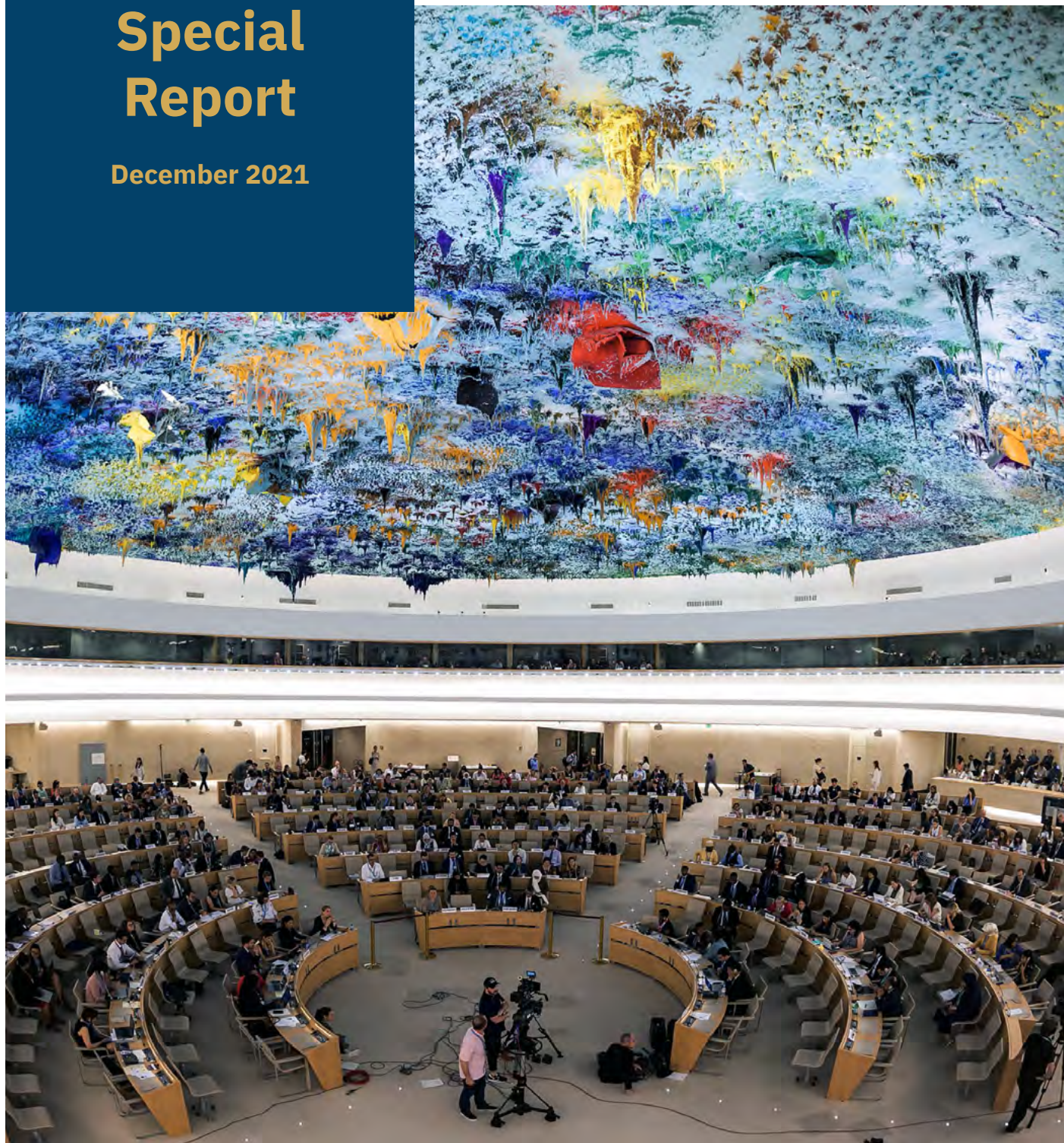


Special Report

December 2021



African States at the UN Human Rights Council in 2019

EDUARD JORDAAN

African perspectives
Global insights

Abstract

This report examines the records of the 13 African members of the UN Human Rights Council (HRC) during 2019, and assesses their commitment to international human rights. It bases its assessment on African countries' actions in two domains of the HRC's work: country-specific human rights problems, and civil and political rights. The report demonstrates that during 2019, South Africa, Rwanda and Burkina Faso were the strongest supporters of international human rights in the African Group while Cameroon, Egypt and Eritrea were the African states that most strongly opposed human rights. It further shows the diversity of African positions – on none of the 45 votes discussed in the report did African states vote in unison. While the overall picture is at best one of an unwillingness to defend international human rights, African states ranged from mild support for to strong opposition to international human rights.

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Abbreviations & acronyms

DRC	Democratic Republic of Congo
HRC	Human Rights Council (UN)
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIC	Organisation of Islamic Cooperation
OPT	Occupied Palestinian Territories
SOGI	sexual orientation and gender identity
UAE	United Arab Emirates
UN	United Nations

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Cover image

June 26, 2019: A general view of the United Nations Human Rights Council room during a debate on the report of (UN) special rapporteur on extrajudicial, summary or arbitrary executions of the killing of Saudi journalist Jamal Khashoggi in Geneva (Fabrice Coffrini/AFP via Getty Images)

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INTRODUCTION

This report examines the records of African members of the UN Human Rights Council (HRC) during 2019.

In 2006 the HRC replaced the UN Commission on Human Rights. The commission, according to then UN secretary-general Kofi Annan, had become a stain on the UN's reputation. Bloc voting marred the commission while many countries became members 'not to strengthen human rights but to protect themselves against criticism or to criticise others'.¹

The HRC was supposed to build on the strengths of its predecessor and overcome its weaknesses, but during its first years there was little evidence of improvement. The African Group, in partnership with the Islamic bloc and opponents of human rights such as China, Cuba and Russia, often obstructed the advancement of human rights. However, in late 2010 the HRC turned in a more liberal, rights-friendly direction. Evidence of such a turn includes new country-specific resolutions (eg, on Belarus, Côte d'Ivoire, Iran and Syria), the suspension of Libya's membership in 2011, and the adoption of various new resolutions on civil and political rights (eg, on religious freedom and on sexual orientation).²

The HRC meets for three general sessions per year in Geneva. Each session lasts three to four weeks. It also has the capacity to convene brief 'special' sessions to address pressing problems. It has 47 members, with membership distributed according to the size of the five regions of the UN. The African and Asian groups 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 re-elected immediately after they have served two consecutive terms.

The purpose of the HRC is the worldwide promotion and protection of human rights. It might not have much ability to enforce its decisions, but it is nevertheless the premier intergovernmental human rights institution. All UN members can become HRC members, provided they win a majority of votes in the membership elections held in the UN General Assembly. While the HRC's representativeness grants it a good deal of moral authority, it is at the same time possible for rights-abusing states to become members and thereby undermine this authority, as well as to use their insider position to hinder the pursuit of human rights through the HRC.

The HRC is a prominent setting for discussion and debate about human rights. It is also a good forum for sharing information, drawing attention to new problems and bringing

1 Kofi Annan, *In Larger Freedom: Towards Development, Security and Human Rights for All: Report of the Secretary-General*, A/59/2005 (March 21, 2005).

2 Eduard Jordaan, "The African Group on the UN Human Rights Council: Shifting Geopolitics and the Liberal International Order", *African Affairs* 115, no. 460 (2016): 490-515.

existing problems under a human rights framework. Unlike most UN forums, non-governmental organisations are present in the room and 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. Crucially, the HRC has the ability to mandate investigations into human rights issues, including investigations intended to inform International Criminal Court prosecution. Given that rights-abusing regimes often deny the facts and their own culpability, the HRC’s ability to get at the truth is an important weapon in the struggle for human rights.

BOX 1 HOW TO USE THIS REPORT

This report assesses the commitment to international human rights of the 13 African HRC members during 2019. It focuses on each African member state’s votes on country-specific situations and civil and political rights. These two broad areas are divided into five issue areas:

TABLE 1 RESOLUTIONS INCLUDED IN EACH ISSUE AREA		
RESOLUTION TYPES	ISSUE AREA	RESOLUTIONS INCLUDED
Country-specific resolutions	Country-specific resolutions, excluding those on Israel	Belarus, Burundi, Eritrea, Georgia, Iran, Myanmar/Rohingya, Nicaragua, Philippines, Syria, Ukraine, Venezuela and Yemen
	Resolutions on Israel	Five general session resolutions
Civil and political rights resolutions	Women’s rights	Discrimination against women, violence against women, and forced marriage
	Sexual orientation and gender identity	Sexual orientation and gender identity
	Death penalty	Death penalty

Source: Compiled by author

The report both ranks African member states relative to one another and places each on a five-interval scale to specify the level of their commitment to human rights.

TABLE 2 LEVELS OF COMMITMENT TO HUMAN RIGHTS

LEVEL	ACTIONS
Strongly supportive of human rights	Almost always voted for the pro-human rights option
Mildly supportive of human rights	Often abstained but sometimes voted for the pro-human rights option
Unwilling to defend human rights	Almost always abstained or was so inconsistent that pro- and anti-human rights votes cancelled each other out
Mildly against human rights	Often abstained but sometimes voted for the anti-human rights option
Strongly against human rights	Almost always voted for the anti-human rights option

Source: Compiled by author

Ranking according to overall commitment to human rights



Strongly supportive of human rights

Almost always voted for the pro-human rights option



Mildly supportive of human rights

Often abstained but sometimes voted for the pro-human rights option



Unwilling to defend human rights

Almost always abstained or was so inconsistent that pro- and anti-human rights votes cancelled each other out



Mildly against human rights

Often abstained but sometimes voted for the anti-human rights option



Strongly against human rights

Almost always voted for the anti-human rights option

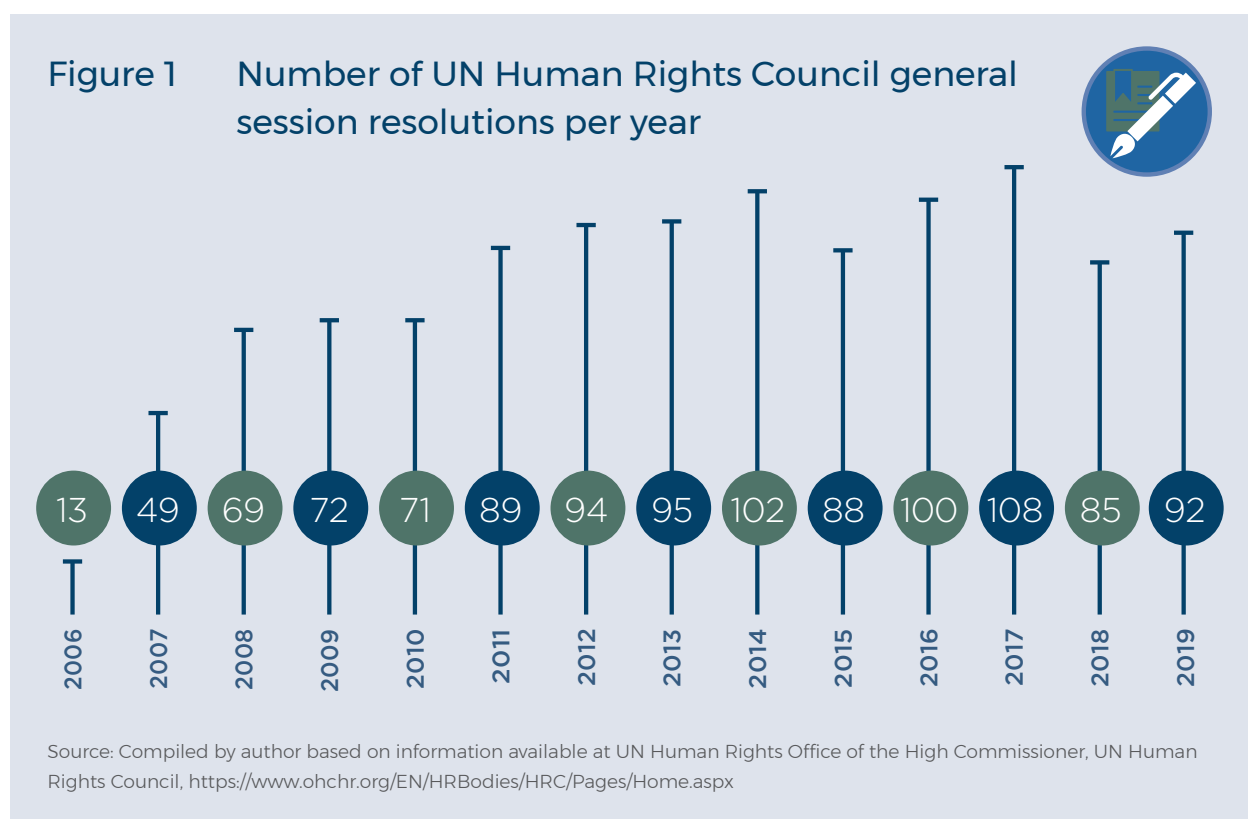
The introductory chapter explains the workings of the HRC and highlights relevant features of the African Group on the HRC. The chapter also presents the resolutions germane to this study and flags what is contentious about them. It closes with a brief presentation of the understanding of human rights that underpins this report.

The introductory chapter is followed by summaries of each African member's record on the HRC during 2019. These overviews mention various resolutions, but do not discuss them in detail. Readers are therefore encouraged, when reading a country overview, to consult the introductory chapter for more background on the various resolutions and overall votes.

Two further chapters follow the country overviews. The first of these analyses the African Group's overall performance. The final chapter presents the data and methodology behind the rankings and categorisations used in the report.

At each general session the HRC adopts a large number of resolutions. The annual number of resolutions has increased steadily (see Figure 1). In 2008 the HRC adopted 69 general session resolutions. In 2009 this number was 72. In 2017 this number peaked at 108, dropping to 92 in 2019.

The volume and breadth of the HRC’s activities – states also participate in three two-week Universal Periodic Review³ sessions per year – make it difficult for small delegations to keep up and engage fully in its work. In recent years the HRC has been trying to become more efficient by, for instance, streamlining its agenda and reducing repetition, but, to date, this process has not yielded the desired efficiency.



HRC resolutions cover a range of themes. A handful deal with institutional matters or matters of principle; for instance, about the staffing of the UN Human Rights Office of the High Commissioner (OHCHR) or the appropriate extent of state cooperation with the UN. Most resolutions, however, address either country-specific or thematically organised human rights issues. 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.

³ The UPR is a mechanism of the HRC, under which the human rights situation of all UN members is peer reviewed every five years.

Country-specific resolutions make up about a quarter of HRC resolutions. Most 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. A growing number is appearing under item 2 ('Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General').

There is some flexibility in the way item 10 resolutions are used,⁴ but typically they are uncontroversial and adopted without a vote. Item 10 resolutions usually imply that a government acknowledges that serious human rights problems exist within its borders, but also that these are the result of capacity and technical shortcomings rather than malice. The assumption that a government is not a wilful rights violator and is serious about improving human rights is often a necessary pretence to secure a modicum of HRC involvement in a specific 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 and address such misdeeds. Item 4 resolutions usually mandate incisive investigations into the rights situation of the country in question. Countries subject to such investigations typically deny entry to the mandated human rights investigators. Critics of item 4 resolutions argue that their proponents are trying to 'name and shame' developing countries, are selective about which countries should be investigated, and that such resolutions are counterproductive.

Starting with the 2011 resolution on Sri Lanka, the HRC began to adopt critical country resolutions under item 2 ('Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General').⁵ Resolutions adopted under item 2 have asked the High Commissioner for a report on human rights in the country in question and have sometimes paved the way for a subsequent, stronger item 4 resolution.⁶

In addition to items 2, 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'. The singling out of Israel in this way is frequently presented as evidence of the HRC's bias against Israel. Devoting a full agenda item to Israel means that at each of the HRC's three general sessions there is ample opportunity to discuss and condemn Israel's actions. Every year the HRC adopts a number of resolutions on Israel. In 2019 there

4 For example, UN Human Rights Council, "Resolution 36/31, Human Rights, Technical Assistance and Capacity-building in Yemen", A/HRC/RES/36/31 (October 3, 2017).

5 For example, HRC, "Resolution 39/16, Human Rights Situation in Yemen", A/HRC/RES/39/16 (October 5, 2018); HRC, "Resolution 39/1, Promotion and Protection of Human Rights in the Bolivarian Republic of Venezuela", A/HRC/RES/39/1 (October 3, 2018).

6 In the case of Venezuela, for instance, the 2018 item 2 resolution paved the way for a stronger resolution under item 4 in the following year, HRC, "Resolution 39/1, Promotion and Protection of Human Rights in the Bolivarian Republic of Venezuela", A/HRC/RES/39/1 (October 3, 2018); HRC, "Resolution 42/25, Situation of Human Rights in the Bolivarian Republic of Venezuela", A/HRC/RES/42/25 (October 8, 2019).

were five.⁷ One of the ironies of Israel-related resolutions is that many of the states that support these tough resolutions oppose the international scrutiny of other countries. This disconnect means that a country's record on Israel 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,⁸ in 2019 only two of the African members of the HRC were 'free' – South Africa and Tunisia. Another four – Burkina Faso, Nigeria, Senegal and Togo – were 'partly free' and seven – Angola, Cameroon, the Democratic Republic of Congo (DRC), Egypt, Eritrea, Rwanda and Somalia – were 'not free'. This a slight deterioration from the African Group's 2018 membership, which had three 'free' members, four 'partly free' members, and six classified as 'not free'. The 2018 membership, in turn, was a deterioration compared to the 2017 membership, which had four 'free' members, four 'partly free' members, and five classified as 'not free'.

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.⁹ By proposing as many candidates as there were seats available, the African Group got various rights-abusing states onto the commission – in 2005, the Republic of Congo, Ethiopia, Egypt, Gabon, Sudan, Togo and Zimbabwe were commission members. According to a former Algerian ambassador, the rationale for acting as a bloc is straightforward: failure to do so would 'spell disaster for weaker countries'.¹⁰

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'.¹¹ 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 also repeatedly

7 Rather than being adopted under item 7 as usual, one of these resolutions was adopted under item 2: HRC, "Resolution 40/13, Ensuring Accountability and Justice for All Violations of International Law in the Occupied Palestinian Territory, including East Jerusalem", A/HRC/RES/40/13 (April 3, 2019).

8 Freedom House scores countries on 10 political rights indicators and 15 civil liberties indicators. These scores allow Freedom House to assign a country two ratings – one on political rights, the other on civil liberties. Each rating ranges from one to seven, with one being the most free and seven the least free. The average of the political rights and civil liberties scores yields a 'freedom rating'. Based on their 'freedom rating', countries are categorised as 'free', 'partly free' or 'not free'.

9 "Libya Takes Human Rights Role", BBC (January 20, 2003).

10 Idriss Jazaïry, "The Role of Regional Groups and Coordinators: A Case Study – The African Group", *The First 365 Days of the United Nations Human Rights Council*, ed. Lars Muller (Geneva: Baden, 2007), 129.

11 Philip Alston, "Hobbling the Monitors: Should UN Human Rights Monitors Be Accountable?", *Harvard International Law Journal* 52, no. 2 (2011): 592.

prevented attempts to conduct thorough investigations into the severe human rights problems in the DRC.¹²

Despite its reputation for unity, the African Group has increasingly voted in a less unified way.¹³ A report on its voting on country situations and civil and political rights during 2017 – the first in this series of reports – found that African states voted together on only four out of the 33 country-specific and civil and political rights votes studied.¹⁴ The 2018 report studied 34 such votes – African Group members were not unified on any of them. The 2019 report focuses on 45 votes – and African states did not vote in unison on any of them.

Focus areas: 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.

The exclusion of economic rights does not mean that they are not important – they are – but they are excluded 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 significant economic considerations embedded in resolutions that are not strictly on economics, such as on health, education and climate change. Second, African countries almost always vote the same on economic rights issues, thus preventing us from differentiating among them 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 – HRC members with the worst domestic rights records typically vote in favour of economic rights resolutions. Demands about economic rights are part of a wider, decades-long battle between the Global North and South over the rules and structure of the global economy. Human rights scholar Bonny Ibhawoh argues that the Global South's use of the language of human rights to assert a 'right to development', for instance, is intended to trump resistance to such demands because states do not want to be seen as opposing human rights.¹⁵

Significantly, this report excludes from its calculations an issue that was included in the 2017 report: resolutions on Israel. Israel resolutions are a poor indicator of a state's commitment to human rights. During 2019 the HRC adopted five resolutions pertaining to Israel. These resolutions recur annually. They are on human rights in the Golan Heights,

12 Jordaan, "The African Group on the UN Human Rights Council".

13 Jordaan, "The African Group on the UN Human Rights Council".

14 Eduard Jordaan, "Introduction", in *African States at the UN Human Rights Council in 2017*, ed. Eduard Jordaan (Johannesburg: SAIIA, 2019), 24.

15 Bonny Ibhawoh, "The Right to Development: The Politics and Polemics of Power and Resistance", *Human Rights Quarterly* 33, no. 1 (2011): 76–104.

on Israeli settlements, on Palestinian self-determination, and on violations of human rights and of international law in the Occupied Palestinian Territories (OPT). Since the beginning of the HRC, Israel resolutions have been adopted by vote. In 2019, the Israel resolutions passed with comfortable margins, with more than two-thirds of HRC members voting for resolutions on settlement building, Palestinian self-determination and protecting the human rights of Palestinians. A large majority of African states voted for the Israel resolutions, with only Togo voting against some of them. Indeed, the African record alerts us to the inappropriateness of including Israel resolutions when considering countries' commitment to international human rights. During 2019 African states voted for pro-human rights country-specific resolutions (excluding Israel) 16% of the time,¹⁶ but voted yes on Israel resolutions 72% of the time.¹⁷ African states voted no on pro-human rights country resolutions 19% of the time, but voted no on Israel resolutions only 3% of the time.

The rest of this section gives an overview of country-specific and civil and political rights issues to which states participating in the HRC during 2019 had to respond.

SUMMARY OF METHODOLOGY

This report examines the African states' positions on 45 votes – 19 related to country-specific situations and 26 to civil and political rights. With each vote there are three options: yes, no, abstain. Abstentions were given a score of one. The most pro-human rights votes (sometimes a yes, sometimes a no) received a score of two. The least pro-human rights option was scored as zero. Since there were multiple votes on some issues (eg, on Eritrea) and only one on others (eg, on Belarus), the average score of each African country on each issue is calculated. Within one issue (eg, on Eritrea) all votes per issue – whether on a resolution, an amendment or a procedural matter – are weighted the same.

Using these averages, African members of the HRC are ranked relative to one another in categories such as 'overall record', 'country situations', 'civil and political rights' or 'women's rights'. Since rankings do not reveal the strength of a country's commitment to human rights, countries' scores on the categories mentioned above are used to place them on a ratio scale with five intervals: 'Strongly against human rights'; 'Mildly against human rights'; 'Unwilling to defend human rights'; 'Mildly supportive of human rights'; and 'Strongly supportive of human rights'.

For a fuller explanation of the methodology and presentation of the data, please see the section on 'Methodology and data'.

16 Because it was intended to protect the regime involved, this resolution was excluded from the calculation: HRC, "Resolution 42/4, Strengthening Cooperation and Technical Assistance in the Field of Human Rights in the Bolivarian Republic of Venezuela", A/HRC/RES/42/4 (October 3, 2019).

17 During 2019 African states cast altogether 194 votes on non-Israel pro-human rights country-specific resolutions. Of these, 37 (19%) were votes against, 31 (16%) were in favour, and 126 (65%) were abstentions. The African Group also cast 64 votes on Israel resolutions. Of these, two (3%) were against while 46 (72%) were in favour, and there were 16 (25%) abstentions.

Country-specific situations

During 2019 the HRC adopted 31 country-specific resolutions (see Table). As noted earlier, the traditional pattern has been for technical assistance resolutions to appear under item 10 on the HRC’s agenda and more invasive, critical resolutions to fall under item 4. Israel-related resolutions appear under item 7. There are an increasing number of exceptions to this way of organising resolutions. Note, for instance, that in 2019 there appeared resolutions on ‘strengthening cooperation and technical assistance’, ‘situation of human rights’, and on Israel under item 2. In the past, these would have appeared under items 10, 4 and 7, respectively. This report focuses on country-specific resolutions on which states had to vote – there were 21 such resolutions – since voting forces HRC member states to take a stand on human rights.

TABLE 3 COUNTRY-SPECIFIC RESOLUTIONS ADOPTED IN 2019		
Agenda item	Adopted by a vote	Adopted without a vote
Item 2	Accountability in the OPT, Eritrea, Nicaragua, Philippines, Rohingya, Venezuela (cooperation and assistance), Yemen	Sri Lanka
Item 4	Belarus, Burundi, Iran, Myanmar, Venezuela (human rights situation), Syria (3x)	North Korea, South Sudan
Item 7	Human rights situation in OPT, Israeli settlements, Palestinian self-determination, Syrian Golan	
Item 10	Georgia, Ukraine	Cambodia, DRC, Kasai (DRC), Libya, Mali, Sudan, Yemen

Source: Compiled by author

The rest of this section presents the country-specific resolutions that required a vote.

To begin, the purpose of the two long-standing resolutions on **Belarus** and **Iran** can easily be stated: to renew the mandate of the special procedures mandate holders¹⁸ on these two countries.¹⁹ No African states voted yes on these resolutions.

In the past, the resolution on the human rights situation in **Eritrea** had been sponsored by states in the region,²⁰ but the African Group has since withdrawn its acquiescence. The 2014 Eritrea resolution had authorised a commission of inquiry on human rights in

18 The special procedures are a mechanism of the HRC for reporting and advising on human rights. Special procedures mandate holders are independent human rights experts acting in their personal capacity, either individually or as a group. They have a mandate to conduct country visits, to draw attention to human rights abuses, and to examine, report and advise on human rights matters from either a country-specific or a thematic perspective. Mandate holders working individually are typically referred to as “Independent Expert” or “Special Rapporteur”, whereas mandate holders working as a group are typically called a “Working Group”.

19 HRC, “Resolution 41/22, Situation of Human Rights in Belarus”, A/HRC/RES/41/22 (July 23, 2019); HRC, “Resolution 40/18, Situation of Human Rights in the Islamic Republic of Iran”, A/HRC/RES/40/18 (April 8, 2019).

20 In 2018 the main sponsors were Djibouti and Somalia.

Eritrea for 2014–2016.²¹ The annual Eritrea resolution also mandated a special procedures mandate on human rights in the country. A thaw in diplomatic relations between Eritrea and its neighbours – rather than an improved human rights situation – resulted in African states’ withdrawing their sponsorship of the Eritrea resolution. The retreat of the usual sponsors raised the possibility of an end to the special procedures mandate on the country. To prevent this, the Netherlands assumed sponsorship of the resolution.²² African states, however, no longer went along with the resolution. Eritrea called for separate votes on three paragraphs in the draft resolution. Although it failed to have these removed, about half of the African Group supported Eritrea’s demand. The HRC adopted the resolution 21-13-13 (yes-no-abstain), with five African states opposing it and eight abstaining.

The **Georgia** and **Ukraine** resolutions are unusual and have had almost no African support. Both resolutions are to provide technical assistance and capacity building to 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 support of the Georgia and Ukraine governments for the respective resolutions, the resolutions have always been put to a vote.

In 2008 Russia invaded the Georgian regions of South Ossetia and Abkhazia. Russia-backed separatists remain in control of these regions. In 2017 the HRC adopted its first resolution on human rights in Georgia. The resolution pointed out that various UN human rights monitors had been denied access to the disputed areas. It demanded access for the OHCHR and requested a report-back from the UN High Commissioner for Human Rights.²³ The OHCHR found that the ongoing refusal of the authorities in control of the disputed regions to grant it access ‘raises legitimate questions and concerns about the human rights situation of the population living there.’²⁴ The OHCHR also concluded, according to available information, that discrimination on the basis of ethnicity was widespread in the disputed regions.²⁵ The 2019 resolution repeated the previous year’s concern²⁶ about such discrimination – and about the inability of internally displaced persons to return to their homes. As previously, the 2019 resolution demanded that the OHCHR be given access to South Ossetia and Abkhazia.²⁷ It was adopted through a vote, 19-3-25, showing that most states wanted to remain on the sidelines of a dispute in which the geopolitical stakes were very high. One African state supported the resolution and one opposed it, while the rest abstained.

In 2014, the HRC adopted its first resolution on Ukraine.²⁸ The resolution condemned the violence and human rights abuses in the disputed regions. It further asked the OHCHR for

21 HRC, “Resolution 26/24, Situation of Human Rights in Eritrea”, A/HRC/RES/26/24 (July 14, 2014).

22 HRC, “Resolution 41/1, Situation of Human Rights in Eritrea”, A/HRC/RES/41/1 (July 17, 2019).

23 HRC, “Resolution 37/40, Cooperation with Georgia”, A/HRC/RES/37/40 (April 9, 2018).

24 UN, “Report of the United Nations High Commissioner for Human Rights on Cooperation with Georgia”, A/HRC/36/65 (August 17, 2017), 7.

25 UN, “Report on Cooperation with Georgia” (2017), 16.

26 HRC, “Resolution 37/40”.

27 HRC, “Resolution 40/28, “Cooperation with Georgia”, A/HRC/RES/40/28 (April 4, 2019).

28 HRC, “Resolution 26/30, Cooperation and Assistance to Ukraine in the Field of Human Rights”, A/HRC/RES/26/30 (July 15, 2014).

a report on the situation. The ensuing report 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.²⁹ There was no Ukraine resolution in 2018, while the 2019 resolution was much pared down. It said little about human rights violations, but noted the importance of providing technical assistance to Ukraine and asked the OHCHR for a report on the country.³⁰ The resolution went to a vote, with African states mostly abstaining.

With few exceptions, the African Group has remained on the margins or opposed attempts in the HRC to address severe human rights problems in **Burundi**. 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 human rights violators accountable.³¹ Ghana was the only African country to vote for this resolution; others abstained. Burundi subsequently refused to allow commission members into the country. The commission compiled its report by interviewing more than 500 people remotely and in countries with Burundian refugees.³² In its report, published in August 2017, the commission reported various ‘extremely cruel’ violations³³ and found that the government’s defence and security forces were the ‘principal perpetrators’ of these violations.³⁴ It recommended prosecution,³⁵ and proposed extending its mandate for another year to allow for further and more thorough investigations.³⁶ Burundi rejected the report.³⁷ A September 2017 resolution proposed extending the commission of inquiry’s mandate. Two African states supported the resolution, five opposed it and the remaining six abstained.³⁸

Also at the HRC’s September 2017 session, the African Group tried to undermine the commission of inquiry and to protect the government of Burundi. The African Group’s ploy was to send three OHCHR experts to conduct an investigation over which the Burundian government would have the final say.³⁹ The OHCHR experts, however, could never carry out their investigation, circumscribed as it would be, because Burundi cancelled their visas before they could start.⁴⁰ The commission of inquiry, on the other hand, managed to write a report, finding that violations such as summary execution, enforced disappearance, arbitrary arrest and detention, torture, sexual violence and violations of the freedoms of expression, association, assembly and movement continued into 2018. The Burundian

29 UN, “Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Ukraine”, A/HRC/27/75 (September 19, 2014), 8-10.

30 HRC, “Resolution 41/25, Cooperation and Assistance to Ukraine in the Field of Human Rights”, A/HRC/RES/41/25 (July 23, 2019).

31 HRC, “Resolution 33/24, Situation of Human Rights in Burundi”, A/HRC/RES/33/24 (October 5, 2016).

32 UN, “Report of the Commission of Inquiry on Burundi”, A/HRC/36/54 (August 11, 2017), 3.

33 UN, “Report on Burundi” (2017), 4.

34 UN, “Report on Burundi” (2017), 6.

35 UN, “Report on Burundi” (2017), 19.

36 UN, “Report on Burundi” (2017), 18.

37 Burundi, “Statement to the HRC”, *UN Web TV* (September 19, 2017).

38 HRC, “Resolution 36/19, Renewal of the Mandate of the Commission of Inquiry on Burundi”, A/HRC/RES/36/19 (October 4, 2017).

39 HRC, “Resolution 36/2, Mission by the Office of the United Nations High Commissioner for Human Rights to Improve the Human Rights Situation and Accountability in Burundi”, A/HRC/RES/36/2 (October 4, 2017).

40 HRC, “Human Rights Situation in Burundi: Note by the Secretariat”, A/HRC/39/40 (August 20, 2018)

government was behind these violations, which were occurring with impunity. In light of these facts, the commission recommended that its mandate be extended for another year.⁴¹ Only one African state supported a resolution to this effect.⁴² In 2019 the commission reported that serious human rights violations, including crimes against humanity, were continuing unabated and with impunity, and thus recommended that its mandate be renewed for another year.⁴³ Again, only one African Group member supported this proposal,⁴⁴ while five voted against it and the remainder abstained.

A clear majority of the African Group has supported the HRC's attempts to address the dire human rights situation in **Myanmar**, particularly the government's ethnic cleansing of the Rohingya. In the past, the persecution of the Rohingya was addressed through the annual resolution on human rights in Myanmar. In March 2017 the HRC began to strengthen this focus by creating an international fact-finding mission to investigate alleged human rights abuses against the Rohingya and other groups in Rakhine State in Myanmar 'with a view to ensuring full accountability for perpetrators and justice for victims'.⁴⁵ At a special session of the HRC in December 2017, the High Commissioner reported acts of 'appalling barbarity' committed against the Rohingya, including deliberately burning people to death inside their homes; murder of children and adults; indiscriminate shooting of fleeing civilians; widespread rape of women and girls; and the burning and destruction of houses, schools, markets and mosques.⁴⁶ A group of Muslim-majority countries asked the High Commissioner for regular updates on the situation of the Rohingya and to monitor Myanmar's cooperation with various UN investigative mechanisms.⁴⁷ Eight African countries voted for the resolution, one against, and four abstained.

A March 2018 resolution criticising Myanmar for failing to cooperate with the international fact-finding mission⁴⁸ drew the support of six African members, while one African state opposed the resolution. In September 2018 the international fact-finding mission reported violations that 'are shocking for their horrifying nature and ubiquity'⁴⁹ and recommended 'that named senior generals of the Myanmar military should be investigated and prosecuted in an international criminal tribunal for genocide, crimes against humanity and war crimes'.⁵⁰ A resolution, sponsored by the EU and the Organisation of Islamic Cooperation (OIC), to create an Independent Investigative Mechanism for Myanmar (IIMM) 'to collect, consolidate, preserve and analyse evidence ... and to prepare files in order to

41 UN, "Report of the Commission of Inquiry on Burundi", A/HRC/39/63 (August 8, 2018), 16-17.

42 HRC, "Resolution 39/14, Situation of Human Rights in Burundi", A/HRC/RES/39/14 (October 2, 2018).

43 UN, "Report of the Commission of Inquiry on Burundi", A/HRC/42/49 (August 6, 2019), 17-18.

44 HRC, "Resolution 42/26, Situation of Human Rights in Burundi", A/HRC/RES/42/26 (October 8, 2019).

45 HRC, "Resolution 34/22, Situation of Human Rights in Myanmar", A/HRC/RES/34/22 (April 3, 2017).

46 Zeid Ra'ad Al Hussein, "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 to the HRC", (December 5, 2017), <http://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=22487&LangID=E>.

47 HRC, "Resolution S-27/1, Situation of Human Rights of Rohingya Muslims and Other Minorities in Myanmar", A/HRC/RES/S-27/1 (December 8, 2017).

48 HRC, "Resolution 37/32, Situation of Human Rights in Myanmar", A/HRC/RES/37/32 (April 9, 2018).

49 UN, "Report of the Independent International Fact-finding Mission on Myanmar", A/HRC/39/64 (September 12, 2018), 19.

50 UN, "Report on Myanmar" (2018), 1.

facilitate and expedite fair and independent criminal proceedings ... in national, regional or international courts or tribunals',⁵¹ was adopted convincingly, with eight African states voting in favour.

As in other resolutions, the March 2019 resolution on Myanmar expressed its concern at the ongoing human rights violations against the Rohingya and called on Myanmar to stop obstructing UN human rights mechanisms.⁵² Eight African states voted for the resolution. A September 2019 resolution, supported by 37 HRC members, including 10 from Africa, called on the IIMM to work swiftly and transferred the reports of the international fact-finding mission to the General Assembly.⁵³

In 2019 few African states supported the HRC's initiatives on the long-running human rights crisis in **Syria**. In April 2011 the HRC began to adopt resolutions on what was at first the Syrian government's heavy-handed response to anti-regime protests. This conflict morphed into civil war. Since March 2012 the HRC has adopted a resolution on the Syrian conflict at each of its regular sessions. In 2019 the HRC adopted three resolutions titled 'The human rights situation in the Syrian Arab Republic'. About as many African states voted for the Syria resolutions as against them, but the overall picture is of the majority abstaining.

At the HRC, African states have either shielded the regime in **Venezuela** or stood to the side on attempts to address human rights problems in the country. In September 2018 the HRC adopted its first resolution on Venezuela. Only one African state voted for the resolution, while three opposed it and the rest abstained. The resolution asked the OHCHR for a comprehensive report on human rights in Venezuela.⁵⁴ The OHCHR 'found reasonable grounds to believe that grave violations of economic and social rights, including the rights to food and health' had been committed. It further reported a severe contraction of democratic space, including that 'thousands of people, mainly young men, have been killed in alleged confrontations with state forces during the past years', many of whom were executed extrajudicially.⁵⁵

Following this report, in 2019 two responses emerged. The first was a 'strengthening cooperation and technical assistance' resolution sponsored by Iran and Russia. The text took 'fully into account' the recommendations contained in the OHCHR report, but made almost no mention of the human rights violations that have occurred in the country. Instead, the resolution emphasised Venezuelan sovereignty and strenuously opposed economic sanctions and other types of international pressure on the country.⁵⁶ This attempt to shield

51 HRC, "Draft Resolution 39/L.22, Situation of Human Rights of Rohingya Muslims and Other Minorities in Myanmar", A/HRC/39/L.22 (September 22, 2018).

52 HRC, "Resolution 40/29, Situation of Human Rights in Myanmar", A/HRC/RES/40/29 (April 11, 2019).

53 HRC, "Resolution 42/3, Situation of Human Rights of Rohingya Muslims and Other Minorities in Myanmar", A/HRC/RES/42/3 (October 3, 2019).

54 HRC, "Resolution 39/1".

55 UN, "Human Rights in the Bolivarian Republic of Venezuela: Report of the United Nations High Commissioner for Human Rights", A/HRC/41/18 (October 9, 2019), 15.

56 HRC, "Resolution 42/4".

Venezuela passed 18-6-23, with eight African states supporting the resolution. Significantly, only two of the seven Latin American and Caribbean Group members voted yes,⁵⁷ while five voted no. A second response was another resolution on Venezuela, sponsored by 11 states from the Americas.⁵⁸ This more pro-human rights resolution enumerated and denounced recent human rights violations in Venezuela and created an independent international fact-finding mission 'to investigate extrajudicial executions, enforced disappearances, arbitrary detentions and torture and other cruel, inhumane or degrading treatment since 2014 with a view to ensuring full accountability for perpetrators and justice for victims'.⁵⁹ The resolution from the Americas was adopted by a margin similar to the cooperation and assistance resolution that Iran and Russia had sponsored (19-7-21). However, the second, stronger resolution had no African support, while three African states voted against it.

The African Group has failed to support HRC efforts on the civil war in **Yemen**. In reports presented to the HRC, the High Commissioner 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, a conflict that has endured since March 2015.⁶⁰ In September 2017 a group of countries, led by the Netherlands, tabled a draft resolution that proposed the type of investigation the high commissioner had spoken about. The draft resolution proposed a commission of inquiry to identify perpetrators of human rights violations in the Yemen conflict to ensure that they 'are held accountable'.⁶¹ Saudi Arabia, whose airstrikes were the 'leading cause of civilian deaths',⁶² fought against the draft resolution.⁶³ A compromise text agreed to the appointment of a group of eminent international and regional experts to, among other things, 'establish the facts and circumstances surrounding the alleged violations and abuses [in Yemen] and, where possible, to identify those responsible'.⁶⁴ The resolution was adopted by consensus.

Having had access to Yemen, in August 2018 the group of eminent international and regional experts delivered their report. They found that the governments of Yemen, Saudi Arabia and the United Arab Emirates (UAE) were responsible for violations such as unlawful killing, arbitrary detention, rape, torture and enforced disappearance, and for violations of international humanitarian law such as attacks in violation of the principles of distinction, proportionality and precaution.⁶⁵ The report included a 'mapping of actors'; an 11-page list

57 Mexico and Uruguay.

58 Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Guyana, Honduras, Paraguay and Peru.

59 HRC, "Resolution 42/25".

60 UN, "Situation of Human Rights in Yemen: Report of the United Nations High Commissioner for Human Rights," A/HRC/33/38 (August 4, 2016), 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", A/HRC/36/33 (September 13, 2017), 17.

61 HRC, "Draft Resolution 36/L.4, Situation of Human Rights in Yemen", A/HRC/36/L.4 (September 22, 2017).

62 HRC, "Resolution 36/33, Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014", A/HRC/36/33 (September 13, 2017), 7.

63 Patrick Wintour and Julian Borger, "Independent Investigation Will Look into Human Rights Abuses in Yemen", *Guardian* (September 29, 2017).

64 HRC, "Resolution 36/31".

65 UN, "Report of the United Nations High Commissioner for Human Rights Containing the Findings of the Group of Eminent International and Regional Experts and a Summary of Technical Assistance Provided by the Office of the High Commissioner to the National Commission of Inquiry", A/HRC/39/43 (August 17, 2018), 14-15.

of those involved on various sides of the conflict. The list was a tool to help readers make sense of the conflict. It was not an indictment, but with Saudi Crown Prince Mohammad Bin Salman named on the list, Saudi Arabia opposed a 2018 resolution seeking to extend the mandate of the expert group to allow for further investigation.⁶⁶ Only one African state voted for the resolution while most abstained. During the same session, the HRC adopted a second, technical assistance resolution on Yemen by consensus.⁶⁷ In its 2019 report, the expert group found that all sides of the conflict were guilty of violations of human rights and humanitarian law and suggested that the governments of Yemen, Saudi Arabia and the UAE were responsible for the majority of these.⁶⁸ A subsequent resolution, led the Netherlands, called for the renewal of the expert group's mandate for one more year, including to 'establish the facts and circumstances' surrounding the alleged human rights violations and 'to identify those responsible' where possible.⁶⁹ The resolution was adopted with one African state voting yes, four voting no, and the rest abstaining.

In 2019, the HRC adopted its first resolutions on **Nicaragua** and the **Philippines**. Neither text had African support. Prompted by an OHCHR report on the Nicaraguan government's brutal suppression of protests that erupted in April 2018,⁷⁰ the Nicaragua resolution requested a comprehensive OHCHR report on the country's human rights situation.⁷¹ The resolution passed 23-3-21 with all seven members of the Latin American and Caribbean Group voting in favour.

At the HRC's June session, the Council finally adopted its first resolution on the Philippines, three years after Philippine President Rodrigo Duterte launched an extensive campaign of extrajudicial killing of those allegedly involved in the local drug trade. The death toll of Duterte's campaign is unclear. A June 2020 UN report identifies the most conservative number as 8 663 deaths, but notes that the actual figure could be three times as high.⁷² The resolution asked for an OHCHR report on the human rights situation in the country. Despite the viciousness of Duterte's campaign, the resolution scraped through with a vote of 18-14-15, with no African votes in favour, but five against.

66 HRC, "Resolution 39/16".

67 HRC, "Resolution 39/21, "Technical Assistance and Capacity-building for Yemen in the Field of Human Rights", A/HRC/RES/39/21 (October 8, 2018).

68 UN, "Situation of Human Rights in Yemen, including Violations and Abuses since September 2014: Report of the Group of Eminent International and Regional Experts as Submitted to the United Nations High Commissioner for Human Rights", A/HRC/42/17 (August 9, 2019), 16.

69 HRC, "Resolution 42/2, Human Right Situation in Yemen", A/HRC/RES/42/2 (October 2, 2019).

70 UN, "Report by the Office of the United Nations High Commissioner for Human Rights: Human Rights Violations and Abuses in the Context of Protests in Nicaragua, 18 April - 18 August 2018".

71 HRC, "Resolution 40/2, Promotion and Protection of Human Rights in Nicaragua", A/HRC/RES/40/2 (April 4, 2019).

72 UN, "Report of the United Nations High Commissioner for Human Rights: Situation of Human Rights in the Philippines", A/HRC/44/22 (June 29, 2020), 5.

Civil and political rights

During 2019 the HRC adopted a range of resolutions on civil and political rights. Most of these were adopted without a vote, whether on amendments or the final resolution. They focused on issues such as democracy and the rule of law, religious freedom, human rights defenders, the rights to peaceful assembly and association, the right to privacy, and on arbitrary detention. Three resolutions – on women’s rights – were subject to hostile amendment proposals prior to their consensual adoption. These were resolutions on discrimination against women, violence against women, and forced marriage. Two further resolutions were subject to hostile amendments and a vote on the final resolution – on the death penalty and on sexual orientation and gender identity.

The rest of this section introduces the resolutions on which voting took place, whether on amendments or the final resolution. Voting on amendments matters because it is often here, rather than during the final adoption, that the important action takes place and countries’ positions become visible.

These three issue areas – women’s rights, sexual orientation and gender identity (SOGI) rights, and the death penalty – fall under the umbrella of civil and political rights. It is, however, important to note a significant limitation of the methodology in this report, which stems from the focus on resolutions on which voting took place. In 2019, unlike in 2017 and 2018, the HRC did not vote on resolutions that dealt most directly with political participation, such as on the right to peaceful protest or on the right to assembly and association. The heavy weighting that the 2019 report gives to issues of discrimination as opposed to political participation influenced the changes in ranking and categorisation from the 2018 to the 2019 report. For instance, South Africa has traditionally been a strong supporter of resolutions about discrimination (eg, on the basis of race, gender, or sexual orientation), but has been antagonistic to resolutions that focus more narrowly on the democratic process. Partly for this reason, South Africa went from a middling record relative to other African states in 2018 to placing first in 2019.

Women’s rights

During the June 2019 session the HRC adopted three resolutions on women’s rights – on discrimination against women, on violence against women, and on forced marriage.⁷³ African states’ record on women’s rights is poor – overall, only four states defended these rights.

Colombia and Mexico were the main sponsors of the draft resolution on discrimination against women.⁷⁴ There were 66 co-sponsors, including only four African states.⁷⁵ States

73 During the March session, the HRC adopted a fourth resolution that pertained to women’s rights: HRC, “Resolution 40/5, Elimination of Discrimination Against Women and Girls in Sport”, A/HRC/RES/40/5 (April 4, 2019).

74 HRC, “Draft Resolution 41/L.6/Rev.1, Elimination of All Forms of Discrimination Against Women and Girls”, A/HRC/41/L.6/Rev.1 (July 10, 2019).

75 Botswana, Ghana, Rwanda and Tunisia.

against some aspects of the resolution proposed three amendments. The first, sponsored by Pakistan, proposed to remove the call on states to provide ‘universal access to evidence-based comprehensive sexuality education’.⁷⁶ The second amendment, sponsored by Egypt, aimed to delete the recognition of sexual and reproductive health as a human right.⁷⁷ The third amendment, sponsored by Russia, sought to diminish the right of women to control matters concerning their sexuality as a human right and further tried to make room for unequal treatment of women.⁷⁸ African states were divided on these unfriendly amendments, but in all three cases only three African states opposed the amendments; that is, defended women’s rights.⁷⁹

Canada was the main sponsor of the resolution on violence against women.⁸⁰ This resolution had 73 co-sponsors, including seven African states.⁸¹ The resolution faced three hostile amendments. Egypt proposed a change that amounted to denying marital rape (‘intimate partner violence’, in the language of the resolution).⁸² Russia sponsored two of the amendments. The first contained a host of changes, including the suggestions that the women enjoy different human rights to men and that some gender stereotypes (‘positive’ ones) are acceptable.⁸³ Russia’s second amendment was motivated by opposition to providing children with age-appropriate ‘evidence-based comprehensive sexuality education’.⁸⁴ As with the amendments on the discrimination against women resolution, African states were divided roughly down the middle, which is to say that almost half of the African Group supported changes to the violence against women resolution that were antagonistic to the rights of women.⁸⁵

A third resolution pertaining to women’s rights was the HRC’s adoption of ‘Consequences of child, early and forced marriage’,⁸⁶ itself part of a series of resolutions that began in 2013.⁸⁷ The 2019 resolution noted that every year at least 12 million girls are married before the age of 18 and expressed concern over the various negative impacts such marriages have on women and girls. Although the resolution was eventually adopted without a vote, it was first subject to four hostile amendments, sponsored by Bahrain, Egypt and Russia, respectively. Among other changes, the amendments denied a right to sexual and reproductive health;⁸⁸ insisted on parental control over the provision of information to girls regarding sexual and reproductive health, gender equality, women’s empowerment,

76 HRC, “Amendment to Draft Resolution A/HRC/41/L.6/Rev.1”, A/HRC/41/L.37 (July 10, 2019).

77 HRC, “Amendment to Draft Resolution A/HRC/41/L.6/Rev.1”, A/HRC/41/L.41 (July 10, 2019).

78 HRC, “Amendment to Draft Resolution A/HRC/41/L.6/Rev.1”, A/HRC/41/L.46 (July 10, 2019).

79 On Amendment L.37 the African vote was 6-3-4 (yes-no-abstain), on Amendments L.41 and L.46 the votes were 5-3-5.

80 HRC, “Draft Resolution 41/ L.5/Rev.1, Accelerating Efforts to Eliminate All Forms of Violence Against Women and Girls: Preventing and Responding to Violence Against Women and Girls in the World of Work”, A/HRC/41/ L.5/Rev.1 (July 11, 2019)

81 Botswana, Burkina Faso, Ghana, Mauritius, Rwanda, South Africa and Tunisia.

82 HRC, “Amendment to Draft Resolution A/HRC/41/L.5/Rev.1”, A/HRC/41/L.38 (July 11, 2019).

83 HRC, “Amendment to Draft Resolution A/HRC/41/L.5/Rev.1”, A/HRC/41/L.43 (July 11, 2019).

84 HRC, “Amendment to Draft Resolution A/HRC/41/L.5/Rev.1”, A/HRC/41/L.44 (July 11, 2019).

85 On Amendment L.38 the African vote was 6-5-2, on Amendment L.43 it was 4-5-4, and on Amendment L.44 it was 6-4-3.

86 HRC, “Resolution 41/8, Consequences of Child, Early and Forced Marriage”, A/HRC/RES/41/8 (July 19, 2019).

87 HRC, “Resolution 24/23, Strengthening Efforts to Prevent and Eliminate Child, Early and Forced Marriage: Challenges, Achievements, Best Practices and Implementation Gaps”, A/HRC/RES/24/23 (October 9, 2013).

88 HRC, “Amendment to Draft Resolution A/HRC/41/L.8/Rev.1”, A/HRC/41/L.39 (July 10, 2019).

puberty, and human rights;⁸⁹ denied the need to recognise the autonomy of women and girls who have been subjected to child, early and forced marriages;⁹⁰ and rejected the notion of marital rape.⁹¹ All four amendments were defeated in a vote. The African Group was split over the various amendments, but on the whole more African states supported the hostile resolutions than opposed them.⁹²

When, in 2011, the HRC adopted its first resolution on SOGI,⁹³ the African Group was vehemently opposed to placing SOGI under a human rights framework. In 2011, only one African state⁹⁴ voted for the resolution while 10 opposed it. This opposition has eased, but in 2020 almost half of the African Group still remained opposed to recognising the human rights aspects of SOGI. The 2020 draft resolution on SOGI sought to extend the mandate of the independent expert on protection against violence and discrimination based on sexual orientation and gender identity for a further three years and called on states to cooperate with the independent expert.⁹⁵ Although it was a short resolution, it faced 10 hostile amendments, sponsored by the OIC. These amendments tried to remove mention of the term 'sexual orientation' from the resolution;⁹⁶ suggested that advancing the SOGI issue was 'confrontational';⁹⁷ tried to shift the focus of the resolution to racial discrimination;⁹⁸ suggested that SOGI matters were 'private' and hence beyond an international human rights framework;⁹⁹ etc. All of the amendments were rejected, but between five and seven African states supported them, while only one or two African states voted against the amendments on each occasion. The resolution was adopted with three African states voting in favour and four against.

African states were also divided on the issue of the death penalty. The 2019 resolution was a wide-ranging text that not only opposed and called on states to abolish the death penalty but also raised concerns about, for instance, using the death penalty for 'crimes' that were not 'serious' (eg, adultery or blasphemy), or applying the death penalty to terrorist offences that did not cause death.¹⁰⁰ Benin, alongside Belgium, Costa Rica, France, Mexico, Moldova, Mongolia and Switzerland, was a main sponsor of the resolution. Botswana, Egypt and Nigeria figured prominently among the sponsors of the four hostile amendments to the resolution. The amendments mostly tried to paint decisions over the death penalty as a national rather than an international decision.¹⁰¹ More African states supported the

89 HRC, "Amendment to Draft Resolution A/HRC/41/L.8/Rev.1", A/HRC/41/L.40 (July 10, 2019).

90 HRC, "Amendment to Draft Resolution A/HRC/41/L.8/Rev.1", A/HRC/41/L.45 (July 10, 2019).

91 HRC, "Amendment to Draft Resolution A/HRC/41/L.8/Rev.1", A/HRC/41/L.42 (July 10, 2019).

92 On Amendment L.39 the African vote was 3-4-6, on Amendment L.40 it was 8-3-2, on Amendment L.42 it was 6-3-4, and on Amendment L.45 it was 4-3-6.

93 HRC, "Resolution 17/19, Human Rights, Sexual Orientation and Gender Identity", A/HRC/RES/17/19 (July 14, 2011).

94 Mauritius.

95 HRC, "Draft Resolution 41/L.10, Mandate of the Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity", A/HRC/41/L.10 (July 5, 2019).

96 HRC, "Amendment to Draft Resolution A/HRC/41/L.10/Rev.1", A/HRC/41/L.27 (July 10, 2019).

97 HRC, "Amendment to Draft Resolution A/HRC/41/L.10/Rev.1", A/HRC/41/L.29 (July 10, 2019).

98 HRC, "Amendment to Draft Resolution A/HRC/41/L.10/Rev.1", A/HRC/41/L.30 (July 10, 2019).

99 HRC, "Amendment to Draft Resolution A/HRC/41/L.10/Rev.1", A/HRC/41/L.32 (July 10, 2019).

100 HRC, "Draft Resolution 42/L.37, The Question of the Death Penalty", A/HRC/42/L.37 (September 23, 2019).

101 HRC, "Amendments to Draft Resolution A/HRC/42/L.37", A/HRC/42/L.39-41, L.46 (September 25, 2019).

hostile amendments than opposed them, but when it came to a vote on the resolution, five African states voted yes while only three voted against.

Approach to human rights

Studying the commitment to human rights of HRC members poses a number of challenges. First, although all HRC resolutions use the language of human rights, not all are intended 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 – code for not criticising or pressuring states that abuse human rights – while other resolutions stifle or obstruct potential investigations into violations.

Second, the HRC is an intergovernmental organisation, which means that at this forum human rights are always politicised. Geopolitics matter and can lead 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 and networks of global power and national interest. Sometimes power and the purposes of international human rights align – as in the case of Iran. When the interests of powerful states are 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. The recent HRC-mandated investigations into the Yemeni civil war is an example of what is possible despite the contrary interests of the powerful. In such a contextual approach, the mere mention of human rights problems in a state as powerful and with powerful friends such as Saudi Arabia, for example, becomes a victory of sorts.¹⁰² To be sure, a statement on Saudi Arabia's violations is feeble compared to an action such as imposing annual UN investigations on a country, but to mention such a country's human rights violations is an act of courage and an expansion of the possible in the face of powerful interests.

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 – but not exclusively¹⁰³ – in the West. Nevertheless, on the HRC claims about human rights 'imperialism' are misplaced, for a number of reasons. 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. Moreover, hypocrisy on human rights is not a Western preserve. The treatment of Israel best illustrates developing world hypocrisy – developing countries often

¹⁰² Iceland.

¹⁰³ Stephen Jensen, *The Making of International Human Rights: The 1960s, Decolonization and the Reconstruction of Global Values* (Cambridge: Cambridge University Press, 2016).

oppose country-specific resolutions but then gang up to condemn and investigate Israel. Furthermore, developing countries repeatedly (and voluntarily) affirm their commitment to human rights. In addition, it might not make one popular, but it is possible for states to break with their allies to support human rights. While there are HRC resolutions that reflect a North–South divide, there are arguably more that draw support across the North and South. Finally, developing countries, and African countries in particular, do not have homogenous positions 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 relatively ahistorical. The focus is on what happened during 2019 with little discussion of the wider institutional and geopolitical backdrops. Although human rights are a product of our time, this study approaches human rights as universal and timeless.

COUNTRY PROFILES

Angola



OVERALL RECORD

Unwilling to defend human rights

RANKING IN AFRICAN GROUP

6th
out of 13

		LEVEL OF HUMAN RIGHTS COMMITMENT	RANKING IN AFRICAN GROUP (OUT OF 13)
COUNTRY SPECIFIC RESOLUTIONS		Unwilling to defend	8th
RESOLUTIONS ON ISRAEL		Strongly supportive	1st
CIVIL AND POLITICAL RIGHTS		Unwilling to defend	4th
WOMEN'S RIGHTS		Mildly supportive	5th
SEXUAL ORIENTATION AND GENDER IDENTITY RIGHTS		Unwilling to defend	3rd
RIGHT TO LIFE (OPPOSITION TO DEATH PENALTY)		Unwilling to defend	4th

In 2019, as in 2018, Angola was a middling performer in the African Group and was generally not inclined to defend human rights. Its reluctance is most evident in its votes on country-specific resolutions. Angola supported all five Israel resolutions, but did not support placing similar pressure and scrutiny on other countries. It abstained on almost all country-specific votes. When it did deviate from this pattern, it was in an anti-human rights direction. Angola voted against the resolution on the Philippines and supported Iran and Russia's resolution to shield Venezuela from international pressure.

Abstentions also marked Angola's record on civil and political rights, but with three human rights-friendly exceptions. Two of these were against hostile amendments to the resolution on violence against women. Angola opposed a Russian proposal to support traditional gender roles, as well as Saudi Arabia's proposal to delete condemnation of 'intimate partner violence' from the resolution. It was one of five African states to vote against the latter amendment. Angola's third human rights-positive vote on a thematic resolution was its vote in favour of the resolution calling for the abolition of the death penalty. In addition, Angola occasionally sponsored resolutions on civil and political rights, specifically on forced marriage, human rights defenders, and human rights and the administration of justice.

Burkina Faso



OVERALL RECORD	Unwilling to defend human rights	RANKING IN AFRICAN GROUP	3rd out of 13
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		LEVEL OF HUMAN RIGHTS COMMITMENT	RANKING IN AFRICAN GROUP (OUT OF 13)
COUNTRY SPECIFIC RESOLUTIONS		Unwilling to defend	7th
RESOLUTIONS ON ISRAEL		Strongly supportive	1st
CIVIL AND POLITICAL RIGHTS		Mildly supportive	3rd
WOMEN'S RIGHTS		Mildly supportive	4th
SEXUAL ORIENTATION AND GENDER IDENTITY RIGHTS		Unwilling to defend	3rd
RIGHT TO LIFE (OPPOSITION TO DEATH PENALTY)		Strongly supportive	1st

During 2019 Burkina Faso had one of the strongest records in the African Group. This high ranking is less of a compliment to Burkina Faso than it is an indictment of the African Group, considering that on the whole Burkina Faso did not demonstrate a general commitment to human rights. While it voted yes in support of all five Israel resolutions, its record on other country situations was very uneven. Burkina Faso supported one of the year's three Syria resolutions, as well both resolutions related to Myanmar and the Rohingya. However, it opposed HRC scrutiny of Eritrea and the Philippines and supported a resolution to shield Venezuela from international pressure.

Burkina Faso's record on civil and political rights was more supportive of human rights. On women's rights, its record falls to the positive side, having opposed three of the 10 hostile amendments on women's rights resolutions. These three votes were related to the violence against women resolution, of which Burkina Faso was a co-sponsor. It abstained on the SOGI resolution and related hostile amendments. Relative to the rest of the African Group, and considering the vehement opposition to the SOGI issue from many within the African Group, Burkina Faso's is a positive record. Its opposition to the death penalty was very strong. Significantly, it also co-sponsored resolution on the right to privacy and on protection for human rights defenders.

Cameroon



OVERALL RECORD

Strongly against human rights

RANKING IN AFRICAN GROUP

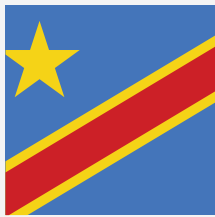
11th
out of 13

		LEVEL OF HUMAN RIGHTS COMMITMENT	RANKING IN AFRICAN GROUP (OUT OF 13)
COUNTRY SPECIFIC RESOLUTIONS		Mildly against	11th
RESOLUTIONS ON ISRAEL		Unwilling to defend	11th
CIVIL AND POLITICAL RIGHTS		Strongly against	10th
WOMEN'S RIGHTS		Strongly against	9th
SEXUAL ORIENTATION AND GENDER IDENTITY RIGHTS		No ranking	NO RANKING
RIGHT TO LIFE (OPPOSITION TO DEATH PENALTY)		Strongly against	LAST

In 2019 Cameroon firmly opposed the protection of human rights at the international level. Its record was one of the worst in the African Group. With regard to country-specific situations, Cameroon did not cast one redeeming vote – it either abstained or voted to protect rights-abusing regimes. Specifically, it shielded Eritrea, the Philippines, Burundi and Venezuela. Unusually for an African country, Cameroon did not support any of the HRC’s resolutions on Israel.

Its record on civil and political rights was even more dismal than its country-specific positions. It was a strong proponent of the death penalty. Its record on women’s rights is inconsistent, but mostly opposed to these rights. With regard to SOGI, Cameroon did not cast a vote. Except for resolutions sponsored by the African Group, it did not sponsor any resolutions.

Democratic Republic of Congo



OVERALL RECORD

Unwilling to defend human rights

RANKING IN AFRICAN GROUP

7th
out of 13

		LEVEL OF HUMAN RIGHTS COMMITMENT	RANKING IN AFRICAN GROUP (OUT OF 13)
COUNTRY SPECIFIC RESOLUTIONS		Unwilling to defend	9th
RESOLUTIONS ON ISRAEL		Unwilling to defend	11th
CIVIL AND POLITICAL RIGHTS		Unwilling to defend	7th
WOMEN'S RIGHTS		Unwilling to defend	6th
SEXUAL ORIENTATION AND GENDER IDENTITY RIGHTS		Unwilling to defend	3rd
RIGHT TO LIFE (OPPOSITION TO DEATH PENALTY)		Unwilling to defend	5th

The DRC's 2019 ranking is a slight improvement on its ninth position in 2018. Such a middling ranking flatters to deceive because, as in 2018, the it was generally unwilling to defend human rights.

With regard to voting on country-specific situations, the DRC abstained on all except two. In the first instance, it supported anti-human rights changes to the draft resolution on human rights in Eritrea (but then abstained from the resolution vote). In the second instance, it voted against the EU's resolution to extend the mandate of the commission of inquiry on Burundi.

With regard to civil and political rights, the overall pattern is again one of abstention. Only once did the DRC deviate from this pattern – when it voted yes on Bahrain's proposal to give parents the final say over information provided to adolescents regarding sexual and reproductive health, puberty, gender equality and women's empowerment. By almost always abstaining, the DRC has shown that it has little interest in advancing (or obstructing) international human rights. Rather, it is more likely that its reason for being on the HRC is to influence the international community's response to its domestic human rights situation.

During 2019 the HRC adopted two resolutions on the DRC.¹⁰⁴ Given that the human rights situation in the DRC has been among the most fraught in the world, the country has been an obvious focus for the HRC. While the HRC has adopted regular resolutions on the DRC, at the same time the DRC and the rest of the African Group have consistently emphasised progress on human rights in the country, such as it is, and worked to reduce the level of scrutiny and criticism of the regime in these resolutions and the ensuing/pursuant reports.¹⁰⁵ Reflecting this balance between the obvious need to address human rights in the DRC and resistance to such involvement, the two resolutions on the DRC were relatively mild.

104 HRC, "Resolution 41/26, Renewal of the Mandate of The Team of International Experts on the Situation in Kasai", A/HRC/RES/41/26 (July 17, 2019); HRC, "Resolution 42/34, Technical Assistance and Capacity-building in the Field of Human Rights in the Democratic Republic of the Congo", A/HRC/RES/42/34 (October 2, 2019).

105 Jordaán, "The African Group on the UN Human Rights Council".

Egypt



OVERALL RECORD	Strongly against human rights	RANKING IN AFRICAN GROUP	12th out of 13
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		LEVEL OF HUMAN RIGHTS COMMITMENT	RANKING IN AFRICAN GROUP (OUT OF 13)
COUNTRY SPECIFIC RESOLUTIONS		Mildly against	12th
RESOLUTIONS ON ISRAEL		Strongly supportive	1st
CIVIL AND POLITICAL RIGHTS		Strongly against	LAST
WOMEN'S RIGHTS		Strongly against	LAST
SEXUAL ORIENTATION AND GENDER IDENTITY RIGHTS		Strongly against	LAST
RIGHT TO LIFE (OPPOSITION TO DEATH PENALTY)		Strongly against	LAST

As in previous years, in 2019 Egypt proved to be an enemy of international human rights. In 2019 its record was inferior to that of all African Group members except Eritrea. Unlike Eritrea, however, Egypt was a very active HRC member, frequently making statements and sponsoring resolutions and hostile amendments.

Egypt strongly opposed country-specific resolutions that did not have the support of the country in question. It voted against almost all such resolutions, and was often among the two or three African states to do so. There were two exceptions to Egypt's opposition to country-specific resolutions. The first was to be expected: Israel. Egypt voted yes on all five of the HRC's tough resolutions on Israel. As an OIC member, Egypt was a sponsor of the Israel resolutions. The second exception was its yes votes on two resolutions concerning Myanmar. The first of these was a general resolution on human rights in Myanmar, sponsored by the EU, and the second on the situation of the Rohingya, jointly sponsored by the EU and the OIC. What makes these resolutions different is that the Rohingya are a Muslim group, hence the concern from the OIC.

Unlike its record on country situations, Egypt's positions on civil and political rights are wholly against human rights. In 2019 it supported all anti-human rights amendments on the women's rights, SOGI rights, and death penalty resolutions and voted against the resolutions on the aforementioned issues.

Eritrea



OVERALL RECORD

Strongly against human rights

RANKING IN AFRICAN GROUP

LAST
out of 13

LEVEL OF HUMAN RIGHTS COMMITMENT

RANKING IN AFRICAN GROUP (OUT OF 13)

COUNTRY SPECIFIC RESOLUTIONS



Strongly against

LAST

RESOLUTIONS ON ISRAEL



Strongly supportive

1st

CIVIL AND POLITICAL RIGHTS



Strongly against

11th

WOMEN'S RIGHTS



Strongly against

LAST

SEXUAL ORIENTATION AND GENDER IDENTITY RIGHTS



Strongly against

LAST

RIGHT TO LIFE (OPPOSITION TO DEATH PENALTY)



Strongly against

10th

During 2019 Eritrea had the most anti-human rights record of all African Group members.

Eritrea's actions with regard to country-specific situations was the worst in the group. Although it supported all five resolutions on Israel, it voted against resolutions on Belarus, Burundi, Iran, Nicaragua, Philippines, Syria, Ukraine, Venezuela and Yemen. Its only redeeming action was to support the two resolutions on Myanmar and the persecution of the Rohingya. While Eritrea is not an OIC member, the country has a large Muslim minority. Solidarity with the Muslim Rohingya and pressure from OIC states seem the likely driver of its uncharacteristic votes on Myanmar.

With the exception of an abstention on the death penalty resolution, all of Eritrea's votes on civil and political rights were against human rights.

Unusual for an HRC member, Eritrea was the focus of a country-specific mandate to which it did not consent. Prior to 2019, states like Djibouti and Somalia sponsored the annual resolution on human rights in Eritrea, which typically served to renew the mandate of the special rapporteur on the situation of human rights in Eritrea. Following a thaw in relations with its neighbours, Djibouti and Somalia ended their sponsorship. The EU stepped in as sponsor. Despite extensive evidence to the contrary and a human rights situation that had not improved,¹⁰⁶ Eritrea denied allegations of gross human rights violations.¹⁰⁷ During consideration of the resolution, it called for the removal of three of the paragraphs and for a vote against the resolution. Attempts to alter the resolution were defeated and the resolution was adopted by vote.

Eritrea's record shows that concern for the international promotion and protection of human rights is not why it joined the HRC in 2019. Rather, it is more likely that its purpose was to shape HRC action with regard to its domestic human rights situation.

106 UN, "Report of the Special Rapporteur on the Situation of Human Rights in Eritrea", A/HRC/41/53 (May 16, 2019).

107 Eritrea, "Statement to the HRC", *UN Web TV* (July 11, 2019).

Nigeria



OVERALL RECORD

Mildly against human rights

RANKING IN AFRICAN GROUP

9th
out of 13

		LEVEL OF HUMAN RIGHTS COMMITMENT	RANKING IN AFRICAN GROUP (OUT OF 13)
COUNTRY SPECIFIC RESOLUTIONS		Unwilling to defend	4th
RESOLUTIONS ON ISRAEL		Strongly supportive	1st
CIVIL AND POLITICAL RIGHTS		Strongly against	9th
WOMEN'S RIGHTS		Mildly against	8th
SEXUAL ORIENTATION AND GENDER IDENTITY RIGHTS		Strongly against	LAST
RIGHT TO LIFE (OPPOSITION TO DEATH PENALTY)		Strongly against	9th

As in previous years, Nigeria's 2019 record on the HRC was poor.

Nigeria's fourth-placed ranking on country-specific resolutions is deceptively flattering. It abstained on all country-specific resolutions with two exceptions. The first was related to Israel: Nigeria voted yes on all five of the HRC's resolutions on Israel. The second exception was its yes votes on two resolutions concerning Myanmar. The first of these was a general resolution on human rights in Myanmar, sponsored by the EU, and the second on the situation of the Rohingya, jointly sponsored by the EU and the OIC. What makes these resolutions different enough to enjoy Nigeria's support is that the Rohingya are a Muslim group, hence the concern of the OIC, of which Nigeria is a member.

With regard to civil and political rights, Nigeria did not once take a vote in defence of these rights. It either abstained or voted for the anti-human rights position, whether it was an amendment or a resolution vote. Its positions on women's rights were an improvement on 2018, if only because it abstained on half of the hostile amendments and supported the other half, as opposed to supporting all hostile amendments on women's rights resolutions in 2018. On SOGI, Nigeria was as vehemently opposed to these rights as ever, supporting all the hostile amendments and voting against the resolution.

Rwanda



OVERALL RECORD

Mildly supportive of human rights

RANKING IN AFRICAN GROUP

3rd
out of 13

		LEVEL OF HUMAN RIGHTS COMMITMENT	RANKING IN AFRICAN GROUP (OUT OF 13)
COUNTRY SPECIFIC RESOLUTIONS		Mildly supportive	1st
RESOLUTIONS ON ISRAEL		Unwilling to defend	10th
CIVIL AND POLITICAL RIGHTS		Mildly supportive	2nd
WOMEN'S RIGHTS		Strongly supportive	1st
SEXUAL ORIENTATION AND GENDER IDENTITY RIGHTS		Mildly supportive	2nd
RIGHT TO LIFE (OPPOSITION TO DEATH PENALTY)		Mildly against	7th

In 2019, as in 2017 and 2018, Rwanda demonstrated that its commitment to international human rights was considerably stronger than that of almost all African Group members. As in previous years, it was one of only a few African countries to support critical country-specific resolutions. In 2019 it voted yes on all three Syria resolutions, as well as on resolutions on the Rohingya and Myanmar, and Burundi. Indeed, it was the only African state to vote in favour of the resolutions on Burundi. Whereas in 2018 it had voted yes on the Venezuela resolution, in 2019 Rwanda abstained on the strengthened resolution. While the 2018 resolution had asked for an OHCHR report on human rights in Venezuela, the new one created an independent international fact-finding mission to investigate violations such as torture, extrajudicial execution and enforced disappearances with the purpose of 'ensuring full accountability for perpetrators and justice for victims'.¹⁰⁸

As in previous years, Rwanda's record on civil and political rights was positive. Its actions with regard to women's rights were particularly strong – it opposed all regressive amendments to resolutions on violence against women, discrimination against women, and forced marriage. Rwanda's record on SOGI rights is also strong – it opposed six of the hostile amendments to the SOGI resolution, abstained on the other four, and then, alongside South Africa and Tunisia, voted for the resolution. Its actions with regard to a resolution opposing the death penalty were inconsistent – it supported three of the four hostile amendments, opposed the fourth, but still voted in support of the final resolution.

108 HRC, "Resolution 42/25".

Senegal



OVERALL RECORD

Mildly against human rights

RANKING IN AFRICAN GROUP

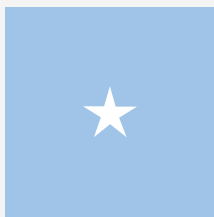
8th
out of 13

		LEVEL OF HUMAN RIGHTS COMMITMENT	RANKING IN AFRICAN GROUP (OUT OF 13)
COUNTRY SPECIFIC RESOLUTIONS		Unwilling to defend	5th
RESOLUTIONS ON ISRAEL		Strongly supportive	1st
CIVIL AND POLITICAL RIGHTS		Strongly against	8th
WOMEN'S RIGHTS		Strongly against	LAST
SEXUAL ORIENTATION AND GENDER IDENTITY RIGHTS		Strongly against	8th
RIGHT TO LIFE (OPPOSITION TO DEATH PENALTY)		Unwilling to defend	5th

In 2019 Senegal's record on the HRC worsened from the year before. In terms of overall commitment to human rights, it fell from a classification of 'unwilling to defend human rights' to 'mildly against human rights', and from fifth place in 2018 to eighth in 2019. Despite ranking fifth among African states on country-specific situations, it cast only one vote in support of such resolutions – in favour of the resolution on the human rights situation of the Rohingya. With the exception of its Israel votes – Senegal voted yes on all five – it abstained on all other country-specific resolutions.

Senegal's record on civil and political rights sharply deteriorated from 2018, when it was classified as 'unwilling to defend' these types of rights. On women's rights in 2019, Senegal shared the worst record with Egypt and Eritrea – it voted in favour of all 10 hostile amendments to women's rights resolutions, whereas in 2018 it supported one of the three hostile amendments on these resolutions and abstained on the other two. Senegal's record on SOGI rights is also negative. Despite abstaining on the resolution vote, it supported all 10 regressive amendments to the resolution. With regard to the resolution on the death penalty, Senegal abstained on the resolution and all hostile amendments.

Somalia



OVERALL RECORD

Strongly against human rights

RANKING IN AFRICAN GROUP

10th
out of 13

LEVEL OF HUMAN RIGHTS COMMITMENT

RANKING IN AFRICAN GROUP (OUT OF 13)

COUNTRY SPECIFIC RESOLUTIONS



Mildly against

10th

RESOLUTIONS ON ISRAEL



Strongly supportive

9th

CIVIL AND POLITICAL RIGHTS



Strongly against

12th

WOMEN'S RIGHTS



Strongly against

10th

SEXUAL ORIENTATION AND GENDER IDENTITY RIGHTS



Strongly against

LAST

RIGHT TO LIFE (OPPOSITION TO DEATH PENALTY)



Strongly against

LAST

In 2019 Somalia was a strong opponent of international human rights. It frequently opposed country-specific resolutions and voted against resolutions on Burundi, Eritrea, the Philippines and Yemen. There were three exceptions to Somalia's general opposition to invasive country-specific resolutions. The first was its support for resolutions on Israel, a standard contradiction among African HRC members. The second was its support for two resolutions on Myanmar. The first of these was a general resolution on human rights in Myanmar, sponsored by the EU, and the second on the situation of the Rohingya, jointly sponsored by the EU and the OIC (Somalia is a member of the OIC). The third exception was highly unusual. During 2019 the HRC adopted a resolution on human rights in Syria at each of its three general sessions. While states occasionally switched from a yes or no to an abstention or vice versa, in 2019 Somalia abstained on the year's first Syria resolution, voted no on the second, and voted yes on the third.

There was nothing redemptive about its actions on civil and political rights – it voted for the most anti-human rights position on each of the 26 votes except one – and it abstained from an amendment that proposed that the right to sexual and reproductive health is not a human right.

South Africa



OVERALL RECORD

Mildly supportive of human rights

RANKING IN AFRICAN GROUP

1st
out of 13

		LEVEL OF HUMAN RIGHTS COMMITMENT	RANKING IN AFRICAN GROUP (OUT OF 13)
COUNTRY SPECIFIC RESOLUTIONS		Unwilling to defend	3rd
RESOLUTIONS ON ISRAEL		Strongly supportive	1st
CIVIL AND POLITICAL RIGHTS		Strongly supportive	1st
WOMEN'S RIGHTS		Strongly supportive	1st
SEXUAL ORIENTATION AND GENDER IDENTITY RIGHTS		Strongly supportive	1st
RIGHT TO LIFE (OPPOSITION TO DEATH PENALTY)		Strongly supportive	1st

After poor performances in previous years – in 2018 South Africa was classified as ‘unwilling to defend human rights’ and was ranked eighth in the African Group – in 2019 it emerged with the strongest record among the African Group.

A significant change was South Africa’s record on country-specific resolutions. In 2018, and excluding resolutions on Israel, it abstained from voting on country-specific resolutions regardless of the extent of human rights violations taking place in the country in question. Although South Africa still mostly abstained in 2019, it voted for three intrusive country-specific resolutions. Two of these were related to the persecution of the Rohingya – one general resolution on human rights in Myanmar and the other a resolution focused on the persecution of the Rohingya. Its third pro-human rights vote was to renew the mandate of an expert group on human rights in Yemen.

On civil and political rights, South Africa voted for the strongest human rights option on each occasion. It occasionally spoke in favour of the resolution in question. It also co-sponsored most of the civil and political rights resolutions addressed in this report – on violence against women, forced marriage, SOGI rights and the death penalty. In addition, South Africa was the main sponsor of a new resolution on discrimination against women in sport.¹⁰⁹ As strong as South Africa’s record on civil and political rights was in 2019, it is worth pointing out that during this year there were no votes on resolutions more closely focused on democratic participation (eg, on the right to peaceful assembly) – resolutions on which its record has traditionally been poor.

109 HRC, “Resolution 40/5”.

Togo



OVERALL RECORD

Unwilling to defend human rights

RANKING IN AFRICAN GROUP

4th
out of 13

LEVEL OF HUMAN RIGHTS COMMITMENT

RANKING IN AFRICAN GROUP (OUT OF 13)

COUNTRY SPECIFIC RESOLUTIONS



Unwilling to defend

2nd

RESOLUTIONS ON ISRAEL



Mildly against

LAST

CIVIL AND POLITICAL RIGHTS



Unwilling to defend

5th

WOMEN'S RIGHTS



Unwilling to defend

6th

SEXUAL ORIENTATION AND GENDER IDENTITY RIGHTS



Strongly against

7th

RIGHT TO LIFE (OPPOSITION TO DEATH PENALTY)



Strongly supportive

1st

In 2019 Togo's record on the HRC slipped a notch, going from being classified as 'mildly supportive of human rights' in 2018 to 'unwilling to defend human rights'. Togo was more willing than most African countries to vote for country-specific resolutions. In 2019 it backed resolutions on Georgia, Myanmar and the Rohingya, and Syria. These are the same resolutions it supported in 2018 when it was classified as 'mildly supportive of human rights' with regard to country-specific situations. One significant difference from 2018 is Togo's 2019 vote against the resolution on Burundi, on which it had abstained in 2018. Togo is unusual among African countries for its lack of enthusiasm for resolutions on Israel. On the five Israel resolutions adopted during 2019, it opposed two, supported one, and abstained on two. No other African state voted against an Israel resolution during 2019.

Togo's 2019 record on civil and political rights is uneven. On the positive side, it strongly opposed the death penalty. It did not defend women's rights, abstaining on almost all hostile amendments to these resolutions. With regard to SOGI rights, Togo supported nine out of 10 proposals to undermine the resolution but, inconsistently, abstained from the vote on the final resolution.

Tunisia



OVERALL RECORD

Mildly supportive of human rights

RANKING IN AFRICAN GROUP

5th
out of 13

LEVEL OF HUMAN RIGHTS COMMITMENT

RANKING IN AFRICAN GROUP (OUT OF 13)

COUNTRY SPECIFIC RESOLUTIONS



Unwilling to defend

5th

RESOLUTIONS ON ISRAEL



Strongly supportive

1st

CIVIL AND POLITICAL RIGHTS



Unwilling to defend

6th

WOMEN'S RIGHTS



Strongly supportive

1st

SEXUAL ORIENTATION AND GENDER IDENTITY RIGHTS



Strongly against

6th

RIGHT TO LIFE (OPPOSITION TO DEATH PENALTY)



Mildly against

8th

In 2019 Tunisia ranked fifth in terms of its general commitment to human rights, down from first place in 2018. In 2018 it was classified as 'mildly supportive of human rights'. Tunisia's high 2019 ranking is an indictment of the African Group rather than a reflection of its commitment to international human rights.

Tunisia's record on country-specific situations was limp. It generally abstained except for two resolutions on Myanmar and the Rohingya which it, like other OIC states, supported. However, Tunisia voted yes on an Iran and Russia-sponsored resolution to protect Venezuela from international scrutiny. Despite usually abstaining on country-specific resolutions, it supported all five resolutions on Israel adopted in 2019.

Tunisia's actions on civil and political rights were inconsistent. It strongly defended women's rights. It co-sponsored resolutions on violence against women, discrimination against women, and on forced marriage. It also voted against all 10 of the anti-human rights amendment proposals to the aforementioned resolutions. Tunisia further defended civil and political rights by being a main sponsor of the resolution 'Human rights, democracy, and the rule of law' and co-sponsoring resolutions on the right to peaceful assembly and association, on the right to privacy, and on human rights and the administration of justice. More negative for human rights were Tunisia's actions on SOGI and the death penalty. In response to the 10 hostile amendments to the resolution to extend the mandate of the independent expert on protection against violence and discrimination based on sexual orientation and gender identity, it did not vote on six of them and voted yes on the remaining four. Contradicting these amendment votes, Tunisia then voted yes on the SOGI resolution. With regard to a resolution opposing the death penalty, it supported two of the proposed anti-human rights amendments to the resolution, abstained from the remaining two, and abstained on the resolution vote.

ANALYSIS

What conclusions may be drawn from the African Group's behaviour on the HRC during 2019?

One striking aspect is its lack of unified voting. African states have a reputation for working together and bloc voting at the UN, but as this and reports from the previous two years show,¹¹⁰ there is little unity when voting on country-specific situations and civil and political rights. With regard to the 26 votes on civil and political rights discussed in the 2019 report, on all of them the African Group disagreed fully, meaning that on each vote, at least one African state voted yes, at least one voted no, and at least one abstained.

On country-specific resolutions, the lack of unity was present but was less pronounced compared to civil and political rights and to previous years. Excluding the Israel resolutions, in 2019 the HRC voted on whether to adopt country-specific resolutions 16 times. On six of these, the African Group was fully divided, whereas on the remaining 10 votes African states were partly divided, meaning they all voted yes-and-abstain or no-and-abstain.

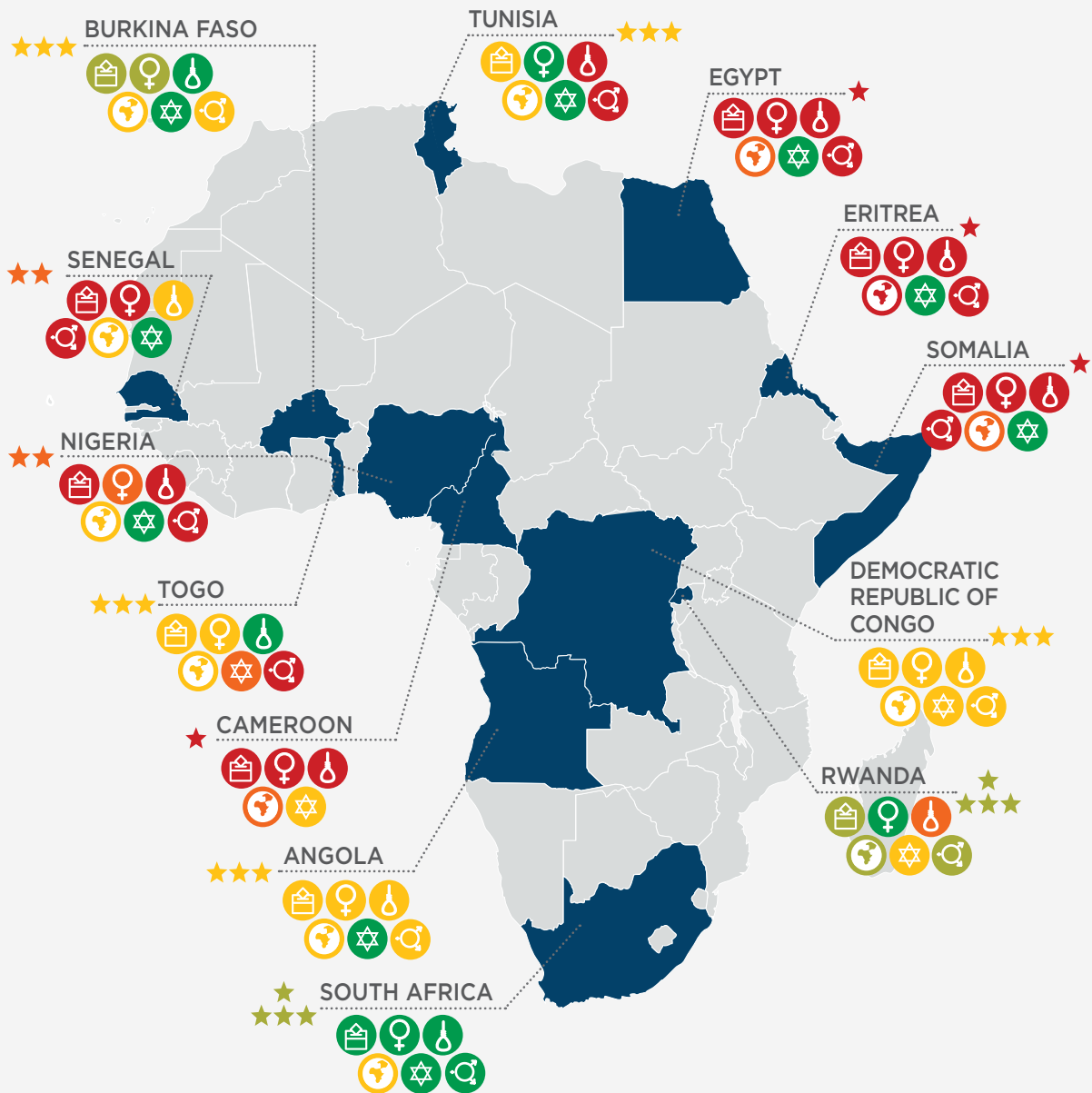
This year's and the previous years' reports show that on many issues there is no single African position on human rights. Some African states support international human rights, some do not. The trouble is that opponents of human rights often claim to speak for Africa when they oppose human rights, as if this is the standard African position. The range of African positions on the HRC means that African support for human rights has as much basis in fact as African opposition to such rights. The diversity of African positions on human rights thus suggests that we should be suspicious of those who claim to represent an African position on human rights.

What other patterns can be discerned? The 2017 report found a fair amount of support for international human rights among African states. Although no African state demonstrated 'strong support' for international human rights, four were 'mildly supportive of human rights'.¹¹¹ Of the total number of votes involved in the 2017 report, African states voted for the pro-human rights option 33% of the time (120 of 364 votes). In 2017 a majority of African states voted for pro-human rights positions on the issues of human rights defenders, racism, the persecution of the Rohingya, and the socially constructed roots of discrimination against women (an aspect of a women's rights resolution). Since 2017 the African Group's support for international human rights, such as it was, has waned. In 2018 only 14% of the 430 individual votes included supported human rights. In 2019 this number remained similarly low (Table 6). During 2019 there were no African majorities in support of human rights on any of the civil and political rights amendment or resolution votes (Table 8). In 2019, as in 2017 and 2018, the Rohingya/Myanmar resolutions were the only country-

110 Eduard Jordaan (ed.), *African States at the UN Human Rights Council in 2017* (Johannesburg: SAIIA, 2019); Eduard Jordaan, *African States at the UN Human Rights Council in 2018* (Johannesburg: SAIIA, 2020).

111 The methodology used in this series of reports changed from the 2017 to the 2018 reports. These claims are based on a retrospective application of the current methodology to events in 2017.

Figure 2 Summary of commitment levels per issue

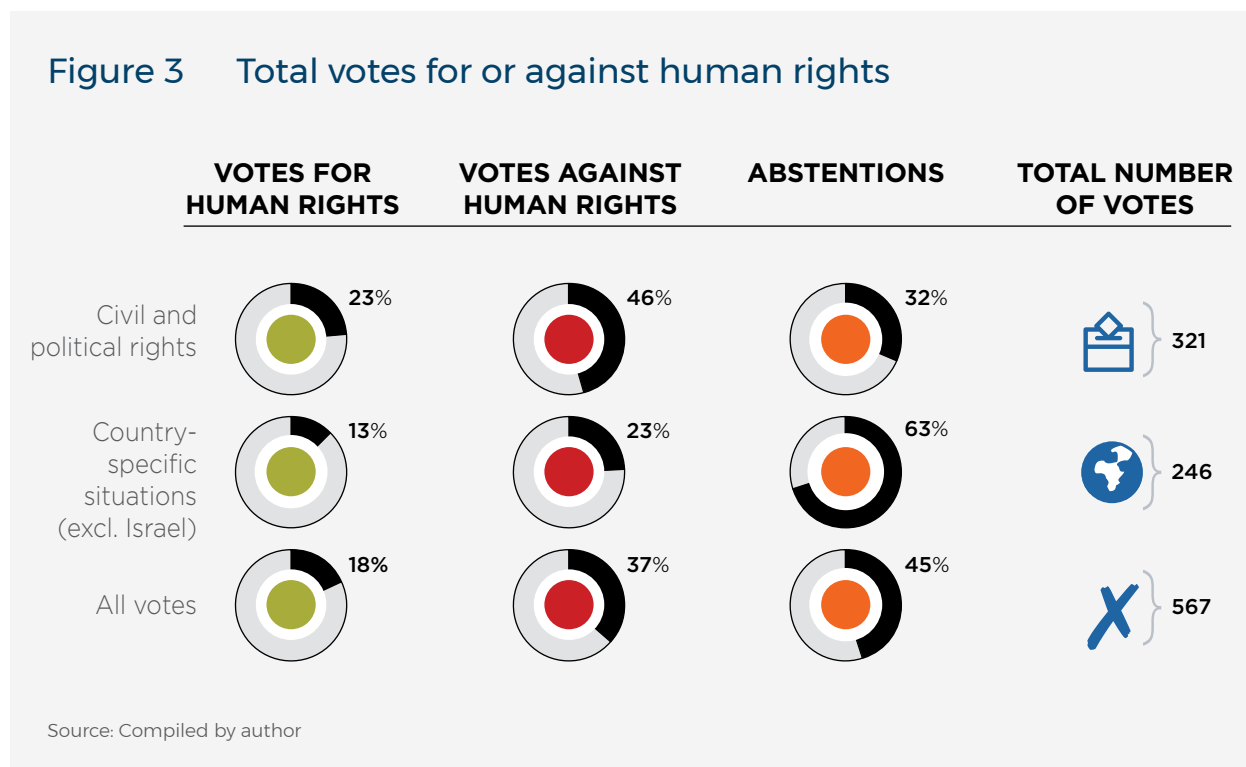


Key

	Strongly supportive of human rights		Overall record
	Mildly supportive of human rights		Country specific resolutions
	Unwilling to defend human rights		Resolutions on Israel
	Mildly against human rights		Civil and political rights
	Strongly against human rights		Women's rights
			Right to life

specific resolutions that received majority African support. As in recent years, in 2019 no African state achieved the categorisation of being generally ‘strongly supportive’ of human rights (Figure 3). Indeed, in 2019 only two African states had an overall positive record on human rights.

Figure 3 Total votes for or against human rights

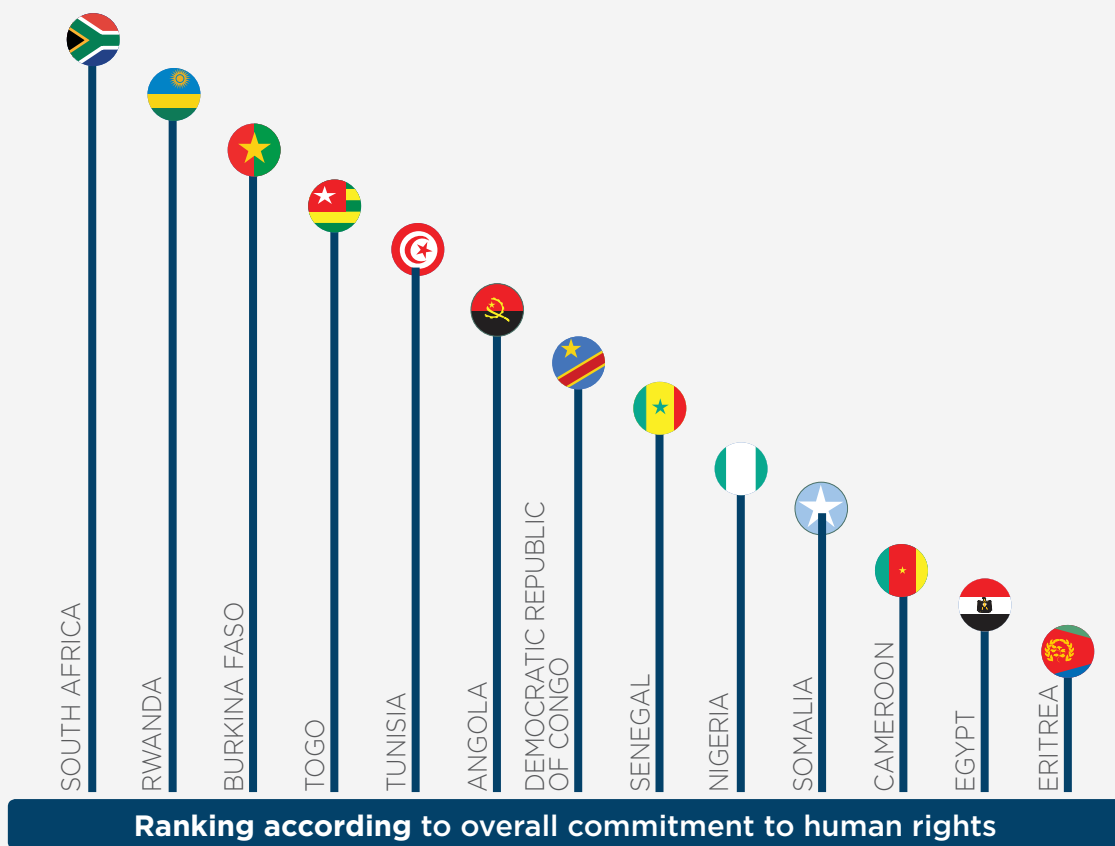


What about African positions on country-specific situations? The African colonial and postcolonial experience is in many ways a story of sovereignty denied. As a result, African states are often thought to be highly protective of the sovereignty principle,¹¹² which is seen as providing weak African states with a measure of protection against powerful actors. This supposed insistence on sovereignty leads us to expect that African states would oppose intrusive country-specific resolutions. Indeed, African states almost never sponsor or co-sponsor critical country-specific resolutions, except on Israel.¹¹³ The African Group frequently sponsors consensually adopted ‘technical assistance and capacity-building’ resolutions on other African states. These resolutions have the advantage of obtaining the consent of the African countries subject to such resolutions. While these resolutions pierce the sovereignty of the countries in question, they also function to forestall criticism and more invasive international scrutiny.

112 Christopher Clapham, *Africa and the International System: The Politics of State Survival* (Cambridge: Cambridge University Press, 1996).

113 One significant exception has been Morocco, a main sponsor of the regular resolution on the human rights situation in Syria.

Figure 4 Ranking according to overall commitment to human rights



Source: Compiled by author

Surprisingly, African states are not solidly opposed to intrusive country-specific resolutions. In 2019, as in previous years, the typical reaction of African states on country-specific votes was to abstain. In 2018 African states abstained on 72% of all country-specific votes. In 2019 this figure was 63%. Since 2017 African votes against the human rights options on country-specific situations have not averaged above 30% - in 2019, the figure was 24%. When African states do cast a yes or no vote on a country-specific situation, more tend to vote against such resolutions than for them. However, such opposition is not as substantial or as solid as it once was and is sometimes still thought to be. On none of the 2019 country-specific resolution votes did a majority of African states oppose the resolution. The strongest African opposition came to resolutions on other African states - five of the 13 African Group members voted against the resolution on Eritrea, while six voted against the Burundi resolution. And while African opposition to country-specific resolutions is not as substantial as it is sometimes thought to be, there does seem to be a drift away from support for such resolutions. On seven out of the 16 country-specific resolution votes not one African state supported addressing the human rights problems in a specific country. This reluctance is much different to the previous two years. In 2017 there were only two instances where no

African state took the strongest human rights position on a vote to adopt a country-specific resolution,¹¹⁴ while in 2018 there was none.

Figure 4 ranks the 2019 African members of the HRC according to their commitment to international human rights during this year. South Africa's position atop the African Group ranking is surprising. In 2017 and 2018 South Africa ranked in the bottom half of the African Group. Part of the reason for its strong 2019 performance is that there were no votes on resolutions that focused directly on the democratic process. South Africa has a history of opposing these resolutions.¹¹⁵ In 2019 the civil and political rights category was heavily weighted towards issues of discrimination, especially on the basis of gender and sexual orientation. South Africa has traditionally been a champion of these rights. While the make-up of the civil and political rights category in 2019 accommodated South Africa's traditional commitments, this does not fully account for its positive performance. In 2019 South Africa definitely shifted towards human rights. This can be seen from its votes for the country-specific resolutions on Myanmar, the Rohingya and Yemen. In 2018 South Africa had abstained on all three of these. Indeed, these three 2019 votes mark the first time since the creation of the HRC that South Africa voted in favour of an intrusive country-specific resolution other than on Israel.

During its first stint on the HRC, from 2006–2007, Tunisia had a regressive record, but following the Arab Spring and Tunisia's subsequent democratisation its record on the HRC improved markedly. Tunisia, which ranked first among African states in 2018, remained high in the rankings in 2019. In 2018 it was the only African country categorised as 'strongly supportive' of political freedoms. Its overall record in 2018 was 'mildly supportive' of human rights. In 2019, however, its overall record was 'unwilling to defend' human rights. Part of the reason is that in 2019 there were no votes on matters directly related to the democratic process, a cause that Tunisia has supported in recent years. It has remained steady in its reluctance to support country-specific resolutions and in its strong backing for women's rights. Its ambivalent, but overall negative, record on SOGI rights as well as its unwillingness to oppose the death penalty detracted from its 2019 record.

As in 2017 and 2018, Rwanda was among the top three African states in 2019. As during the previous years, it has a very strong record on women's rights. More distinctive perhaps, is Rwanda's consistent willingness – rare among African states – to support intrusive country-specific resolutions.

114 The first instance was an African Group-led effort to protect Burundi from international scrutiny. Twelve African states supported the resolution but Botswana deviated from the Group and abstained. The other example is a 45-1-1 vote on the DRC. In this case, the US had called for a vote because it felt the technical assistance resolution was not strong enough.

115 In 2017 South Africa's classification on 'political freedom' (this category captured voting on resolutions about human rights defenders and the theme of human rights, democracy and the law) was 'mildly against'. In 2018 South Africa's classification on 'political freedom' (this category captured voting on resolutions about civil society space, peaceful protest and equal political participation) was 'strongly against'. In addition, see Eduard Jordaan, "South Africa and Civil and Political Rights", *Global Governance* 25, no. 1 (2019), 171-197.

As in previous years, Nigeria proved to be an enemy of human rights. Its record of being strongly against women's rights and civil and political rights more generally is consistent with previous years. Of the 112 votes it cast on country situations and civil and political rights from 2017 to 2019, only eight were pro-human rights (five on Myanmar/Rohingya, two on racism in 2017, and one on Ukraine in 2017).

Like every year, Egypt ranks near the bottom. In fact, its votes in favour of resolutions on Myanmar – where Muslim minorities are the main victims of human rights violations – are a departure from its longstanding opposition to country-specific resolutions. Eritrea places last. Of the 45 votes covered in this report, Eritrea voted for the anti-human rights option on 41 occasions.

As with the previous years' reports, one significant implication arises. It concerns the relationship between a country's domestic human rights record and its performance on the HRC. The HRC, like its predecessor, has long been criticised for admitting rights violators as members.¹¹⁶ The fact that four 'not free' states occupy the four lowest rungs in the overall ranking of the African Group (Table 7), as well as the presence of the African Group's freest member at the top of the ranking, suggests that concerns about the election of rights-abusing states to the HRC are well founded. However, domestic respect for human rights is an unreliable predictor of HRC performance. 'Unfree' Rwanda's consistent support for human rights at the HRC is the principal reason for such a contrarian view. The positive records of 'partly free' Togo and Burkina Faso also show that there is often a disjuncture between domestic and international positions on human rights. While South Africa's actions on the HRC in 2019 were more reflective of the country's domestic support for human rights, this was the first year of the three years examined in this series of reports that its overall record on the HRC was positive.¹¹⁷ Indeed, South Africa has traditionally been a disruptive and destructive force on the HRC.¹¹⁸ Although the report did not examine this, a better predictor of anti-human rights behaviour seems to be past performance on the HRC, as well as being under, or in danger of coming under, an HRC investigative mandate.

116 Freedom House, "UN HRC Should Reject Election of Burundi, Ethiopia and Togo" (October 27, 2015).

117 Jordaan, *African States at the UN Human Rights Council in 2017*; Jordaan, *African States at the UN Human Rights Council in 2018*.

118 Eduard Jordaan, *South Africa and the UN Human Rights Council: The Fate of the Liberal Order* (London: Routledge, 2020).

METHODOLOGY AND DATA

This report categorises, ranks and evaluates the performance of African members of the HRC during their 2019 tenure. The purpose of this chapter is to demonstrate and explain the principles, calculations and choices behind these categorisations and rankings.

As in the 2018 report, and in contrast to the 2017 report, the 2019 report excludes from its calculations voting on Israel-related resolutions. The Israel resolutions are poor indicators of commitment to international human rights. Their inclusion would have distorted the results of this report and undermined its aim, namely to determine the commitment of African members of the HRC to international human rights. When, in this report, African countries' records on Israel are flagged, the principal reason for doing so is to contrast these records with their actions on other country-specific situations.

Tables 4 and 5 present the way African states voted on country-specific as well as civil and political right resolutions and proposed amendments.

TABLE 4 VOTES ON CIVIL AND POLITICAL RIGHTS RESOLUTIONS AND AMENDMENTS

Resolution title	Type	Vote count (yes-no-abstain)	Angola	Burkina Faso	Cameroon	DRC	Egypt	Eritrea	Nigeria	Rwanda	Senegal	Somalia	South Africa	Togo	Tunisia
Elimination of discrimination against women	Amend L37	15-25-6	A	A	Y	A	Y	Y	Y	N	Y	Y	N	A	N
Elimination of discrimination against women	Amend L41	13-27-6	A	A	Y	A	Y	Y	A	N	Y	Y	N	A	N
Elimination of discrimination against women	Amend L46	11-26-9	A	A	Y	A	Y	Y	A	N	Y	Y	N	A	N
Forced marriage	Amend L39	13-26-7	A	A	N	A	Y	Y	A	N	Y	A	N	A	N
Forced marriage	Amend L40	18-23-5	A	A	Y	Y	Y	Y	Y	N	Y	Y	N	Y	N
Forced marriage	Amend L42	14-25-7	A	A	Y	A	Y	Y	Y	N	Y	Y	N	A	N
Forced marriage	Amend L45	10-26-10	A	A	A	A	Y	Y	A	N	Y	Y	N	A	N
Forced marriage	Res 41/8	w/o													
Violence against women	Amend L38	14-27-5	N	N	Y	A	Y	Y	Y	N	Y	Y	N	A	N
Violence against women	Amend L43	10-28-8	N	N	A	A	Y	Y	A	N	Y	Y	N	A	N
Violence against women	Amend L44	15-25-6	A	N	Y	A	Y	Y	Y	N	Y	Y	N	A	N
Violence against women	Res 41/17	w/o													
SOGI	Amend L27	13-26-5	A	A	-	A	Y	Y	Y	N	Y	Y	N	Y	-
SOGI	Amend L28	14-25-5	A	A	-	A	Y	Y	Y	N	Y	Y	N	Y	-
SOGI	Amend L29	18-22-5	A	A	-	A	Y	Y	Y	A	Y	Y	N	Y	Y
SOGI	Amend L30	16-22-6	A	A	-	A	Y	Y	Y	A	Y	Y	N	Y	-
SOGI	Amend L31	15-24-5	A	A	-	A	Y	Y	Y	N	Y	Y	N	A	-
SOGI	Amend L32	15-24-5	A	A	-	A	Y	Y	Y	N	Y	Y	N	Y	-
SOGI	Amend L33	17-22-6	A	A	-	A	Y	Y	Y	A	Y	Y	N	Y	Y
SOGI	Amend L34	14-25-5	A	A	-	A	Y	Y	Y	N	Y	Y	N	Y	-
SOGI	Amend L35	15-26-4	A	A	-	A	Y	Y	Y	N	Y	Y	N	Y	Y
SOGI	Amend L36	17-22-6	A	A	-	A	Y	Y	Y	A	Y	Y	N	Y	Y
SOGI	Res 41/18	27-12-7	A	A	-	A	N	N	N	Y	A	N	Y	A	Y
Death penalty	Amend L39	19-23-4	A	N	Y	A	Y	Y	Y	Y	A	Y	N	N	Y
Death penalty	Amend L40	14-24-8	A	N	Y	A	Y	Y	A	N	A	Y	N	N	A
Death penalty	Amend L41	18-23-5	A	N	Y	A	Y	Y	Y	Y	A	Y	N	N	Y
Death penalty	Amend L46	18-23-5	A	N	Y	A	Y	Y	Y	Y	A	Y	N	N	A
Death Penalty	Res 42/24	26-14-6	Y	Y	N	A	N	A	A	Y	A	N	Y	Y	A

Key: Y = yes; N = no; A = abstain

Source: Compiled by author

TABLE 5 VOTES ON COUNTRY-SPECIFIC RESOLUTIONS AND AMENDMENTS

Resolution title	Type	Vote count (yes-no-abstain)	Angola	Burkina Faso	Cameroon	DRC	Egypt	Eritrea	Nigeria	Rwanda	Senegal	Somalia	South Africa	Togo	Tunisia
Nicaragua	Res 40/2	23-3-21	A	A	A	A	N	N	A	A	A	A	A	A	A
Syria	Res 40/17	28-5-14	A	Y	A	A	N	N	A	Y	A	A	A	Y	A
Iran	Res 40/18	22-7-18	A	A	A	A	A	N	A	A	A	A	A	A	A
Accountability in OPT	Res 40/13	23-8-15	Y	Y	-	A	Y	Y	Y	A	Y	Y	Y	A	Y
Syrian Golan	Res 40/21	26-16-5	Y	Y	A	A	Y	Y	Y	A	Y	A	Y	N	Y
Palestinian self-determination	Res 40/22	41-3-2	Y	Y	A	A	Y	Y	Y	Y	Y	Y	Y	Y	Y
Human rights in OPT	Res 40/23	39-3-5	Y	Y	A	A	Y	Y	Y	A	Y	Y	Y	A	Y
Israeli settlements	Res 40/24	32-5-10	Y	Y	A	A	Y	Y	Y	A	Y	Y	Y	N	Y
Georgia	Res 40/28	19-3-25	A	A	A	A	A	A	A	A	A	A	A	Y	A
Myanmar	Res 40/29	37-3-7	A	Y	A	A	Y	Y	Y	Y	A	Y	Y	Y	Y
Eritrea	On par 2	22-13-12	A	A	N	N	N	N	A	A	A	N	A	A	A
Eritrea	On par 3	22-13-12	A	A	N	N	N	N	A	A	A	N	A	A	A
Eritrea	On par 4	22-13-12	A	A	N	N	N	N	A	A	A	N	A	A	A
Eritrea	Res 41/1	21-13-13	A	N	N	A	N	N	A	A	A	N	A	A	A
Philippines	Res 41/2	18-14-15	N	A	N	A	N	N	A	A	A	N	A	A	A
Belarus	Res 41/22	20-6-21	A	A	A	A	N	N	A	A	A	A	A	A	A
Syria	Res 41/23	26-7-14	A	A	A	A	N	N	A	Y	A	N	A	Y	A
Ukraine	Res 41/25	20-5-22	A	A	N	A	A	N	A	Y	A	A	A	A	A
Yemen, human rights situation in	Res 42/2	22-12-11	A	N	A	A	N	N	A	A	A	N	Y	A	A
Rohingya, situation of	Res 42/3	37-2-7	A	Y	A	A	Y	Y	Y	Y	Y	Y	Y	Y	Y
Venezuela, strengthening cooperation (item 10)	Res 42/4	18-6-23	Y	Y	Y	A	Y	Y	A	Y	A	A	Y	A	Y
Venezuela, situation of human rights (item 4)	Res 42/25	19-7-21	A	A	N	A	N	N	A	A	A	A	A	A	A
Burundi	Res 42/26	23-11-13	A	A	N	N	N	N	A	Y	A	N	A	N	A
Syria	Res 42/27	27-6-13	A	A	-	A	N	N	A	Y	A	Y	A	Y	A

Key: Y = yes; N = no; A = abstain

Source: Compiled by author

The votes in tables 4 and 5 were converted into scores in the following way (see also tables 6 and 7): With each vote, there are three options: yes, no, abstain. Abstentions were given a score of one. The most pro-human rights option (sometimes a yes vote, sometimes a no) were assigned a score of two. The least pro-human rights option was scored as zero. Absences were not scored.

TABLE 6 SCORING OF VOTES ON CIVIL AND POLITICAL RIGHTS RESOLUTIONS AND AMENDMENTS

Resolution title	Type	Vote count (yes-no-abstain)	Angola	Burkina Faso	Cameroon	DRC	Egypt	Eritrea	Nigeria	Rwanda	Senegal	Somalia	South Africa	Togo	Tunisia
Elimination of discrimination against women	Amend L37	15-25-6	1	1	0	1	0	0	0	2	0	0	2	1	2
Elimination of discrimination against women	Amend L41	13-27-6	1	1	0	1	0	0	1	2	0	0	2	1	2
Elimination of discrimination against women	Amend L46	11-26-9	1	1	0	1	0	0	1	2	0	0	2	1	2
Elimination of discrimination against women	Res 41/6	w/o													
Forced marriage	Amend L39	13-26-7	1	1	2	1	0	0	1	2	0	1	2	1	2
Forced marriage	Amend L40	18-23-5	1	1	0	0	0	0	0	2	0	0	2	0	2
Forced marriage	Amend L42	14-25-7	1	1	0	1	0	0	0	2	0	0	2	1	2
Forced marriage	Amend L45	10-26-10	1	1	1	1	0	0	1	2	0	0	2	1	2
Violence against women	Amend L38	14-27-5	2	2	0	1	0	0	0	2	0	0	2	1	2
Violence against women	Amend L43	10-28-8	2	2	1	1	0	0	1	2	0	0	2	1	2
Violence against women	Amend L44	15-25-6	1	2	0	1	0	0	0	2	0	0	2	1	2
SOGI	Amend L27	13-26-5	1	1	-	1	0	0	0	2	0	0	2	0	-
SOGI	Amend L28	14-25-5	1	1	-	1	0	0	0	2	0	0	2	0	-
SOGI	Amend L29	18-22-5	1	1	-	1	0	0	0	1	0	0	2	0	0
SOGI	Amend L30	16-22-6	1	1	-	1	0	0	0	1	0	0	2	0	-
SOGI	Amend L31	15-24-5	1	1	-	1	0	0	0	2	0	0	2	1	-
SOGI	Amend L32	15-24-5	1	1	-	1	0	0	0	2	0	0	2	0	-
SOGI	Amend L33	17-22-6	1	1	-	1	0	0	0	1	0	0	2	0	0
SOGI	Amend L34	14-25-5	1	1	-	1	0	0	0	2	0	0	2	0	-
SOGI	Amend L35	15-26-4	1	1	-	1	0	0	0	2	0	0	2	0	0
SOGI	Amend L36	17-22-6	1	1	-	1	0	0	0	1	0	0	2	0	0
SOGI	Res 41/18	27-12-7	1	1	-	1	0	0	0	2	1	0	2	1	2
Death penalty	Amend L39	19-23-4	1	2	0	1	0	0	0	0	1	0	2	2	0
Death penalty	Amend L40	14-24-8	1	2	0	1	0	0	1	2	1	0	2	2	1
Death penalty	Amend L41	18-23-5	1	2	0	1	0	0	0	0	1	0	2	2	0
Death penalty	Amend L46	18-23-5	1	2	0	1	0	0	0	0	1	0	2	2	1
Death Penalty	Res 42/24	26-14-6	2	2	0	1	0	1	1	2	1	0	2	2	1

Key: 2 = vote in support of human rights; 0 = vote against human rights; 1 = abstention

Source: Compiled by author

TABLE 7 SCORING THE VOTES ON COUNTRY-SPECIFIC RESOLUTIONS AND AMENDMENTS

Resolution title	Type	Vote count (yes-no-abstain)	Angola	Burkina Faso	Cameroon	DRC	Egypt	Eritrea	Nigeria	Rwanda	Senegal	Somalia	South Africa	Togo	Tunisia
Nicaragua	Res 40/2	23-3-21	1	1	1	1	0	0	1	1	1	1	1	1	1
Syria	Res 40/17	28-5-14	1	2	1	1	0	0	1	2	1	1	1	2	1
Iran	Res 40/18	22-7-18	1	1	1	1	1	0	1	1	1	1	1	1	1
Accountability in OPT	Res 40/13	23-8-15	2	2	-	1	2	2	2	1	2	2	2	1	2
Syrian Golan	Res 40/21	26-16-5	2	2	1	1	2	2	2	1	2	1	2	0	2
Palestinian self-determination	Res 40/22	41-3-2	2	2	1	1	2	2	2	2	2	2	2	2	2
Human rights in OPT	Res 40/23	39-3-5	2	2	1	1	2	2	2	1	2	2	2	1	2
Israeli settlements	Res 40/24	32-5-10	2	2	1	1	2	2	2	1	2	2	2	0	2
Georgia	Res 40/28	19-3-25	1	1	1	1	1	1	1	1	1	1	1	2	1
Myanmar	Res 40/29	37-3-7	1	2	1	1	2	2	2	2	1	2	2	2	2
Eritrea	On par 2	22-13-12	1	1	0	0	0	0	1	1	1	0	1	1	1
Eritrea	On par 3	22-13-12	1	1	0	0	0	0	1	1	1	0	1	1	1
Eritrea	On par 4	22-13-12	1	1	0	0	0	0	1	1	1	0	1	1	1
Eritrea	Res 41/1	21-13-13	1	0	0	1	0	0	1	1	1	0	1	1	1
Philippines	Res 41/2	18-14-15	0	1	0	1	0	0	1	1	1	0	1	1	1
Belarus	Res 41/22	20-6-21	1	1	1	1	0	0	1	1	1	1	1	1	1
Syria	Res 41/23	26-7-14	1	1	1	1	0	0	1	2	1	0	1	2	1
Ukraine	Res 41/25	20-5-22	1	1	0	1	1	0	1	2	1	1	1	1	1
Yemen, human rights situation in	Res 42/2	22-12-11	1	0	1	1	0	0	1	1	1	0	2	1	1
Rohingya, situation of	Res 42/3	37-2-7	1	2	1	1	2	2	2	2	2	2	2	2	2
Venezuela, strengthening coop	Res 42/4	18-6-23	0	0	0	1	0	0	1	0	1	1	0	1	0
Venezuela, situation of	Res 42/25	19-7-21	1	1	0	1	0	0	1	1	1	1	1	1	1
Burundi	Res 42/26	23-11-13	1	1	0	0	0	0	1	2	1	0	1	0	1
Syria	Res 42/27	27-6-13	1	1	-	1	0	0	1	2	1	2	1	2	1

Key: 2 = vote in support of human rights; 0 = vote against human rights; 1 = abstention

Source: Compiled by author

To prevent the numerous votes on, for example, Eritrea reducing the significance of single votes on, for example, Iran or Belarus, the next step was to work out a country’s average on a particular issue so as to give each issue equal weight. To do this, the various vote scores per issue were tallied and divided by the number of votes on this issue to yield a score from 0 and 2. For example, there were four votes related to Eritrea: one on the resolution and three on specific parts of the resolution. The resolution and amendment votes were given the same weight. Assuming a country participated in all four Eritrea votes, the sum of

four vote scores is divided by four. For example, the DRC support three anti-human rights amendments to the Eritrea resolution (earning zero on each), while abstaining on the resolution vote (earning one): $(0+1) \div 4 =$ an Eritrea issue score of 0.25. In an instance where a country missed a vote, the denominator is adjusted accordingly. For instance, Tunisia missed six of the 11 SOGI votes. Its issue score is therefore the sum of the five votes it did cast divided by five.

The following issue areas had multiple votes and were compressed into a single score between zero and two: Eritrea (one resolution vote and three amendment votes), Israel (five resolution votes), Myanmar (two resolution votes), Syria (three resolution votes), Venezuela (two resolution votes), women’s rights (three amendment votes related to the resolution on discrimination against women, three amendment votes related to the resolution on discrimination against women, and four amendment votes related to the resolution on forced marriage), SOGI (one vote on the resolution and 10 on amendments to the resolution), and the death penalty (one vote on the resolution and four on amendments to the resolution). A score of 2 per issue is the highest possible and reflects the strongest possible commitment to human rights, 0 per issue is the lowest possible score and reflects the strongest possible antagonism towards human rights. Tables 8 and 9 give the issue scores.

TABLE 8 ISSUE SCORES: CIVIL AND POLITICAL RIGHTS													
Issue	Angola	Burkina Faso	Cameroon	DRC	Egypt	Eritrea	Nigeria	Rwanda	Senegal	Somalia	South Africa	Togo	Tunisia
Women’s rights	1.2	1.3	0.4	0.9	0	0	0.5	2	0	0.1	2	0.9	2
SOGI rights	1	1	-	1	0	0	0	1.6	0.1	0	2	0.2	0.4
Right to life (death penalty)	1.2	2	0	1	0	0.2	0.4	0.8	1	0	2	2	0.6
Civil and political rights (average of the above)	1.13	1.43	0.2	0.97	0	0.07	0.3	1.47	0.37	0.03	2	1.03	1

Source: Compiled by author

Country in question	Angola	Burkina Faso	Cameroon	DRC	Egypt	Eritrea	Nigeria	Rwanda	Senegal	Somalia	South Africa	Togo	Tunisia
Nicaragua	1	1	1	1	0	0	1	1	1	1	1	1	1
Syria	1	1.3	1	1	0	0	1	2	1	1	1	2	1
Iran	1	1	1	1	1	0	1	1	1	1	1	1	1
Georgia	1	1	1	1	1	1	1	1	1	1	1	2	1
Eritrea	1	0.8	0	0.3	0	0	1	1	1	0	1	1	1
Philippines	0	1	0	1	0	0	1	1	1	0	1	1	1
Belarus	1	1	1	1	0	0	1	1	1	1	1	1	1
Ukraine	1	1	0	1	1	0	1	2	1	1	1	1	1
Yemen	1	0	1	1	0	0	1	1	1	0	2	1	1
Myanmar	1	2	1	1	2	2	2	2	1.5	2	2	2	2
Venezuela	0.5	0.5	0	1	0	0	1	0.5	1	1	0.5	1	0.5
Burundi	1	1	0	0	0	0	1	2	1	0	1	0	1
Commitment to addressing country-specific situations (average of the above)	0.875	0.97	0.58	0.858	0.416	0.25	1.083	1.291	1.0416	0.75	1.125	1.167	1.0416

Source: Compiled by author

African Group members' positions on three thematic issues and 12 country-specific situations (see Table 9) were whittled down to a score intended to convey the commitment of African Group members to civil and political rights and to addressing human rights problems in specific countries (Israel excluded). The next step is to calculate a score for a country's overall commitment to human rights (Table 10). In calculating the overall score, country-specific situations and civil and political rights are given the same weight.

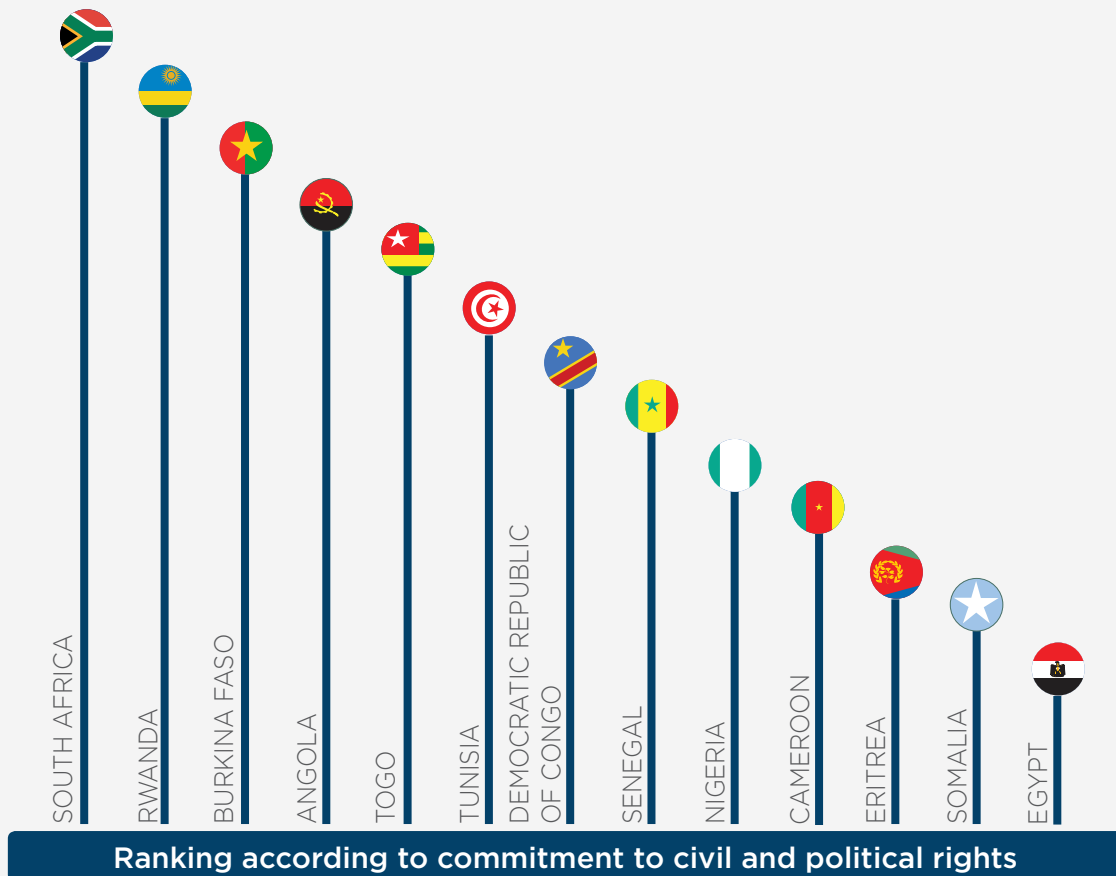
	Angola	Burkina Faso	Cameroon	DRC	Egypt	Eritrea	Nigeria	Rwanda	Senegal	Somalia	South Africa	Togo	Tunisia
Country situations (out of 2)	0.875	0.97	0.58	0.858	0.416	0.25	1.083	1.291	1.0416	0.75	1.125	1.167	1.0416
Civil and political rights (out of 2)	1.13	1.43	0.2	0.97	0	0.07	0.3	1.47	0.37	0.03	2	1.033	1
Total (out of 4)	2.01	2.40	0.68	1.83	0.42	0.32	1.38	2.76	1.41	0.78	3.13	2.20	2.04

Source: Compiled by author

The scores in Table 10 allow us to rank African Group members of the HRC in 2018 in terms of their overall commitment to human rights (Figure 5).

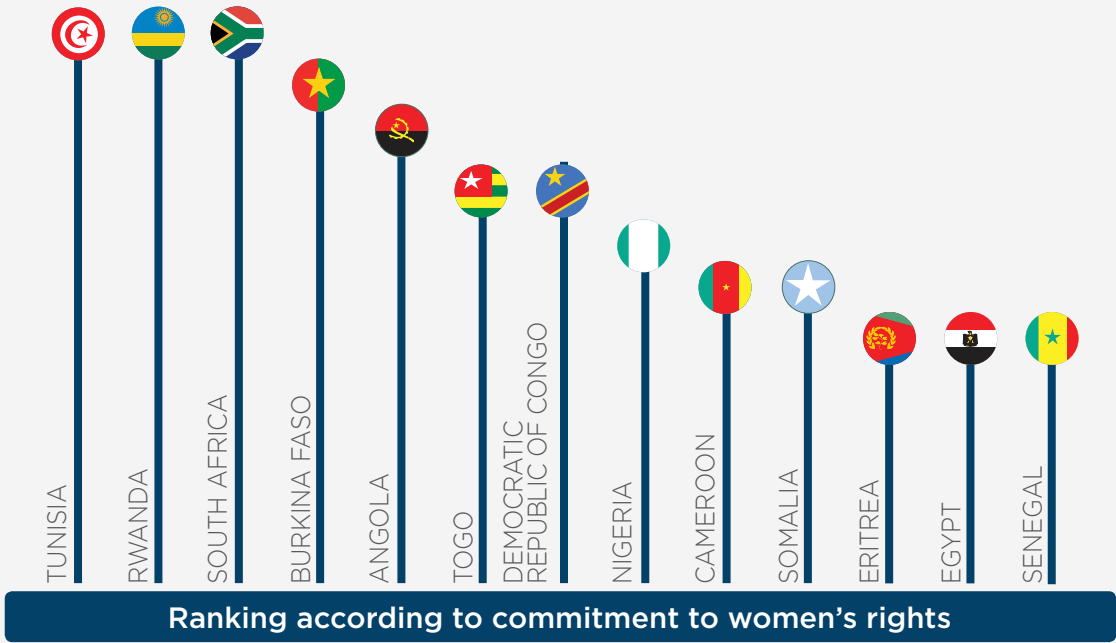
In addition, it is possible to rank African Group members on various other issues, as is presented in Table 15.

Figure 5 Ranking according to commitment to civil and political rights



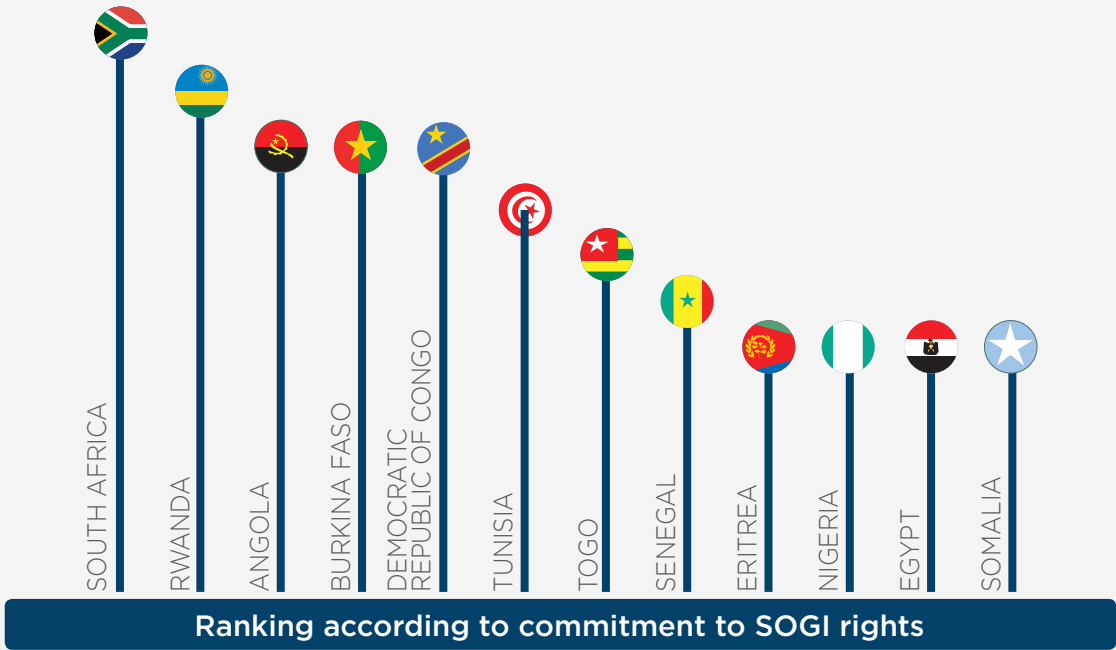
Source: Compiled by author

Figure 6 Ranking according to commitment to women’s rights



Source: Compiled by author

Figure 7 Ranking according to commitment to SOGI rights*



* Cameroon did not vote on SOGI issues

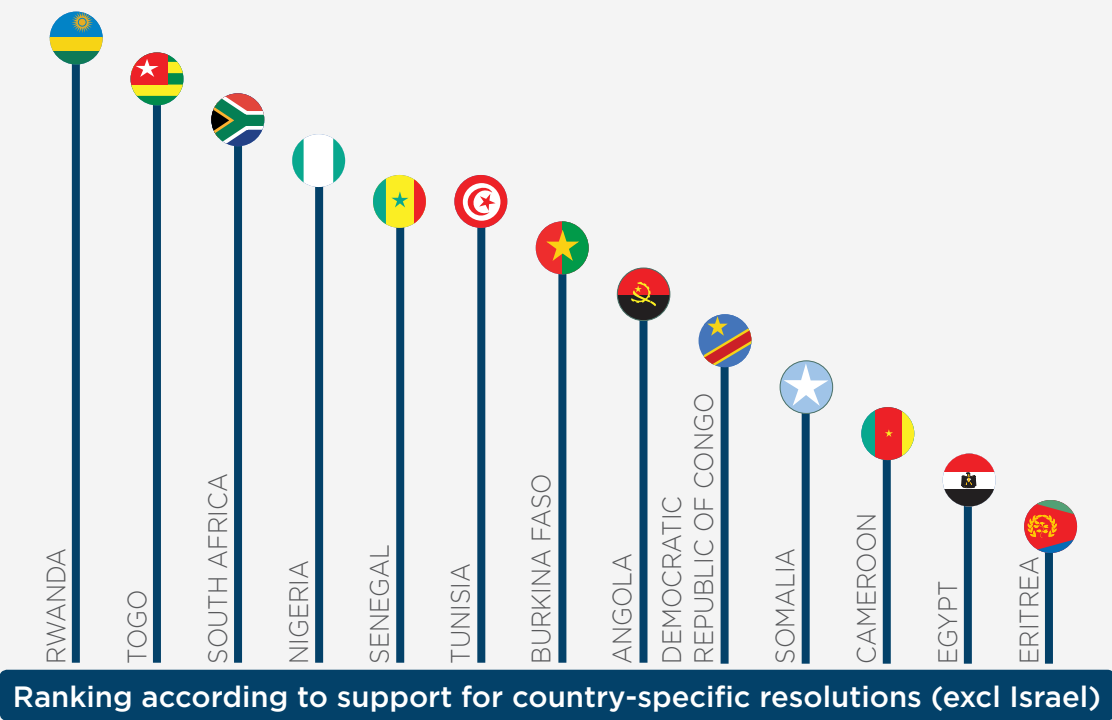
Source: Compiled by author

Figure 8 Ranking according to commitment to the right to life/ opposition to the death penalty



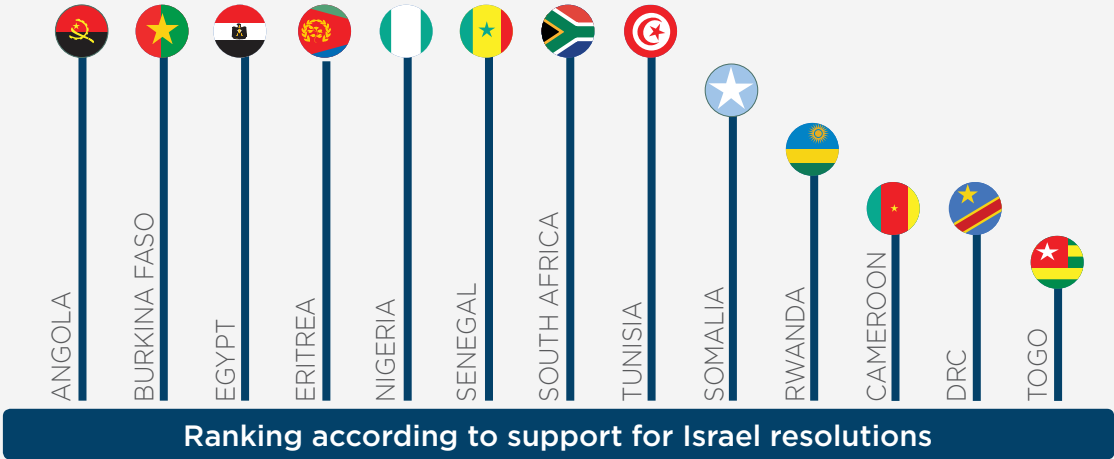
Source: Compiled by author

Figure 9 Ranking according to support for country-specific resolutions (excluding Israel)



Source: Compiled by author






Figure 10 Ranking according to support for Israel resolutions



Source: Compiled by author

Table 11 summarises the strength of African Group members’ commitment to various aspects of human rights.

TABLE 11 SUMMARY OF AFRICAN HRC MEMBERS' LEVELS OF COMMITMENT TO HUMAN RIGHTS ON VARIOUS ISSUES

	Overall	Civil and political rights	Women's rights	Sexual Orientation and Gender Identity	Right to Life	Country-specific Situations	Israel resolutions
 Angola	★★★★	★★★★	★★★★	★★★★	★★★★	★★★★	★★★★
 Burkina Faso	★★★★	★★★	★★★	★★★★	★★★★	★★★★	★★★★
 Cameroon	★	★	★	-	★	★★	★★★★
 DRC	★★★★	★★★★	★★★★	★★★★	★★★★	★★★★	★★★★
 Egypt	★	★	★	★	★	★★	★★★★
 Eritrea	★	★	★	★	★	★	★★★★
 Nigeria	★★	★	★★	★	★	★★★★	★★★★
 Rwanda	★★★	★★★	★★★★	★★★	★★	★★★	★★★★
 Senegal	★★	★	★	★	★★★★	★★★★	★★★★
 Somalia	★	★	★	★	★	★★	★★★★
 South Africa	★★★	★★★★	★★★★	★★★★	★★★★	★★★★	★★★★
 Togo	★★★★	★★★★	★★★★	★	★★★★	★★★★	★★
 Tunisia	★★★★	★★★★	★★★★	★	★★	★★★★	★★★★



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