments were put to a vote. The first was rejected 25-13-8. Three African states supported the hostile amendment, five opposed it, and five abstained. The second amendment, on sexuality education, was rejected 25-16-4. Seven African states favoured the

62 UN Web TV, 'A/HRC/36/L.17/Rev.1 Vote Item:9 – 42nd Meeting, 36th Regular Session Human Rights Council: Latvia', 29 September 2017, <http://webtv.un.org/search/ahrc36l17rev1-vote-item9-42nd-meeting-36th-regular-session-human-rights-council/5592217923001/?term=rhetoric&sort=date#>, accessed 1 July 2019; UN Web TV, 'A/HRC/36/L.17/Rev.1 Vote Item:9 – 42nd Meeting, 36th Regular Session Human Rights Council: United States', 29 September 2017, <http://webtv.un.org/search/ahrc36l17rev1-vote-item9-42nd-meeting-36th-regular-session-human-rights-council/5592217923001/?term=rhetoric&sort=date#>, accessed 1 July 2019.

63 UN, 'Human rights, democracy and the rule of law', Doc. A/HRC/34/L.20, 20 March 2017.

64 Algeria, Benin, Botswana, Central African Republic, Gabon, Ghana, Libya, Madagascar, Sierra Leone and Togo.

65 UN, 'Amendment to draft resolution A/HRC/34/L.20', Doc. A/HRC/34/L.52, 22 March 2017.

66 UN, 'Accelerating efforts to eliminate violence against women: Engaging men and boys in preventing and responding to violence against all women and girls', Doc. A/HRC/35/L.15, 20 June 2017.

67 UN, 'Elimination of discrimination against women and girls', Doc. A/HRC/35/L.29, 19 June 2017.

68 Angola, Benin, Botswana, Cameroon, Ghana, Madagascar, Mali, Namibia, Rwanda, Sierra Leone, Tunisia and Zambia.

69 UN, 'Amendment to draft resolution A/HRC/35/L.15', Doc. A/HRC/35/L.39, 20 June 2017.

70 *Ibid.*

hostile amendment, five opposed it, and one abstained. The resolution was then adopted without a vote.

Mexico and Colombia were the main sponsors of the resolution on discrimination against women.⁷¹ There were 64 co-sponsors, including six African states.⁷² As with the resolution on violence against women, Russia and Belarus proposed two unfriendly amendments, again seeking to replace a reference to 'women human rights defenders' with 'women engaged in the promotion and protection of universally recognized human rights and fundamental freedoms'⁷³ and cutting a reference to sexuality education.⁷⁴ Egypt then made an additional, oral amendment, proposing to replace the term 'gender' with 'sex'⁷⁵ in a paragraph that read in part, 'Underscoring that international human rights treaties prohibit discrimination, inter alia, on the basis of gender ...'.⁷⁶ The proposal to remove a reference to 'women human rights defenders' was defeated 26-14-6. Four African countries supported the amendment, six opposed it, and three abstained. The amendment on sexuality education was defeated 25-17-3. Eight African countries voted for the amendment, while five opposed it. Egypt's oral amendment was defeated 24-10-11. Among African countries, three voted in favour, three against, and seven abstained.

The African Group has long shown a reluctance to discuss matters to do with sexual orientation and gender identity.⁷⁷ This was again the case at the HRC's June 2017 session where the independent expert on protection against violence and discrimination based on sexual orientation and gender identity presented his first HRC report. Of the 42 countries that commented on the report, not one was African. Since the independent expert's mandate ran until 2018, there was no direct vote on the issue of human rights, sexual orientation and gender identity. During the June 2017 session of the HRC, there was, however, an oblique attack on LGBT rights. It came in the form of a 'Protection of the family' resolution.⁷⁸ The anti-LGBT agenda of the 'Protection of the family' series of resolutions has long been visible.⁷⁹ The key dispute is over the definition of the family. In this resolution, its conservative sponsors – it is Egyptian-led⁸⁰ – understand the family as a unit with a married man and woman at its head. This denies various other forms of the family, such as single-parent families, but the main target is families with parents of the same sex. Since the inception of this resolution there have been attempts to amend the resolution's definition

71 UN, 'Elimination of discrimination against women and girls', Doc. A/HRC/35/L.29, 19 June 2017.

72 Angola, Benin, Botswana, Rwanda, Sierra Leone and South Africa.

73 UN, 'Amendment to draft resolution A/HRC/35/L.29', Doc. A/HRC/35/L.41, 21 June 2017.

74 UN, 'Amendment to draft resolution A/HRC/35/L.29', Doc. A/HRC/35/L.42, 21 June 2017.

75 UN Web TV, 'A/HRC/35/L.29 Vote Item:3 – 36th Meeting, 35th Regular Session Human Rights Council: Egypt', 22 June 2017, <http://webtv.un.org/topics-issues/watch/ahrc35l29-vote-item3-36th-meeting-35th-regular-session-human-rights-council/5479881935001/?term=&page=54?lan=spanish#>, accessed 1 July 2019.

76 UN, 'Elimination of discrimination against women and girls', Doc. A/HRC/35/L.29, 19 June 2017.

77 Jordaan E, 'South Africa and sexual orientation rights at the United Nations: Batting for both sides', *Politikon: South African Journal of Political Studies*, 44, 2, 2017.

78 UN, 'Protection of the family: role of the family in supporting the protection and promotion of human rights of older persons', Doc. A/HRC/RES/35/13, 6 July 2017.

79 Jordaan E, 2017, *op. cit.*

80 In 2017, the main sponsors of the 'Protection of the family' resolution were Bangladesh, Belarus, China, Côte d'Ivoire, Egypt, El Salvador, Mauritania, Morocco, Qatar, the Russian Federation, Saudi Arabia, Tunisia and Uganda.

of the family to allow for, among other things, families headed by same-sex partners. This was also the case in 2017. In response to the draft resolution, the EU proposed inserting the following: 'Recognises that, in different cultural, political and social systems, various forms of the family exist'.⁸¹ However, Saudi Arabia called for a vote on this amendment. The amendment was rejected 22-19 with five abstentions. Eleven African countries opposed the pro-LGBT amendment, with South Africa voting in favour and Rwanda abstaining. A second proposed amendment also tried to bring across the diversity of the family forms. Specifically, the amendment sought to change the words in the title from 'role of the family' to 'the role of families'.⁸² This amendment was also rejected, with African countries voting the same as on the first attempted amendment. The resolution was then adopted 30-12-5, with all African countries voting in favour.

Approach to human rights

Studying human rights on the HRC poses a number of challenges. First, although all HRC resolutions use the language of human rights, not all are used to advance human rights. Some are vehicles for asserting the principle of national sovereignty against the universality of human rights, some demand international 'cooperation' on human rights – UN jargon for not criticising states for rights abuses – while other resolutions stifle or obstruct potential investigations into rights violations.

Second, some might express surprise that human rights at the HRC are politicised, yet, for an interstate organisation, this is to be expected. The HRC exists in a certain geopolitical context. This leads to anomalous consequences. Iran is subject to annual UN investigations into its domestic rights situation while its neighbours, Bahrain, Saudi Arabia and Iraq, whose domestic rights records are no better, are not. These discrepancies have to do with the distribution of global power and international alliances. Sometimes power and the purposes of human rights align – as in the case of Iran. When the distribution of global power is at odds with the advancement of human rights – as in the cases of Bahrain, Saudi Arabia and Iraq – the challenge is to bring human rights norms to bear to the greatest extent possible given the global power realities. In such a contextual approach, merely mentioning human rights problems in a state as powerful and intolerant of criticism as China becomes a victory of sorts. To be sure, simply mentioning China's violations is feeble compared to an action such as imposing annual UN investigations on China – an impossibility – but for a state to mention China's problems is an expansion of what seems possible in the current configuration of power.

Third, human rights are often cast as something that the powerful West imposes on a subjugated Global South. There is little doubt that the origins of human rights lie principally

81 UN, 'Amendment to draft resolution A/HRC/35/L.21', Doc. A/HRC/35/L45, 20 June 2017.

82 UN, 'Amendment to draft resolution A/HRC/35/L.21', Doc. A/HRC/35/L47, 20 June 2017.

- but not exclusively⁸³ - in the West, but, with regard to the HRC, we can say the following. First, on the HRC, developing countries are not powerless - they make up about two-thirds of the membership. Indeed, developing countries often band together to adopt resolutions favourable to them and at a cost to the West. Second, although often present, hypocrisy on human rights is not a Western preserve. The treatment of Israel best illustrates developing world hypocrisy - developing countries often oppose country-specific resolutions but then gang up to condemn and investigate Israel. Third, developing countries repeatedly (and voluntarily) affirm their commitment to human rights. Fourth, it might not make one popular, but it is possible for states to break with their allies to support human rights. Fifth, as this study demonstrates, developing countries, and African countries in particular, do not have homogenous views on human rights.

In light of the above, this study does not delve into the history and gaps in the HRC's treatment of human rights. Rather, the assessment of African countries' records at the HRC is ahistorical. We are interested in what happened during 2017 and pay little attention to the wider institutional and geopolitical backdrops. Moreover, although human rights are a product of our time, this study approaches human rights as universal and timeless.

Analysis of the African group at the HRC in 2017

This section highlights a number of striking aspects in the way African states voted on the HRC during 2017. Tables 5a and b in the appendix show how each African state voted during the consideration of the various resolutions on country-specific situations and civil and political rights in 2017. The details and meaning of the various resolution and amendment votes were discussed in the section above. At issue are 17 country-specific votes (Table 5a) and 16 related to civil and political rights (Table 5b) - a total of 33 votes.⁸⁴

African states have a reputation for voting as a bloc, but their 2017 record on the HRC shows that this characterisation no longer fits

A first salient aspect relates to the divergence among African states. African states have a reputation for voting as a bloc, but their 2017 record on the HRC shows that this characterisation no longer fits. With regard to the 33 votes in question, African states were

83 Jensen S, *The Making Of International Human Rights: The 1960s, Decolonization and the Reconstruction of Global Values*. Cambridge: Cambridge University Press, 2016.

84 In this report, abstentions are treated as important votes. There has been some scholarly discussion over whether to include abstentions in analyses of UN voting. In my view, declining to support or oppose a resolution or an amendment is a meaningful action in its own right and can impact on whether a vote succeeds or not.

only unified on one country-specific vote (on the DRC) and three thematic votes (two related to racism, one on the 'protection of the family'). In the case of the DRC vote, the tally was 45-1-1, so it was more a case of the US casting a protest vote than a test of states' commitment to human rights.

Second, African states have a reputation for obstructing the advancement of human rights at UN forums. Such a characterisation may have been accurate during the first years of the HRC,⁸⁵ but the evidence from 2017 casts doubt on such a view. Although a majority of African states voted against human rights in votes related to Burundi, the need for sexuality education, families headed by same-sex partners, and the participation of critical NGOs in a UN forum on democracy, most of them also voted for pro-human rights positions on Israel, human rights defenders, racism, the persecution of the Rohingya, and the socially constructed roots of discrimination against women.

Third, with regard to thematic votes, it is helpful to separate votes that test social progressiveness (votes on women, LGBT rights, and race) from those on political freedoms (votes on human rights defenders and on the amendment to the resolution 'Human rights, democracy and the rule of law'). Viewed in this way, South Africa and Rwanda emerge as the African members most supportive of socially progressive causes, followed by Ghana,

South Africa and Rwanda emerge as the African members most supportive of socially progressive causes

Tunisia and Botswana. While no clear patterns emerge from the way the African Group voted on women's rights, the African Group's strong support for the regressive 'Protection of the family' resolution clearly demonstrates the majority's hostility to LGBT rights. On political rights, Botswana and Ghana have the strongest records, followed by Côte d'Ivoire, Tunisia and Rwanda, but, as with women's rights, African states voted for and against these rights in roughly equal measure.

A fourth point concerns the longstanding belief that political freedoms are unimportant if people are too poor to meaningfully participate in the political process. Claude Ake, one of Africa's most important social scientists, has argued that⁸⁶

the Western notion of human rights stresses rights which are not very interesting in the context of African realities. There is much concern with the right to peaceful

85 Jordaan E, 2016, *op. cit.*

86 Ake C, 'The African context of human rights', *Africa Today*, 34, 1/2, 1987, p. 5.

assembly, free speech and thought, fair trial, etc. The appeal of these rights is sociologically specific. They appeal to people with a full stomach who can now afford to pursue the more esoteric aspects of self-fulfilment. The vast majority of our people are not in this position. They are facing the struggle for existence in its brutal immediacy. Theirs is a totally consuming struggle. They have little or no time for reflection and hardly any use for free speech. They have little interest in choice for there is no choice in ignorance. There is no freedom for hungry people, or those eternally oppressed by disease. It is no wonder that the idea of human rights has tended to sound hollow in the African context.

The firm support shown for political freedoms at the HRC by Botswana, Ghana, Côte d'Ivoire, Tunisia and Rwanda suggests that many African states disagree that political freedoms are only important once economic and developmental needs have been met.

Fifth, African states, their colonial and neo-colonial experience in many ways a story of sovereignty denied, are thought to be highly protective of their sovereignty.⁸⁷ The sovereignty principle, this line of the thinking goes, provides weak African states with some protection against powerful actors. The insistence on respect for sovereignty leads us to expect that African states would oppose item 4 and other intrusive country-specific resolutions. Indeed, we see evidence of this in the African Group's resolution on Burundi, a text designed to protect Burundian individuals from international investigation and possible ICC prosecution. Twelve of the 13 African Group members voted for its resolution on Burundi. However, African states frequently supported intrusive measures against specific states or failed to defend the sovereignty of states that the HRC had in its sights. There are various examples. In parallel to the African Group's resolution on Burundi, the EU tabled a much more invasive resolution on the country, yet only five African states opposed this resolution. In addition, in June 2017 Somalia and Djibouti sponsored a resolution on human rights in Eritrea, which was adopted without a vote. A majority of African states also voted for the HRC's five forceful resolutions on Israel. In December 2017, eight African states voted yes on a resolution sponsored by the Organisation of Islamic Cooperation (OIC) on the plight and persecution of the Rohingya. Moreover, only one African state (Burundi) voted against the HRC's three 2017 resolutions on Syria, whereas five African states backed the resolution on each occasion. In addition, only three African states opposed the resolution on Iran, while only two opposed the Belarus resolution.

A sixth point concerns Africa's relationship with the rest of the world. One often hears the objection that human rights are a form of Western imperialism, an unwelcome and alien standard by which African states are expected to abide. After all, Africa was not involved in the drafting of the fundamental human rights document, the Universal Declaration of Human Rights.⁸⁸ Marginal as Africa was in the initial development of post-war human rights, the claim that human rights continue to be some form of Western imposition is

87 Clapham C, *Africa and the International System: The Politics of State Survival*. Cambridge: Cambridge University Press, 1996.

88 Mutua M, 'Human rights in Africa: The limited promise of liberalism', *African Studies Review*, 51, 1, 2008.

unconvincing. For one, ICERD, the first human rights treaty, was the result of a surge of African membership of the UN. The report further weakens claims about human rights imperialism. For one, African states have embraced various parts of the human rights offering; economic rights and racial equality most notably. Moreover, the report shows that even civil and political rights – the set of rights purportedly most characteristically Western – enjoy considerable support among African states.

A seventh and final comment related to tables 5a and b: we should be suspicious of those who claim to speak for Africa on human rights. The wide range of African positions at the HRC suggests that there often is no single African position on human rights. Those who presume to speak for Africa often present the African position as inimical to human rights yet the African Group’s record shows that an African position that is friendly to human rights has a similar basis in fact.

Table 2 ranks the 2017 African members of the HRC according to their commitment to international human rights during this year. This ranking is based on African states’ votes on the country situations and civil and political rights issues discussed in this report. The methodology behind this ranking is explained in the appendix to this report.

1	Botswana, Ghana, Rwanda	8	Republic of Congo
4	Côte d’Ivoire	9	Ethiopia and Kenya
5	Tunisia	10	Nigeria
6	South Africa	11	Egypt
7	Togo	12	Burundi

Botswana’s record is consistent with its firm support for international human rights on other fronts, such as its defence of the ICC, its criticism of questionable elections in Zimbabwe, and its incisive comments during the Universal Periodic Review.⁸⁹ In an article published in 2013, some scholars suggested that Botswana is too small and vulnerable to continue defending human rights at the international level,⁹⁰ yet its actions at the HRC in 2017 show that the country continues to defy such expectations.

Rwanda’s strong performance is surprising. The Kagame government is, after all, highly authoritarian. Explaining Rwanda’s performance at the HRC would require further research, but my suspicion is that it has to do with wanting to maintain a close relationship with the

89 Jordaan E, ‘Elephants in the room: Botswana and the United Nations Universal Periodic Review’, *Nordic Journal of Human Rights*, 37, 1, 2019.

90 Malila I & R Molebatsi, ‘Botswana’s experimentation with “ethical foreign policy”’, *Southern African Peace and Security Studies*, 3, 1, 2013.

West. In the case of Tunisia, the type of regime in power does seem to have had an impact on the extent of the country's support for international human rights. During its first stint on the HRC, from 2006 to 2007, Tunisia had a regressive record, but following the Arab Spring and Tunisia's subsequent democratisation, its record on the HRC has become friendly to human rights. Tunisia's strong support for political freedoms is especially noteworthy.

There is a considerable scholarly literature on the place of human rights in South Africa's foreign policy. Many of these observers are baffled that despite the prominence of human rights in the struggle against apartheid and its democratic constitution, South Africa's foreign policy is more or less a betrayal of human rights.⁹¹ South Africa's actions at the HRC during 2017 would thus continue to disappoint those who expect it to defend human rights internationally. South Africa's poor record on political freedoms is particularly striking. Egypt's languishing near the bottom of the table is not surprising. While Egypt's stances softened a bit in the immediate wake of the Arab Spring, its current behaviour is of a piece with the regressive role it played on the HRC during the organisation's early years.⁹² As for Burundi, it is a clear example of what Kofi Annan described as a state that seeks membership of a UN human rights body not to advance human rights but to shield itself against criticism.⁹³

South Africa's foreign policy is more or less a betrayal of human rights

Although the above ranking is admittedly a small sample, it has implications for our view of the relationship between domestic regime type and respect for human rights, on the one hand, and international support for human rights, on the other. The HRC, like its predecessor, has long been criticised for admitting rights violators as members. Nikki Haley, the Trump administration's first ambassador to the UN, made reform to the HRC's membership one of its conditions for not withdrawing from the organisation. In June 2017, Haley complained that 'over half the current [HRC] member countries fail to meet basic human rights standards as measured by Freedom House'.⁹⁴ This is a high bar – of the 2017 African HRC cohort, only Botswana, Ghana, South Africa and Tunisia would qualify. Africa's five 'not free' 2017 members – Burundi, the Republic of Congo, Egypt, Ethiopia and Rwanda – would be ineligible on any standard that makes domestic respect for human rights a precondition for HRC membership. Table 2 shows the difficulties with this line of argument.

91 Moore C, 'Twenty years on, it's all academic: Progressive South African scholars and moral foreign policy after apartheid', *Politikon: South African Journal of Political Studies*, 40, 3, 2013.

92 Jordaan E, 2016, *op. cit.*

93 Annan K, 2005, *op. cit.*

94 Haley N, 'Remarks at the Graduate Institute of Geneva on "A Place for Conscience: The Future of the United States in the Human Rights Council"', 6 June 2017, <https://usun.state.gov/remarks/7828>, accessed 1 August 2019.

More specifically, Rwanda, one of Africa's most oppressive states, has one of the best records on the HRC. Similarly, South Africa might have a strong domestic human rights record, but, as its middling effort on the HRC during 2017 shows, a good domestic record is no guarantee of support for international human rights.

How to use this report

This report discusses the records of 14 African countries at the HRC during 2017. Of these, 11 were members of the HRC in 2017. The report addresses each country's response to country-specific human rights situations and civil and political rights issues. The key indicator of a country's commitment to international human rights is its voting record, whether on resolutions or amendments. In addition to voting information, the country studies in this report take into account statements before the HRC and sponsorship of resolutions and amendments.

To reduce repetition, each country report does not go into the details of every vote, say, on the Chinese-led amendment to the resolution, 'Human rights, democracy and the rule of law'.⁹⁵ Readers are therefore encouraged, when reading a country report, to consult this introductory chapter for more background on the various issues and votes.

The report discusses the actions of 14 African countries at the HRC, 11 of which were members during 2017. Africa has 13 seats on the HRC. One shortcoming of the report is the absence of chapters on two 2017 members, Tunisia and the Republic of Congo. The reason for this gap lies in the origins of this report. The country chapters grew out of a postgraduate course I teach. There were 16 students in this course in 2018. Thirteen were assigned an African HRC member to write about, while three students were asked to cover important African non-members. While it was compulsory for students to submit a country report as part of their final grade, it was optional whether they wanted to do further work on it to prepare it for inclusion in the report before you. Unfortunately, two students, who wrote on Tunisia and the Republic of Congo respectively, declined to do the additional work.

In addition, the appendix to this report contains several tables that will enable readers to get an overview of and compare the records of African countries.

⁹⁵ UN, 'Human rights, democracy and the rule of law', Doc. A/HRC/34/L.20, 20 March 2017.

ALGERIA

Keoratile Mahlaula

Introduction

Although Algeria was not a member of the HRC during 2017 and therefore could not vote, it was active in HRC affairs. Many of its efforts focused on economic and cultural rights. Algeria's interventions on civil and political rights were inconsistent in their support for human rights. When Algeria addressed country-specific situations, its responses were weak.

Algeria's interventions on civil and political rights were inconsistent in their support for human rights

The Economist Intelligence Unit's Democracy Index classifies Algeria as authoritarian.⁹⁶ Freedom House classifies it as 'not free'.⁹⁷ The country has a semi-presidential system. Abdelaziz Bouteflika was president from 1999 until 2019. The political system is beset by problems such as electoral fraud, state control of the media, the suppression of criticism, and restrictions on the right of assembly and the right to protest.⁹⁸ The Algerian constitution prohibits discrimination based on sex,⁹⁹ while in recent years Parliament has introduced firm laws against domestic violence.¹⁰⁰ Algeria is less protective of LGBT persons; same-sex relations can lead to a prison sentence.¹⁰¹ With regard to the rights of migrants, Amnesty International reports that, between August and December 2017, Algerian authorities racially profiled, arbitrarily arrested and forcibly expelled more than 6 500 sub-Saharan African migrants to neighbouring Niger and Mali.

During the 1960s and 70s, non-alignment and anti-imperialism were central components of Algeria's foreign policy. In the late 1980s, as the Non-Aligned Movement (NAM) began to lose its reason for being, Algerian foreign policy became less strident. Under Bouteflika, Algeria became an influential regional and international player. Alongside South Africa's Thabo Mbeki and Nigeria's Olusegun Obasanjo, Algeria launched the New Partnership

96 Economist Intelligence Unit, 'Democracy Index 2017', <https://infographics.economist.com/2018/DemocracyIndex/>, accessed 1 July 2019.

97 Freedom House, 'Freedom in the World 2018: Algeria', <https://freedomhouse.org/report/freedom-world/2018/algeria>, accessed 1 July 2019.

98 *Ibid.*

99 HRW, 'Algeria: Events of 2016', <https://www.hrw.org/world-report/2017/country-chapters/algeria>, accessed 1 July 2019.

100 *Ibid.*

101 *Ibid.*

for Africa's Development. Following the terrorist attacks on the US on 11 September 2001, Algeria moved closer to the US and, at around this time, began to build a stronger relationship with NATO.¹⁰² Like other Arab states, it is a strong supporter of Palestinian independence. In addition, it is an outspoken proponent of Saharawi independence, a 'people who continue to suffer from the occupation of their land and the right to freely choose their own destiny'.¹⁰³

Country-specific situations

During 2017, Algeria's record on human rights problems in specific countries was inconsistent.

Critical country-specific resolutions

During 2017, Algeria commented on a number of country situations that were covered by critical country-specific resolutions. Its interventions were weak, as they avoided placing blame on the governments involved. In its comment on the situation in Syria, Algeria said nothing about the Assad regime's brutality and extensive human rights violations, but instead criticised 'terrorist groups that use civilians as a human shield'.¹⁰⁴ With regard to South Sudan, Algeria commended the country for its cooperation with the UN, asked it to continue doing so, and called on the international community to 'restore peace, security and stability throughout the country and strengthen national reconciliation'.¹⁰⁵ Algeria supported convening a special session on what it described as the 'worrying' situation of the Rohingya. In its statement it referenced various UN reports, which it described as 'credible', and which document the government's brutal attacks on the Rohingya. Despite knowing what was in these reports, the strongest Algeria could muster was a call on the Myanmar government to 'take all necessary measures to shed light on these violations, to put an end to impunity and to fulfil its responsibilities to protect all its citizens'.¹⁰⁶

Technical assistance and capacity building

Despite not being an HRC member during 2017, Algeria frequently made comments related to technical assistance and capacity-building resolutions, including on the CAR,

102 Mortimer RA, 'Algerian foreign policy: From revolution to national interest', *Journal of North African Studies*, 20, 3, 2015, p. 476.

103 *UN Web TV*, 'Algeria, High-Level Segment – 4th Meeting, 34th Regular Session Human Rights Council', 28 February 2017, <http://webtv.un.org/search/algeria-high-level-segment-4th-meeting-34th-regular-session-human-rights-council/5340475951001/?term=Algeria&sort=date&page=34>, accessed 1 July 2019.

104 *UN Web TV*, 'ID: Commission of inquiry on Syria – 35th Meeting, 34th Regular Session Human Rights Council: Algeria', 14 March 2017, <http://webtv.un.org/search/id-commission-of-inquiry-on-syria-35th-meeting-34th-regular-session-human-rights-council-/5357499910001/?term=Algeria&sort=date&page=32#player>, accessed 1 July 2019.

105 *Ibid.*

106 *UN Web TV*, '2nd Meeting – 27th Special Session of Human Rights Council: Algeria', 5 December 2017, <http://webtv.un.org/search/2nd-meeting-27th-special-session-of-human-rights-council/5666471729001/?term=algeria&sort=date&page=15#player>, accessed 1 July 2019.

Côte d'Ivoire, the DRC, Libya, Mali and Sudan. In line with these types of resolutions, Algeria assumed that the government in question was committed to the advancement of human rights, avoided criticising these governments and demanded little of them. It would call for international assistance to these countries, but insisted that such assistance should not violate the sovereignty of the particular country. We thus see Algeria 'inviting' the international community 'more than ever, to provide urgent support to end the crisis in the Central African Republic'.¹⁰⁷ In the case of the DRC, it encouraged the government 'to continue its efforts to bring to justice those responsible for serious violations'¹⁰⁸ – even when the government had done little to end impunity and was itself one of the main rights violators.¹⁰⁹ Algeria further called upon the international community to 'provide the necessary support required by the DRC, within the framework of the respect of the rules of non-interference in the internal affairs, of the sovereignty and the unity and territorial integrity of the country'.¹¹⁰

Israel

Algeria had no qualms about criticising Israel. It condemned and expressed 'deep concern' about Israel's lack of cooperation with the HRC. Algeria decried Israel's 'flagrant violation of international human rights and humanitarian law' in the way it treated Palestinians, and noted the 'devastating effects' of Israel's occupation on the ability of Palestinians to enjoy a decent life and basic rights.¹¹¹

Civil and political rights

During 2017, Algeria's interventions on civil and political rights were minimal. Although its lack of action suggests inadequate support for civil and political rights, on the occasions when it did intervene its actions were supportive of human rights.

During the HRC's March 2017 session, Algeria was one of five African countries¹¹² to co-sponsor a resolution on freedom of expression.¹¹³ It further demonstrated a strong commitment to the rule of law. It co-sponsored the resolution, 'Human rights, democracy and the rule of law', which proposed a discussion forum on the role of parliaments in

107 UN Web TV, 'IE on Central African Republic – 49th Meeting, 34th Regular Session Human Rights Council: Algeria', 21 March 2017, <http://webtv.un.org/search/id-ie-on-central-african-republic-49th-meeting-34th-regular-session-human-rights-council-/5366504494001/?term=algeria&sort=date&page=30#player>, accessed 1 July 2019.

108 UN Web TV, 'ID on Democratic Republic of the Congo – 53rd Meeting, 34th Regular Session Human Rights Council: Algeria', 22 March 2017, <http://webtv.un.org/search/id-on-democratic-republic-of-the-congo-53rd-meeting-34th-regular-session-human-rights-council-/5367403589001/?term=algeria&sort=date&page=30#player>, accessed 1 July 2019.

109 *Ibid.*

110 *Ibid.*

111 UN Web TV, 'Item:7 General Debate (Cont'd) – 47th Meeting, 34th Regular Session Human Rights Council: Algeria', 20 March 2017, <http://webtv.un.org/search/item7-general-debate-contd-47th-meeting-34th-regular-session-human-rights-council-/5365914430001/?term=algeria&sort=date&page=30>, accessed 1 July 2019.

112 Botswana, Cape Verde, Sierra Leone and Tunisia were the others.

113 UN, 'Report of the Human Rights Council on its thirty-fourth session', Doc. A/HRC/34/2, 4 August 2017, p. 53.

advancing human rights, democracy and the rule of law.¹¹⁴ In addition, Algeria co-sponsored a resolution to extend the mandate of the special rapporteur on the independence of judges and lawyers.¹¹⁵

In a statement on migration, Algeria shied away from pointing to political drivers of migration – state violence and repression, for instance – and focused instead on poverty and underdevelopment.¹¹⁶ It claimed that the basis of its migration policy was ‘respect for human dignity’ and that it ‘has for a long time tolerated the presence on its territory of migrants who have entered its territory in an irregular manner’.¹¹⁷ Algeria was a co-sponsor of a resolution on the rights of migrants.¹¹⁸ On the issue of violence against women, it delivered a firm statement and emphasised the various ways in which the country had tried to combat this problem.¹¹⁹

Conclusion

Algeria’s few actions on civil and political rights at the HRC during 2017 suggest a lack of enthusiasm for these rights, yet, when it did intervene, its interventions were pro-human rights. Although a voting record would have allowed for more certain conclusions, during 2017, Algeria’s actions at the HRC were on the whole supportive of human rights.

114 *Ibid.*, p. 55.

115 *UN Web TV*, ‘Clustered ID (Cont’d): SR on Independence of Judges & Lawyers and SR on Violence Against Women – 14th Meeting, 35th Regular Session Human Rights Council: Algeria’, 12 June 2017, <http://webtv.un.org/search/clustered-id-contd-sr-on-independence-of-judges-lawyers-and-sr-on-violence-against-women-14th-meeting-35th-regular-session-human-rights-council/5-466189015001/?term=algeria&sort=date&page=25>, accessed 1 July 2019.

116 *UN Web TV*, ‘Enhanced ID: on the human rights of migrants – 28th Meeting, 34th Regular Session Human Rights Council: Algeria’, 10 March 2017, <http://webtv.un.org/search/enhanced-id-on-the-human-rights-of-migrants-28th-meeting-34th-regular-session-human-rights-council-/5353904631001/?term=algeria&sort=date&page=33#player>, accessed 1 July 2019.

117 *Ibid.*

118 UN, ‘Report of the Human Rights Council on its thirty-fourth session’, Doc. A/HRC/34/2, 4 August 2017, p. 54.

119 *UN Web TV*, ‘Clustered ID (Cont’d): SR on Independence of Judges & Lawyers and SR on Violence Against Women – 14th Meeting, 35th Regular Session Human Rights Council: Algeria’, 12 June 2017, <http://webtv.un.org/search/clustered-id-contd-sr-on-independence-of-judges-lawyers-and-sr-on-violence-against-women-14th-meeting-35th-regular-session-human-rights-council/5-466189015001/?term=algeria&sort=date&page=25#player>, accessed 1 July 2019.

BENIN

Molebogeng Davids

Introduction

Although Benin was not a member of the HRC during 2017 and therefore could not vote, its statements to the HRC and its sponsorship of a number of resolutions showed that it was a moderately strong supporter of international human rights.

In 1991, Benin became the first African country to successfully make the transition from dictatorship to democracy. According to Freedom House, Benin is one of the most stable democracies in sub-Saharan Africa.¹²⁰ That said, its democracy is far from flawless. Corruption is rife.¹²¹ The judiciary lacks independence, as judges are picked by government officials, which makes them susceptible to government influence. Officials engage in corruption with impunity and police officers extort money during security checks. Benin also has a number of human rights problems, such as inhumane prison conditions, restrictions on the freedom of expression and occasional interference with the right to peaceful assembly.¹²² Although respect for the human rights of women and children has strengthened, violations against these groups continue to occur, including discrimination in hiring, unpunished cases of domestic abuse, and the widespread practice of female genital mutilation.¹²³ Child marriages remain a problem, as 32% of girls are married off under the age of 18, while 9% of girls are married off under the age of 15.¹²⁴

Benin continues to have strong ties with France, as well as the US. The EU and the US are the biggest donors of development aid to the country.¹²⁵ It is one of Africa's largest cotton producers and is dependent on subsistence agriculture and regional trade. Gold and cotton are key export commodities, making up 34% and 18% of the country's exports respectively.¹²⁶ Benin's top export destinations in 2016 were the United Arab Emirates (UAE, \$294 million), India (\$183 million) and China (\$58.1 million).¹²⁷

120 Freedom House, 'Freedom in the World 2017: Benin', <https://freedomhouse.org/report/freedom-world/2017/benin>, accessed 1 July 2019.

121 BBC News, 'Benin country profile', 8 May 2018, <https://www.bbc.com/news/world-africa-13037572>, accessed 1 July 2019.

122 Amnesty International, *The State of the World's Human Rights, 2017/2018*, <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>, accessed 1 July 2019.

123 The Borgen Project, 'Five areas of human rights in Benin', 12 September 2017, <https://borgenproject.org/five-areas-of-human-rights-in-benin/>, accessed 1 July 2019.

124 Amnesty International, 2017/2018, *op. cit.*

125 OECD (Organisation for Economic Co-operation and Development), 'Chart: Aid at a glance', https://public.tableau.com/views/OECDDataAidataglancebyrecipient_new/Recipients?:embed=y&:display_count=yes&:showTabs=y&:toolbar=no?&:showVizHome=no, accessed 1 July 2019.

126 Observatory of Economic Complexity, 'Benin', <https://atlas.media.mit.edu/en/profile/country/ben/>, accessed 1 July 2019.

127 *Ibid.*

Country-specific situations

During 2017, Benin made only a few interventions on country-specific situations, but overall its actions supported human rights.

Critical country-specific resolutions

During 2017, Benin's most visible action on critical country resolutions was its co-sponsorship of the resolution on human rights in North Korea. The resolution condemned 'in the strongest terms the long-standing and ongoing systematic, widespread and gross human

During 2017, Benin's most visible action on critical country resolutions was its co-sponsorship of the resolution on human rights in North Korea

rights violations and other human rights abuses' in the country. The resolution further extended the mandate of the special rapporteur on the country by one year and undertook to send the special rapporteur's reports 'to all relevant bodies of the United Nations and to the Secretary-General for appropriate action'.¹²⁸

Technical assistance and capacity building

Benin made a number of statements on countries currently subject to technical assistance and capacity-building resolutions. These resolutions and related statements are typically soft on the governments in question. While many of Benin's statements were far from harsh on the government in question, such as placing much of the burden for improving human rights in Côte d'Ivoire on the international community,¹²⁹ it occasionally delivered a gentle admonishment. With regard to the CAR, Benin said it remained 'concerned by acts of violence and insecurity, which can continue in the country'.¹³⁰ In the case of Mali, it supported recommendations that the Malian government ensure 'that any measures taken

128 UN, 'Situation of human rights in the Democratic People's Republic of Korea', Doc. A/HRC/RES/34/24, 3 April 2017.

129 UN Web TV, 'ID: IE on Cote d'Ivoire – 29th Meeting, 35th Regular Session Human Rights Council: Benin', 20 June 2017, <http://webtv.un.org/search/id-ie-on-cote-d%E2%80%99ivoire-29th-meeting-35th-regular-session-human-rights-council/5477124275001/?term=Independent%20expert%20on%20the%20enhancement%20of%20capacity-building%20and%20technical%20cooperation%20with%20C%C3%B4te%20d%E2%80%99Ivoire%20in%20the%20field%20of%20human%20rights&sort=date>, accessed 1 July 2019.

130 UN Web TV, 'ID: IE on Central African Republic – 49th Meeting, 34th Regular Session Human Rights Council: Benin', 21 March 2017, <http://webtv.un.org/search/id-ie-on-central-african-republic-49th-meeting-34th-regular-session-human-rights-council-/5366504494001/?term=Independent%20Expert%20on%20the%20situation%20of%20human%20rights%20in%20the%20Central%20African%20Republic&lan=english&sort=date>, accessed 1 July 2019.

to combat terrorism comply with the obligations of the authorities under international law, including international humanitarian law and international human rights law, in particular the principles of precaution, distinction and proportionality'.¹³¹

Civil and political rights

Although limited by the fact that it was not a member of the HRC and therefore could not vote, Benin's record on civil and political rights at the HRC during 2017 was nevertheless positive.

Migrants

In 2017, Benin sponsored the resolution on the protection of the human rights of migrants.¹³² In its statement it drew attention to the exploitation of migrants in the supply chains of multinational corporations and called for the protection of migrants from human rights violations.¹³³

Human rights defenders

Benin sponsored the resolution 'Mandate of the Special Rapporteur on the situation of human rights defenders'.¹³⁴ The resolution called on states to take steps to ensure that human rights defenders can operate free from hindrance and insecurity.¹³⁵

Freedom of opinion and expression

In dialogue with the special rapporteur on the promotion and protection of the right to freedom of opinion and expression, Benin spoke about the importance of protecting the privacy and personal data of Internet users and argued that the matter needed to be viewed through a human rights lens.¹³⁶

131 UN Web TV, 'ID: IE on Mali (Cont'd) – 50th Meeting, 34th Regular Session Human Rights Council: Benin', 21 March 2017, <http://webtv.un.org/search/id-ie-on-mali-contd-50th-meeting-34th-regular-session-human-rights-council/5366504502001/?term=A/HRC/34/72&lan=english&sort=date>, accessed 1 July 2019.

132 UN, 'The protection of the human rights of migrants, the global compact for safe, orderly and regular migration', Doc. A/HRC/RES/35/25, 28 April 2017.

133 UN Web TV, 'Clustered ID: WG on Transnational Corporations & SR on Migrants – 9th Meeting, 35th Regular Session Human Rights Council: Benin', 8 June 2017, <http://webtv.un.org/search/clustered-id-wg-on-transnational-corporations-sr-on-migrants-9th-meeting-35th-regular-session-human-rights-council-/5465351109001/?term=A/HRC/35/25&lan=english&sort=date#>, accessed 1 July 2019.

134 UN, 'Mandate of the Special Rapporteur on the situation of human rights defenders', Doc. A/HRC/RES/34/5, 17 March 2017.

135 *Ibid.*

136 UN Web TV, 'ID: SR on Freedom of Expression – 15th Meeting, 35th Regular Session Human Rights Council: Benin', 12 June 2017, <http://webtv.un.org/search/id-sr-on-freedom-of-expression-15th-meeting-35th-regular-session-human-rights-council/5468752878001/?term=A/HRC/35/22&lan=english&sort=date#>, accessed 1 July 2019.

Women's rights

Benin's record on women's rights was positive. It co-sponsored two resolutions on women's rights, 'Accelerating efforts to eliminate violence against women: Engaging men and boys in preventing and responding to violence against all women and girls'¹³⁷ and 'Elimination of discrimination against women and girls'.¹³⁸

Rule of law

On matters pertaining to the rule of law, Benin's record at the HRC was positive. While it could not vote, it did co-sponsor the resolution 'Human rights, democracy and the rule of law',¹³⁹ as well as the resolution 'Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers'.¹⁴⁰

Conclusion

Benin, through its sponsorship of resolutions and its statements before the HRC, has shown itself to be a moderately strong supporter of human rights at the international level.

137 UN, 'Accelerating efforts to eliminate violence against women: Engaging men and boys in preventing and responding to violence against all women and girls', Doc. A/HRC/35/L.15, 16 June 2017.

138 UN, 'Elimination of discrimination against women and girls', Doc. A/HRC/35/L.29, 19 June 2017.

139 UN, 'Human rights, democracy and the rule of law', Doc. A/HRC/RES/34/41, 6 April 2017.

140 UN, 'Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers', Doc. A/HRC/RES/35/12, 10 July 2017.

Simon Blunn

Introduction

At the HRC during 2017, Botswana, alongside Ghana and Rwanda, was the African Group's strongest defender of international human rights. Unlike most African countries, Botswana typically backed critical and invasive country-specific resolutions. With the exception of its position on rights related to sexual orientation, Botswana's record on civil and political rights was also positive.

Botswana, alongside Ghana and Rwanda, was the African Group's strongest defender of international human rights

Botswana is a parliamentary democracy. The Botswana Democratic Party has been in power since 1966. After 10 years in office, President Ian Khama stepped down on 1 April 2018. Mokgweetsi Masisi succeeded him. Freedom House rates Botswana as 'free',¹⁴¹ but there are a number of problems with the country's political process. Under Khama, critics complained of 'creeping authoritarianism'. In 2014, two journalists were charged with sedition for reporting on a car accident involving Khama.¹⁴² On human rights, Botswana falls short in a number of ways. The country continues to use the death penalty. According to Amnesty International, 'While many countries in the region are moving away from this cruel form of punishment, Botswana is regressing.'¹⁴³ There are longstanding accusations that Botswana displaced indigenous peoples from their traditional land in the Kalahari. A UN report acknowledged government programmes to preserve and celebrate the cultures of Botswana's indigenous peoples. Nevertheless, the report noted that these programmes¹⁴⁴

should be expanded beyond just recognition of ceremonial and artistic expression to include a real respect for and promotion of cultural diversity as it is manifested

141 Freedom House, 'Freedom in the World 2018: Botswana', <https://freedomhouse.org/report/freedom-world/2018/botswana>, accessed 1 July 2019.

142 *Ibid.*

143 Amnesty International, 'Botswana: Execution of prisoner is an appalling step backwards', 19 February 2018, <https://www.amnesty.org/en/latest/news/2018/02/botswana-execution-of-prisoner-is-an-appalling-step-backwards/>, accessed 1 July 2019.

144 UN, 'Report by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people', Doc. A/HRC/15/37/Add.2, 2 June 2010, pp. 1-2.

in its many forms, including in political and social structures, land use patterns and approaches to development.

Traditionally, Botswana's foreign policy has been based on maintaining relations with democratic countries, peaceful resolution of conflict, self-determination, development, African unity and non-alignment, self-reliance, good neighbourliness, territorial integrity and respect for the sovereignty of others.¹⁴⁵ Under Khama, it began to strain against some of its traditional foreign policy principles. It moved away from its usual 'quiet diplomacy' and began to speak publicly about governance and human rights problems in other countries,¹⁴⁶ such as the 2008 presidential elections in Zimbabwe, which Botswana considered so flawed as to be illegitimate.¹⁴⁷ In addition, at a time when many African countries were turning against the ICC, Botswana defended the institution.

Country-specific situations

Compared to the other members of the African Group, Botswana was the most willing to address human rights problems in other countries.

Critical country-specific resolutions

Botswana had a strong record on country-specific resolutions adopted against the will of the country concerned. During 2017, Botswana co-sponsored two of the three resolutions on the human rights situation in Syria.¹⁴⁸ It was one of only five African countries to vote yes on all three of the Syria resolutions adopted during 2017. In addition, Botswana was one of only two African countries to vote in favour of the March 2017 resolution on human rights in Iran.¹⁴⁹ Apart from Benin, it was the only African co-sponsor of the 2017 resolution on North Korea, a text that condemned 'in the strongest terms the long-standing and ongoing systematic, widespread and gross human rights violations and other human rights abuses committed' in North Korea and that welcomed steps taken towards holding accountable those guilty of the aforementioned violations.¹⁵⁰ In the case of the item 4 resolution on Belarus, Botswana abstained. Note, however, that no African state voted for this EU-sponsored resolution.¹⁵¹

145 Motsamai D, 'Botswana's foreign policy in SADC: Business unusual?', ISS (Institute for Security Studies) Southern Africa Report, 4, December 2015, p. 3, https://issafrica.s3.amazonaws.com/site/uploads/SARReport_Issue4.pdf, accessed 1 July 2019.

146 Malila I & R Molebatsi, 'Botswana's experimentation with "ethical foreign policy"', *Southern African Peace and Security Studies*, 3, 1, 2013, p. 12; *ibid*.

147 BBC, 'African call for Zimbabwe unity', 2 July 2008, <http://news.bbc.co.uk/2/hi/africa/7484165.stm>, accessed 1 July 2019.

148 UN, 'The human rights situation in the Syrian Arab Republic', Doc. A/HRC/RES/34/26, 5 April 2017; UN, 'The human rights situation in the Syrian Arab Republic', Doc. A/HRC/RES/35/26, 14 July 2017; UN, 'The human rights situation in the Syrian Arab Republic', Doc. A/HRC/RES/36/20, 9 October 2017.

149 UN, 'Situation of human rights in the Islamic Republic of Iran', Doc. A/HRC/34/L.17, 17 March 2017.

150 UN, 'Situation of human rights in the Democratic People's Republic of Korea', Doc. A/HRC/34/L.23, 20 March 2017.

151 UN, 'The situation of human rights in Belarus', Doc. A/HRC/35/L.16, 19 June 2017.

Technical assistance and capacity building

During 2017, Botswana generally supported technical assistance and capacity-building resolutions. Regarding the resolution to provide human rights assistance to Georgia, Botswana and two other African states, Ghana and Togo, voted in favour. With regard to a similar resolution on Ukraine,¹⁵² Botswana chose to abstain from the vote. Following the proposed amendment by the US to strengthen the technical assistance resolution on Cambodia,¹⁵³ Botswana abstained. In the end, no African country voted for this proposed amendment, while five opposed it.

Botswana encouraged the DRC to ‘maintain this level of cooperation and commitment’ to working with the UN and regional bodies towards achieving peace and democracy.¹⁵⁴ It further urged the DRC to take the lead in fully addressing the troubling human rights situation in the country’s Kasai region.¹⁵⁵ Like all other African states, Botswana voted in favour of the resolution on the DRC.¹⁵⁶

Burundi

At its September 2017 general session, the HRC had to grapple with two conflicting resolutions on Burundi. Unlike others in the African Group, on the Burundi issue, Botswana took a clear position in favour of human rights.

The first resolution came from the African Group.¹⁵⁷ The purpose of the resolution was to protect the Burundian government. The African Group resolution instructed the OHCHR to send three experts to Burundi to help the country with technical assistance and capacity building. In addition, these experts had to ‘collect and preserve information, to determine the facts and circumstances in accordance with international standards and practice’ – the resolution did not specify information with regard to what. This information had to be collected in cooperation with the Burundi government, whose judicial authorities would then ‘establish the truth’ of this unspecified information and ‘ensure that the perpetrators of deplorable crimes’ are held accountable.¹⁵⁸ Tellingly, Burundi welcomed the African Group’s resolution, which was adopted by a vote, 23-14-9. While Botswana abstained, all the other African countries voted for this resolution. Courageously, Botswana criticised

152 UN, ‘Cooperation with and assistance to Ukraine in the field of human rights’, Doc. A/HRC/35/L. 10, 16 June 2017.

153 UN Web TV, ‘/HRC/36/L.21 Vote Item:10 – 42nd Meeting, 36th Regular Session Human Rights Council: United States’, 29 September 2017, <http://webtv.un.org/search/ahrc36l21-vote-item10-42nd-meeting-36th-regular-session-human-rights-council/5592217946001/?term=cambodia&sort=date&page=2#>, accessed 1 July 2019.

154 UN Web TV, ‘Enhanced ID (Cont’D): on Democratic Republic of the Congo – 34th Meeting, 36th Regular Session Human Rights Council: Botswana’, 27 September 2017, <http://webtv.un.org/search/enhanced-id-contd-on-democratic-republic-of-the-congo-34th-meeting-36th-regular-session-human-rights-council-5588947650001/?term=A/HRC/36/34&sort=date#>, accessed 1 July 2019.

155 *Ibid.*

156 UN, ‘Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo’, Doc. A/HRC/36/L.34/Rev.1, 27 September 2017.

157 UN, ‘Mission by the Office of the United Nations High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi’, Doc. A/HRC/RES/36/2, 4 October 2017.

158 *Ibid.*

the resolution and the rest of the African Group for 'treating the human rights of victims as secondary [to] political interests'. Botswana explained that, when put before a choice, it felt compelled 'to remain on the side of the voiceless and those who suffer injustice and violence'.¹⁵⁹ Having abstained from the African Group's resolution, it then expressed its support for the work of the commission of inquiry on Burundi.¹⁶⁰ Botswana voted for an EU-sponsored resolution to extend the mandate of the commission of inquiry for one more year.¹⁶¹ Botswana and Rwanda were the only African countries to vote for the EU's resolution.

Israel

At the HRC's March 2017 session, Botswana voted in favour of four draft resolutions that criticised Israel's actions towards the Palestinians and elsewhere in the region.¹⁶² Although nine African countries voted for it, Botswana abstained from the draft resolution 'Human rights in the occupied Syrian Golan'.¹⁶³

Civil and political rights

Despite some inconsistency on women's rights and opposition to LGBT rights, Botswana demonstrated a strong commitment to civil and political rights at the international level.

Freedom of expression

During the HRC's March 2017 session, Botswana co-sponsored the resolution – one of four African states to do so¹⁶⁴ – to extend the mandate of the special rapporteur on the promotion and protection of the right to freedom of opinion and expression.¹⁶⁵

Human rights defenders

At the HRC, Botswana supported protection for human rights defenders. The 2017 draft resolution to extend the mandate of the special rapporteur on human rights defenders pointed to the serious risks that human rights defenders face.¹⁶⁶ Russia and its allies

159 UN Web TV, 'A/HRC/36/L.9/Rev.1 Vote Item:4 – 40th Meeting, 36th Regular Session Human Rights Council: Botswana', 29 September 2017, <http://webtv.un.org/search/ahrc36l.9rev.1-vote-item4-40th-meeting-36th-regular-session-human-rights-council/5592217908001/?term=A/HRC/36/L.9/Rev.1&sort=date#>, accessed 1 July 2019.

160 *Ibid.*

161 UN, 'Renewal of the mandate of the Commission of Inquiry on Burundi', Doc. A/HRC/RES/36/19, 4 October 2017.

162 UN, 'Report of the Human Rights Council on its thirty-fourth session', Doc. A/HRC/34/2, 4 August 2017, pp. 136-138.

163 UN, 'Human rights in the occupied Syrian Golan', Doc. A/HRC/34/L.11, 20 March 2017.

164 Algeria, Sierra Leone and Tunisia were the others.

165 UN, 'Freedom of opinion and expression: Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression', Doc. A/HRC/34/L.27, 21 March 2017.

166 UN, 'The Mandate of the Special Rapporteur on the situation of human rights defenders', Doc. A/HRC/34/L.5, 17 March 2017.

attacked the resolution by proposing five unwelcome amendments.¹⁶⁷ Although Botswana was not among the 12 African co-sponsors of the resolution, it demonstrated its strong support for human rights defenders by voting against all five of the Russian-led hostile amendments to the resolution. Only three other African states – Côte d'Ivoire, Ghana and Tunisia – opposed all five of these amendments.

Women's rights

During the HRC's June 2017 session, the organisation adopted two resolutions on women's rights – on violence against women and on discrimination against women.¹⁶⁸ Botswana acted as a co-sponsor of both. In response to these resolutions, Russia proposed deleting references to 'women human rights defenders'¹⁶⁹ and cutting the recommendation that states should provide 'comprehensive sexuality education'.¹⁷⁰ In addition, Egypt proposed replacing the term 'gender' with 'sex' in the resolution on discrimination against women.¹⁷¹ Although Botswana was overall on the side of women's rights, its response was confused. It opposed Egypt's amendment as well as both of Russia's amendments with regard to women human rights defenders. However, with respect to deleting a reference to sexuality education, Botswana supported the proposed deletion in one vote but then opposed it in another.

Racism

During 2017, Botswana strongly supported actions against racism. It voted in line with the rest of the African Group on both the 2017 racism resolutions that went to a vote, 'Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination'¹⁷² and 'From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance'.¹⁷³

Protection of the family

At the HRC in 2017, Botswana opposed the advancement of LGBT rights. This manifested itself in its position on the 'Protection of the family' resolution, which it co-sponsored.¹⁷⁴

167 UN, 'Amendment to draft resolution L.5', Doc. A/HRC/34/L.42-L.45 & L.51, 21 March 2017.

168 UN, 'Elimination of discrimination against women and girls', Doc. A/HRC/35/L.29, 19 June 2017; UN, 'Accelerating efforts to eliminate violence against women: Engaging men and boys in preventing and responding to violence against all women and girls', Doc. A/HRC/35/L.15, 16 June 2017.

169 UN, 'Amendment to draft resolution A/HRC/35/L.15', Doc. A/HRC/35/L.39, 20 June 2017; UN, 'Amendment to draft resolution A/HRC/35/L.29', Doc. A/HRC/35/L.41, 21 June 2017.

170 UN, 'Amendment to draft resolution A/HRC/35/L.15', Doc. A/HRC/35/L.40, 20 June 2017; UN, 'Amendment to draft resolution A/HRC/35/L.29', Doc. A/HRC/35/L.42, 21 June 2017.

171 UN Web TV, 'A/HRC/35/L.29 Vote Item:3 – 36th Meeting, 35th Regular Session Human Rights Council: Egypt', 22 June 2017, <http://webtv.un.org/topics-issues/watch/ahrc35l29-vote-item3-36th-meeting-35th-regular-session-human-rights-council/5479881935001/?term=&page=54?lan=spanish#>, accessed 1 July 2019.

172 UN, 'Report of the Human Rights Council on its thirty-fourth session', Doc. A/HRC/34/2, 4 August 2017, p. 145.

173 UN, 'Report of the Human Rights Council on its thirty-sixth session', Doc. A/HRC/36/2, 21 March 2018, p. 159.

174 UN, 'Protection of the family: Role of the family in supporting the protection and promotion of human rights of older persons', Doc. A/HRC/35/L.21, 19 June 2017.

By refusing to acknowledge the diversity of family forms, which would include households headed by same-sex couples, the 'Protection of the family' resolution amounted to an attack on the rights of LGBT persons. When the EU and Switzerland tabled amendments to give recognition to other forms of the family,¹⁷⁵ Botswana, like 10 other African states, voted against the amendments.

Conclusion

In 2017, at the HRC, Botswana ranked at the top of the African Group in terms of defending international human rights. In an important analysis published in 2013, observers predicted that Botswana's outspoken and strong commitment to human rights would not last because, as a small, landlocked country, it was too vulnerable.¹⁷⁶ Since the publication of the aforementioned report, Botswana has not retreated from this commitment. It remains an outspoken defender of the ICC and when, in 2015, South Africa did not arrest then Sudanese president Omar al-Bashir when he visited Johannesburg, Botswana had the courage to criticise its big neighbour.¹⁷⁷ Its record at the HRC in 2017 shows that it remains firmly committed to the international promotion and protection of human rights.

175 UN, 'Amendment to draft resolution A/HRC/35/L.21', Doc. A/HRC/35/L45, 20 June 2017; UN, 'Amendment to draft resolution A/HRC/35/L.21', Doc. A/HRC/35/L47, 20 June 2017.

176 Ikenyeng M & R Molebatsi, *op. cit.*, p. 7.

177 Mogopodi Z, 'Botswana critical of SA over Bashir', *Independent Online*, 7 June 2015, <http://www.iol.co.za/news/africa/botswana-critical-of-sa-over-bashir-1872656>, accessed 11 April 2017.

BURUNDI

Lelona Mxesibe

Introduction

At the HRC during 2017, Burundi opposed the advancement of human rights. No other African country showed as much resistance to country-specific scrutiny as Burundi. Its record on civil and political rights was no better – it consistently voted against these rights. Burundi was not prominent in HRC affairs if one were to judge by how rarely it commented on or sponsored resolutions related to country-specific and civil and political rights matters.

Burundi gained its independence from Belgium in 1962. Freedom House classifies it as ‘not free’. As part of the agreement that ended the country’s civil war, in 2005 Burundi adopted a new constitution. The constitution limited the president’s tenure to two five-year terms. However, in 2015, President Pierre Nkurunziza, in power since 2005, announced that he would seek a third term. Some military leaders tried to stage a coup, but failed. A government crackdown followed. In July 2015, Nkurunziza was elected to another term. According to Human Rights Watch, Nkurunziza’s decision to seek a third term set off a series of ‘devastating consequences’ for many Burundians. Government-aligned forces have ‘carried out brutal, targeted attacks on opponents or suspected opponents, human rights activists, and journalists – killing an estimated 1,700 people and forcibly disappearing, raping, torturing, beating, arbitrarily detaining, and intimidating countless others’. The once vibrant independent media has been destroyed. More than 390 000 Burundians have fled the country since the crisis began.¹⁷⁸ In 2018, the country voted for constitutional amendments that would allow Nkurunziza potentially to stay in office until 2034.¹⁷⁹ The referendum took place in an environment of harassment, fear and violence.¹⁸⁰

Country-specific issues

With the exception of Burundi’s votes on Israel, during 2017 it voted for the most anti-human rights option each time the HRC addressed human rights problems in a specific country.

178 HRW, “‘We Will Beat You to Correct You’: Abuses Ahead of Burundi’s Constitutional Election”, 18 May 2018, <https://www.hrw.org/report/2018/05/18/we-will-beat-you-correct-you/abuses-ahead-burundis-constitutional-referendum>, accessed 1 July 2019.

179 Freedom House, ‘Freedom in the World 2018: Burundi’, <https://freedomhouse.org/report/freedom-world/2018/burundi>, accessed 1 July 2019.

180 HRW, 18 May 2018, *op. cit.*

Critical country-specific resolutions

Burundi opposed all country-specific resolutions under item 4. It was one of only three African countries to vote against the March 2017 resolution on Iran and one of only two African countries to vote against the June 2017 resolution on human rights in Belarus. Worse yet, in 2017, Burundi was the only African country to vote against the resolutions on human rights in Syria – and did so on all three occasions.

In December 2017, the HRC held a special session to discuss the ethnic cleansing of the Rohingya in Myanmar. There have been reports of human rights violations in the form of killings, torture, rape of women and young girls, ill-treatment, and the burning of Rohingya villages.¹⁸¹ By December 2017, the persecution of the Rohingya had resulted in the displacement of more than 600 000 people.¹⁸² Although the Myanmar government denied the allegations, the UN High Commissioner for Human Rights described the situation in Myanmar as a ‘textbook example of ethnic cleansing’.¹⁸³ Despite the horrific extent of the violations perpetrated against the Rohingya, the HRC failed to adopt the resolution by consensus.¹⁸⁴ In the ensuing vote, adopted 33-3-9, Burundi, China and the Philippines were the only countries to vote against the resolution.

Technical assistance and capacity building

Burundi’s record on technical assistance and capacity-building resolutions does not show evidence of support for human rights. Although the governments of Georgia and Ukraine welcomed resolutions that involved the OHCHR in their domestic affairs, not all states were willing to grant these governments their wish. Burundi voted against the respective resolutions on Georgia and Ukraine.¹⁸⁵ At the HRC’s September 2017 session, the US proposed strengthening the technical assistance resolution on Cambodia¹⁸⁶ by adding another level of scrutiny of the Cambodian government.¹⁸⁷ Burundi and four other African states voted against the amendment.

181 Amnesty International, ‘Myanmar 2016/2017’, <https://www.refworld.org/docid/58b033d0c.html>, accessed 30 July 2019.

182 Shi T & I Marlow, ‘China offer solution for Rohingya refugee crisis in Myanmar’, *Bloomberg*, 20 November 2017, <https://www.bloomberg.com/news/articles/2017-11-20/china-proposes-solution-for-rohingya-refugee-crisis-in-myanmar>, accessed 1 July 2019.

183 Koutsoukis J & K Thu, ‘Suu Kyi under attack over her response to the Rohingya crisis’, *Bloomberg*, 6 September 2017, <https://www.bloomberg.com/news/articles/2017-09-06/suu-kyi-under-attack-as-rohingya-crisis-tarnishes-myanmar-image>, accessed 1 July 2019.

184 UN, ‘Situation of human rights of Rohingya Muslims and other minorities in Myanmar’, Doc. A/HRC/RES/S-27/1, 8 December 2017.

185 UN, ‘Cooperation with Georgia’, Doc. A/HRC/34/L.13, 17 March 2017; UN, ‘Cooperation with and assistance to Ukraine in the field of human rights’, Doc. A/HRC/35/L.10, 16 June 2017.

186 UN, ‘Advisory services and technical assistance for Cambodia’, Doc. A/HRC/36/L.21, 26 September 2017.

187 UN Web TV, ‘A/HRC/36/L.21 Vote Item:10 – 42nd Meeting, 36th Regular Session Human Rights Council: United States’, 29 September 2017, <http://webtv.un.org/search/ahrc36l21-vote-item10-42nd-meeting-36th-regular-session-human-rights-council/5592217946001/?term=cambodia&sort=date&page=2#>, accessed 1 July 2019.

Resolutions on Burundi

In September 2016, the HRC established a commission of inquiry on Burundi with a mandate to conduct a thorough investigation into human rights violations and abuses in the country since April 2015, including on their extent and whether they constitute international human rights crimes.¹⁸⁸ The government of Burundi denied access to the commission of inquiry and rejected its eventual report,¹⁸⁹ which found that the Burundian government was behind extensive human rights atrocities. In its report, the commission recommended extending its mandate for one year to allow it to conduct further investigations.¹⁹⁰ In light of the commission's recommendation, the EU put forward a resolution to extend its mandate. The African Group tabled a rival resolution to protect Burundi from more scrutiny.¹⁹¹ The African Group resolution instructed the OHCHR to send experts to conduct a fact-finding mission in collaboration with the Burundian government, and to share and confirm their findings with the Burundian authorities.¹⁹² This amounted to asking the Burundian government to investigate and prosecute itself.

Unsurprisingly, Burundi voted in favour of the African Group resolution, as did all other African states except Botswana. Burundi and four other African states voted against the EU's resolution.

Israel

Despite its unwillingness to support other critical country-specific resolutions, Burundi voted in favour of all five 2017 HRC resolutions related to Israel, which dealt with issues such as Palestinian self-determination, Israeli human rights violations in the Golan Heights and the occupied Palestinian territories.

Civil and political rights

During 2017 at the HRC, Burundi opposed the advancement of civil and political rights.

Human rights defenders

Burundi opposed strengthening protection for human rights defenders. At the March 2017 session, the HRC had before it a draft resolution that emphasised the significance of human

188 UN, 'Situation of human rights in Burundi', Doc. A/HRC/RES/33/24, 5 October 2016.

189 UN Web TV, 'ID: Commission of inquiry on Burundi (Cont'd) – 17th Meeting, 36th Regular Session Human Rights Council: Burundi', 19 September 2017, <http://webtv.un.org/search/id-commission-of-inquiry-on-burundi-contd-17th-meeting-36th-regular-session-human-rights-council-/5580223558001/?term=burundi&sort=date&page=12#>, accessed 1 July 2019.

190 UN, 'Report of the Commission of Inquiry on Burundi', Doc. A/HRC/36/54, 11 August 2017.

191 UN, 'Mission by the Office of the United Nations High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi', Doc. A/HRC/RES/36/2, 4 October 2017.

192 *Ibid.*

rights defenders in advancing human rights. The resolution spoke out against violence against and intimidation of rights defenders and against legislation that criminalises and hinders their activities.¹⁹³ However, Russia and China proposed five amendments to try and weaken the resolution, including deleting references to human rights defenders. All five of the proposed amendments were rejected. African countries mostly abstained or opposed the five hostile amendments, but Burundi, Egypt and Nigeria supported all five.

Rule of law

At the March 2017 session, Morocco, Tunisia and four other states introduced the draft resolution, 'Human rights, democracy and the rule of law'.¹⁹⁴ The text proposed that the HRC hold a forum discussion on the role of parliaments in advancing human rights, democracy and the rule of law. The draft resolution stated that NGOs 'whose aims and purposes are in conformity with the spirit, purposes and principles' of the UN Charter should be included in the discussion. However, China and its allies sought to exclude critical NGOs by proposing an amendment that only NGOs that respected 'the sovereignty and territorial integrity' of states should be allowed to participate in the forum.¹⁹⁵ China's amendment was rejected in a vote. African states were divided over the amendment, but Burundi was one of seven that supported it.

Women's rights

At the HRC in 2017, Burundi supported regressive positions on women's rights. In response to two resolutions on women's rights,¹⁹⁶ Russia and its allies proposed two regressive amendments to each resolution. These amendments proposed getting rid of the term 'women human rights defenders'¹⁹⁷ as well as a call on states to provide 'comprehensive sexuality education'.¹⁹⁸ In addition to these four hostile amendments, Egypt tabled an additional, oral amendment to the resolution on discrimination against women, proposing that the term 'sex' should replace the term 'gender'.¹⁹⁹ Although Burundi's voting was somewhat confused – it voted in favour of deleting the reference to sexuality education from the violence against women resolution but then opposed deleting it from the discrimination against women resolution – it supported four of the five regressive amendments to the women's rights resolutions.

193 UN, 'Mandate of the Special Rapporteur on the situation of human rights defenders', Doc. A/HRC/34/L.5, 17 March 2017.

194 UN, 'Human rights, democracy and the rule of law', Doc. A/HRC/34/L.20, 20 March 2017.

195 UN, 'Amendment to draft resolution A/HRC/34/L.20', Doc. A/HRC/34/L.52, 22 March 2017.

196 UN, 'Accelerating efforts to eliminate violence against women: Engaging men and boys in preventing and responding to violence against all women and girls', Doc. A/HRC/35/L.15, 20 June 2017; UN, 'Elimination of discrimination against women and girls', Doc. A/HRC/35/L.29, 19 June 2017.

197 UN, 'Amendment to draft resolution A/HRC/35/L.15', Doc. A/HRC/35/L.39, 20 June 2017; UN, 'Amendment to draft resolution A/HRC/35/L.29', Doc. A/HRC/35/L.41, 21 June 2017.

198 UN, 'Amendment to draft resolution A/HRC/35/L.15', Doc. A/HRC/35/L.40, 20 June 2017; UN, 'Amendment to draft resolution A/HRC/35/L.29', Doc. A/HRC/35/L.42, 21 June 2017.

199 UN Web TV, 'A/HRC/35/L.29 Vote Item:3 – 36th Meeting, 35th Regular Session Human Rights Council: Egypt', 22 June 2017, <http://webtv.un.org/topics-issues/watch/ahrc35l29-vote-item3-36th-meeting-35th-regular-session-human-rights-council/5479881935001/?term=&page=54?lan=spanish#>, accessed 1 July 2019.

Sexual orientation

Burundi's votes relating to the 'Protection of the family' resolution, adopted in June 2017, demonstrated its antagonism to LGBT rights. The resolution understood the family as a unit with a married man and woman at its head, thus disregarding other forms of the family, including families with same-sex parents. After the EU and Switzerland proposed amendments to give recognition to the diversity of family forms,²⁰⁰ the matter went to a vote. Burundi voted against both these progressive amendments and then voted in favour of the final resolution.

Conclusion

During its 2017 term on the HRC, Burundi voted contrary to human rights. Of the 13 African members on the HRC, Burundi was the most opposed to the international advancement of human rights. During 2017, its voting coincided most with that of Egypt (79%) and Nigeria (67%) and least with that of Togo (21%), Rwanda (21%) and Botswana (30%).

During its 2017 term on the HRC, Burundi voted contrary to human rights

200 UN, 'Amendment to draft resolution A/HRC/35/L.21', Doc. A/HRC/35/L45, 20 June 2017; UN, 'Amendment to draft resolution A/HRC/35/L.21', Doc. A/HRC/35/L47, 20 June 2017.

Thabile Themba

Introduction

In 2017, Côte d'Ivoire's record on human rights at the HRC was inconsistent but, compared to other members of the African Group, it was among the most supportive of human rights. Côte d'Ivoire voted for country-specific resolutions that had strong support, such as those on Syria, Israel and the Rohingya, but tended to abstain when the vote margins became narrower. On civil and political rights, its showing on human rights defenders and racism was favourable to human rights, but on women's rights, LGBT rights, democracy and the rule of law its actions ranged from avoidance to opposition.

Côte d'Ivoire's record on human rights at the HRC was inconsistent but, compared to other members of the African Group, it was among the most supportive of human rights

Côte d'Ivoire has a history of civil conflict. The country experienced a civil war from 2002–2004. In late 2010 a disputed election almost plunged it into another civil war. The Economist Intelligence Unit classifies Côte d'Ivoire as authoritarian,²⁰¹ while Freedom House categorises it as 'partly free'.²⁰² There were parliamentary elections in 2015, and in 2016 the country adopted a new constitution through a referendum. Although national and local legislative elections have become more credible since the 2011,²⁰³ the political process continues to be marred by problems such as political violence, the arbitrary arrest of protestors,²⁰⁴ restrictions on free expression, and an electoral campaign period of only

201 The Economist Intelligence Unit, 'Democracy Index 2017: Free Speech under Attack', http://pages.eiu.com/rs/753-RIQ-438/images/Democracy_Index_2017.pdf, accessed 1 July 2019.

202 Freedom House, 'Freedom in the World 2018: Côte d'Ivoire', <https://freedomhouse.org/report/freedom-world/2018/c-te-divoire>, accessed 1 July 2019.

203 *Ibid.*

204 Amnesty International, 'Côte d'Ivoire: Authorities must stop arbitrary arrests and "mobile detention" of opposition supporters ahead of referendum', 28 October 2016, <https://www.amnesty.org/en/latest/news/2016/10/cote-divoire-authorities-must-stop-arbitrary-arrests-and-mobile-detentionof-opposition-supporters-ahead-of-referendum/>, accessed 1 July 2019.

seven days.²⁰⁵ In addition, the military still holds too much political influence for Côte d'Ivoire to be considered a democracy.²⁰⁶

In addition to the political problems in Côte d'Ivoire, one finds various human rights violations. Women suffer significant legal and economic discrimination, as well as sexual and gender-based violence. Impunity for crimes of sexual violence remains a problem. While homosexuality is not criminalised, same-sex couples can be targeted through laws on 'public indecency'. As far as economic rights go, child labour is prevalent, especially in the cocoa industry. Human trafficking is prohibited, but government programmes for victims of trafficking are inefficient.²⁰⁷

Country-specific issues

On country-specific matters, Côte d'Ivoire's votes during 2017 were on the whole supportive of human rights.

Critical country-specific resolutions

Côte d'Ivoire's record on critical country-specific resolutions during 2017 was positive. Although it abstained on the Iran and Belarus resolutions, it was one of only five African countries – Botswana, Ghana, Rwanda and Togo were the others – to vote yes on all three of the HRC's 2017 resolutions on Syria. Furthermore, Côte d'Ivoire was among the eight African countries to vote in favour of the HRC's special session resolution on the human rights of Rohingya Muslims and other minorities in Myanmar.²⁰⁸ In addition, it co-sponsored the draft resolution to extend the mandate of the independent international fact-finding mission to Myanmar.²⁰⁹

Burundi

At its September 2017 session, the HRC adopted two conflicting resolutions on Burundi. The African Group's resolution was intended to protect the government of Burundi, whereas the EU's resolution intended to investigate the extensive human rights violations that have taken place in Burundi in recent years. A commission of inquiry report, published in August 2017, documented extensive human rights violations in the country and pointed to government-linked forces as the 'principal perpetrators'.²¹⁰ The commission

205 HRW, 'Côte d'Ivoire: Respect rights of "No" campaign for referendum', 27 October 2016, <https://www.hrw.org/news/2016/10/27/cote-ivoire-respect-rights-no-campaign-referendum>, accessed 1 July 2019.

206 Freedom House, 'Freedom in the World 2018: Côte d'Ivoire', *op. cit.*

207 *Ibid.*

208 UN, 'Situation of human rights of Rohingya Muslims and other minorities in Myanmar', Doc. A/HRC/RES/S-27/1, 8 December 2017.

209 UN, 'Extension of the mandate of the independent international fact-finding mission on Myanmar', Doc. A/HRC/36/L.31/Rev.1, 29 September 2017.

210 UN, 'Report of the Commission of Inquiry on Burundi', Doc. A/HRC/36/54, 11 August 2017, p. 6.

recommended prosecuting these violators and extending the commission's mandate for one more year to conduct further investigations.²¹¹ Burundi rejected the commission's report.²¹² The EU presented a resolution to extend the commission of inquiry's mandate by one year.²¹³ The African Group, however, presented a rival resolution to send three OHCHR experts to Burundi to provide technical assistance and capacity building. These experts were further mandated to work with the Burundi government to gather information and send this to judicial authorities in Burundi so they may 'establish the truth' and prosecute the perpetrators.²¹⁴ All African Group members except Botswana voted for the African Group resolution. The EU resolution was also adopted through a vote, from which Côte d'Ivoire abstained. While Côte d'Ivoire's actions with regard to the two Burundi resolutions were to the detriment of human rights, its record on this issue was superior to that of the five African countries (Burundi, Republic of Congo, Egypt, Ghana and South Africa) that voted against the EU's resolution.

Technical assistance and capacity building

Côte d'Ivoire is itself subject to a technical assistance and capacity-building resolution.²¹⁵ With regard to technical assistance resolutions on other states, it kept a low profile during 2017. Apart from its own, it did not co-sponsor any technical assistance and capacity-building resolutions on other countries and made only one statement – on Mali – related to these types of resolutions. Côte d'Ivoire's voting record on technical assistance resolutions was marginally on the positive side. While it abstained from voting for the contentious technical assistance resolution on Georgia,²¹⁶ it voted for a similarly disputed resolution on Ukraine.²¹⁷ Although no African country supported a US proposal²¹⁸ to strengthen the HRC's technical assistance resolution on Cambodia, Côte d'Ivoire was one of eight African countries to abstain.

Israel

Côte d'Ivoire was one of seven African countries to vote in favour of all five of the HRC's 2017 resolutions related to Israel (Burundi, Egypt, Ghana, Nigeria, South Africa and Tunisia were the others). These resolutions covered matters such as Israel's violations of international law

211 *Ibid.*, p. 18.

212 *UN Web TV*, 'ID: Commission of inquiry on Burundi (Cont'd) – 17th Meeting, 36th Regular Session Human Rights Council: Burundi', 19 September 2017, <http://webtv.un.org/search/id-commission-of-inquiry-on-burundi-contd-17th-meeting-36th-regular-session-human-rights-council/5580223558001/?term=burundi&sort=date&page=12#>, accessed 1 July 2019.

213 UN, 'Renewal of the mandate of the commission of inquiry on Burundi', Doc. A/HRC/RES/36/19, 4 October 2017.

214 UN, 'Mission by the Office of the United Nations High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi', Doc. A/HRC/RES/36/2, 4 October 2017.

215 UN, 'Independent expert on the enhancement of capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights', Doc. A/HRC/35/43, 20 June 2017.

216 UN, 'Cooperation with Georgia', Doc. A/HRC/34/L13, 17 March 2017.

217 UN, 'Cooperation with and assistance to Ukraine in the field of human rights', Doc. A/HRC/35/L. 10, 16 June 2017.

218 *UN Web TV*, 'A/HRC/36/L.21 Vote Item:10 – 42nd Meeting, 36th Regular Session Human Rights Council: United States', 29 September 2017, <http://webtv.un.org/search/ahrc36l.21-vote-item10-42nd-meeting-36th-regular-session-human-rights-council/5592217946001/?term=cambodia&sort=date&page=2#>, accessed 1 July 2019.

in Palestine, Palestinian self-determination, Israeli settlement building and Israeli human rights violations in the region.²¹⁹

Civil and political rights

During 2017, Côte d'Ivoire's record at the HRC on civil and political rights was inconsistent. It defended human rights with regard to resolutions on human rights defenders and anti-racism, but on a number of issues – women's rights and LGBT rights, for instance – it opposed or failed to support progressive positions.

Human rights defenders

During the HRC's March 2017 session, Côte d'Ivoire co-sponsored the draft resolution 'Mandate of the Special Rapporteur on the situation of human rights defenders'.²²⁰ Russia and its allies attacked the resolution with five hostile amendments.²²¹ Côte d'Ivoire was one of only four African countries – Botswana, Ghana and Tunisia were the others – to oppose all five amendments.

Racism

Although it did not speak up on the issue during plenary meetings, Côte d'Ivoire voted in favour of both the HRC anti-racism resolutions that came to a vote during 2017. The first was 'Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination', which proposed to begin negotiations on modifying ICERD to criminalise racist and xenophobic acts.²²² The second resolution was 'From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance', a resolution on various dimensions of racism.²²³

Rule of law

At the HRC, Côte d'Ivoire's support for the rule of law was lukewarm. At the March 2017 session, Côte d'Ivoire co-sponsored a draft resolution on the Mandate of the Special

219 UN, 'Human rights in the occupied Syrian Golan', Doc. A/HRC/RES/34/27, 7 April 2017; UN, 'Right of the Palestinian people to self-determination', Doc. A/HRC/RES/34/29, 12 April 2017; UN, 'Human rights situation in the Occupied Palestinian Territory, including East Jerusalem', Doc. A/HRC/RES/34/30, 11 April 2017; UN, 'Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan', Doc. A/HRC/RES/34/31, 3 April 2017; UN, 'Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem', Doc. A/HRC/RES/34/28, 11 April 2017.

220 UN, 'Mandate of the Special Rapporteur on the situation of human rights defenders', Doc. A/HRC/RES/34/5, 23 March 2017.

221 UN, 'Amendment to draft resolution L.5', Doc. A/HRC/34/L.42-L.45 & L.51, 21 March 2017.

222 UN, 'Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination', Doc. A/HRC/34/L.31/Rev.1, 21 March 2017.

223 UN, 'From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance', Doc. A/HRC/RES/36/24, 9 October 2017.

Rapporteur on the independence of judges and lawyers.²²⁴ Also at the March 2017 session, the HRC had to consider the draft resolution ‘Human rights, democracy and the rule of law’.²²⁵ The draft resolution proposed a forum to discuss the role of parliaments in advancing human rights, democracy and the rule of law. However, China and a few allies proposed an amendment to restrict the types of NGOs that may participate,²²⁶ which was tantamount to silencing critical civil society organisations. Côte d’Ivoire abstained from voting for this amendment, which seven African countries supported and only three opposed.

Women’s rights

Côte d’Ivoire’s record on women’s rights was inconsistent but overall not supportive of this category of rights. In June 2017, the HRC adopted two resolutions on women’s rights. One resolution was on violence against women,²²⁷ the other on discrimination against women.²²⁸ The former was co-sponsored by 12 African states, the latter by six.

Russia and Belarus introduced two hostile amendments to the resolution on violence against women. The first amendment suggested the removal of a reference to ‘women human rights defenders’.²²⁹ Côte d’Ivoire abstained on the vote on this amendment. The second amendment was a proposal to delete a call on states to provide ‘comprehensive sexuality education’.²³⁰ In this case, Côte d’Ivoire supported the hostile amendment.

Russia also attacked the resolution on discrimination against women with two similar amendments.²³¹ Now, however, Côte d’Ivoire voted against the proposal to remove the term ‘women human rights defenders’, but supported deleting the call for sexuality education. Egypt proposed a fifth unfriendly amendment to the discrimination against women resolution, proposing to replace the word ‘gender’ with ‘sex’.²³² Côte d’Ivoire abstained from the vote on this amendment.

Sexual orientation

At the HRC in 2017, Côte d’Ivoire attacked LGBT rights. This attack came in the form of the resolution ‘Protection of the family: Role of the family in supporting the protection and

224 UN, ‘Mandate of Special Rapporteur on the independence of judges and lawyers’, Doc. A/HRC/35/L19, 22 June 2017.

225 UN, ‘Human rights, democracy and the rule of law’, Doc. A/HRC/34/L20, 20 March 2017.

226 UN, ‘Amendment to draft resolution A/HRC/34/L20’, Doc. A/HRC/34/L52, 22 March 2017.

227 UN, ‘Accelerating efforts to eliminate violence against women: Engaging men and boys in preventing and responding to violence against all women and girls’, Doc. A/HRC/RES/35/10, 12 July 2017.

228 UN, ‘Elimination of discrimination against women and girls’, Doc. A/HRC/35/L29, 19 June 2017.

229 UN, ‘Amendment to draft resolution A/HRC/35/L15’, Doc. A/HRC/35/L39, 20 June 2017.

230 UN, ‘Amendment to draft resolution A/HRC/35/L15’, Doc. A/HRC/35/L40, 20 June 2017.

231 UN, ‘Amendment to draft resolution A/HRC/35/L29’, Doc. A/HRC/35/L41 & L.42, 22 June 2017.

232 UN Web TV, ‘A/HRC/35/L29 Vote Item:3 – 36th Meeting, 35th Regular Session Human Rights Council: Egypt’, 22 June 2017, <http://webtv.un.org/watch/ahrc35l29-vote-item3-36th-meeting-35th-regular-session-human-rights-council/5479881935001?page=4#>, accessed 1 July 2019.

promotion of human rights of older persons',²³³ which Côte d'Ivoire co-sponsored. The core of the attack was the co-sponsors' denial of the variety of family forms. Two amendments sought to change the resolution so it would recognise the variety of family forms.²³⁴ However, both of these proposed amendments were rejected through a vote. In both instances, Côte d'Ivoire, like 10 other African countries, opposed the amendments. Like all the other African Group members, it then voted in favour of the resolution.

Conclusion

Based on its record during 2017, Côte d'Ivoire ranked fourth out of the 13 African Group members of the HRC in terms of commitment to international human rights. One gets a further sense of this by noting that it shares a high voting coincidence with other African states with strong HRC records – Ghana and Tunisia (79%) and Botswana (70%).

233 UN, 'Protection of the family: Role of the family in supporting the protection and promotion of human rights of older persons', Doc. A/HRC/35/L.21, 20 November 2017.

234 UN, 'Amendment to draft resolution A/HRC/35/L.21', Doc. A/HRC/35/L45, 20 June 2017; UN, 'Amendment to draft resolution A/HRC/35/L.21', Doc. A/HRC/35/L47, 20 June 2017.

Thulani Trevor Maphasa

Introduction

In 2017 at the HRC, Egypt undermined and obstructed the advancement of human rights. It opposed scrutiny and intervention on country-specific situations, often by subordinating human rights to state sovereignty. Furthermore, Egypt attempted to derail the protection and promotion of most civil and political rights.

Egypt undermined and obstructed the advancement of human rights

The Arab Spring in 2011 – a wave of revolutionary pro-democracy protests and demonstrations across the Middle East and North Africa – and the resultant ouster of dictator Hosni Mubarak promised a new beginning for Egyptians. Mubarak’s legacy was one of rampant corruption, state repression, rights violations and growing socio-economic inequalities.²³⁵ In 2012, following Mubarak’s fall, Mohamed Morsi, whose Freedom and Justice Party had close ties to the Muslim Brotherhood, became Egypt’s new president. However, the military deposed him soon after. Abdel Fattah el-Sisi then became president. Under el-Sisi, political activity has been shut down. The government maintains a zero-tolerance policy towards dissent. El-Sisi’s rule has been characterised by systematic torture and disappearances. Under the pretext of fighting terrorism, security forces violate human rights with impunity.²³⁶ Other problems include NGOs being banned, religious intolerance,²³⁷ media censorship, arbitrary arrests and detentions, unfair trials, illegal deportations of migrants, sexual violence against women and the persecution of people on the basis of ‘perceived’ sexual orientation.²³⁸

Africa and Arab-Islamic countries are important constituencies in Egypt’s foreign policy. In Africa, Egypt is a dominant actor and is heavily involved in both regional and continental

235 Slackman M, ‘Reign of Egypt’s Mubarak marked by poverty, corruption, despair’, The Seattle Times, 28 January 2011, <https://www.seattletimes.com/nation-world/reign-of-egypts-mubarak-marked-by-poverty-corruption-despair/>, accessed 1 July 2019.

236 HRW, ‘World Report 2018: Egypt’, <https://www.hrw.org/world-report/2018/country-chapters/egypt>, accessed 1 July 2019.

237 *Ibid.*

238 Amnesty International, ‘Egypt 2017/2018’, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/report-egypt/>, accessed 1 July 2019.

bodies in fighting terrorism, ensuring regional security and maintaining peace.²³⁹ It also plays a prominent role among Arab Islamic states as it makes a sizeable contribution to fighting terrorism, facilitates peace talks between Israel and Palestine and fosters economic integration and cooperation.²⁴⁰ On the international stage, Egypt has strategic relations with the US (military cooperation and war on terror), the EU (trade, development and security) and China (bilateral trade and investment). It is also a key member of the NAM. Egypt is one of the top five investment destinations in Africa; the UAE, UK, US and Belgium are the main origins of foreign investment into Egypt.²⁴¹ European and Arab countries are its biggest trading partners.²⁴²

The country's foreign policy on human rights aims to foster avenues for dialogue and cooperation. Egypt was first a member of the HRC from 2007–2010. It re-joined the HRC in 2016. It has also been vocal on the advancement of economic, social and cultural rights at the council and has spoken out against the selective targeting, naming and shaming of developing countries.²⁴³

Country-specific situations

Egypt's positions on country-specific human rights problems are regressive. During 2017, it opposed scrutiny of countries' human rights problems against the will of the particular government. Egypt was supportive of technical assistance and capacity-building resolutions. It rarely made statements on country-specific issues, but when it did, it opposed and criticised interventions without the consent of the relevant state.

Critical country-specific resolutions

Egypt frequently criticised critical country-specific resolutions. It either voted against item 4 resolutions or, in the case of the HRC's three 2017 resolutions on Syria, abstained. The exception is its vote for the resolution led by the OIC on the persecution of the Rohingya, a Muslim group.

The country voted against the resolutions on human rights in Iran²⁴⁴ and Belarus.²⁴⁵ Both of these resolutions expressed concern about human rights in the respective countries

239 Egypt, Ministry of Foreign Affairs, 'Egypt in Africa', <https://www.mfa.gov.eg/English/ForeignPolicy/EgyptianAfricanRelations/Pages/default.aspx>, accessed 1 July 2019.

240 Fahmy N, 'Egypt's foreign policy in changing times', *Journal of International Relations and Sustainable Development*, 3, 2015, p. 36.

241 UNCTAD (UN Conference on Trade and Development), 'World Trade Report 2017', http://unctad.org/en/PublicationsLibrary/wir2017_en.pdf, accessed 1 July 2019.

242 *Ibid.*

243 UN Web TV, 'Egypt, High-Level Segment – 7th Meeting, 34th Regular Session Human Rights Council: Egypt', 1 March 2017, <http://webtv.un.org/watch/egypt-high-level-segment-7th-meeting-34th-regular-session-human-rights-council/5341236819001/?term>, accessed 1 July 2019.

244 UN, 'Situation of human rights in the Islamic Republic of Iran', Doc. A/HRC/RES/34/23, 3 April 2017.

245 UN, 'Situation of human rights in Belarus', Doc. A/HRC/RES/35/27, 11 July 2017.

and sought to extend the special procedures mandates on them. In the case of the Iran resolution, Egypt was one of only three African countries to oppose the resolution. In the case of Belarus, it was one of only two African states to oppose the resolution.

The June 2017 resolution on human rights in Eritrea was adopted without a vote. Somalia and Djibouti were the main sponsors.²⁴⁶ Egypt, along with China, Cuba and Venezuela, criticised the resolution. The resolution was adopted without a vote, but Cuba and Venezuela dissociated themselves from the resolution. Egypt argued that African states were 'instrumentalising the Council to manage bilateral differences'. It believed that the situation in Eritrea had to be resolved by employing 'African solutions to African problems'. Citing the position of the NAM, Egypt argued that selective criticism of individual states was polarising.²⁴⁷

During the special session on Myanmar and the Rohingya Muslims, Egypt showed little of its usual apprehension about unwanted country-specific pressure. It supported a resolution that expressed the deep concerns of the HRC over the human rights violations and humanitarian crisis in the Rakhine State and that called on the Myanmar government to protect human rights and stop the violent killings.²⁴⁸ In its statement, Egypt expressed concern about the persecution of Rohingya Muslims and, in a break from its usual position on country-specific resolutions, urged the international community to intervene in order to resolve this humanitarian crisis.²⁴⁹

Burundi

During the consideration of the HRC's two competing 2017 resolutions on Burundi, Egypt tried to protect the government of Burundi from outside examination. The African Group's resolution on Burundi proposed sending three OHCHR experts²⁵⁰

to collect and preserve information, to determine the facts and circumstances in accordance with international standards and practice, in cooperation with the Government of Burundi, and to forward to the judicial authorities of Burundi such information in order to establish the truth and ensure that the perpetrators of deplorable crimes are all accountable to the judicial authorities of Burundi.

246 UN 'Situation of human rights in Eritrea', Doc. A/HRC/RES/35/35, 21 June 2017.

247 UN Web TV, 'A/HRC/35/L.13/Rev.1 Vote Item:4 - 38th Meeting, 35th Regular Session Human Rights Council: Egypt', 23 June 2017, <http://webtv.un.org/watch/ahrc35l13rev1-vote-item4-38th-meeting-35th-regular-session-human-rights-council/5481209252001#>, accessed 1 July 2019.

248 UN, 'Situation of human rights of Rohingya Muslims and other minorities in Myanmar', Doc. A/HRC/RES/S-27/1, 8 December 2017.

249 UN Web TV, 'Egypt, High-Level Segment - 7th Meeting, 34th Regular Session Human Rights Council: Egypt', 1 March 2017, <http://webtv.un.org/watch/egypt-high-level-segment-7th-meeting-34th-regular-session-human-rights-council/5341236819001/?term>, accessed 1 July 2019.

250 UN, 'Mission by the Office of the United Nations High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi', Doc. A/HRC/RES/36/2, 4 October 2017.

By requiring that the experts subject their findings to verification by the Burundi government, the expert mission was rendered toothless.²⁵¹ The EU resolution on Burundi, on the other hand, called for extending the mandate of the commission of inquiry on Burundi by one year.²⁵² The commission had a mandate to refer perpetrators of human rights violations and abuses to the ICC. Egypt voted for the African Group resolution, and was one of five African states to vote against the EU resolution.

Technical assistance and capacity building

Although Egypt was a main sponsor of a number of technical assistance and capacity-building resolutions, its positions on these resolutions did not convey the impression that it had much interest in advancing human rights. Egypt was one of the main sponsors of the resolution on technical assistance and capacity building in the DRC. After the US opposed the DRC resolution for being too weak and opposing it in a vote,²⁵³ Egypt voted in favour of the resolution, as did all other African countries. Furthermore, Egypt voted against a US proposal to add a bit more scrutiny to the technical assistance resolution on Cambodia.²⁵⁴ On behalf of the Arab Group, Egypt introduced and sponsored the resolution on technical assistance to and capacity building of Yemen.²⁵⁵ In its statement on the resolution, it stressed the sovereignty of Yemen and the legitimacy of its government, and drew attention only to human rights violations by rebel groups.²⁵⁶ Like the majority of the African Group, Egypt abstained from voting on technical assistance resolutions on Georgia and Ukraine.²⁵⁷

Israel

Consistent with the African Group, the NAM and Arab and Islamic states group, during 2017 Egypt voted in favour of all five HRC resolutions related to Israel. In a statement to the HRC, Egypt called for a just settlement in line with international legal standards. Contrary to its usual aversion to interference, it condemned the international community's inability to resolve the Palestinian question: 'There can be no doubt that the absence of efforts [by the

251 Voule C & F Toutou-Mpondo, 'Burundi: Commission of inquiry renewed, but human rights scrutiny on a razor's edge', ISHR, 29 September 2017, <https://www.ishr.ch/news/burundi-commission-inquiry-renewed-human-rights-scrutiny-razors-edge>, accessed 1 July 2019.

252 UN, 'Renewal of the mandate of the Commission of Inquiry on Burundi', Doc. A/HRC/RES/36/19, 4 October 2017.

253 UN Web TV, 'A/HRC/36/L.34/Rev.1 Vote Item:10 - 42nd Meeting, 36th Regular Session Human Rights Council: United States', 29 September 2017, <http://webtv.un.org/search/ahrc36l34rev1-vote-item10-42nd-meeting-36th-regular-session-human-rights-council/5592217939001/?term=democratic%20republic%20of%20the%20congo&sort=date&page=14#>, accessed 1 July 2019.

254 UN, 'Advisory services and technical assistance for Cambodia', Doc. A/HRC/36/L.21, 26 September 2017.

255 UN, 'Human rights, technical assistance and capacity-building in Yemen', Doc. A/HRC/RES/36/31, 3 October 2017.

256 UN Web TV, 'A/HRC/36/L.8 Vote Item:10 - 42nd Meeting, 36th Regular Session Human Rights Council: Egypt', 29 September 2017, <http://webtv.un.org/watch/ahrc36l8-vote-item10-42nd-meeting-36th-regular-session-human-rights-council/5592217942001/?term=&page=9#>, accessed 1 July 2019.

257 UN, 'Cooperation with and assistance to Ukraine in the field of human rights', Doc. A/HRC/35/L.10, 16 June 2017; UN, 'Cooperation with Georgia', Doc. A/HRC/34/L.13, 17 March 2017.

international community] towards peace over the years shows a contribution to the suffering of the Palestinian people.²⁵⁸

Civil and political rights

Egypt generally opposed civil and political rights at the HRC. The country often cited respect for sovereignty and for different cultures as reasons for opposing civil and political rights resolutions. Egypt featured prominently on issues of racism and religious tolerance.

Human rights defenders

At the HRC, Egypt attacked protections for human rights defenders. The 2017 draft resolution on the mandate of the Special Rapporteur on human rights defenders expressed concern about the serious risks that human rights defenders face and the threats and intimidation that often meet them. The resolution further sought to extend the mandate of the Special Rapporteur by three years.²⁵⁹ The resolution was primarily sponsored by Western countries, with 12 African countries co-sponsoring. With five hostile amendments, Russia and China attacked protections for human rights defenders. Egypt voted for all five amendments²⁶⁰ and claimed that the resolution was trying to create 'a class of super citizens that enjoy open-ended impunity and to be beyond the jurisdiction of law'.²⁶¹

Racism

During 2017, Egypt strongly supported actions against racism. In line with the rest of the African Group, it voted for both of the 2017 resolutions on racism that went to a vote; the first of which sought to expand the provisions of ICERD,²⁶² the second a more general resolution on various aspects of racism, xenophobia and related types of discrimination.²⁶³

Women's rights

During its June 2017 session, the HRC adopted two resolutions on women's rights – one on

258 UN Web TV, 'Item:7 General Debate (Cont'd) – 29th Meeting, 36th Regular Session Human Rights Council: Egypt', 25 September 2017, <http://webtv.un.org/meetings-events/human-rights-council/watch/item7-general-debate-contd-29th-meeting-36th-regular-session-human-rights-council-/5587951188001#>, accessed 1 July 2019.

259 UN, 'The Mandate of the Special Rapporteur on the situation of human rights defenders', Doc. A/HRC/RES/34/5, 17 March 2017.

260 UN, 'Report of the Human Rights Council on its Thirty-Fourth Session', Doc. A/HRC/34/2, 4 August 2017, p. 45.

261 UN Web TV, 'Item:7 General Debate (Cont'd) – 29th Meeting, 36th Regular Session Human Rights Council: Egypt', 25 September 2017, <http://webtv.un.org/meetings-events/human-rights-council/watch/item7-general-debate-contd-29th-meeting-36th-regular-session-human-rights-council-/5587951188001#>, accessed 1 July 2019.

262 UN, 'Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination', Doc. A/HRC/34/L.31/Rev.1, 21 March 2017.

263 UN, 'From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance', Doc. A/HRC/RES/36/24, 9 October 2017.

violence against women,²⁶⁴ the other on discrimination against women.²⁶⁵ Egypt's positions on both resolutions were regressive. The resolution on violence against women was subject to two hostile amendments from Russia and Belarus. One amendment sought to delete a reference to 'women human rights defenders',²⁶⁶ while the other proposed deleting a call for states to provide 'comprehensive sexuality education'.²⁶⁷ Egypt supported both amendments. On the first amendment, it was one of only three African countries to vote for it. On the second, Egypt was one of seven.

During the HRC's consideration of the draft resolution 'Elimination of discrimination against women and girls',²⁶⁸ Russia tabled two similar amendments to what it had proposed on the violence against women resolution. Egypt joined these proposed amendments as a co-sponsor. In addition, Egypt introduced its own unfriendly amendment, arguing that the word 'gender' should be replaced with 'sex'. It argued that international law proscribed discrimination on the basis of sex and not gender. Egypt also criticised the resolution for undermining and disrespecting cultural sensibilities around a women's right to inheritance.²⁶⁹ Egypt's amendment was rejected in a vote, as was Russia's two amendments. Only two other African states voted for Egypt's amendment – Burundi and Nigeria – while seven abstained and Botswana, Rwanda and South Africa opposed it.

Rule of law

The resolution on 'Human rights, democracy and the rule of law' supported a forum for discussions on best practices regarding the relationship between human rights, democracy and the rule of law.²⁷⁰ The discussion was to be open to various interested parties, including UN institutions, academics, regional organisations, national human rights institutions and NGOs. However, China introduced an amendment that sought to limit the types of NGOs that could participate, arguing that only those that respected 'the sovereignty and territorial integrity' of states should be permitted.²⁷¹ China's proposal was put to a vote. It was rejected, with Egypt voting for China's amendment, along with six other African states.

Sexual orientation

Egypt is a strong opponent of LGBT rights. Since 2016, it has been the leader on the 'Protection of the family' resolution. This is a sneaky resolution because few would deny

264 UN, 'Accelerating efforts to eliminate violence against women: Engaging men and boys in preventing and responding to violence against all women and girls', Doc. A/HRC/RES/35/10, 20 June 2017.

265 UN, 'Elimination of discrimination against women and girls', Doc. A/HRC/RES/35/18, 19 June 2017.

266 UN, 'Amendment to draft resolution A/HRC/35/L.15', Doc. A/HRC/35/L.39, 20 June 2017.

267 UN, 'Amendment to draft resolution A/HRC/35/L.15', Doc. A/HRC/35/L.40, 20 June 2017.

268 UN, 'Elimination of discrimination against women and girls', Doc. A/HRC/RES/35/18, 19 June 2017.

269 UN Web TV, 'A/HRC/35/L.29 Vote Item:3 – 36th Meeting, 35th Regular Session Human Rights Council: Egypt', 22 June 2017, <http://webtv.un.org/topics-issues/watch/ahrc35l29-vote-item3-36th-meeting-35th-regular-session-human-rights-council/5479881935001/?term=&page=54?lan=spanish>, accessed 1 July 2019.

270 UN, 'Human rights, democracy and the rule of law', Doc. A/HRC/RES/34/41, 6 April 2017.

271 UN, 'Amendment to draft resolution L.20', Doc. A/HRC/34/L.52, 22 March 2017.

that family plays a vital role in individual wellbeing. Even so, the resolution contains a veiled attack on LGBT persons, specifically in denying recognition of forms of families that do not have a husband and wife at their head. Egypt denied that this was the case:²⁷²

[O]n several occasions the text [draft resolution] recognises the diversity of circumstances and challenges facing families around the world. Family is family everywhere; as a unit that bonds men, women and children together. Even families such as single-headed families, including widows and divorcees, extended families, migrant and indigenous families for example, exist in various settings and face diverse circumstances.

Yet, when the EU and Switzerland, using language from previous UN documents, proposed amendments to give fuller recognition to family diversity – specifically, that ‘in different cultural, political and social systems, various forms of the family exist’²⁷³ – Egypt rejected the amendments.²⁷⁴ The amendments were decided on a vote, with Egypt and all other African countries bar South Africa and Rwanda voting against the proposed amendments.

Conclusion

Egypt’s votes and statements at the HRC in 2017 undermined human rights. Furthermore, it placed loyalty to African and other developing countries ahead of promoting human rights. Egypt tried to obstruct attempts to interrogate country-specific human rights problems and to promote civil and political rights. It often echoed and voted with human rights opponents such as China, Russia, Venezuela, the Philippines and Cuba. Among African countries, of the 33 votes relevant to this report, Egypt most often voted the same as Nigeria (85%), Burundi (79%) and Kenya (70%), and least often with Rwanda (24%), Togo (30%) and Botswana (39%).

272 UN Web TV, ‘A/HRC/35/L.21 Vote Item:3 – 35th Meeting, 35th Regular Session Human Rights Council: Egypt’, 22 June 2017, <http://webtv.un.org/meetings-events/conferencessummits/un-alliance-of-civilizations-5th-global-forum-27-28-february-2013-vienna/watch/ahrc35l21-vote-item3-35th-meeting-35th-regular-session-human-rights-council/5479881905001/?term=&page=12?!anoriginal&sort=date#>, accessed 1 July 2019.

273 UN Web TV, ‘A/HRC/35/L.21 Vote Item:3 – 35th Meeting, 35th Regular Session Human Rights Council: Malta’, 22 June 2017, <http://webtv.un.org/meetings-events/conferencessummits/un-alliance-of-civilizations-5th-global-forum-27-28-february-2013-vienna/watch/ahrc35l21-vote-item3-35th-meeting-35th-regular-session-human-rights-council/5479881905001/?term=&page=12?!anoriginal&sort=date>, accessed 1 July 2019.

274 UN Web TV, ‘A/HRC/35/L.21 Vote Item:3 – 35th Meeting, 35th Regular Session Human Rights Council: Egypt’, 22 June 2017, <http://webtv.un.org/meetings-events/conferencessummits/un-alliance-of-civilizations-5th-global-forum-27-28-february-2013-vienna/watch/ahrc35l21-vote-item3-35th-meeting-35th-regular-session-human-rights-council/5479881905001/?term=&page=12?!anoriginal&sort=date>, accessed 1 July 2019.

Alyson Manzira

Introduction

Ethiopia's actions on the HRC during 2017 reflected a strong opposition to international human rights. Apart from resolutions on Israel, Ethiopia did not support any resolutions that were critical of specific governments. With regard to civil and political rights, it consistently voted against their advancement.

Ethiopia is an authoritarian state. The Ethiopian People's Revolutionary Democratic Front (EPRDF) has been in office since 1991, when it took over from the People's Democratic Republic of Ethiopia, the political successor to the Derg (the military junta that grabbed power in 1974). In April 2018, Abiy Ahmed became prime minister of Ethiopia. He has begun to liberalise Ethiopian politics, but during 2017, the period of Ethiopia's HRC term studied in this report, there were still severe limits on political freedom. According to Reporters without Borders' 2017 World Press Freedom Index, Ethiopia ranked at 150 out of 180 countries.²⁷⁵ In 2016, security forces killed more than 1 000 anti-government protesters and arbitrarily detained more than 21 000 people.²⁷⁶ Between February 2016 and June 2018, Ethiopia was under a state of emergency.

In addition to political repression, many other human rights problems exist in Ethiopia. Persons detained under suspicion of terrorism are often tortured. Security forces have executed hundreds of people extrajudicially. The police and army enjoy impunity for human rights violations. In March of 2017, 115 people died after a landslide at a rubbish dumpsite on the outskirts of Addis Ababa. Relief funds were mismanaged and failed to reach the victims' families. This situation shone a light on the government's failure to protect the right to adequate housing and decent work, because the majority of the people who died were living there and recycling rubbish to eke out a living.²⁷⁷

When it comes to foreign policy, Ethiopia strongly adheres to the policy of non-interference and respect for a nation's sovereignty. With the AU headquartered in its capital, Ethiopia has tried to remain neutral on conflicts in Africa. A major exception to this neutrality has been its involvement in Somalia, where it has had a strong military presence to ensure political stability and to contain al-Shabaab.²⁷⁸ With regard to other states in its region,

275 Reporters Without Borders, 'World Press Freedom Index: Ranking 2017', <https://rsf.org/en/ranking/2017>, accessed 1 July 2019.

276 HRW, 'Ethiopia: Events of 2017', <https://www.hrw.org/world-report/2018/country-chapters/ethiopia>, accessed 1 July 2019.

277 Amnesty International, 'Ethiopia 2017/2018', <https://www.amnesty.org/en/countries/africa/ethiopia/report-ethiopia/>, accessed 1 July 2019.

278 Fakude T, 'Understanding the foreign policy of Ethiopia towards the Gulf countries', *Al Jazeera*, 31 December 2017, <http://studies.aljazeera.net/en/reports/2017/12/understanding-foreign-policy-ethiopia-gulf-countries-171231100904587.html>, accessed 1 July 2019.

Ethiopia has strong economic ties to Saudi Arabia, which is a major investor in the country. In addition, Ethiopia and Djibouti have a close economic relationship, with the latter having made its port available to Ethiopia.²⁷⁹

Country-specific situations

During 2017, and with the exception of Israel-related resolutions, Ethiopia did not vote for country-specific resolutions that did not have the agreement of the government concerned. On a few occasions, it spoke in relation to resolutions on technical assistance to African countries,²⁸⁰ but never on critical country resolutions. Ethiopia only co-sponsored one country-specific resolution independently of the African Group.²⁸¹

Critical country-specific resolutions

During 2017, Ethiopia did not support country-specific resolutions adopted without the consent of the government concerned. It abstained on the single resolutions on Belarus and Iran and the three 2017 resolutions on Syria. It also abstained on the special session resolution on the persecution of the Rohingya, a resolution on which eight African countries voted yes. Ethiopia declined to comment on any of the aforementioned human rights situations.

Burundi

With regard to the two conflicting resolutions on Burundi, Ethiopia, like all other African countries except Botswana, voted for the African Group resolution,²⁸² which, as will be recalled from the introductory chapter, was intended to protect the Burundi government from international scrutiny and individual perpetrators from potential ICC prosecution. The EU sponsored the HRC's second resolution on Burundi. The resolution sought to extend the commission of inquiry's examination of recent rights abuses in Burundi.²⁸³ Ethiopia was one of six African countries to abstain on the EU's resolution, while two voted for it and five against.

Technical assistance and capacity building

Ethiopia was more active on technical assistance and capacity-building resolutions than it was on other types of country-specific approaches. However, whenever a dispute arose

279 *Ibid.*

280 UN Web TV, 'Enhanced ID: Human rights in South Sudan – 15th Meeting, 36th Regular Session Human Rights Council: Ethiopia', 18 September 2017, <http://webtv.un.org/meetings-events/watch/enhanced-id-human-rights-in-south-sudan-15th-meeting-36th-regular-session-human-rights-council-/5580223550001/?term=#>, accessed 1 July 2019.

281 UN, 'Assistance to Somalia in the field of human rights', Doc. A/HRC/36/L.23, 29 September 2017.

282 UN, 'Mission by the Office of the United Nations High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi', Doc. A/HRC/RES/36/2, 28 September 2017.

283 UN, 'Renewal of the mandate of the Commission of Inquiry on Burundi', Doc. A/HRC/RES/36/19, 4 October 2017.

over a technical assistance resolution, Ethiopia tended to abstain on the ensuing vote, such as on the resolutions on Georgia and Ukraine.²⁸⁴ It focused its activity on technical assistance resolutions relating to states in its region. Ethiopia co-sponsored a resolution to provide technical human rights assistance to Somalia²⁸⁵ and commented on the technical assistance mandate related to Sudan.²⁸⁶ As is the norm but not the rule with technical assistance mandates, in its statement on Sudan Ethiopia went easy on the government in question. It did lots of ‘commending’ Sudan and ‘welcoming’ things Sudan had done rather than blaming it for its role in the human rights problems in the country.²⁸⁷

Israel

Like almost all other African countries, Ethiopia supported HRC resolutions related to Israel, with one exception. In 2017, Ethiopia voted yes on resolutions related to Israeli settlement building, Palestinian self-determination and human rights violations in the Palestinian territories and occupied Golan, but abstained on the resolution, ‘Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem’.²⁸⁸

Civil and political rights

During 2017, Ethiopia’s actions on civil and political rights at the HRC were inimical to these rights. It supported regressive positions on human rights defenders, democracy and the rule of law, women’s rights and LGBT rights. Except for a statement on the human rights of migrants,²⁸⁹ Ethiopia did not comment on civil and political rights at the HRC during 2017.

During 2017, Ethiopia’s actions on civil and political rights at the HRC were inimical to these rights

284 UN, ‘Cooperation with and assistance to Ukraine in the field of human rights’, Doc. A/HRC/35/L.10, 23 June 2017; UN, ‘Cooperation with Georgia’, Doc. A/HRC/34/L.13, 24 March 2017.

285 UN, ‘Assistance to Somalia in the field of human rights’, Doc. A/HRC/36/L.23, 29 September 2017.

286 UN, ‘Technical assistance and capacity-building to improve human rights in the Sudan’, Doc. A/HRC/36/L.19, 29 September 2017.

287 UN Web TV, ‘Enhanced ID: Human rights in South Sudan – 15th Meeting, 36th Regular Session Human Rights Council: Ethiopia’, 18 September 2017, <http://webtv.un.org/meetings-events/watch/enhanced-id-human-rights-in-south-sudan-15th-meeting-36th-regular-session-human-rights-council-5580223550001/?term=#>, accessed 1 July 2019; UN Web TV, ‘ID: Human rights in Sudan – 36th Meeting, 36th Regular Session Human Rights Council: Ethiopia’, 27 September 2017, <http://webtv.un.org/news-features/un-stories/chinese/watch/id-human-rights-in-sudan-36th-meeting-36th-regular-sessionhumanrightscouncil/5590745528001/?term=&sort=popular&page=3>, accessed 1 July 2019.

288 UN, ‘Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem’, Doc. A/HRC/34/L.38, 24 March 2017.

289 UN Web TV, ‘Clustered ID (Cont’d): WG on Transnational Corporations & SR on Migrants – 10th Meeting, 35th Regular Session Human Rights Council: Ethiopia’, 9 June 2017, <http://webtv.un.org/watch/clustered-id-contd-wg-on-transnational-corporations-sr-on-migrants-10th-meeting-35th-regular-session-human-rights-council-5465351111001>, accessed 1 July 2019.

Human rights defenders

At the March 2017 general session, HRC members had to consider a draft resolution on the mandate of the special rapporteur on the situation of human rights defenders.²⁹⁰ However, Russia and a few of its allies tried to weaken the resolution by tabling five hostile amendments. Ethiopia voted in favour of three of these amendments and abstained on the other two.

Democracy, human rights, and the rule of law

At the HRC's March 2017 session, states had to consider the draft resolution 'Human rights, democracy and the rule of law'.²⁹¹ The draft resolution proposed a forum to discuss the links between parliaments and human rights, democracy and the rule of law. China, Pakistan and Russia responded to the draft resolution by proposing to exclude from the discussion those NGOs that did not respect 'the sovereignty and territorial integrity' of states,²⁹² an amendment that was tantamount to excluding the more critical elements in civil society. Ethiopia was one of seven African countries to support the Chinese-led amendment.

Women's rights

At the June 2017 session, the HRC had before it two resolutions focused on women's rights – one on violence against women,²⁹³ the other on elimination of discrimination against women.²⁹⁴ Through its votes, Ethiopia either opposed or failed to support women's rights. In reaction to the aforementioned resolutions, Russia and others tabled two hostile amendments to each resolution.²⁹⁵ In addition, responding to the resolution on discrimination against women, Egypt introduced an oral amendment proposing to replace the word 'gender' with 'sex'.²⁹⁶ Ethiopia then voted for two of the anti-women's rights amendments and abstained on the other three.

Racism

One area where Ethiopia acted in support of civil and political rights at the HRC was on racism, an issue on which the African Group voted in a unified way. During 2017, two

290 UN, 'Mandate of the Special Rapporteur on the situation of human rights defenders', Doc. A/HRC/34/L5, 23 March 2017.

291 UN, 'Human rights, democracy and the rule of law', Doc. A/HRC/34/L.20, 24 March 2017.

292 UN, 'Amendment to draft resolution A/HRC/34/L.20', Doc. A/HRC/34/L.52, 24 March 2017.

293 UN, 'Accelerating efforts to eliminate violence against women: Engaging men and boys in preventing and responding to violence against all women and girls', Doc. A/HRC/35/L.15, 22 June 2017.

294 UN, 'Elimination of discrimination against women and girls', Doc. A/HRC/35/L.29, 22 June 2017.

295 UN, 'Amendment to draft resolution A/HRC/35/L.15', Doc. A/HRC/35/L.39 & L.40, 22 June 2017; UN, 'Amendment to draft resolution A/HRC/35/L.29', Doc. A/HRC/35/L.41 & L.42, 22 June 2017.

296 UN Web TV, 'A/HRC/35/L.29 Vote Item:3 – 36th Meeting, 35th Regular Session Human Rights Council: Egypt', 22 June 2017, <http://webtv.un.org/watch/ahrc35l.29-vote-item3-36th-meeting-35th-regular-session-human-rights-council/5479881935001?page=4#>, accessed 1 July 2019.

racism resolutions went to a vote. Ethiopia voted in favour of both of the resolutions; the one seeking to expand ICERD to criminalise racism,²⁹⁷ the other a broad resolution on racism, 'From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance'.²⁹⁸

Sexual orientation

At the HRC, Ethiopia has opposed the promotion and protection of LGBT rights. In 2016, it voted against the resolution, 'Protection against violence and discrimination based on sexual orientation and gender identity'.²⁹⁹ During 2017, the issue of sexual orientation and gender identity figured in a more indirect way. More specifically, it came in the form of the resolution 'Protection of the family: Role of the family in supporting the protection and promotion of human rights of older persons'.³⁰⁰ The attack on LGBT rights was the sponsors of the resolution's refusal to acknowledge a diversity of family forms, including families headed by same-sex partners. The EU and Switzerland³⁰¹ introduced amendments to recognise family diversity.³⁰² However, Ethiopia, like all African countries except Rwanda and South Africa, voted against the proposed pro-LGBT rights amendments.

Migrants

At the HRC's June 2017 session, Ethiopia spoke in support of the human rights of migrants, condemning the suffering migrants often experience and depicting migration as something positive – as holding the 'potential for prosperity development and better respect of human rights'.³⁰³

Conclusion

During 2017, Ethiopia generally used its membership of the HRC to oppose the advancement of human rights. Compared to other African countries, it ranked near

297 UN, 'Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination', Doc. A/HRC/34/L.31/Rev.1, 21 March 2017.

298 UN, 'From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance', Doc. A/HRC/RES/36/24, 9 October 2017.

299 UN, 'Protection against violence and discrimination based on sexual orientation and gender identity', Doc. A/HRC/RES/32/2, 15 July 2016.

300 UN, 'Protection of the family: Role of the family in supporting the protection and promotion of human rights of older persons', Doc. A/HRC/35/L.21, 22 June 2017.

301 UN Web TV, 'A/HRC/35/L.21 Vote Item:3 – 35th Meeting, 35th Regular Session Human Rights Council: Malta', 22 June 2017, <http://webtv.un.org/search/ahrc35l21-vote-item3-35th-meeting-35th-regular-session-human-rights-council/5479881905001/?term=protection%20of%20the%20family&sort=date#>, accessed 1 July 2019; UN Web TV, 'A/HRC/35/L.21 Vote Item:3 – 35th Meeting, 35th Regular Session Human Rights Council: Switzerland', 22 June 2017, <http://webtv.un.org/search/ahrc35l21-vote-item3-35th-meeting-35th-regular-session-human-rights-council/5479881905001/?term=protection%20of%20the%20family&sort=date#>, accessed 1 July 2019.

302 UN, 'Amendment to draft resolution A/HRC/35/L.21', Doc. A/HRC/35/L.45 & L.47, 22 June 2017.

303 UN Web TV, 'Clustered ID (Cont'd): WG on Transnational Corporations & SR on Migrants – 10th Meeting, 35th Regular Session Human Rights Council: Ethiopia', 9 June 2017, <http://webtv.un.org/watch/clustered-id-contd-wg-on-transnational-corporations-sr-on-migrants-10th-meeting-35th-regular-session-human-rights-council/5465351111001>, accessed 1 July 2019.

the bottom in terms of its international commitment to human rights. Among African countries, Ethiopia's voting coincided most strongly with other states that were antagonistic to human rights such as Nigeria (76%), Republic of Congo (73%) and Egypt (67%), while its record corresponded least with those who showed a stronger commitment to international human rights, such as Rwanda (30%) and Botswana (39%).

Gemma-Maé Hartley

Introduction

During 2017, Ghana was one of the African Group's strongest defenders of human rights at the HRC. Ghana, for the most part, supported resolutions to both assist and scrutinise countries with human rights problems. With regard to civil and political rights, it mostly adopted human rights-friendly positions.

During 2017, Ghana was one of the African Group's strongest defenders of human rights at the HRC

Ghana became a democracy in 1992. Its democracy appears to be consolidated. The New Patriotic Party's election in 2016 is the third alternation of the party in power. Freedom House classifies Ghana as 'free'.³⁰⁴ In 2017, former human rights lawyer Nana Akufo-Addo, of the New Patriotic Party, took office as president of Ghana.³⁰⁵ Ghana's 1992 constitution places a strong emphasis on human rights, with chapter 5 articulating the 'fundamental human rights and freedoms' of all Ghanaians.³⁰⁶ While the human rights environment in Ghana is commendatory, Amnesty International has expressed concerns over discrimination against LGBT persons, poor prison conditions, and unfair trials.³⁰⁷

In its foreign policy, Ghana professes an 'adherence to the principles enshrined in the Charter and aims or ideals of the United Nations, the African Union, the ECOWAS, the Commonwealth and the Non-Aligned Movement'.³⁰⁸ Kwame Nkrumah, who was president from 1960 to 1966, adopted a foreign policy of non-alignment. During this time, Ghana saw it necessary to formulate opinions on issues of global concern on their own merit, and its external priorities included maintaining good relations and cooperation with any country that may be interested in cooperation. Nkrumah also infused Ghana's foreign policy with

304 Freedom House, 'Freedom in the World 2018', <https://freedomhouse.org/report/freedom-world/freedom-world-2018>, accessed 1 July 2019.

305 Amnesty International, 'Ghana 2017/2018', <https://www.amnesty.org/en/countries/africa/ghana/report-ghana/>, accessed 1 July 2019.

306 Constitution of the Republic of Ghana (Amendment Act), 1996, <http://www.wipo.int/edocs/lexdocs/laws/en/gh/gh014en.pdf>, accessed 1 July 2019.

307 Amnesty International, 'Ghana 2017/2018', *op. cit.*

308 Ghana, Ministry of Foreign Affairs and Regional Integration, 'Ghana's foreign policy guideline', <https://mfa.gov.gh/index.php/foreign-policy/ghanas-foreign-policy-guideline/>, accessed 1 July 2019.

pan-Africanism, which continues to play a role in the country's present-day foreign policy. According to Ghana's foreign ministry, the country's involvement in the AU and its 'vigorous yet objective dedication to West African and African causes' mark 'a return to the Pan-Africanist project'.³⁰⁹ Ghana's three main export destinations are Switzerland, India and the UAE. It imports most from China, the US and the UK.³¹⁰ By late 2017, China was the leading source of investment in Ghana, followed by France and India.³¹¹

Country-specific situations

In 2017, Ghana had a strong record on country-specific human rights situations. It frequently made statements before the HRC and tended to vote in favour of pro-human rights resolutions on specific countries.

Critical country-specific resolutions

During 2017, Ghana voted for a number of item 4 resolutions. It was the only African country to vote in favour of the resolution on the human rights situation in Belarus.³¹² Ghana voted in favour of all three HRC resolutions on Syria – it was one of only five African countries to do so.³¹³ Ghana was, however, one of eight African countries to abstain from voting on the Iran resolution,³¹⁴ a resolution that only Botswana and Rwanda supported.

During the special session on the situation of the Rohingya, Ghana was one of eight African countries to support the resolution.³¹⁵ In its statement, Ghana condemned the human rights violations committed against the Rohingya. The humanitarian situation in the Rakhine state of Myanmar left it 'deeply appalled'.³¹⁶ Ghana condemned the use of rape as a weapon of war and urged the government of Myanmar to fully investigate these allegations and bring perpetrators to justice. Ghana, however, did not directly blame the Myanmar government. Rather, the most forceful part of its statement was its 'expectation that the human rights violations being committed against the Rohingya minority in Myanmar would cease and that the government would demonstrate its recognition of the Rohingya as well as other minorities in the country as full citizens of Myanmar'.³¹⁷

309 *Ibid.*

310 Observatory of Economic Complexity, 'Ghana exports, imports, and trade partners', <https://atlas.media.mit.edu/en/profile/country/gha/>, accessed 1 July 2019.

311 Ghana Investment Promotion Centre, *Quarterly Investment Report*, 13, 4, 2017, p. 2, <http://www.gipcghana.com/press-and-media/downloads/reports/24-q4-2017-gipc-quarterly-investment-report/file.html>, accessed 1 July 2019.

312 UN, 'Situation of human rights in Belarus', Doc. A/HRC/35/L.16, 19 June 2017.

313 UN, 'Report of the Human Rights Council on its thirty-fifth session', Doc. A/HRC/35/2, 22 November 2017, p. 58; UN, 'Report of the Human Rights Council on its thirty-sixth session', Doc. A/HRC/36/2, 21 March 2018, p. 49.

314 UN, 'Situation of human rights in the Islamic Republic of Iran', Doc. A/HRC/34/L.17, 17 March 2017.

315 UN, 'Report of the Human Rights Council on its twenty-seventh special session', Doc. A/HRC/S-27/3, 1 February 2018.

316 UN Web TV, '1st Meeting – 27th Special Session of Human Rights Council: Ghana', 5 December 2017, <http://webtv.un.org/watch/1st-meeting-27th-special-session-of-human-rights-council/5666471725001/?lan=original>, accessed 1 July 2019.

317 *Ibid.*

During the adoption of the resolution on Sri Lanka,³¹⁸ Ghana was the only African country to speak about the human rights situation in the country. It praised the country for engaging with the OHCHR but encouraged Sri Lanka ‘to publish lists of all detainees in detention centres, repeal the Prevention of Terrorism Act, and release all persons held under the Act without charge’ in order to broaden the country’s democratic frontiers and to ‘create an environment where human rights and rule of law are respected’.³¹⁹

Burundi

On Burundi, the HRC had to deal with two competing resolutions on the country. The African Group resolution was an attempted cover-up,³²⁰ whereas the EU resolution mandated further independent investigation into human rights violations in Burundi’s recent past.³²¹ On Burundi, Ghana deviated from its usual support for human rights and opted instead to remain in line with the African Group.³²² Following its vote for the African Group resolution on Burundi, it opposed the EU’s draft resolution, even though six other African countries had abstained on it and one voted for it.

Technical assistance and capacity building

During 2017, Ghana supported technical assistance and capacity-building resolutions, even in contentious cases. With regard to the resolution on Georgia,³²³ Ghana was one of only three African states to support the resolution. In the case of the Ukraine resolution,³²⁴ it was one of four African countries to do so. However, Ghana abstained on the vote on the proposed amendment by the US to sharpen the technical assistance resolution on Cambodia.³²⁵ No African country supported the amendment, while five opposed it.

In addition, Ghana made a number of comments with regard to technical assistance to specific countries. During a general debate, it spoke in favour of technical assistance and capacity-building support for Haiti.³²⁶ Similarly, Ghana urged the OHCHR to continue to provide the Libyan government with the necessary capacity-building and technical support

318 UN, ‘Promoting reconciliation, accountability and human rights in Sri Lanka’, Doc. A/HRC/RES/34/1, 3 April 2017.

319 UN Web TV, ‘ID: High Commissioner Report on Sri Lanka – 54th Meeting, 34th Regular Session Human Rights Council: Ghana’, 2 March 2017, <http://webtv.un.org/meetings-events/treaty-bodies/watch/id-high-commissioner-report-on-sri-lanka-54th-meeting-34th-regular-session-human-rights-council-/5367403594001/?term=?lanfrench&sort=date>, accessed 1 July 2019.

320 UN, ‘Mission by the Office of the United Nations High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi’, Doc. A/HRC/RES/36/2, 4 October 2017.

321 UN, ‘Renewal of the mandate of the Commission of Inquiry on Burundi’, Doc. A/HRC/RES/36/19, 4 October 2017.

322 UN, ‘Report of the Human Rights Council on its thirty-sixth session’, Doc. A/HRC/36/2, 21 March 2018, p. 14.

323 UN, ‘Cooperation with Georgia’, Doc. A/HRC/34/L.13, 17 March 2017.

324 UN, ‘Cooperation with and assistance to Ukraine in the field of human rights’, Doc. A/HRC/35/L.10, 22 November 2017.

325 UN, ‘Advisory services and technical assistance for Cambodia’, Doc. A/HRC/36/L.21, 26 September 2017.

326 UN Web TV, ‘Item:5 General Debate (Cont’d) – 44th Meeting, 34th Regular Session Human Rights Council: Ghana’, 17 March 2017, <http://webtv.un.org/search/item5-general-debate-contd-44th-meeting-34th-regular-session-human-rights-council/5363013330001/?term=44th%20meeting%2034th%20regular%20session&sort=date>, accessed 1 July 2019.

required to guarantee progress in the protection of human rights.³²⁷ Additionally, at the HRC's September session Ghana voted in favour of technical support in the DRC, and made a statement in favour of technical assistance in Yemen.³²⁸

With regard to human rights in Yemen, on which the HRC adopted a technical assistance resolution with a more invasive mandate than one usually finds in an item 10 resolution,³²⁹ Ghana described the situation in the country as 'one of the most pressing humanitarian situations the world has seen in recent years'. It bemoaned the lack of international attention Yemen has received – 'as Yemen crumbles, the world looks away'. Ghana avoided apportioning specific blame for the human rights problems in the country, opting to 'call on all actors of the Yemen conflict to take all necessary action to protect the human rights of all Yemen citizens'.³³⁰

Israel

At the HRC's 34th regular session, Ghana, like the majority of African countries, voted in favour of all five resolutions criticising Israel's actions in the region and towards the Palestinians.³³¹

Civil and political rights

Ghana's record at the HRC in 2017 shows that the country supports and defends civil and political rights. In 2017, Ghana co-sponsored nine resolutions pertaining to civil and political rights and voted in favour of most pro-human rights resolutions.³³²

327 UN Web TV, 'ID: High Commissioner Update on Libya – 51st Meeting, 34th Regular Session Human Rights Council: Ghana', 21 March 2017, <http://webtv.un.org/search/id-high-commissioner-update-on-libya-51st-meeting-34th-regular-session-human-rights-council-5366980229001/?term=51st%20%20meeting%2034th%20regular%20session&lan=english&cat=Regular%2034th%20session&sort=date>, accessed 1 July 2019.

328 UN, 'Report of the Human Rights Council on its thirty-sixth session', Doc. A/HRC/36/2, 21 March 2018, p. 169; UN Web TV, 'Item:10 General Debate – 37th Meeting, 36th Regular Session Human Rights Council: Ghana', 28 September 2017, <http://webtv.un.org/meetings-events/treaty-bodies/watch/item10-general-debate-37th-meeting-36th-regular-session-human-rights-council-5590745538001/?term=?lanchinese&sort=date>, accessed 1 July 2019.

329 UN, 'Human rights, technical assistance and capacity-building in Yemen', Doc. A/HRC/RES/36/31, 3 October 2017.

330 UN Web TV, 'Item:10 General Debate – 37th Meeting, 36th Regular Session Human Rights Council: Ghana', 28 September 2017, <http://webtv.un.org/meetings-events/treaty-bodies/watch/item10-general-debate-37th-meeting-36th-regular-session-human-rights-council-5590745538001/?term=?lanchinese&sort=date#>, accessed 1 July 2019.

331 UN, 'Report of the Human Rights Council on its thirty-fourth session', Doc. A/HRC/34/2, 4 August 2017, pp. 136–138.

332 UN, 'Torture and other cruel, inhumane or degrading treatment or punishment: Mandate of the Special Rapporteur', Doc. A/HRC/34/L.32, 24 March 2017; UN, 'Human rights, democracy and the rule of law', Doc. A/HRC/34/L.20, 24 March 2017; UN, 'Mandate of the Special Rapporteur on the situation of human rights defenders', Doc. A/HRC/34/L.5, 23 March 2017; UN, 'Mandate of the Special Rapporteur on trafficking in persons, especially women and children', Doc. A/HRC/35/L.6, 22 June 2017; UN, 'Accelerating efforts to eliminate violence against women: Engaging men and boys in preventing and responding to violence against all women and girls', Doc. A/HRC/35/L.15, 22 June 2017; UN, 'Mandate of the Special Rapporteur on the independence of judges and lawyers', Doc. A/HRC/35/L.19, 22 June 2017; UN, 'Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers', Doc. A/HRC/35/L.20, 22 June 2017; UN, 'Protection of the family: Role of the family in supporting the protection and promotion of human rights of older persons', Doc. A/HRC/35/L.21, 22 June 2017; UN, 'Child, early and forced marriage in humanitarian settings', Doc. A/HRC/35/L.26, 22 June 2017.

Human rights defenders

At the March 2017 general session of the HRC, Ghana co-sponsored the African Group's draft resolution on the mandate of the special rapporteur on the situation of human rights defenders.³³³ In its statement, Ghana stressed the importance of human rights defenders who 'challenge brutality, oppression, and injustice in every part of the world, often risking their lives'. It stated that as a country it had benefited from the work of human rights defenders and that in 2011 it had instituted a human rights defenders award 'to honour [those] who make it their duty to defend and promote fundamental human rights in their community, village, city, and the country as a whole'.³³⁴ Importantly, after Russia and a few allies tabled five hostile amendments on the resolution, Ghana, Botswana, Côte d'Ivoire and Tunisia were the only African countries to vote against all five of these amendments.³³⁵

Migrants

At the HRC, Ghana spoke up for the protection of the rights of migrants. It stated that human rights violations against migrants 'are often closely linked to discriminatory laws and practices and deep-seated attitudes of prejudice and xenophobia against migrants'.³³⁶ Ghana concluded by calling on other states to 'effectively promote and protect the human rights and fundamental freedoms of all migrants regardless of their immigration status'.³³⁷

Racism

In 2017, Ghana firmly supported the African Group-sponsored draft resolutions pertaining to the elimination of racism and discrimination. At the HRC's March session, Ghana, like all other African states, voted in favour of the resolution, 'Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination'.³³⁸ At the September session, Ghana supported the African Group's draft resolution, 'From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance'.³³⁹

333 UN, 'Mandate of the Special Rapporteur on the situation of human rights defenders', Doc. A/HRC/34/L.5, 17 March 2017.

334 UN Web TV, 'Clustered ID (Cont'd): SR on Human Rights Defenders and on Torture - 14th Meeting, 34th Regular Session Human Rights Council: Ghana', 3 March 2017, <http://webtv.un.org/search/clustered-id-contd-sr-on-human-rights-defenders-and-on-torture-14th-meeting-34th-regular-session-human-rights-council/5345702690001/?term=A/HRC/34/52&lan=english&cat=Regular%2034th%20session&sort=date#>, accessed 1 July 2019.

335 UN, 'Report of the Human Rights Council on its thirty-fourth session', Doc. A/HRC/34/2, 4 August 2017, pp. 44-46.

336 UN Web TV, 'Clustered ID: WG on Transnational Corporations & SR on Migrants - 9th Meeting, 35th Regular Session Human Rights Council: Ghana', 8 June 2017, <http://webtv.un.org/search/clustered-id-wg-on-transnational-corporations-sr-on-migrants-9th-meeting-35th-regular-session-human-rights-council-/5465351109001/?term=9th%20%20meeting%2035th%20regular%20session&sort=date#>, accessed 1 July 2019.

337 *Ibid.*

338 UN, 'Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination', Doc. A/HRC/34/L.31/Rev.1, 21 March 2017.

339 UN, 'From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance', Doc. A/HRC/RES/36/24, 9 October 2017.

Rule of law

At the HRC in 2017, Ghana firmly defended human rights related to democracy, rule of law and an independent judiciary. The importance Ghana places on rule of law is evident in its speeches on Haiti, Libya, Sri Lanka and contemporary forms of slavery, during which Ghana defined itself as ‘a country that believes in democratic principles and respect for rule of law’.³⁴⁰ In a further indication of Ghana’s support for the rule of law, at the June session it co-sponsored two resolutions on the importance of independent judiciaries, namely the ‘Mandate of the Special Rapporteur on the independence of judges and lawyers’ and ‘Independence and impartiality of the judiciary, jurors and assessors, and independence of lawyers’.³⁴¹

Importantly, at the HRC’s March 2017 regular session, Ghana co-sponsored a draft resolution on human rights, democracy and rule of law.³⁴² After China, Russia and Pakistan tabled a hostile amendment to this resolution – inserting a phrase to force civil society participants in the forum to ‘respect the sovereignty’ of states³⁴³ – Ghana was one of only three African states to vote against this amendment.³⁴⁴

Sexual orientation

At the HRC, Ghana has opposed the promotion and protection of LGBT rights. In 2016, it voted against the Latin American-sponsored resolution, ‘Protection against violence and discrimination based on sexual orientation and gender identity’.³⁴⁵ In 2017, at the 35th regular session, Ghana co-sponsored ‘Protection of the family: Role of the family in supporting the protection and promotion of human rights of older persons’,³⁴⁶ a resolution that took indirect aim at LGBT rights. The issue was the sponsors’ refusal to include language in the resolution that would recognise the diversity of family forms. Following amendment proposals from the EU and Switzerland to make the resolution more inclusive of family diversity,³⁴⁷ Ghana was one of 11 African countries to vote against the proposed amendments.³⁴⁸

340 UN Web TV, ‘Clustered ID (Cont’d): SR on contemporary forms of slavery & WG on Arbitrary Detention – 7th Meeting, 36th Regular Session Human Rights Council: Ghana’, 13 September 2017, <http://webtv.un.org/search/clustered-id-contd-sr-on-contemporary-forms-of-slavery-wg-on-arbitrary-detention-7th-meeting-36th-regular-session-human-rights-council/-557483546-001/?term=7th%20%20meeting%2036th%20regular%20session&sort=date#>, accessed 1 July 2019.

341 UN, ‘Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers’, Doc. A/HRC/35/L.20, 19 June 2016.

342 UN, ‘Human rights, democracy and the rule of law’, Doc. A/HRC/34/L.20, 20 March 2017.

343 UN Web TV, ‘A/HRC/34/L.20 Vote Item:3 – 59th Meeting, 34th Regular Session Human Rights Council: China’, 24 March 2017, <http://webtv.un.org/watch/ahrc34l.20-vote-item3-59th-meeting-34th-regular-session-human-rights-council/5371366592001#>, accessed 1 July 2019.

344 UN, Amendment to ‘Draft Resolution A/HRC/34/L.20’, Doc. A/HRC/34/L.52, 22 March 2017.

345 UN, ‘Protection against violence and discrimination based on sexual orientation and gender identity’, Doc. A/HRC/RES/32/215 July 2017.

346 UN, ‘Protection of the family: role of the family in supporting the protection and promotion of human rights of older persons’, Doc. A/HRC/35/L.21, 19 June 2017.

347 UN Web TV, ‘A/HRC/35/L.21 Vote Item:3 – 35th Meeting, 35th Regular Session Human Rights Council: Malta and Switzerland’, 22 June 2017, <http://webtv.un.org/search/ahrc35l.21-vote-item3-35th-meeting-35th-regular-session-human-rights-council/5479881905001/?term=protection%20of%20the%20family&sort=date#>, accessed 1 July 2019.

348 UN, ‘Report of the Human Rights Council on its thirty-fifth session’, Doc. A/HRC/35/2, 22 November 2017, pp. 40–42.

Women's rights

During 2017, Ghana strongly supported women's rights. At the June regular session, it co-sponsored the 'Mandate of the Special Rapporteur on the trafficking of persons, especially women and children'³⁴⁹ as well as the resolution 'Accelerating efforts to eliminate violence against women: Engaging men and boys in preventing and responding to violence against women and girls'.³⁵⁰

In June 2017, the HRC adopted two resolutions on women's rights; the one on violence against women,³⁵¹ the other on discrimination against women.³⁵² Prior to the adoption of these resolutions, Russia and others tabled two hostile amendments to each of resolutions.³⁵³ Ghana voted against all of the anti-women's rights amendments. In addition, Egypt proposed an oral amendment to the resolution on discrimination against women – proposing that the word 'gender' be replaced with the term 'sex'.³⁵⁴ On this occasion, however, Ghana abstained.

Conclusion

In 2017, Ghana used its seat on the HRC to promote and protect international human rights. With the exception of the resolutions on Burundi and, to a lesser extent, Cambodia and Iran, it did not shy away from supporting resolutions that shone a light on the human rights problems of specific countries. Ghana also had a strong record on human rights defenders, anti-racism, democracy and the rule of law, and women's rights. When the African Group showed a significant split on an issue, Ghana usually opted for the stronger human rights response. Of the 33 votes at issue in this report, Ghana voted with Côte d'Ivoire 79% of the time, and 76% with Botswana and Togo. Ghana's voting overlapped least with Kenya (39%) and, at 42%, with Burundi, Republic of Congo, Egypt, Ethiopia and South Africa.

349 UN, 'Mandate of the Special Rapporteur on the trafficking of persons, especially women and children', Doc. A/HRC/35/L.6, 22 June 2017.

350 UN, 'Accelerating efforts to eliminate violence against women: Engaging men and boys in preventing and responding to violence against all women and girls', Doc. A/HRC/35/L.15, 22 June 2017.

351 *Ibid.*

352 UN, 'Elimination of discrimination against women and girls', Doc. A/HRC/35/L.29, 22 June 2017.

353 UN, 'Amendment to draft resolution A/HRC/35/L.15', Doc. A/HRC/35/L.39 & L.40, 22 June 2017; UN, 'Amendment to draft resolution A/HRC/35/L.29', Doc. A/HRC/35/L.41 & L.42, 22 June 2017.

354 UN Web TV, 'A/HRC/35/L.21 Vote Item:3 - 35th Meeting, 35th Regular Session Human Rights Council: Egypt', 22 June 2017, <http://webtv.un.org/search/ahrc35l21-vote-item3-35th-meeting-35th-regular-session-human-rights-council/5479881905001/?term=protection%20of%20the%20family&sort=date#>, accessed 1 July 2019.

Introduction

At the HRC during 2017, Kenya's record of support for international human rights was weak. When faced with a vote, and with the exception of Israel-related resolutions, Kenya opposed or abstained from resolutions that sought to advance human rights in specific countries. On civil and political rights it behaved similarly – either it supported attempts to weaken civil and political rights or it failed to oppose such attempts.

Kenya has a multi-party political system. The current president is Uhuru Kenyatta, who has been in office since 2013. Freedom House classifies Kenya as 'partly free',³⁵⁵ while the Economist intelligence Unit classifies it as a 'hybrid regime'.³⁵⁶

The 2007 presidential elections were marred by ethnic violence. ICC prosecutors identified Kenyatta, William Ruto and four others (collectively known as the 'Ocampo Six') as the instigators of the 2007 violence.³⁵⁷ Former opponents Kenyatta and Ruto joined forces and in 2013 became president and deputy president respectively. They used their position as well as intensive diplomacy to obstruct the ICC's case against them. In 2016, the ICC abandoned the case.³⁵⁸ Despite a dispute over the results, in 2017 Kenyatta was re-elected as president.

While there has not been a repeat of the 2007 election violence, the Kenyan political process remains beset with various problems. There has been undermining of the rights to information, free expression, association and protest.³⁵⁹ During the 2017 elections, police used excessive force and fired live ammunition at protestors who showed support for the opposition party. In addition, government authorities use legal and administrative ploys to hamper the activities of civil society organisations.³⁶⁰

In its foreign policy, Kenya seeks to promote national, regional and international peace and security, regional integration and intra-African trade, and to combat terrorism.³⁶¹ Kenya has strengthened its relations with other African countries through participation

355 Freedom House, 'Freedom in the World 2018: Kenya', <https://freedomhouse.org/report/freedom-world/2018/kenya>, accessed 1 July 2019.

356 The Economist Intelligence Unit, 'Democracy Index 2018', <https://infographics.economist.com/2018/DemocracyIndex/>, accessed 1 July 2019.

357 Allison S, 'The great escape: How Kenyatta and Ruto beat the ICC', Daily Maverick, 7 April 2016, <https://www.dailymaverick.co.za/article/2016-04-07-the-great-escape-how-kenyatta-and-ruto-beat-the-icc/#.Wyd22PkzaUk>, accessed 1 July 2019.

358 *Ibid.*

359 Amnesty International, 'Kenya 2017/2018', <https://www.amnesty.org/en/countries/africa/kenya/report-kenya/>, accessed 1 July 2019.

360 *Ibid.*

361 Kenya, Ministry of Foreign Affairs and International Trade, 'Kenya foreign policy', November 2014, <http://www.mfa.go.ke/wp-content/uploads/2016/09/Kenya-Foreign-Policy.pdf>, accessed 1 July 2019.

in the East African Community, Intergovernmental Authority on Development, Common Market for Eastern and Southern Africa and the AU.³⁶² Its main trading partners include Tanzania, Uganda and Rwanda.³⁶³ Its main foreign direct investors are China, the UK and the Netherlands.³⁶⁴

Country-specific situations

At the HRC during 2017, Kenya's record on addressing human rights problems in specific countries was poor. It opposed or abstained from pro-human rights resolutions on specific countries. Kenya did not comment on any country-specific situations. It was supportive of technical assistance and capacity-building resolutions and sponsored one of these.

Kenya's record on addressing human rights problems in specific countries was poor

Critical country-specific resolutions

Kenya's record on critical country-specific resolutions is negative. During 2017, it abstained on the Belarus resolution³⁶⁵ and on all three resolutions on the severe human rights problems in Syria. The three resolutions relating to Syria strongly condemned the violence in the country, expressed support for attempts to mediate the conflict, and endorsed various investigations, including on human rights, of events in Syria.³⁶⁶

To its credit, Kenya supported the call for a special session on the persecution of the Rohingya. Yet, when it came to a vote on the resolution, Kenya abstained.³⁶⁷ What pushes the country's record into the negative is its vote against the resolution on human rights in Iran. Kenya was one of three African countries to oppose the resolution, 'Situation of human rights in the Islamic Republic of Iran', which sought to extend the mandate of the special rapporteur for a further year.³⁶⁸

362 *Ibid.*

363 Kenya, 'Trade', <http://www.kenemb-cairo.com/trade>, accessed 1 July 2019.

364 Santander, 'Kenya: Foreign direct investment', <https://en.portal.santandertrade.com/establish-overseas/kenya/investing>, accessed 1 July 2019.

365 UN, 'Situation of human rights in Belarus', Doc. A/HRC/RES/35/27, 11 July 2017.

366 UN, 'The human rights situation in the Syrian Arab Republic', Doc. A/HRC/RES/34/26, 5 April 2017; UN, 'The human rights situation in the Syrian Arab Republic', Doc. A/HRC/RES/35/26, 14 July 2017; UN, 'The human rights situation in the Syrian Arab Republic', Doc. A/HRC/RES/36/20, 9 October 2017.

367 UN, 'Situation of human rights of Rohingya Muslims and other minorities in Myanmar', Doc. A/HRC/RES/S-27/1, 8 December 2017.

368 UN, 'Situation of human rights in the Islamic Republic of Iran', Doc. A/HRC/RES/34/23, 3 April 2017.

Burundi

In 2017, the HRC had to deal with two competing resolutions on Burundi. The African Group's resolution aimed to protect Burundi from further investigation,³⁶⁹ while the EU resolution mandated further investigation into the recent human rights violations in Burundi.³⁷⁰ Kenya, along with all other African members except Botswana, voted in favour of the African Group resolution. Whereas five African countries voted against the EU resolution on Burundi and two voted in favour, Kenya was one of six to abstain.

Technical assistance and capacity building

As with Kenya's positions on critical country-specific resolutions, its positions on technical assistance and capacity-building resolutions tended towards opposition to the international advancement of human rights.

The technical assistance resolutions on Georgia and Ukraine had the support of the two governments concerned. Both these countries contain regions over which the national government has lost control and which are controlled instead by Russia-backed forces. Both resolutions called on the OHCHR to examine and report on human rights in the disputed regions.³⁷¹ Kenya, like the majority of African countries, abstained on both of these resolutions.

At the September 2017 general session, Kenya co-sponsored a resolution to assist Somalia in the field of human rights. This resolution welcomed the commitment of the Somali government to improve human rights in the country.³⁷² Kenya did not comment on the resolution.

Prior to the adoption of resolution 'Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo',³⁷³ the US called for a vote to make known its displeasure with the 'congratulatory language' in the resolution. According to the US, the resolution did not reflect the troubling human rights situation in the DRC.³⁷⁴ Only the US voted against the resolution, and only one other country (South Korea) abstained.

369 UN, 'Mission by the Office of the United Nations High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi', Doc. A/HRC/RES/36/2, 4 October 2017.

370 UN, 'Renewal of the mandate of the commission of inquiry on Burundi', Doc. A/HRC/RES/36/19, 4 October 2017.

371 UN, 'Cooperation with Georgia', Doc. A/HRC/RES/34/37, 3 April 2017; UN, 'Cooperation with and assistance to Ukraine in the field of human rights', Doc. A/HRC/RES/35/31, 11 July 2017.

372 UN, 'Assistance to Somalia in the field of human rights', Doc. A/HRC/RES/36/27, 10 October 2017.

373 UN, 'Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo', Doc. A/HRC/RES/35/33, 29 June 2017.

374 UN Web TV, 'A/HRC/36/L.34/Rev.1 Vote Item:10 - 42nd Meeting, 36th Regular Session Human Rights Council: United States', 29 September 2017, <http://webtv.un.org/search/ahrc36l.34rev.1-vote-item10-42nd-meeting-36th-regular-session-human-rights-council/5592217939001/?term=democratic%20republic%20of%20the%20congo&sort=date&page=14#>, accessed 1 July 2019.

Israel

During 2017, Kenya voted in favour of four of the HRC's five resolutions related to Israel and abstained on the fifth. It supported resolutions that addressed an array of issues, including 'the suffering of the Syrian citizens in the occupied Syrian Golan due to the systematic and continuous violation of their fundamental and human rights by Israel',³⁷⁵ Palestinian self-determination,³⁷⁶ Israeli withdrawal from the Occupied Palestinian Territories,³⁷⁷ and Israeli settlement-building.³⁷⁸ The resolution on which Kenya abstained (along with Ethiopia and Rwanda) recommended that the General Assembly remain apprised of whether appropriate action had been taken 'at the national or international levels to ensure justice for victims and accountability for perpetrators' with regard to 'Israeli violations of international law in the Occupied Palestinian Territory'.³⁷⁹

Civil and political rights

Kenya's record at the HRC in 2017 shows that the country does not support civil and political rights at the international level.

Human rights defenders

Kenya's voting record in relation to resolution 'Mandate of the Special Rapporteur on the situation of human rights defenders'³⁸⁰ was inconsistent, but not supportive of human rights defenders. At the March 2017 session, Russia, China and others proposed five unfriendly amendments to the aforementioned resolution.³⁸¹ Kenya voted yes on one of these amendments, abstained on three, and then voted no on the fifth.

Human rights, democracy and the rule of law

In March 2017, China and its allies countered a resolution to hold a forum discussion on the role of parliaments in advancing human rights, democracy and the rule of law³⁸² with an amendment aimed at limiting the types of civil society organisations that could participate. China's amendment, which demanded that these NGOs respect the sovereignty of

375 UN, 'Human rights in the occupied Syrian Golan', Doc. A/HRC/RES/34/27, 7 April 2017.

376 UN, 'Right of the Palestinian people to self-determination', Doc. A/HRC/RES/34/29, 12 April 2017.

377 UN, 'Human rights situation in the Occupied Palestinian Territory, including East Jerusalem', Doc. A/HRC/RES/34/30, 11 April 2017.

378 UN, 'Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan', Doc. A/HRC/RES/34/31, 3 April 2017.

379 UN, 'Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem', Doc. A/HRC/RES/34/28, 11 April 2017.

380 UN, 'Mandate of the Special Rapporteur on the situation of human rights defenders', Doc. A/HRC/RES/34/5, 3 April 2017.

381 UN, 'Amendment to draft resolution L.5', Doc. A/HRC/34/L.42-L.45 & L.51, 21 March 2017.

382 UN, 'Human rights, democracy and the rule of law', Doc. A/HRC/34/L.20, 20 March 2017.

states,³⁸³ was an attempt to exclude potential critics. The African Group was divided on this amendment, but Kenya was one of seven to vote in favour of it.

Racism

Kenya's record on racism resolutions was positive. The 2017 resolution 'Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination' proposed a start to negotiations to alter ICERD to criminalise acts of racism and racial discrimination.³⁸⁴ Many Western states opposed or abstained from voting for the resolution. They argued that existing national and international law is adequate for addressing racism – proper implementation of existing law is what is needed. Kenya, like the rest of the African Group, voted in favour of the aforementioned resolution. It also voted for a second HRC resolution on racism, the wide-ranging 'From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance'.³⁸⁵

Women's rights

Kenya's record on women's rights was poor. During 2017, two of the resolutions on women's rights – one focuses on violence against women,³⁸⁶ the other on discrimination against women³⁸⁷ – were subject to hostile amendments. These amendments opposed 'sexuality education' and wanted to remove the term 'women human rights defenders'.³⁸⁸ A fifth, Egypt-sponsored amendment wanted to replace the word 'gender' with 'sex'.³⁸⁹ Kenya supported three of the anti-women's rights amendments and abstained on two.

Sexual orientation

Through its co-sponsorship of the Egyptian-led 'Protection of the family' resolution³⁹⁰ and its votes on proposed amendments to the resolution, Kenya opposed the advancement of LGBT rights at the HRC. From an LGBT-rights perspective, the key issue in the 'Protection of the family' resolution was the sponsors' refusal to acknowledge a diversity of family types,

383 UN, 'Amendment to draft resolution A/HRC/34/L.20', Doc. A/HRC/34/L.52, 22 March 2017.

384 UN, 'Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination', Doc. A/HRC/RES/34/36, 7 April 2017.

385 UN, 'From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance', Doc. A/HRC/RES/36/24, 9 October 2017.

386 UN, 'Accelerating efforts to eliminate violence against women: Engaging men and boys in preventing and responding to violence against all women and girls', Doc. A/HRC/RES/35/10, 12 July 2017.

387 UN, 'Elimination of discrimination against women and girls', Doc. A/HRC/RES/35/18, 7 July 2017.

388 UN, 'Amendment to draft resolution A/HRC/35/L.15', Doc. A/HRC/35/L.39 & L.40, 22 June 2017; UN, 'Amendment to draft resolution A/HRC/35/L.29', Doc. A/HRC/35/L.41 & L.42, 22 June 2017.

389 UN Web TV, 'A/HRC/35/L.29 Vote Item:3 – 36th Meeting, 35th Regular Session Human Rights Council: Egypt', 22 June 2017, <http://webtv.un.org/watch/ahrc35l29-vote-item3-36th-meeting-35th-regular-session-human-rights-council/547988193500?page=4#>, accessed 1 July 2019.

390 UN, 'Protection of the family: role of the family in supporting the protection and promotion of human rights of older persons', Doc. A/HRC/RES/35/13, 6 July 2017.

including households headed by same-sex partners. To rectify this deliberate omission, the EU and Switzerland tabled amendments.³⁹¹ Kenya, however, voted against these amendments. In its statement, it further spoke against recognising families headed by same-sex couples. Kenya cited its constitution's definition of the family 'as the natural and fundamental unit of society' and pointed out that its constitution saw the family as a 'necessary basis of social order', which therefore enjoys 'the recognition and protection of the state'. After noting that the Kenyan constitution gives people 'the right to marry a person of the opposite sex', Kenya's delegation to the HRC took aim at same-sex marriages, stating that 'any attempt to dilute or alter our understanding of the family is contrary to our laws'.³⁹²

Conclusion

Kenya's actions at the HRC during 2017 show that it is no friend of human rights. Except on Israel, Kenya did not support and sometimes opposed critical country-specific resolutions. Moreover, Kenya's record on women's rights and LGBT rights was antithetical to these rights. It was inconsistent regarding the place of human rights defenders, but overall its record was negative. At 70%, it is telling that Kenya shared the highest voting coincidence with one of Africa's strongest opponents of international human rights – Egypt.

391 UN, 'Amendment to draft resolution A/HRC/35/L.21', Doc. A/HRC/35/L.45 & L.47, 22 June 2017.

392 UN Web TV, 'A/HRC/35/L.21 Vote Item:3 - 35th Meeting, 35th Regular Session Human Rights Council: Kenya', 22 July 2017, <http://webtv.un.org/watch/ahrc35l.21-vote-item3-35th-meeting-35th-regular-session-human-rights-council/5479881904001>, accessed 1 July 2019.

Introduction

During 2017 at the HRC, Morocco's record was inconsistent, but overall it was mildly supportive of human rights. While Morocco was not a member of the HRC during 2017 and thus could not vote, it nevertheless played an active part in HRC matters, sponsoring or co-sponsoring 22 resolutions.³⁹³

Morocco is a constitutional monarchy under King Mohammed VI in which the monarch holds significant power. At the head of the government is Prime Minister Saadeddine Othmani, who took office in 2017 as leader of a five-party coalition. Freedom House categorises Morocco as 'partly free'.³⁹⁴ The media's freedom is limited. Journalists face prosecution for articles critical of the state. Foreign journalists face deportation for writing on issues such as sexuality, sex trafficking, and the ongoing dispute over Western Sahara.³⁹⁵ The Moroccan constitution recognises freedom of association, but the courts regularly prevent associations from gaining legal status by arguing that these undermine Morocco's 'territorial integrity'.³⁹⁶

393 UN, 'Effects of terrorism on the enjoyment of all human rights', Doc. A/HRC/34/L.9, 23 March 2017; UN, 'Human rights and the environment', Doc. A/HRC/34/L.33, 24 March 2017; UN, 'Human rights, democracy, and the rule of law', Doc. A/HRC/34/L.20, 24 March 2017; UN, 'The human rights situation in the Syrian Arab Republic', Doc. A/HRC/34/L.37, 24 March 2017; UN, 'Human rights of migrants: Mandate of the Special Rapporteur on the human rights of migrants', Doc. A/HRC/34/L.36, 24 March 2017; UN, 'Promoting the voluntary technical assistance trust fund to support the participation of Least Developed Countries and Small Island Developing States in the work of the Human Rights Council', Doc. A/HRC/35/L.14, 24 March 2017; UN, 'Protection of the family: Role of the family in supporting the protection and promotion of human rights of older persons', Doc. A/HRC/35/L.21, 22 June 2017; UN, 'Youth and human rights', Doc. A/HRC/35/L.22, 22 June 2017; UN, 'Extreme poverty and human rights', Doc. A/HRC/35/L.31, 22 June 2017; UN, 'The negative impact of corruption on the enjoyment of human rights', Doc. A/HRC/35/L.34, 23 June 2017; UN, 'The human rights situation in the Syrian Arab Republic', Doc. A/HRC/35/L.9, 23 June 2017; UN, 'Contribution of parliaments to the work of the Human Rights Council and its Universal Periodic Review', Doc. A/HRC/35/L.24, 23 June 2017; UN, 'Enforced or involuntary disappearances', Doc. A/HRC/36/L.10, 28 September 2017; UN, 'Special Rapporteur on the promotion of truth, justice, reparation and the guarantees of non-recurrence', Doc. A/HRC/36/L.11, 28 September 2017; UN, 'World programme for human rights education', Doc. A/HRC/36/L.24, 28 September 2017; UN, 'The human rights situation in the Syrian Arab Republic', Doc. A/HRC/36/L.22, 29 September 2017; UN, 'Enhancement of technical cooperation and capacity-building in the field of human rights', Doc. A/HRC/36/L.28, 29 September 2017; UN, 'Adequate housing as a component of the right to an adequate standard of living and the right to non-discrimination in this context', Doc. A/HRC/34/L.12, 23 March 2017; UN, 'Right to work', Doc. A/HRC/34/L.22, 24 March 2017; UN, 'Birth registration and the right of everyone to recognition everywhere as a person before the law', Doc. A/HRC/34/L.24, 24 March 2017; UN, 'Torture and other cruel, inhuman or degrading treatment or punishment: Mandate of the Special Rapporteur', Doc. A/HRC/34/L.32, 24 March 2017.

394 Freedom House, 'Freedom in the World 2017: Morocco', <https://freedomhouse.org/report/freedom-world/2017/morocco>, accessed 1 July 2019.

395 *Ibid.*

396 HRW, 'Morocco and Western Sahara: Events of 2016', <https://www.hrw.org/world-report/2017/country-chapters/morocco/western-sahara>, accessed 1 July 2019.

In 2017, large protests against corruption and unemployment erupted. The government responded with force, using teargas and arresting activists.³⁹⁷ Amnesty International expressed concern, stating, 'We fear this wave of arrests may be a deliberate attempt to punish protestors in the Rif for months of peaceful dissent.'³⁹⁸ Various other human rights abuses also take place in Morocco. These include child marriage, domestic violence against women and girls, and the prosecution of Moroccans in homosexual relationships.³⁹⁹

Morocco has sought alignment with the West, cultivating economic partnerships with Europe and promoting relations with the US.⁴⁰⁰ It exports most of its goods to Spain, France and Italy and imports goods from Spain, France and China.⁴⁰¹ Morocco's claim over Western Sahara has been a source of tension with the rest of Africa. Morocco was only permitted to join the AU in 2017, having left the AU's predecessor, the Organization of African Unity (OAU), in 1984, after the OAU had recognised the independence of Western Sahara.⁴⁰² Morocco has publicly stated its resistance to Islamic extremism. In 2016, King Mohammed VI condemned the use of Islam as an excuse for extremism and urged Muslims living in Europe to practice 'peaceful coexistence'.⁴⁰³

Country-specific situations

During 2017, Morocco's actions on country human rights situations were overall positive for human rights.

Critical country-specific resolutions

Morocco was one of the main sponsors of the HRC's three 2017 resolutions on the human rights problems in Syria.⁴⁰⁴ It was the only African main sponsor of these resolutions, while Botswana was the only African country to act as co-sponsor. In a response to the Commission of Inquiry on Syria's presentation of its findings at the HRC's March 2017 session, Morocco expressed 'great concern' over the deliberate targeting of hospitals, orphanages and schools. It called for 'a focus on combating impunity and accountability', yet softened this with the stipulation that 'the solution to this crisis must involve respect for sovereignty

397 BBC, 'Morocco protests: Four things you need to know', 9 June 2017, <http://www.bbc.com/news/world-africa-40219452>, accessed 1 July 2019.

398 Amnesty International, 'Morocco: Rif protesters punished with wave of mass arrests', 2 June 2017, <https://www.amnesty.org/en/latest/news/2017/06/morocco-rif-protesters-punished-with-wave-of-mass-arrests/>, accessed 1 July 2019.

399 HRW, 'Morocco and Western Sahara: Events of 2016', *op. cit.*

400 Bejjit K, 'Moroccan foreign policy under Mohammed VI, 1999-2014', *Journal of North African Studies*, 21, 5, 2016, p. 921.

401 Observatory of Economic Complexity, 'Morocco 2016', <https://atlas.media.mit.edu/en/profile/country/mar/>, accessed 1 July 2019.

402 *Al Jazeera*, 'Morocco rejoins the African Union after 33 years', 31 January 2017, <https://www.aljazeera.com/news/2017/01/morocco-rejoins-african-union-33-years-170131084926023.html>, accessed 1 July 2019.

403 Bonicelli P, 'Mohammed VI and the choice facing Islam', *Foreign Policy*, 6 October 2016, <https://foreignpolicy.com/2016/10/06/mohammed-vi-and-the-choice-facing-islam-middle-east-morocco-muslim-jihadist-extremism/>, accessed 1 July 2019.

404 UN, 'The human rights situation in the Syrian Arab Republic', Doc. A/HRC/34/L.37, 24 March 2017; UN, 'The human rights situation in the Syrian Arab Republic', Doc. A/HRC/35/L.9, 23 June 2017; UN, 'The human rights situation in the Syrian Arab Republic', Doc. A/HRC/36/L.22, 29 September 2017.

and territorial integrity.⁴⁰⁵ Apart from a statement on Israel, this was Morocco's only comment related to a resolution adopted without the consent of the country in question.

Myanmar

Morocco did not speak directly at the December 2017 special session on the human rights situation of the Rohingya. However, as a member of 'the group of friends of the responsibility to protect', Morocco signed a statement delivered by the Netherlands. The statement condemned the 'ongoing gross violations of human rights and abuses' committed against the Rohingya and other minorities and expressed deep concern at the situation facing them. The statement recognised some of the steps the Myanmar government had undertaken, but reminded Myanmar that 'those responsible for grave human rights violations and abuses should be held accountable in accordance with international law' and that the Myanmar government had the primary responsibility to protect its population, regardless of ethnicity, religion or citizenship status.⁴⁰⁶

Technical assistance and capacity building

During 2017, Morocco regularly spoke in support of giving technical assistance to a range of African countries, including the CAR, the DRC, Mali, Libya and Guinea. In these statements, it typically called for international assistance and commended the government in question for some accomplishment, such as welcoming 'the efforts made by the [Guinean] government to implement its action plan and national reconciliation';⁴⁰⁷ the 'renewed commitment of [the DRC] government to promote and protect human rights';⁴⁰⁸ or 'the close cooperation between the [CAR] government and MINUSCA'⁴⁰⁹ (the UN peacekeeping force in the country). When making these statements, Morocco would sometimes mention human rights problems in the particular country, but it would do so in a way that removed any suggestion that someone is to blame. For instance, speaking about the DRC, Morocco referred to 'the challenges faced given the security situation in the country'.⁴¹⁰

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- 405 UN Web TV, 'ID: Commission of inquiry on Syria - 35th Meeting, 34th Regular Session Human Rights Council: Morocco', 14 March 2017, <http://webtv.un.org/search/id-commission-of-inquiry-on-syria-35th-meeting-34th-regular-session-human-rights-council-/5357499910001/?term=34th%20Regular%20Session,%20Morocco&sort=date&page=4#>, accessed 1 July 2019.
- 406 UN Web TV, '1st Meeting - 27th Special Session of Human Rights Council: Netherlands', 5 December 2017, <http://webtv.un.org/watch/1st-meeting-27th-special-session-of-human-rights-council/5666471726001/#>, accessed 1 July 2019.
- 407 UN Web TV, 'ID: IE on Central African Republic - 49th Meeting, 34th Regular Session Human Rights Council: Morocco', 21 March 2017, <http://webtv.un.org/en/ga/watch/id-ie-on-central-african-republic-49th-meeting-34th-regular-session-human-rights-council-/5366504494001/?term=?lanchinese&sort=date#>, accessed 1 July 2019.
- 408 UN Web TV, 'Enhanced ID (Cont'D): on Democratic Republic of the Congo - 34th Meeting, 36th Regular Session Human Rights Council: Morocco', 27 September 2017, <http://webtv.un.org/watch/enhanced-id-contd-on-democratic-republic-of-the-congo-34th-meeting-36th-regular-session-human-rights-council-/5588947650001/?lan=original#>, accessed 1 July 2019.
- 409 UN Web TV, 'Item:10 General Debate - 55th Meeting, 34th Regular Session Human Rights Council: Morocco', 23 March 2017, <http://webtv.un.org/search/item10-general-debate-55th-meeting-34th-regular-session-human-rights-council-/5369682806001/?term=34th%20Regular%20Session,%20Morocco&sort=date&page=2#>, accessed 1 July 2019.
- 410 UN Web TV, 'ID: High Commissioner Update on Libya - 51st Meeting, 34th Regular Session Human Rights Council: Morocco', 21 March 2017, <http://webtv.un.org/meetings-events/treaty-bodies/watch/id-high-commissioner-update-on-libya-51st-meeting-34th-regular-session-human-rights-council-/5366980229001/?term=?lanchinese&sort=date#>, accessed 1 July 2019.

Israel

Although it could not vote on the Israel-related resolutions, Morocco made a statement in which it criticised Israel for its ‘implementation of a settlement plan which would block Palestinians of their rights’ and ‘expanding of settlements at the detriment of Palestinian territory’.⁴¹¹

Civil and political rights

Morocco made only a few interventions related to civil and political rights. Its record on human rights was mixed.

Migrants

During 2017, Morocco strongly supported strengthening rights and protection for migrants. Morocco, alongside two other African states – Algeria and Angola – co-sponsored a March 2017 resolution on the human rights of migrants.⁴¹² In its statement, Morocco further expressed its commitment to protecting the rights and dignity of migrants and asked for solidarity from other HRC members to do the same.⁴¹³

Rule of law

Morocco’s engagement with rule of law issues centred on its sponsorship of a draft resolution on human rights, democracy and the rule of law, which was supported by 11 African states.⁴¹⁴ Morocco and Tunisia were the only African main sponsors of this resolution; 10 other African states joined as co-sponsors.⁴¹⁵

Sexual orientation

A black mark on Morocco’s record is its acting as a main sponsor of the 2017 ‘Protection of the family’ draft resolution.⁴¹⁶ In what was an attempt to undermine the rights of LGBT

411 UN Web TV, ‘Item:7 General Debate (Cont’d) – 47th Meeting, 34th Regular Session Human Rights Council: Morocco’, 20 March 2017, <http://webtv.un.org/search/item7-general-debate-contd-47th-meeting-34th-regular-session-human-rights-council-/5365914430001/?term=34th%20Regular%20Session,%20Morocco&sort=date&page=33>, accessed 1 July 2019.

412 UN, ‘Human rights of migrants: Mandate of the Special Rapporteur on the human rights of migrants’, Doc. A/HRC/34/L.36, 24 March 2017.

413 UN Web TV, ‘Morocco, High-Level Segment – 6th Meeting, 34th Regular Session Human Rights Council: Morocco’, 28 February 2017, <http://webtv.un.org/watch/morocco-high-level-segment-6th-meeting-34th-regular-session-human-rights-council/5341236748001/>, accessed 1 July 2019.

414 UN, ‘Human rights, democracy, and the rule of law’, Doc. A/HRC/34/L.20, 24 March 2017.

415 Algeria, Benin, Botswana, CAR, Gabon, Ghana, Libya, Madagascar, Sierra Leone and Togo.

416 UN, ‘Protection of the family: Role of the family in supporting the protection of and promotion of human rights of older persons’, Doc. A/HRC/35/L.21, 22 June 2017.

persons, the resolution deliberately excluded recognition of the diversity of family forms that exist.⁴¹⁷ Switzerland and the EU proposed amendments to include recognition of family diversity in the resolution,⁴¹⁸ but these were rejected after a vote. Egypt, speaking on behalf of Morocco and others, argued that the amendments were a ‘one size fits all’ approach to the understanding of what constitutes a family and ignored the cultural and ideational differences domestic communities have in determining what constitutes a family.⁴¹⁹

Conclusion

Morocco was reasonably involved in the sponsoring and co-sponsoring of draft resolutions in 2017. During HRC debates and meetings, Morocco spoke regularly, commending the actions of the HRC and encouraging greater involvement for African states. However, while Morocco was active in 2017, its record on human rights at the HRC is best described as weak.

417 *Ibid.*

418 UN, ‘Amendment to draft resolution A/HRC/35/L.21’, Doc. A/HRC/35/L.45 & L.47, 22 June 2017.

419 UN Web TV, ‘A/HRC/35/L.21 Vote Item:3 - 35th Meeting, 35th Regular Session Human Rights Council: Egypt’, 22 June 2017, <http://webtv.un.org/meetings-events/treaty-bodies/watch/ahrc35l21-vote-item3-35th-meeting-35th-regular-session-human-rights-council/5479881904001?page=5&sort=date&term=#player>, accessed 1 July 2019.

Introduction

At the HRC during 2017, Nigeria's record on human rights was inconsistent and among the worst of the African Group. On country-specific human right situations it tended to abstain, but, in line with the OIC, supported resolutions on Israel and the Rohingya. Nigeria's record on civil and political rights was considerably worse – it supported most attempts to undermine these rights.

Nigeria's record on human rights was inconsistent and among the worst of the African Group

According to Freedom House, Nigeria is partly free.⁴²⁰ The country's political process is beset with serious problems. The administration of Muhammadu Buhari, who has been president since 2015, has tried to improve transparency and reduce corruption, but militant and extremist groups, political interference and lack of funding for the judicial system remain major challenges.⁴²¹ Even though freedom of speech and freedom of the press are constitutionally protected, and Nigerians are generally free to express their views, the expression of critical views on politicians or sensitive topics like religion or the military has led to violent reprisals or arrest.⁴²² Other problems include political interference in the judicial process, poor governance, misappropriation of public funds, and terrorism.⁴²³

Beyond difficulties with the political process, Nigeria has a host of other human rights problems. These include arrests and discrimination against individuals based on their sexual orientation as well as discrimination against women in domains such as employment and education.⁴²⁴ Forced eviction without adequate notice and compensation is a major problem.⁴²⁵ In the north of the country, citizens are subject to violence from religious extremists and security forces.

420 Freedom House, 'Freedom in the World 2018: Nigeria', <https://freedomhouse.org/report/freedom-world/2018/nigeria>, accessed 1 July 2019.

421 *Ibid.*

422 *Ibid.*

423 Amnesty International, 'Nigeria 2017/2018', <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>, accessed 1 July 2019.

424 *Ibid.*; Freedom House, 'Freedom in the World 2018: Nigeria', *op. cit.*

425 Amnesty International, 'Nigeria 2017/2018', *op. cit.*

Nigeria's foreign policy focuses heavily on regional integration, anti-terrorism, African unity, the peaceful settlement of conflicts and economic growth.⁴²⁶ In West Africa, Nigeria has often taken the lead in quelling violence. In 2017, it was a key part of an ECOWAS force that intervened in The Gambia and forced then president Yahya Jammeh from power when he refused to step down after losing the December 2016 presidential election. Nigeria has strategic relations with the US, much of it because of their joint opposition to terrorism.

Country-specific situations

Nigeria's 2017 record on addressing country-specific human rights problems is weak. While it did not vote against any country-specific resolutions during 2017, it also only rarely supported the strongest human rights position when country-specific resolutions came to a vote.

Critical country-specific situations

The three resolutions that the HRC adopted on Syria during 2017 strongly condemned the various forms of killing taking place during the Syrian civil war and either expressed support for or extended the mandate of the commission of inquiry on Syria that was established in 2011. The purpose of the commission of inquiry was to investigate violations of international human rights law with a view to holding perpetrators to account.⁴²⁷ Nigeria, however, did not support these resolutions and abstained from voting on all three occasions of their adoption. It was one of seven African states to do so.

Nigeria also abstained on the respective resolutions on human rights in Iran and Belarus. The Iran resolution welcomed the report and recommendations by the special rapporteur on human rights in Iran and extended his mandate for a year.⁴²⁸ Nigeria was one of eight African states to abstain. The Belarus resolution expressed concern about limitations on the freedoms of assembly, association and expression in the country and renewed the mandate of the special rapporteur.⁴²⁹ Nigeria was one of 10 African countries to abstain from voting for the Belarus resolution.

Nigeria's actions with regard to the situation of the Rohingya were more supportive of human rights. It was one of the main sponsors of the draft resolution 'Situation of human rights of Rohingya Muslims and other minorities in Myanmar'.⁴³⁰ Nigeria had strong words about the situation in Myanmar. In its statement, it expressed its 'deep concern' about

426 Akinterinwa B, 'Definienda and challenges of Nigeria's foreign policy in 2018', This Day, 31 December 2017, <https://www.thisdaylive.com/index.php/2017/12/31/definienda-and-challenges-of-nigerias-foreign-policy-in-2018/>, accessed 1 July 2019.

427 UN, 'Human rights situation in the Syrian Arab Republic', Doc. A/HRC/34/L.37, 24 March 2017.

428 UN, 'Human rights in the Islamic Republic of Iran', Doc. A/HRC/34/L.17, 24 March 2017.

429 UN, 'Situation of human rights in Belarus', Doc. A/HRC/35/L.16, 23 June 2017.

430 UN, 'Human rights situation of the minority Rohingya Muslim population and other minorities in the Rakhine State of Myanmar', Doc. A/HRC/S-27/3, 5 December 2017.

the ‘repugnant and condemnable’ violence against the Rohingya. It asserted that the ‘international community cannot remain silent’ about the ‘ethnic cleansing’ of the Rohingya – the perpetrators needed to be identified and brought to justice. Nigeria commended the UN secretary-general’s call on the Myanmar government to stop the ethnic cleansing.⁴³¹ Nigeria voted for the resolution, which was adopted 33-3-9.

Burundi

In August 2017, the commission of inquiry on Burundi published a report that documented the extensive human rights violations committed during the previous years. The report identified government forces as the ‘principal perpetrators’ of these human rights violations.⁴³² The commission of inquiry asked for more time to conduct its investigation. The EU proposed a resolution to extend the commission’s mandate by one more year.⁴³³ The Burundi government, however, rejected the report.⁴³⁴ By introducing a competing resolution, the African Group tried to protect the Burundi government from further investigation. The African Group resolution proposed sending three experts to conduct an investigation. These investigators then had to run their findings by the Burundi government and leave prosecution up to the Burundian authorities.⁴³⁵ In effect, the resolution required the accused party to investigate and prosecute itself. All African countries except Botswana voted for the African Group resolution. In addition to the African Group’s resolution, the HRC also adopted the EU’s rival resolution. In voting on the EU’s resolution, Nigeria and five other African countries abstained, while five opposed it and two voted in favour.

Technical assistance and capacity building

Although not entirely consistent, during 2017 Nigeria tended to abstain when technical assistance resolutions came to a vote. One sees this inconsistency with regard to Nigeria’s votes on the 2017 Georgia and Ukraine resolutions.⁴³⁶ Both were technical assistance and capacity-building resolutions on countries at the fault line of Russia’s conflict with the West. Both countries contain areas over which Russian-backed separatists have effective control. Both resolutions also had the consent of the Georgian and Ukrainian governments, respectively. Despite the similarity of the resolutions and situations, Nigeria abstained on Georgia resolution but voted for the Ukraine resolution.

431 UN Web TV, ‘1st Meeting – 27th Special Session of Human Rights Council: Nigeria’, 5 December 2017, <http://webtv.un.org/watch/1st-meeting-27th-special-session-of-human-rights-council/5666471726001/?term=#player>, accessed 1 July 2019.

432 UN, ‘Report of the commission of inquiry on Burundi’, Doc. A/HRC/36/54, 11 August 2017, p. 6.

433 UN, ‘Renewal of the mandate of the commission of inquiry on Burundi’, Doc. A/HRC/RES/36/19, 4 October 2017.

434 UN Web TV, ‘ID: Commission of inquiry on Burundi (Cont’d) – 17th Meeting, 36th Regular Session Human Rights Council: Burundi’, 19 September 2017, <http://webtv.un.org/search/id-commission-of-inquiry-on-burundi-contd-17th-meeting-36th-regular-session-human-rights-council-/5580223558001/?term=burundi&sort=date&page=12#>, accessed 1 July 2019.

435 UN, ‘Mission by the Office of the United Nations High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi’, Doc. A/HRC/RES/36/2, 4 October 2017.

436 UN, ‘Cooperation with Georgia’, Doc. A/HRC/34/L.13, 24 March 2017; UN, ‘Cooperation with and assistance to Ukraine in the field of human rights’, Doc. A/HRC/35/L.10, 23 June 2017.

At the HRC's September 2017 regular session, the HRC had to consider the resolution, 'Technical assistance and capacity-building in the field of human rights in the Democratic Republic of Congo'.⁴³⁷ The resolution asked the OHCHR to present a 'comprehensive report on the human rights situation in the DRC'. The US called for a vote, objecting that the resolution did not adequately reflect the grave human rights situation in the DRC. Despite the opposing vote by the US, 45 of the HRC's members, Nigeria included, voted in favour. During the same general session, the HRC adopted without vote the resolution on 'Advisory services and technical assistance for Cambodia'.⁴³⁸ Prior to the adoption of the resolution, the HRC had to consider an American amendment that sought to add more scrutiny of the government.⁴³⁹ The proposal by the US was rejected, with Nigeria and seven other African countries abstaining.

Israel

In votes related to Israel, Nigeria did not show any reluctance to support critical country-specific resolutions. During 2017, Nigeria voted in support of all five HRC resolutions related to Israel. Moreover, its representative addressed the situation in Israel, describing it as one of 'apartheid'.⁴⁴⁰

Civil and political rights

Nigeria's record on civil and political rights at the HRC during 2017 was, together with that of Egypt, the most antagonistic to these rights of all African members of the HRC.

Human rights defenders

At the 34th regular session, the HRC adopted without vote the resolution, 'Mandate of the Special Rapporteur on the situation of human rights defenders'.⁴⁴¹ The resolution called for the protection of human right defenders as they faced various forms of intimidation, inhibiting them from playing their important role in advancing human rights. Prior to the adoption of this resolution, however, the resolution was subject to five unfriendly amendments from Russia and others. Nigeria, Burundi and Egypt were the only African countries to vote in favour of all five amendments.⁴⁴²

437 UN, 'Technical assistance and capacity-building in the field of human rights in the Democratic Republic of Congo', Doc. A/HRC/36/L.34/Rev.1, 29 September 2017.

438 UN, 'Advisory services and technical assistance for Cambodia', Doc. A/HRC/36/L.21, 29 September 2017.

439 UN, 'Amendment to Draft Resolution L.29', Doc. A/HRC/36/L.21, 29 September 2017.

440 UN Web TV, 'Nigeria, High-Level Segment – 2nd Meeting, 34th Regular Session Human Rights Council: Nigeria, 27 February 2017, <http://webtv.un.org/meetings-events/treaty-bodies/watch/nigeria-high-level-segment-2nd-meeting-34th-regular-session-human-rights-council/5339307129001/?term=?lanchinese&sort=date>, accessed 1 July 2019.

441 UN, 'Mandate of the Special Rapporteur on the situation of human rights defenders', Doc. A/HRC/34/L.5, 17 March 2017.

442 UN, 'Amendment to draft resolution L.5', Doc. A/HRC/34/L.42-L.45 & L.51, 21 March 2017.

Racism

During 2017, Nigeria voted in favour of resolutions against racism. Nigeria asserted that these resolutions were important because many Nigerians faced discrimination and xenophobia in foreign countries.⁴⁴³ The first of these resolutions sought to expand ICERD to criminalise racist acts,⁴⁴⁴ whereas the second resolution, 'From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance', expressed concern about racism against migrants, refugees and asylum seekers and encouraged states to commit to eliminating these problems.⁴⁴⁵

Rule of law

The resolution 'Human rights, democracy and rule of law' proposed a forum discussion on the role of parliaments in the promotion of human rights, democracy and the rule of law.⁴⁴⁶ China, however, introduced a hostile amendment to the resolution,⁴⁴⁷ proposing that only NGOs that respect the 'sovereignty and territorial integrity' of states should participate in the discussion. The amendment was unsuccessful. Nigeria was one of seven African states to vote for China's amendment.

Sexual orientation

At the HRC during 2017, Nigeria strongly opposed the advancement of LGBT rights. During the June 2017 session, the HRC considered the draft resolution 'Protection of the family: Role of the family in support of the protection and promotion of human rights of older people'.⁴⁴⁸ Nigeria was a co-sponsor of this resolution. Behind the 'Protection of the family' resolution lay a definition of the family as a unit headed by a heterosexual partnership. As in previous years, states with progressive views on the issue tried to expand the draft resolution's conception of the family to allow for families headed by same-sex partners. More specifically, the EU proposed inserting the following language: 'Recognises that, in different cultural, political and social systems, various forms of the family exist.'⁴⁴⁹ Switzerland proposed a further amendment to acknowledge the diversity of family forms.⁴⁵⁰ Nigeria, however, was 'concerned' over the introduction of a 'divisive concept'

443 UN Web TV, 'Nigeria, High-Level Segment – 2nd Meeting, 34th Regular Session Human Rights Council: Nigeria', 27 February 2017, <http://webtv.un.org/meetings-events/treaty-bodies/watch/nigeria-high-level-segment-2nd-meeting-34th-regular-session-human-rights-council/5339307129001/?term=?lanchinese&sort=date>, accessed 1 July 2019.

444 UN, 'Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination', Doc. A/HRC/34/L.31/Rev.1, 21 March 2017.

445 UN, 'From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance', Doc. A/HRC/RES/36/24, 9 October 2017.

446 UN, 'Human rights, democracy and rule of law', Doc. A/HRC/34/L.20, 24 March 2017.

447 UN, 'Amendment to draft resolution L.52', Doc. A/HRC/34/L.20, 24 March 2017.

448 UN, 'Protection of the family: Role of the family in support the protection and promotion of human rights of older people', Doc. A/HRC/36/L.21, 29 September 2017.

449 UN, 'Amendment to draft resolution L.29', Doc. A/HRC/36/L.21, 29 September 2017.

450 UN, 'Amendment to draft resolution A/HRC/35/L.21', Doc. A/HRC/35/L.47, 20 June 2017.

(family diversity) into the draft resolution. The amendments, it maintained, offered no 'value' to what it saw as a 'good' text.⁴⁵¹ The amendments were defeated in a vote, with Nigeria voting against on each occasion.

Women's rights

During 2017, Nigeria opposed strengthening women's rights. At the June 2017 session, a resolution against violence against women was adopted without a vote.⁴⁵² However, prior to its adoption, Russia and Belarus had introduced two hostile amendments.⁴⁵³ The amendments aimed to remove both a reference to 'women human rights defenders'⁴⁵⁴ and a call for states to promote sexuality education.⁴⁵⁵ Nigeria voted for both unfriendly amendments.

At the same session, the HRC adopted another resolution on women's rights, this time on discrimination against women.⁴⁵⁶ Russia sponsored two amendments that were similar to the two it proposed on the violence against women resolution.⁴⁵⁷ In addition, Egypt presented an oral amendment on the discrimination against women resolution, proposing to replace the term 'gender' with 'sex'.⁴⁵⁸ While the amendments were unsuccessful, Nigeria voted in favour of all of them.

Conclusion

During 2017, there were some contradictory elements in Nigeria's actions on the HRC, but for the most part, these ranged from opposition to human rights to failing to support human rights. Nigeria's positions on civil and political rights were particularly regressive. One gets a sense of Nigeria's poor record by comparing it to those of other African members of the HRC. Botswana and Ghana have strong rights records, but Nigeria's voting coincidence with these states is low – 39% in the case of Botswana, 49% with Ghana. At the opposite end, Nigeria has an 85% voting coincidence rate with Egypt and 76% with Ethiopia.

451 UN Web TV, 'A/HRC/35/L.21 Vote Item:3 – 35th Meeting, 35th Regular Session Human Rights Council: Nigeria', 22 June 2017, <http://webtv.un.org/watch/ahrc35l.21-vote-item3-35th-meeting-35th-regular-session-human-rights-council/5479881905001/?term=&lan=arabic>, accessed 1 July 2019.

452 UN, 'Eliminating violence against women and girls', Doc. A/HRC/35/L.29, 29 September 2017.

453 UN, 'Amendment to draft resolution A/HRC/35/L.15', Doc. A/HRC/35/L.39, 20 June 2017; UN, 'Amendment to draft resolution A/HRC/35/L.15', Doc. A/HRC/35/L.40, 20 June 2017.

454 UN, 'Amendment to draft resolution A/HRC/35/L.15', Doc. A/HRC/35/L.39, 20 June 2017.

455 UN, 'Amendment to draft resolution A/HRC/35/L.15', Doc. A/HRC/35/L.40, 20 June 2017.

456 UN, 'Elimination of discrimination against women and girls', Doc. A/HRC/35/L.29, 19 June 2017.

457 UN, 'Amendment to draft resolution A/HRC/35/L.29', Doc. A/HRC/35/L.41, 21 June 2017; UN, 'Amendment to draft resolution A/HRC/35/L.29', Doc. A/HRC/35/L.42, 21 June 2017.

458 UN Web TV, 'A/HRC/35/L.29 Vote Item:3 – 36th Meeting, 35th Regular Session Human Rights Council: Egypt', 22 June 2017, <http://webtv.un.org/topics-issues/watch/ahrc35l.29-vote-item3-36th-meeting-35th-regular-session-human-rights-council/5479881935001/?term=&page=54?lan=spanish#>, accessed 1 July 2019.

Introduction

During 2017, Rwanda was a strong supporter of human rights at the HRC. Rwanda, for the most part, supported country-specific resolutions and adopted progressive positions on civil and political rights.

Rwanda's actions on the HRC, however, contrast with its domestic human rights situation. It is considered to be one of the most repressive and undemocratic regimes in Africa.⁴⁵⁹ Freedom House rates Rwanda as 'not free'.⁴⁶⁰ This repressiveness manifests itself in the suppression of political opposition and through severe restrictions on freedom of speech and expression, on freedom of association, and on the Internet and social media.⁴⁶¹ There have also been a number of unresolved but seemingly politically motivated killings and disappearances.⁴⁶² The Rwandan Patriotic Front has been in power since 1994, when it defeated those responsible for the genocide of the same year. Paul Kagame has been president since 2000. In 2015, the Rwandan constitution was amended to allow a third presidential term. During the 2017 presidential elections, Kagame secured another seven-year term by winning 98.8% of the vote.

The human rights of a number of groups – women, children and the LGBT community – are precarious. Although homosexuality is legal in Rwanda, same-sex marriages are still not recognised by the state, while arbitrary arrests of presumed homosexuals under the guise of laws protecting public morals have increased.⁴⁶³ While Rwanda was the first country in the world to have more than 50% female parliamentarians, the rest of society is not as progressive.⁴⁶⁴ Traditional patriarchal attitudes prevail, gender-based violence is rife, and women are generally underrepresented in political institutions other than Parliament.⁴⁶⁵ In addition, despite boasting one of the fastest growing economies in Central Africa, 63% of its population still live on less than \$1.25 a day.⁴⁶⁶ Domestically, Rwanda has evidently

459 Freedom House, 'Freedom in the World 2017: Rwanda', <https://freedomhouse.org/report/freedom-world/2017/rwanda>, accessed 1 July 2019.

460 *Ibid.*

461 Amnesty International, 'Rwanda 2017/2018', <https://www.amnesty.org/en/countries/africa/rwanda/report-rwanda/>, accessed 1 July 2019.

462 *Ibid.*

463 Archer R, 'Rwanda LGBTI resources', Refugee Legal Aid Information, <http://www.refugeelaidinformation.org/rwanda-lgbti-resources>, accessed 1 July 2019.

464 UN in Rwanda, 'Gender equality', <http://www.rw.one.un.org/mdg/mdg3>, accessed 1 July 2019.

465 *Ibid.*

466 Hutt R, '5 things to know about Rwanda's economy', World Economic Forum, 7 April 2016, <https://www.weforum.org/agenda/2016/04/5-things-to-know-about-rwanda-s-economy/>, accessed 1 July 2019.

prioritised its economic development over democracy. Its antidemocratic trajectory has continued and there seems to be no end in sight.⁴⁶⁷

Rwandan foreign policy is premised on two pillars: regional stability and economic development through regional integration.⁴⁶⁸ In its international relations, it enjoys close ties to the West. Per capita, Rwanda is one of Africa's biggest recipients of development aid.⁴⁶⁹ The biggest bilateral donors to Rwanda are the US, UK, the Netherlands and Germany.⁴⁷⁰ One gets a sense of Rwanda's proximity to the West by looking at its voting record in the General Assembly. On votes the US considers important, Rwanda had a 63% voting coincidence rate with the US, much higher than the 44% average for Africa and higher even than the figure for the rest of the Western Europe and Others Group.⁴⁷¹ Despite its poor domestic record on human rights, at the international level Rwanda is a defender of human rights. At the HRC, it has affirmed its commitment to the principles enshrined in the Vienna Declaration and Programme of Action and its belief that all human rights are universal, indivisible and interdependent.⁴⁷²

Country-specific situations

Although Rwanda was relatively quiet on country-specific human rights situations and did not sponsor or co-sponsor any such resolutions during 2017, it nevertheless had a record of supporting country-specific resolutions. During 2017, Rwanda made one statement on a country-specific human rights situation: on the commission of inquiry on Burundi.⁴⁷³

Critical country-specific resolutions

During 2017, Rwanda firmly supported critical country-specific resolutions.

It was one of only two African countries to vote for the March 2017 resolution on Iran, a text that criticised Iran for its failure to cooperate with UN human rights mechanisms and extended the mandate of the special rapporteur on human rights in the country for another year.⁴⁷⁴ Rwanda also voted yes on all three of the 2017 resolutions on human rights

467 HRW, 'Rwanda: Politically closed elections: A chronology of violations', 18 August 2017, <https://www.hrw.org/news/2017/08/18/rwanda-politically-closed-elections>, accessed 1 July 2019.

468 Rwanda, Ministry of Foreign Affairs, 'Foreign policy, diplomacy and cooperation', <http://www.minaffet.gov.rw/policies/foreign-policy-diplomacy-and-cooperation/>, accessed 1 July 2019.

469 World Bank, 'Net ODA received per capita (current US\$)', <https://data.worldbank.org/indicator/DT.ODA.ODAT.PC.ZS>, accessed 1 July 2019.

470 OECD, 'Aid at a glance', https://public.tableau.com/views/OECDACAidataglancebyrecipient_new/Recipients?:embed=y&display_count=yes&showTabs=y&toolbar=no?&showVizHome=no, accessed 1 July 2019.

471 US State Department, 'Voting practices in the United Nations 2017', March 2018, <https://www.state.gov/documents/organization/281458.pdf>, accessed 1 July 2019.

472 UN Web TV, 'Rwanda, High-Level Segment - 5th Meeting, 22nd Regular Session Human Rights Council: Rwanda', 26 February 2013, <http://webtv.un.org/search/rwanda-high-level-segment-5th-meeting-22nd-regular-session-human-rights-council/2191067404001/?term=Rwanda,%20high-level%20segment&sort=date>, accessed 1 July 2019.

473 UN, 'Report of the Human Rights Council on its thirty-sixth session', Doc. A/HRC/36/2, 21 March 2017.

474 UN, 'Situation of human rights in the Islamic Republic of Iran', Doc. A/HRC/RES/34/23, 3 April 2017.

in Syria – on each occasion, it was one of five African countries to do so. One exception, however, was Rwanda’s abstention on the June 2017 resolution on human rights in Belarus, a vote during which Ghana was the only African country to vote yes.

During the special session on the human rights situation of the Rohingya, Rwanda showed strong support for human rights. It was one of 33 states to support the call for a special session on the Rohingya situation. Furthermore, Rwanda voted for the resultant resolution, which called on Myanmar to respond properly to the plight of the Rohingya and to cooperate with the UN fact-finding mission and other UN human rights mechanisms, and mandated an OHCHR report on the situation of the Rohingya.⁴⁷⁵

Technical assistance and capacity building

At the HRC’s September 2017 session, Rwanda co-sponsored the draft resolution ‘Enhancement of technical cooperation and capacity building in the field of human rights’.⁴⁷⁶ Rwanda’s co-sponsorship suggests that it views the provision of technical assistance and capacity building in a positive light. Its actions during 2017, however, did not quite convey the same impression. In 2017, Rwanda did not make any statements in relation to technical assistance, nor did it sponsor or co-sponsor any country-specific technical assistance resolutions. Maintaining its positive stance towards country-specific situations, Rwanda only voted in favour of the resolution ‘Cooperation with and assistance to Ukraine in the field of human rights’.⁴⁷⁷

Rwanda’s only affirmative human rights action with regard to country-specific technical assistance resolutions was its vote in favour of the contentious resolution that asked the UN High Commissioner on Human Rights to present an update to the HRC on the situation in Ukraine.⁴⁷⁸ Rwanda abstained during the vote on a similar resolution on Georgia.⁴⁷⁹ With regard to the DRC, at the September 2017 session the US called for a vote on the resolution ‘Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo’⁴⁸⁰ because it felt the resolution was too weak.⁴⁸¹ Rwanda and all HRC members except two voted for the resolution. Following the tabling of a technical assistance resolution on Cambodia in September 2017,⁴⁸² the US proposed an amendment requesting the OHCHR to give an update on the situation in Cambodia at the HRC’s next

475 UN, ‘Situation of human rights of Rohingya Muslims and other minorities in Myanmar’, Doc. A/HRC/S-27/1, 8 December 2017.

476 UN, ‘Enhancement of technical cooperation and capacity building in the field of human rights’, Doc. A/HRC/36/L.28, 25 September 2017.

477 UN, ‘Cooperation with and assistance to Ukraine in the field of human rights’, Doc. A/HRC/35/L.10, 16 June 2017.

478 *Ibid.*

479 UN, ‘Cooperation with Georgia’, Doc. A/HRC/34/L.13, 17 March 2017.

480 UN, ‘Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo’, Doc. A/HRC/36/L.34/Rev.1, 27 September 2017.

481 *UN Web TV*, ‘A/HRC/36/L.34/Rev.1 Vote Item:10 – 42nd Meeting, 36th Regular Session Human Rights Council: United States’, 29 September 2017, <http://webtv.un.org/search/ahrc36l34rev1-vote-item10-42nd-meeting-36th-regular-session-human-rights-council/5592217939001/?term=democratic%20republic%20of%20the%20congo&sort=date&page=14#>, accessed 1 July 2019.

482 UN, ‘Advisory services and technical assistance for Cambodia’, Doc. A/HRC/36/L.21, 26 September 2017.

general session.⁴⁸³ During the amendment vote, Rwanda, like seven other African countries, abstained.

Burundi

Rwanda's actions regarding Burundi were contradictory, but included strong action in favour of human rights. On the one hand, Rwanda voted in favour of a resolution that provided cover for the regime in Burundi. Rather than authorising a full and independent investigation into allegations of grave violations of human rights and crimes against humanity in Burundi, the African Group proposed a compromised and poorly defined investigation into 'facts and circumstances'.⁴⁸⁴ On the other hand, Rwanda also voted in favour of the EU's resolution to extend the mandate of the commission of inquiry on Burundi⁴⁸⁵ – a body whose findings might be used in ICC proceedings. Alongside Botswana, Rwanda was the only African country to vote for the EU's resolution.

Israel

Unusually for an African country, Rwanda abstained on four of the five 2017 resolutions related to Israel. The only resolution that it supported was on the 'Right of the Palestinian people to self-determination'.⁴⁸⁶ It made no statements in relation to any of the resolutions on Israel.

Civil and political rights

Rwanda's record at the UNHRC in 2017 shows that the country supports and defends civil and political rights at the international level. During 2017, Rwanda mostly opposed regressive amendments to civil and political rights resolutions. In addition, it sponsored one resolution on civil and political rights and co-sponsored two.⁴⁸⁷

Human rights defenders

Rwanda's record of support for human rights defenders at the HRC was strong. In response

483 UN Web TV, 'A/HRC/36/L.21 Vote Item:10 – 42nd Meeting, 36th Regular Session Human Rights Council: United States', 29 September 2017, <http://webtv.un.org/search/ahrc36l.21-vote-item10-42nd-meeting-36th-regular-session-human-rights-council/5592217946001/?term=cambodia&sort=date&page=2#>, accessed 1 July 2019.

484 UN, 'Mission by the Office of the United Nations High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi', Doc. A/HRC/RES/36/2, 4 October 2017.

485 UN, 'Renewal of the mandate of the commission of inquiry on Burundi', Doc. A/HRC/RES/36/19, 4 October 2017.

486 UN, 'Right of the Palestinian people to self-determination', Doc. A/HRC/34/L.39, 21 March 2017.

487 UN, 'Accelerating efforts to eliminate violence against women: Engaging men and boys in preventing and responding to violence against all women and girls', Doc. A/HRC/35/L.15, 20 June 2017; UN, 'Elimination of discrimination against women and girls', Doc. A/HRC/35/L.29, 19 June 2017; UN, 'Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers', Doc. A/HRC/35/L.20, 19 June 2017.

to Norway's March 2017 draft resolution on human rights defenders,⁴⁸⁸ Russia and a few allies sponsored five amendments to weaken the resolution.⁴⁸⁹ Rwanda responded by voting against four of the five unfriendly amendments, making it one of six African countries to generally oppose the amendments.⁴⁹⁰

Racism

Rwanda, like all African countries, voted in favour of the two anti-racism resolutions that came to a vote during 2017. The first of these resolutions proposed to begin negotiations on expanding ICERD to include the criminalisation of racist and xenophobic acts.⁴⁹¹ The second resolution, 'From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance', ranged widely over various dimensions of racism, including the proposal to expand ICERD.⁴⁹²

Rule of law

At the HRC during 2017, Rwanda's record on rule of law issues was marginally supportive of human rights. In response to a draft resolution proposing a forum discussion on the role of parliaments in advancing human rights, democracy and the rule of law, China tabled an amendment stipulating that only NGOs that respected 'the sovereignty and territorial integrity' of states should be permitted to participate in the forum.⁴⁹³ China's hostile amendment was rejected 23-18-6. Three African countries (Botswana, Ghana and Togo) voted against the amendment, but Rwanda abstained, one of three African states to do so.

On a rights-affirming note, during the June 2017 general session Rwanda joined the sponsors of the resolution on 'Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers'.⁴⁹⁴ In addition, in a speech during the HRC's 'High-level segment', Rwanda's Minister of Justice Tharcisse Karugarama reaffirmed Rwanda's commitment to an independent and fair judiciary that meets international standards.⁴⁹⁵

Sexual orientation

Egypt's resolution, 'Protection of the family: Role of the family in supporting the protection

488 UN, 'Mandate of the Special Rapporteur on the situation of human rights defenders', Doc. A/HRC/34/L.5, 17 March 2017.

489 UN, 'Amendment to draft resolution L.5', Doc. A/HRC/34/L.42-L.45 & L.51, 21 March 2017.

490 The others were Botswana, Côte d'Ivoire, Ghana, Togo and Tunisia.

491 UN, 'Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination', Doc. A/HRC/34/L.31/Rev.1, 21 March 2017.

492 UN, 'From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance', Doc. A/HRC/RES/36/24, 9 October 2017.

493 UN, 'Amendment to draft resolution L.20', Doc. A/HRC/34/L.52, 4 August 2017.

494 UN, 'Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers', Doc. A/HRC/35/L.20, 19 June 2017.

495 UN Web TV, 'Rwanda, High-Level Segment - 5th Meeting, 22nd Regular Session Human Rights Council: Rwanda', 26 February 2013, <http://webtv.un.org/search/rwanda-high-level-segment-5th-meeting-22nd-regular-session-human-rights-council/2191067404001/?term=Rwanda.%20high-level%20segment&sort=date>, accessed 1 July 2019.

and promotion of human rights of older persons' was an indirect attack on the rights of the LGBT community. The attack took the form of recognising only families organised according to traditional gender roles.⁴⁹⁶ In reply to Egypt's text, the EU and Switzerland proposed inserting language to recognise the diversity of family forms, including, implicitly, families headed by same-sex partners.⁴⁹⁷ During the votes on Switzerland and the EU's amendments, Rwanda abstained. This did not amount to a defence of LGBT rights, but it is worth noting that 11 of 13 African countries opposed the pro-LGBT amendments. Rwanda voted in favour of the resolution.

Women's rights

During 2017, Rwanda strongly supported women's rights. It co-sponsored two resolutions on women's rights: 'Accelerating efforts to eliminate violence against women: Engaging men and boys in preventing and responding to violence against all women and girls'⁴⁹⁸ and 'Elimination of discrimination against women and girls'.⁴⁹⁹ Russia and its allies tabled two hostile amendments to each of these resolutions.⁵⁰⁰ In addition, Egypt introduced an unfriendly oral amendment to the resolution on discrimination against women.⁵⁰¹ Rwanda firmly opposed these attacks by being the only African country to vote against all five hostile amendments.

Conclusion

During 2017, Rwanda kept a low profile on the HRC, rarely sponsoring resolutions and only occasionally making statements before the HRC. Nevertheless, its record on the HRC was one of the most progressive compared to other African countries. One can get a sense of this by noting Rwanda's high voting coincidence rate with Botswana (67%) and Ghana (61%) and the low overlap with the likes of Burundi (21%) and Egypt (24%).

Rwanda kept a low profile on the HRC, rarely sponsoring resolutions and only occasionally making statements before the HRC. Nevertheless, its record on the HRC was one of the most progressive compared to other African countries

496 UN, 'Protection of the family: Role of the family in supporting the protection and promotion of human rights of older persons', Doc. A/HRC/RES/35/13, 6 July 2017.

497 UN, 'Amendment to draft resolution A/HRC/35/L.21', Doc. A/HRC/35/L45, 20 June 2017; UN, 'Amendment to draft resolution A/HRC/35/L.21', Doc. A/HRC/35/L47, 20 June 2017.

498 UN, 'Accelerating efforts to eliminate violence against women: Engaging men and boys in preventing and responding to violence against all women and girls', Doc. A/HRC/35/L.15, 20 June 2017.

499 UN, 'Elimination of discrimination against women and girls', Doc. A/HRC/35/L.29, 19 June 2017.

500 UN, 'Amendment to draft resolution A/HRC/35/L.15', Doc. A/HRC/35/L.39 & L.40, 22 June 2017; UN, 'Amendment to draft resolution A/HRC/35/L.29', Doc. A/HRC/35/L.41 & L.42, 22 June 2017.

501 UN Web TV, 'A/HRC/35/L.29 Vote Item:3 - 36th Meeting, 35th Regular Session Human Rights Council: Egypt', 22 June 2017, <http://webtv.un.org/watch/ahrc35l.29-vote-item3-36th-meeting-35th-regular-session-human-rights-council/5479881935001?page=4#>, accessed 1 July 2019.

SOUTH AFRICA

Mpendulo Siphika

Introduction

South Africa's record at the HRC during 2017 was weak and inconsistent. Excluding Israel-related resolutions, South Africa sometimes voted to protect abusive regimes, but mostly abstained from voting for country-specific resolutions. On civil and political rights, it sometimes defended these human rights, but just as often opposed or failed to defend them. Although South Africa rarely commented on country situations, it regularly addressed civil and political rights matters.

South Africa's record at the HRC during 2017 was weak and inconsistent

South Africa held its first democratic elections in 1994, with the African National Congress (ANC) winning two-thirds of the national vote. The ANC's vote share has been falling, but it remains comfortably the largest political party in the country. While political violence and corruption are present in the country's politics, and the government occasionally tries to hinder the right to free expression, the country has a vibrant civil society and an independent press, and regularly holds free and fair elections. Human rights improved after apartheid, but South Africa still has many problems on this front. There have been occasional xenophobic attacks on foreigners. Sexual violence is widespread, as are attacks against women and LGBT persons.⁵⁰² Crime is high. Racism and racial tension continue to plague the country. South Africa is one of the most unequal societies globally. More than 55% of the population live in poverty.⁵⁰³ The unemployment rate is above 27%.⁵⁰⁴

Africa is of central importance in South Africa's foreign policy. Through its foreign policy, South Africa seeks to achieve development, integration and stability on the continent. Much of its diplomacy is concerned with strengthening economic relations, especially with other countries from the Global South. Another pillar of South African foreign policy is the reform of institutions of global governance to make these more sensitive to the needs of

502 Amnesty International, 'South Africa 2017/2018', <https://www.amnesty.org/en/countries/africa/south-africa/report-south-africa>, accessed 1 July 2019.

503 Statistics South Africa, 'Poverty on the rise in South Africa', 22 August 2017, <http://www.statssa.gov.za/?p=10334>, accessed 1 July 2019.

504 Yu D, 'The lesser known and scarier facts about unemployment in South Africa', *Mail & Guardian*, 4 September 2017, <https://mg.co.za/article/2017-09-04-the-lesser-known-and-scarier-facts-about-unemployment-in-south-africa>, accessed 1 July 2019.

developing countries.⁵⁰⁵ Under the presidency of Thabo Mbeki, South Africa began to adopt a more confrontational stance towards the West. Jacob Zuma's term in office coincided with South Africa's joining the BRIC grouping. Under Zuma, South Africa embraced China and Russia and became more stridently 'anti-imperialist' than ever.⁵⁰⁶

Commentators on the place of human rights in South Africa's foreign policy typically bring up Nelson Mandela's pledge that 'human rights will be the light that guides' external relations.⁵⁰⁷ While an adherence to human rights was present in democratic South Africa's early foreign policy, it has since scaled back this commitment. One important piece of evidence of South Africa's reduced commitment to international human rights, as well as of its 'anti-imperialist' posture, is its desire to withdraw from the ICC.

Country-specific situations

During 2017, South Africa's HRC record on country-specific human rights problems was weak. South Africa always voted in favour of resolutions critical of Israel, but on other country-specific resolutions its typical action was to abstain. On the rare occasions when South Africa did not abstain, it voted against UN scrutiny of a country's human rights affairs.

Critical country-specific resolutions

South Africa does not support resolutions that examine human rights abuses in specific countries if such resolutions do not have the consent of the country concerned. During 2017, South Africa abstained on item 4 resolutions on Iran,⁵⁰⁸ Belarus⁵⁰⁹ and Syria.⁵¹⁰ It did not make a statement on the aforementioned situations, or on human rights conditions in Sri Lanka⁵¹¹ and North Korea.⁵¹²

Furthermore, South Africa did not comment during the adoption of a general session resolution on human rights in Myanmar,⁵¹³ nor on the situation of the Rohingya, the subject of a December 2017 special session. The purpose of the special session was to address the ethnic cleansing of the Rohingya, which has involved massacres, mass rape, the razing of villages, forced famine, an estimated death toll at the time of the special session of above

505 South Africa, DIRCO (Department of International Relations and Cooperation), 'Strategic plan, 2012-2017', p. 22, http://www.dirco.gov.za/department/strategic_plan_2014-2017/strategic_plan_2012-2017.pdf, accessed 1 July 2019.

506 *Fin24*, 'The Economist labels ANC "clueless and immoral"', 4 September 2015, <https://www.fin24.com/Economy/The-Economist-slams-ANC-foreign-policy-20150904>, accessed 1 July 2019.

507 Mandela N, 'South Africa's future foreign policy', *Foreign Affairs*, 72, 5, 1993.

508 UN, 'Situation of human rights in the Islamic Republic of Iran', Doc. A/HRC/34/L.17, 17 March 2017.

509 UN, 'The situation of human rights in Belarus', Doc. A/HRC/35/L.16, 19 June 2017.

510 UN, 'The human rights situation in the Syrian Arab Republic', Doc. A/HRC/RES/34/26, 5 April 2017; UN, 'The human rights situation in the Syrian Arab Republic', Doc. A/HRC/RES/35/26, 14 July 2017; UN, 'The human rights situation in the Syrian Arab Republic', Doc. A/HRC/RES/36/20, 9 October 2017.

511 UN, 'Promoting reconciliation, accountability and human rights in Sri Lanka', Doc. A/HRC/RES/34/1, 3 April 2017.

512 UN, 'Situation of human rights in the Democratic People's Republic of Korea', Doc. A/HRC/RES/34/24, 3 April 2017.

513 UN, 'Situation of human rights in Myanmar', Doc. A/HRC/RES/34/22, 3 April 2017.

14 000 and the displacement of 647 000.⁵¹⁴ Despite these egregious violations, when the resolution on the situation of the Rohingya went to a vote, South Africa chose to abstain, even though eight other African countries voted in favour of the resolution.

Israel

South Africa's unwillingness to criticise other countries for their human rights violations does not extend to Israel. In 2017, it voted yes on all five of the HRC's Israel-related resolutions. These resolutions addressed Israeli violations of human rights in the Golan Heights and Palestine, Israeli violations of international law in the occupied Palestinian territories, Israeli settlement building and Palestinian self-determination.⁵¹⁵

Burundi

During the HRC's September 2017 general session, the HRC adopted two disparate resolutions on Burundi. In August 2017, the commission of inquiry on Burundi's report came out. The commission concluded that there were 'reasonable grounds to believe that crimes against humanity have been committed in Burundi since April 2015'.⁵¹⁶ Furthermore, there were 'reasonable grounds to believe' that these crimes 'are attributable primarily to state officials at the highest level and to senior officers and members of the National Intelligence Service, the police, the army and the Imbonerakure [the youth league of the ruling party]'.⁵¹⁷ The commission recommended the extension of its mandate for another year to allow for further and more thorough investigations.⁵¹⁸

Despite the evidence and the commission's recommendation, the African Group tried to protect the Burundi government. In a soft resolution, which had the support of the Burundian government, the African Group proposed sending three OHCHR experts to provide technical assistance to the Burundi government and, 'in cooperation' with the government, 'determine' unspecified 'facts and circumstances' and submit this information to the Burundi government so it may 'establish the truth'.⁵¹⁹ South Africa voted for this resolution, as did 11 other African countries. Botswana was the only African state to abstain. The resolution was adopted 23-14-9.

514 McFarland S, 'Myanmar death toll neared 14 000 as 647 000 Rohingya flee', UPI, 14 December 2017, <https://www.upi.com/Report-Myanmar-death-toll-neared-14000-as-647000-Rohingya-flee/4041513264756/>, accessed 1 July 2019.

515 UN, 'Human rights in the occupied Syrian Golan', Doc. A/HRC/RES/34/27, 7 April 2017; UN, 'Right of the Palestinian people to self-determination', Doc. A/HRC/RES/34/29, 12 April 2017; UN, 'Human rights situation in the Occupied Palestinian Territory, including East Jerusalem', Doc. A/HRC/RES/34/30, 11 April 2017; UN, 'Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan', Doc. A/HRC/RES/34/31, 3 April 2017; UN, 'Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem', Doc. A/HRC/RES/34/28, 11 April 2017.

516 UN, 'Report of the commission of inquiry on Burundi', Doc. A/HRC/36/54, 11 August 2017, p. 1.

517 *Ibid.*, p. 16.

518 *Ibid.*, p. 18.

519 UN, 'Mission by the Office of the United Nations High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi', Doc. A/HRC/RES/36/2, 4 October 2017.

The EU, in line with the commission of inquiry's recommendation, presented a resolution that proposed extending the commission of inquiry's mandate by one year.⁵²⁰ This resolution was adopted 22-11-14. Although Botswana and Rwanda voted for the resolution and six African states abstained, South Africa and four other African countries voted against this resolution.⁵²¹

Technical assistance and capacity building

At the HRC, technical assistance resolutions are usually adopted without a vote, but during 2017 there were a number of votes on these resolutions. When called upon to vote, South Africa either abstained or chose the option that was least supportive of human rights. Moreover, South Africa's silence on critical country-specific situations also applied to these item 10 resolutions and it thus did not make a statement during the adoption of technical assistance resolutions on the CAR, the DRC, Libya, Mali, Somalia and Sudan.

At its September 2017 session, the HRC had to consider the annual draft resolution on advice and technical assistance to Cambodia.⁵²² In the months before this draft resolution, the Cambodian government cracked down on civil society, the media and political opposition.⁵²³ The US proposed amending the text to having the OHCHR give an oral update on the situation in Cambodia at the next HRC session and for the HRC to discuss the report.⁵²⁴ The amendment was put to a vote. While eight African states abstained, South Africa and four others voted against the proposal.

The US was also unhappy with the technical assistance resolution on the DRC.⁵²⁵ It complained that the resolution did not adequately reflect the serious human rights problems in the country and thus called for a vote. The US voted no, but 45 of the HRC's 47 members, including South Africa, voted in favour.

South Africa faced the choice of how to deal with the Ukraine and Georgia resolutions.⁵²⁶ Its usual line was that only country-specific resolutions that had the support of the government concerned were acceptable. In the case of the Georgia and Ukraine resolutions, these indeed had the support of the governments in question. However, given the recent Russian invasions of these countries and the fact that Russian-backed separatists

520 UN, 'Renewal of the mandate of the commission of inquiry on Burundi', Doc. A/HRC/RES/36/19, 4 October 2017.

521 Burundi, Republic of Congo, Egypt and Ghana were the others.

522 UN, 'Advisory services and technical assistance for Cambodia', Doc. A/HRC/36/L.21, 26 September 2017.

523 HRW, 'World Report 2018: Cambodia - Events of 2017', <https://www.hrw.org/world-report/2018/country-chapters/cambodia>, accessed 1 July 2019.

524 UN Web TV, 'A/HRC/36/L.21 Vote Item:10 - 42nd Meeting, 36th Regular Session Human Rights Council: United States', 29 September 2017, <http://webtv.un.org/search/ahrc36l21-vote-item10-42nd-meeting-36th-regular-session-human-rights-council/5592217946001/?term=cambodia&sort=date&page=2#>, accessed 1 July 2019.

525 UN, 'Technical assistance to the Democratic Republic of the Congo and accountability concerning the events in the Kasai regions', Doc. A/HRC/35/L.36, 22 November 2017.

526 UN, 'Cooperation with Georgia', Doc. A/HRC/34/L.13, 17 March 2017; UN, 'Cooperation with and assistance to Ukraine in the field of human rights', Doc. A/HRC/35/L.10, 16 June 2017.

remain in control of parts of Ukraine and Georgia, these two resolutions were alive with major power conflicts. In the end, South Africa decided to abstain on both resolutions.

Civil and political rights

South Africa's positions on civil and political rights were more supportive of human rights than its positions on country situations. Although it was willing to stand up for specific social groups that are often victims of human rights abuses – racial minorities, women, LGBT persons – South Africa was unwilling, and sometimes even opposed to, defending rights that are important in democratic societies.

Human rights defenders

At the HRC in 2017, South Africa failed to defend human rights defenders. The resolution 'Mandate of the Special Rapporteur on the situation of human rights defenders' focused the HRC's attention on the important role of human rights defenders in advancing human rights.⁵²⁷ In its statement, South Africa complained that by only specifying certain types of human rights defenders, the resolution conveyed the idea that some rights were more important than others.⁵²⁸ South Africa's dissatisfaction on this point, however, does not explain why it abstained on the five hostile amendments, unrelated to its criticism, which Russia and its partners brought against the resolution.⁵²⁹

Racism

South Africa's HRC record on initiatives against racism was positive. During the March 2017 session, South Africa made a strong statement on the importance of combating racism. During 2017, it further voted in favour of both anti-racism resolutions that came to a vote – a resolution to begin negotiations about expanding ICERD to criminalise racist and xenophobic acts⁵³⁰ and a more general resolution that addressed various dimensions of racism and efforts to combat this problem.⁵³¹

527 UN, 'Mandate of the Special Rapporteur on the situation of human rights defenders', Doc. A/HRC/34/L.5, 17 March 2017.

528 UN Web TV, 'A/HRC/34/L.5 Vote Item:3 – 56th Meeting, 34th Regular Session Human Rights Council: South Africa', 23 March 2017, <http://webtv.un.org/search/ahrc34l.5-vote-item3-56th-meeting-34th-regular-session-human-rights-council/5369682834001/?term=Special%20Rapporteur%20on%20the%20situation%20of%20human%20rights%20defenders&sort=date>, accessed 1 July 2019.

529 UN, 'Amendment to draft resolution L.5', Doc. A/HRC/34/L.42-L.45 & L.51, 4 August 2017.

530 UN, 'Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination', Doc. A/HRC/34/L.31/Rev.1, 21 March 2017.

531 UN, 'From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance', Doc. A/HRC/RES/36/24, 9 October 2017.

Women's rights

During 2017, South Africa's positions on women's rights were positive overall, as can be seen from its actions prior to the adoption of two resolutions on women's rights; one on discrimination against women⁵³² and the other on violence against women.⁵³³ Russia attacked both these resolutions with regressive amendments. With regard to both resolutions, Russia and its partners sought to remove any mention of the need for sexuality education.⁵³⁴ South Africa, however, opposed this attempt to alter the resolution. Russia also proposed removing mention of 'women human rights defenders' from both the women's rights resolutions.⁵³⁵ In this case, however, South Africa merely abstained. With regard to the discrimination against women resolution, South Africa also had to vote on a fifth regressive amendment, this time from Egypt, which wanted to replace the term 'gender' with 'sex'.⁵³⁶ South Africa opposed Egypt's amendment.

Rule of law

At its March 2017 session, the HRC had to consider the resolution 'Human rights, democracy, and the rule of law'.⁵³⁷ The key element of the resolution was a proposal to hold a forum discussion on the role of parliaments in advancing human rights, democracy and the rule of law. The draft resolution stated that the forum was to be open to various actors, including NGOs 'whose aims and purposes are in conformity with the spirit, purposes and principles' of the UN Charter. However, China, Pakistan and Russia presented a hostile amendment that only NGOs that respected 'the sovereignty and territorial integrity' of states may participate in the forum.⁵³⁸ This was an attempt to exclude critical civil society voices. South Africa voted in favour of the Chinese-led attempt to exclude critical voices.

Sexual orientation

Although South Africa has an ambivalent record at the UN on sexual orientation rights, its commitment to these rights is stronger than that of other African states.⁵³⁹ This can be seen from the way it voted on a resolution that touched on rights related to sexual orientation and gender identity. The Egyptian-led resolution 'Protection of the family:

532 UN, 'Elimination of discrimination against women and girls', Doc. A/HRC/35/L.29, 23 June 2017.

533 UN, 'Accelerating efforts to eliminate violence against women: Engaging men and boys in preventing and responding to violence against all women and girls', Doc. A/HRC/35/L.15, 23 June 2017.

534 UN, 'Amendment to draft resolution A/HRC/35/L.15', Doc. A/HRC/35/L.40, 20 June 2017; UN, 'Amendment to draft resolution A/HRC/35/L.29', Doc. A/HRC/35/L.42, 21 June 2017.

535 UN, 'Amendment to draft resolution A/HRC/35/L.15', Doc. A/HRC/35/L.39, 20 June 2017; UN, 'Amendment to draft resolution A/HRC/35/L.29', Doc. A/HRC/35/L.41, 21 June 2017.

536 UN Web TV, 'A/HRC/35/L.29 Vote Item:3 - 36th Meeting, 35th Regular Session Human Rights Council: Egypt', 22 June 2017, <http://webtv.un.org/topics-issues/watch/ahrc35l29-vote-item3-36th-meeting-35th-regular-session-human-rights-council/5479881935001/?term=&page=54?lan=spanish#>, accessed 1 July 2019.

537 UN, 'Human rights, democracy and the rule of law', Doc. A/HRC/34/L.20, 20 March 2017.

538 UN, 'Amendment to draft resolution A/HRC/34/L.20', Doc. A/HRC/34/L.52, 22 March 2017.

539 Jordaan E, 2017, *op. cit.*

The role of the family in supporting the protection and the promotion of human rights of older persons⁵⁴⁰ contained a veiled attack on LGBT persons. More specifically, the resolution did not recognise the diversity of family forms, including families built around same-sex partnerships. In response, the EU proposed to add language that ‘recognises that, in different cultural, political and social systems, various forms of the family exist’.⁵⁴¹ Switzerland added a further amendment to recognise the diversity of family forms.⁵⁴² The HRC voted on both of these amendments. Eleven African countries opposed the amendments and Rwanda abstained, while South Africa was the only African state to support the pro-LGBT amendments. Although the final resolution did not recognise family diversity, South Africa nevertheless voted for it.

Conclusion

At the HRC during 2017, South Africa’s record on human rights was mixed but generally weak. Its votes coincided least with those of Togo (27%), Botswana (36%) and Rwanda (36%) and most with those of the Republic of Congo (76%), Kenya (67%) and Ethiopia (67%).

540 UN, ‘Protection of the family: The role of the family in supporting the protection and promotion of human rights of older persons’, A/HRC/35/L.21, 23 June 2017.

541 UN, ‘Amendment to draft resolution A/HRC/35/L.21’, Doc. A/HRC/35/L45, 20 June 2017.

542 UN, ‘Amendment to draft resolution A/HRC/35/L.21’, Doc. A/HRC/35/L47, 20 June 2017.

Introduction

During 2017, compared to other African states, Togo showed a moderate level of commitment to the promotion and protection of human rights on the HRC. With the exception of resolutions on Israel, Togo did not oppose – and sometimes supported – resolutions to assist and scrutinise countries with human rights problems. With regard to civil and political rights, and despite occasional missteps, Togo's record was positive overall. During 2017, it was not an active member of the HRC; it rarely made plenary statements or co-sponsored resolutions.

According to the Economist Intelligence Unit's Democracy Index, Togo is an authoritarian state.⁵⁴³ Freedom House classifies Togo as 'partly free'.⁵⁴⁴ President Faure Gnassingbé of the Union for the Republic has been in power since 2005.⁵⁴⁵ He won a third term in 2015, but, in August and September 2017, the country experienced massive protests in favour of presidential term limits.⁵⁴⁶ Although opposition parties are generally free to campaign,⁵⁴⁷ the government has used excessive force to disperse peaceful protestors. Freedom of expression is curtailed and journalists have been beaten and arrested for reporting on politically sensitive matters.⁵⁴⁸

The human rights situation in Togo is poor. Problems include overcrowded and life-threatening prison conditions, executive influence over the judiciary, discrimination against LGBT persons, and endemic violence and discrimination against women.⁵⁴⁹

Traditionally, Togo has tried to maintain a non-aligned foreign policy.⁵⁵⁰ It has strong ties to Western Europe, especially with Germany and France. On the economic front, Togo's main exports include cotton, coffee and phosphates, exporting to countries such as India, the Netherlands, Ghana and Mali. It imports its capital goods from countries such as the US, Germany, China and South Africa.⁵⁵¹ Its biggest investors and donors include France, Germany, Denmark and the US.⁵⁵² Compared to other African countries, Togo has close

543 Economist Intelligence Unit, 'Democracy Index 2017: Free Speech Under Attack', *op. cit.*

544 Freedom House, 'Freedom in the World 2018: Togo', <https://freedomhouse.org/report/togo/freedom-world/freedom-world-2018>, accessed 1 July 2019.

545 Ellis S, 'Rumour and power in Togo', *Africa*, 63, 4, 1993.

546 Economist Intelligence Unit, 'Democracy Index 2017: Free Speech Under Attack', *op. cit.*

547 Freedom House, 'Freedom in the World 2018: Togo', *op. cit.*

548 Amnesty International, 'Togo 2017/2018', <https://www.amnesty.org/en/countries/africa/togo/report-togo/>, accessed 1 July 2019.

549 Amnesty International, 'Togo 2013', <https://www.amnestyusa.org/reports/annual-report-togo-2013>, accessed 1 July 2019.

550 Kornfeld P, 'Togo', in Shaw T & JE Okolo (eds), *The Political Economy of Foreign Policy in ECOWAS*. Basingstoke: Palgrave, 1994.

551 World Bank, 'Togo', <https://www.worldbank.org/en/country/togo>, accessed 1 July 2019.

552 *Ibid.*

relations with Israel.⁵⁵³ It is an active member of ECOWAS. Togo professes a commitment to international peace and security and has expressed concern about human rights violations in the Middle East, Africa and Eastern Europe.⁵⁵⁴

Country-specific situations

In 2017, Togo had, with the exception of its voting related to Israel, a relatively strong record on country-specific human rights situations. However, it made no statements on country-specific situations on the HRC in 2017.

Critical country-specific resolutions

Although Togo abstained on the votes on the Iran and Belarus resolutions, its record on critical country-specific resolutions was positive. Togo was one of only five African countries (Botswana, Côte d'Ivoire, Ghana and Rwanda were the others) to vote in favour of all three of the HRC's 2017 resolutions on Syria.⁵⁵⁵ In addition, Togo voted in favour of a special session resolution that condemned the violence against the Rohingya and expressed support for UN investigations into the ethnic cleansing of the Rohingya.⁵⁵⁶

Burundi

At the HRC's September 2017 session, Togo, like 11 other African countries, supported an African Group resolution that protected the Burundi government. Instead of mandating a thorough and independent investigation into recent human rights violations in Burundi, the African Group resolution proposed to send a hamstrung investigative team to the country.⁵⁵⁷ During the same session, the HRC also had to consider an EU-sponsored resolution that proposed extending the mandate of the commission of inquiry on Burundi for one more year.⁵⁵⁸ One of the significant aspects of the commission of inquiry was that its mandate included investigating human rights crimes with a view to holding perpetrators accountable.⁵⁵⁹ This resolution was adopted, with Botswana and Rwanda voting in favour and six African states,⁵⁶⁰ including Togo, abstaining.

553 Keinon H & D Ziri, 'Togo president: Israel holds key to troubles in Africa', Jerusalem Post, 25 September 2016, <https://www.jpost.com/Israel-News/Politics-And-Diplomacy/Togo-president-Israel-holds-key-to-troubles-in-Africa-468616>, accessed 1 July 2019.

554 UN Web TV, 'Togo, High-Level Segment – 8th Meeting, 25th Regular Session Human Rights Council: Togo', 5 March 2014, <http://webtv.un.org/meetings-events/treaty-bodies/watch/togo-high-level-segment-8th-meeting-25th-regular-session-human-rights-council/3295654037001/?term=?lan=russian&sort=date>, accessed 1 July 2019.

555 UN, 'The human rights situation in the Syrian Arab Republic', Doc. A/HRC/RES/34/2, 24 March 2017.

556 UN, 'Situation of human rights of Rohingya Muslims and other minorities in Myanmar', Doc. A/HRC/RES/S-27/1, 8 December 2017.

557 UN, 'Mission by the Office of the United Nations High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi', Doc. A/HRC/RES/36/2, 4 October 2017.

558 UN, 'Renewal of the mandate of the Commission of Inquiry on Burundi', Doc. A/HRC/RES/36/19, 4 October 2017.

559 UN, 'Situation of human rights in Burundi', Doc. A/HRC/RES/33/24, 5 October 2016.

560 Côte d'Ivoire, Ethiopia, Kenya, Nigeria and Tunisia.

Technical assistance and capacity building

Togo's record on the provision of technical assistance and capacity building falls marginally on the positive side. The resolutions on Georgia and Ukraine were contentious affairs, given the geopolitical rivalry that loomed over these resolutions. Togo was one of only three African states to vote in favour of the Georgia resolution.⁵⁶¹ On the Ukraine resolution, however, Togo abstained. It also abstained on a US-proposed amendment to beef up the September 2017 draft resolution on Cambodia⁵⁶² by asking for additional reporting from the OHCHR. In this instance, Togo was one of eight African countries to abstain on this vote⁵⁶³ – the other five voted against the US amendment. When the US called a vote on the second 2017 technical assistance resolution on the DRC, Togo, like all the other African countries, voted for the resolution.⁵⁶⁴

Israel

Togo's voting record on Israel-related resolutions is highly unusual. It was the only African country to vote against all five Israel-related resolutions adopted during 2017. Not even Israel's other allies went this far – on only one occasion did a state other than the US or Togo vote against an Israel-related resolution: the UK on a resolution on human rights in the Syrian Golan.⁵⁶⁵

Civil and political rights

Togo's position on civil and political rights was inconsistent but was more supportive of human rights than not. It occasionally co-sponsored a civil and political rights resolution but rarely spoke on the issue.

Togo's position on civil and political rights was inconsistent but was more supportive of human rights than not

561 UN, 'Cooperation with Georgia', Doc. A/HRC/RES/34/37, 23 March 2017.

562 UN, 'Advisory services and technical assistance for Cambodia', Doc. A/HRC/36/L.21, 26 September 2017.

563 Botswana, Côte d'Ivoire, Ethiopia, Ghana, Nigeria, Rwanda and Tunisia abstained.

564 UN, 'Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo', Doc. A/HRC/36/L.34/Rev.1, 27 September 2017.

565 UN, 'Human rights in the occupied Syrian Golan', Doc. A/HRC/RES/34/27, 7 April 2017.

Human rights defenders

During 2017, Togo showed strong support for human rights defenders. It was one of 12 African co-sponsors of the resolution⁵⁶⁶ 'Mandate of the Special Rapporteur on the situation of human rights defenders'.⁵⁶⁷ Moreover, after Russia and its allies attacked the draft resolution with five hostile amendments, Togo voted against four of the five amendments and abstained on the fifth.

Racism

Like all other African states, Togo voted in support of anti-racism resolutions. During 2017, the HRC had to vote on two of these. The first was a resolution to begin negotiations to extend ICERD to criminalise racism.⁵⁶⁸ The second was a broader resolution on the manifestations of racism and the need to combat these, titled 'From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance'.⁵⁶⁹

Human rights, democracy and the rule of law

At the HRC, Togo's record on the nexus between human rights, democracy and the rule of law was strong. Togo was one of 11 African countries⁵⁷⁰ to sponsor or co-sponsor a resolution on this theme.⁵⁷¹ When China, Pakistan and Russia attacked the resolution with an amendment that sought to marginalise critical voices from civil society,⁵⁷² Togo was one of only three African states – Botswana and Ghana were the other two – to oppose this hostile amendment.

Sexual orientation

Togo's record on the rights of LGBT persons was poor. At the HRC's June 2017 session, it was one of 17 African states⁵⁷³ to sponsor a resolution on the 'protection of the family'.⁵⁷⁴ The resolution's attack on LGBT persons lay in that it refused to acknowledge the diversity

566 The others were Angola, Benin, Republic of Congo, Côte d'Ivoire, Ghana, Guinea, Mali, Mozambique, Sierra Leone, Tunisia and Zambia.

567 UN, 'Mandate of the Special Rapporteur on the situation of human rights defenders', Doc. A/HRC/34/L.5, 17 March 2017.

568 UN, 'Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination', Doc. A/HRC/34/L.31/Rev.1, 21 March 2017.

569 UN, 'From rhetoric to reality: A global call for concrete action against racism, racial discrimination, xenophobia and related intolerance', Doc. A/HRC/RES/36/24, 9 October 2017.

570 Algeria, Benin, Botswana, the CAR, Gabon, Ghana, Libya, Madagascar, Sierra Leone and Tunisia.

571 UN, 'Human rights, democracy and the rule of law', Doc. A/HRC/34/L.20, 20 March 2017.

572 UN, 'Amendment to draft resolution A/HRC/34/L.20', Doc. A/HRC/34/L.52, 22 March 2017.

573 Benin, Botswana, Burundi, Republic of Congo, Côte d'Ivoire, Egypt, Eritrea, Ghana, Kenya, Mauritania, Morocco, Nigeria, Sierra Leone, Tunisia, Uganda and Zimbabwe were the others.

574 UN, 'Protection of the family: Role of the family in supporting the protection and promotion of human rights of older persons', Doc. A/HRC/RES/35/13, 6 July 2017.

of family forms that exist. At this session, states with progressive views on the matter proposed two amendments to give recognition to the diversity of family forms.⁵⁷⁵ These amendments were put to a vote. Togo, like 10 other African states, opposed the LGBT-friendly amendments and then, like all other African Group members, voted in favour of the resolution.

Women's rights

During 2017, Togo's positions on women's rights were inconsistent, but overall fell on the supportive side. During the year, two of the HRC's resolutions on women's rights were subject to regressive amendments, one on violence against women⁵⁷⁶ and the other on discrimination against women.⁵⁷⁷ In both cases, Russia and others proposed deleting references to 'woman human rights defenders' and to the need to provide sexuality education.⁵⁷⁸ A hostile amendment by Egypt proposed deleting a reference to 'gender' and putting the word 'sex' in its place.⁵⁷⁹ Togo voted against deleting the term 'women human rights defenders', but voted inconsistently on whether to remove a reference to sexuality education, once abstaining and once voting in favour of removal. In the case of Egypt's proposed amendment, Togo abstained.

Conclusion

During 2017, in terms of standing up for human rights, Togo's record placed it near the middle of the African Group, slightly behind South Africa. Of the 33 votes at issue in this report, Togo had a high voting coincidence rate with Botswana, Côte d'Ivoire and Ghana (all at 67%) and a low correspondence with Burundi (21%), South Africa (27%) and Egypt (30%).

575 UN, 'Amendment to draft resolution A/HRC/35/L.21', Doc. A/HRC/35/L45, 20 June 2017; UN, 'Amendment to draft resolution A/HRC/35/L.21', Doc. A/HRC/35/L47, 20 June 2017.

576 UN, 'Accelerating efforts to eliminate violence against women: Engaging men and boys in preventing and responding to violence against all women and girls', Doc. A/HRC/35/L.15, 20 June 2017.

577 UN, 'Elimination of discrimination against women and girls', Doc. A/HRC/35/L.29, 19 June 2017.

578 UN, 'Amendment to draft resolution A/HRC/35/L.15', Doc. A/HRC/35/L.39 & L.40, 22 June 2017; UN, 'Amendment to draft resolution A/HRC/35/L.29', Doc. A/HRC/35/L.41 & L.42, 22 June 2017.

579 UN Web TV, 'A/HRC/35/L.29 Vote Item:3 - 36th Meeting, 35th Regular Session Human Rights Council: Egypt', 22 June 2017, <http://webtv.un.org/topics-issues/watch/ahrc35l.29-vote-item3-36th-meeting-35th-regular-session-human-rights-council/5479881935001/?term=&page=54?lan=spanish#>, accessed 1 July 2019.

APPENDIX

TABLE 1 NUMBER OF UN HUMAN RIGHTS COUNCIL GENERAL SESSION RESOLUTIONS PER YEAR	
Year	Number of general sessions resolutions
2006	13
2007	49
2008	69
2009	72
2010	71
2011	89
2012	94
2013	95
2014	102
2015	88
2016	100
2017	108

Source: Compiled by editor

TABLE 2 RANKING AFRICAN MEMBERS OF THE HRC IN 2017 ACCORDING TO THEIR COMMITMENT TO INTERNATIONAL HUMAN RIGHTS	
1	Botswana, Ghana, Rwanda
4	Côte d'Ivoire
5	Tunisia
6	South Africa
7	Togo
8	Congo
9	Ethiopia, Kenya
11	Nigeria
12	Egypt
13	Burundi

Source: Compiled by editor

Note: The ranking of African countries in terms of their commitment to international human rights was done in the following way. With each vote, there are three options: yes, no, abstain. Abstentions are given a score of one. The most pro-human rights vote (sometimes a yes, sometimes a no) is assigned a score of two. The least pro-human rights option gets zero. The ranking is based on the sum of these individual voting scores. There were 17 country-related votes and 16 thematic votes. Please see tables 4a-c and 5a-b for further scores, calculations and details of these votes.

TABLE 3 AFRICAN MEMBERS OF THE UN HUMAN RIGHTS COUNCIL, 2017

Botswana	Ethiopia	South Africa
Burundi	Ghana	Togo
Congo	Kenya	Tunisia
Côte d'Ivoire	Nigeria	
Egypt	Rwanda	

Source: Compiled by editor

TABLE 4A VOTES ON COUNTRY RESOLUTIONS AND AMENDMENTS 2017: STRENGTH OF COMMITMENT TO HUMAN RIGHTS

Resolution title	Type	Vote count	Session	Botswana	Burundi	Congo	Côte d'Ivoire	Egypt	Ethiopia	Ghana	Kenya	Nigeria	Rwanda	South Africa	Togo	Tunisia
Iran	Res	22-12-13	34	2	0	1	1	0	1	1	0	0	2	1	1	1
Syria	Res	27-7-13	34	2	0	1	2	1	1	2	1	1	2	1	2	1
Occupation of Golan	Res	26-3-18	34	1	2	1	2	2	2	2	2	2	1	2	0	2
OPT International law	Res	30-2-15	34	2	2	2	2	2	1	2	1	2	1	2	0	2
Palestinian self-determination	Res	43-2-2	34	2	2	2	2	2	2	2	2	2	2	2	0	2
OPT human rights	Res	41-2-4	34	2	2	1	2	2	2	2	2	2	1	2	0	2
Israeli settlements	Res	36-2-9	34	2	2	2	2	2	2	2	2	2	1	2	0	2
Georgia	Res	18-5-24	34	2	0	1	1	1	1	2	1	1	1	1	2	1
Syria	Res	27-8-12	35	2	0	1	2	1	1	2	1	1	2	1	2	1
Belarus	Res	18-8-21	35	1	0	1	1	0	1	2	1	1	1	1	1	1
Ukraine	Res	22-6-19	35	1	0	1	2	1	1	2	1	2	2	1	1	1
Burundi OHCHR	Res	23-14-9	36	1	0	0	0	0	0	0	0	0	0	0	0	0
Burundi COI	Res	22-11-14	36	2	0	0	1	0	1	0	1	1	2	0	1	1
Syria	Res	27-7-13	36	2	0	1	2	1	1	2	1	1	2	1	2	1
Cambodia	Oral amend	12-20-15	36	1	0	0	1	0	1	1	0	1	1	0	1	1
DRC	Res	45-1-1	36	0	0	0	0	0	0	0	0	0	0	0	0	0
Rohingya	Res	33-3-9	S27	2	0	1	2	2	1	2	1	2	2	1	2	2
TOTAL (out of 34)				27	10	16	27	17	19	26	17	21	25	18	15	21

TABLE 4B VOTES ON COUNTRY RESOLUTIONS AND AMENDMENTS 2017: STRENGTH OF COMMITMENT TO HUMAN RIGHTS

Resolution title	Type	Sponsor	Vote count	Session	Botswana	Burundi	Congo	Côte d'Ivoire	Egypt	Ethiopia	Ghana	Kenya	Nigeria	Rwanda	South Africa	Togo	Tunisia
Defenders	Amend L.42	Russia	15-28-4	34	2	0	1	2	0	0	2	2	0	2	1	2	2
Defenders	Amend L.43	Russia	12-29-6	34	2	0	1	2	0	0	2	1	0	1	1	2	2
Defenders	Amend L.44	Russia	11-29-6	34	2	0	2	2	0	1	2	1	0	2	1	2	2
Defenders	Amend L.45	Russia	11-29-6	34	2	0	1	2	0	1	2	1	0	2	1	2	2
Defenders	Amend L. 51	China, Cuba, Pakistan, Russia	16-27-4	34	2	0	1	2	0	0	2	0	0	2	1	1	2
Elaborate ICERD	Res	African Group	31-4-12	34	2	2	2	2	2	2	2	2	2	2	2	2	2
Rights, democracy, rule of law	Amend L.52	China, Pakistan, Russia	18-23-6	34	2	0	0	1	0	0	2	0	0	1	0	2	1
Violence against women	Amend L.39	Russia, Belarus	13-25-8	35	2	0	1	1	0	1	2	1	0	2	1	2	2
Violence against women	Amend L.40	Russia, Belarus	16-25-4	35	2	0	0	0	0	0	2	0	0	2	2	1	2
Discriminate women	Amend L.41	Russia, Belarus	14-26-6	35	2	0	1	2	0	1	2	0	0	2	1	2	2
Discriminate women	Amend L.42	Russia	17-25-3	35	0	2	0	0	0	0	2	0	0	2	2	0	2
Discriminate women	Oral amend	Egypt	10-24-11	35	2	0	1	1	0	1	1	1	0	2	2	1	1
Protection of family	Amend L.45	EU	19-22-5	35	0	0	0	0	0	0	0	0	0	1	2	0	0
Protection of family	Amend L.47	Switzerland	17-23-6	35	0	0	0	0	0	0	0	0	0	1	2	0	0
Protection of family	Res	Egypt	30-12-5	35	0	0	0	0	0	0	0	0	0	0	0	0	0
Rhetoric to reality (racism)	Res	African Group	32-5-10	36	2	2	2	2	2	2	2	2	2	2	2	2	2
TOTAL (out of 32)					24	6	13	19	4	9	25	11	4	26	21	21	24

TABLE 4C TOTAL SCORES FOR COUNTRY-SPECIFIC AND THEMATIC VOTING

	Botswana	Burundi	Congo	Côte d'Ivoire	Egypt	Ethiopia	Ghana	Kenya	Nigeria	Rwanda	South Africa	Togo	Tunisia
Total of thematic and country votes (out of 66)	51	16	29	46	21	28	51	28	25	51	39	36	45
Rank (out of 13 places)	1	13	8	4	12	9	1	9	11	1	6	7	5

TABLE 5A VOTES ON COUNTRY RESOLUTIONS AND AMENDMENTS 2017

Resolution title	Type/nr	Vote count	Session	Botswana	Burundi	Congo	Côte d'Ivoire	Egypt	Ethiopia	Ghana	Kenya	Nigeria	Rwanda	South Africa	Togo	Tunisia
Iran	Res 34/2	22-12-13	34	Y	N	A	A	N	A	A	N	A	Y	A	A	A
Syria	Res 34/26	27-7-13	34	Y	N	A	Y	A	A	Y	A	A	Y	A	Y	A
Occupation of Golan	Res 34/27	26-3-18	34	A	Y	A	Y	Y	Y	Y	Y	Y	A	Y	N	Y
OPT international law	Res 34/28	30-2-15	34	Y	Y	Y	Y	Y	A	Y	A	Y	A	Y	N	Y
Palestinian self-determination	Res 34/29	43-2-2	34	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
OPT human rights	Res 34/30	41-2-4	34	Y	Y	A	Y	Y	Y	Y	Y	Y	A	Y	N	Y
Israeli settlements	Res 34/31	36-2-9	34	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	N	Y
Georgia	Res 34/37	18-5-24	34	Y	N	A	A	A	A	Y	A	A	A	A	Y	A
Syria	Res 35/26	27-8-12	35	Y	N	A	Y	A	A	Y	A	A	Y	A	Y	A
Belarus	Res 35/27	18-8-21	35	A	N	A	A	N	A	Y	A	A	A	A	A	A
Ukraine	Res 35/31	22-6-19	35	A	N	A	Y	A	A	Y	A	Y	Y	A	A	A
Burundi OHCHR	Res 36/2	23-14-9	36	A	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Burundi COI	Res 36/19	22-11-14	36	Y	N	N	A	N	A	N	A	A	Y	N	A	A
Syria	Res 36/20	27-7-13	36	Y	N	A	Y	A	A	Y	A	A	Y	A	Y	A
Cambodia	Oral amend	12-20-15	36	A	N	N	A	N	A	A	N	A	A	N	A	A
DRC	Res 36/30	45-1-1	36	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Rohingya	Res S-27/1	33-3-9	S27	Y	N	A	Y	Y	A	Y	A	Y	Y	A	Y	Y

Key: Y = yes; N = no; A = abstain

TABLE 5B VOTES ON THEMATIC RESOLUTIONS AND AMENDMENTS 2017

Resolution title	Type	Sponsor	Vote count	Botswana	Burundi	Congo	Côte d'Ivoire	Egypt	Ethiopia	Ghana	Kenya	Nigeria	Rwanda	South Africa	Togo	Tunisia
Defenders	Amend L.42	Russia	15-28-4	34	N	Y	A	N	Y	Y	N	N	Y	N	A	N
Defenders	Amend L.43	Russia	12-29-6	34	N	Y	A	N	Y	Y	N	A	Y	A	A	N
Defenders	Amend L.44	Russia	11-29-6	34	N	Y	N	N	Y	A	N	A	Y	N	A	N
Defenders	Amend L.45	Russia	11-29-6	34	N	Y	A	N	Y	A	N	A	Y	N	A	N
Defenders	Amend L.51	China, Cuba, Pakistan, Russia	16-27-4	34	N	Y	A	N	Y	Y	N	Y	Y	N	A	A
Elaborate ICERD	Res 34/36	African Group	31-4-12	34	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Rights, democracy, rule of law	Amend L.52	China, Pakistan, Russia	18-23-6	34	N	Y	Y	A	Y	Y	N	Y	Y	A	Y	N
Violence against women	Amend L.39	Russia, Belarus	13-25-8	35	N	Y	A	A	Y	A	N	A	Y	N	A	N
Violence against women	Amend L.40	Russia, Belarus	16-25-4	35	N	Y	Y	Y	Y	Y	N	Y	Y	N	N	A
Discriminate women	Amend L.41	Russia, Belarus	14-26-6	35	N	Y	A	N	Y	A	N	Y	Y	N	A	N
Discriminate women	Amend L.42	Russia	17-25-3	35	Y	N	Y	Y	Y	Y	N	Y	Y	N	N	Y
Discriminate women	Oral amend	Egypt	10-24-11	35	N	Y	A	A	Y	A	A	A	Y	N	N	A
Protection of family	Amend L.45	EU	19-22-5	35	N	N	N	N	N	N	N	N	N	A	Y	N
Protection of family	Amend L.47	Switzerland	17-23-6	35	N	N	N	N	N	N	N	N	N	A	Y	N
Protection of family	Res 35/13	Egypt	30-12-5	35	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Rhetoric to reality (racism)	Res 36/24	African Group	32-5-10	36	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Key: Y = yes; N = no; A = abstain

TABLE 6 VOTING COINCIDENCE RATES OF AFRICAN MEMBERS OF THE UN HUMAN RIGHTS COUNCIL, 2017

	Botswana	Burundi	Congo	Côte d'Ivoire	Egypt	Ethiopia	Ghana	Kenya	Nigeria	Rwanda	South Africa	Togo	Tunisia
Botswana		30	42	70	39	39	76	39	42	67	36	67	67
Burundi	30		42	39	79	49	42	52	67	21	42	21	39
Congo	42	42		55	61	73	42	36	58	33	76	42	58
Côte d'Ivoire	70	39	55		49	61	79	64	64	61	42	67	79
Egypt	39	79	61	49		67	42	70	85	24	55	30	55
Ethiopia	39	49	73	61	67		42	55	76	30	67	42	64
Ghana	76	42	42	79	42	42		39	49	61	42	67	76
Kenya	39	52	36	64	70	55	39		67	33	67	39	61
Nigeria	42	67	58	64	85	76	49	67		33	52	39	64
Rwanda	67	21	33	61	24	30	61	33	33		36	49	58
South Africa	36	42	76	42	55	67	42	67	52	36		27	58
Togo	67	21	42	67	30	42	67	39	39	49	27		61
Tunisia	67	39	58	79	55	64	76	61	64	58	58	61	

Based on 17 country specific votes and 16 thematic votes listed in tables 5a and b



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