



Keeping the Momentum

One Year in the Life of the UN Human Rights Council

HUMAN
RIGHTS
WATCH



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Summary

“A new dawn has come. Rules of the game have changed. Those who do not embrace it will be swept away.”

– *Ambassador Zamir Akram of Pakistan on the significance of the Arab Spring. Statement delivered on behalf of the Organization of the Islamic Conference during the Human Rights Council special session on Libya, February 25, 2011.*

On February 25, 2011, the United Nations Human Rights Council convened a special session in response to the violent repression of peaceful demonstrations in Libya. The Council unanimously decided to urgently dispatch an international commission of inquiry to investigate violations and recommended that the UN General Assembly consider suspending Libya’s membership to the Council—which it did on March 1.

Five years after its creation, the Council’s action on Libya was the first of several recent bold steps in response to human rights crises across the globe. Within one year, the Council initiated international investigations in Côte d’Ivoire and Syria, as well as Libya, appointed an expert to report on the Iranian human rights situation, and spoke out after years of silence on abuses in Belarus. This report examines the substantial change that took place in the Council from July 2010 until June 2011. It gives an overview of the main achievements of the Council during that period and also considers areas in which the Council failed to respond.

The report looks at the performance of the most influential delegations in the Council. It analyzes how the behavior of these states affected the Council’s ability to effectively perform its mandate to promote and protect human rights worldwide.

During the period covered by this report, it was the work and determination of a number of key delegations that allowed the Council to move towards more effective implementation of its mandate in places like Côte d’Ivoire, Iran, and Belarus. Prior to this, the Council had failed to respond to a large majority of new human rights emergencies or chronic situations of violations of human rights that needed its attention.

The countries that made the critical difference during this period came from different regions of the world. They worked both collectively and in parallel to ensure that the Council’s mandate to address and prevent situations of violations was fulfilled more

rigorously, recognizing the Council's inaction of the past. Among the delegations that had the most impact in this regard were: Argentina, Brazil, Chile, Maldives, Mexico, the United States, and Zambia. These delegations were joined by states such as France, Japan, Jordan, Mauritius, Senegal, the United Kingdom, and Uruguay that also played a significant role in mobilizing the Council to respond to victims' needs around the world.

The Council's work was most effective when cross-regional groups of states worked together to come up with initiatives aimed at advancing human rights. This helped to avoid polarization of the debate, and allowed the Council to focus on solutions rather than rivalries or opposing views of human rights. But some countries were less eager to contribute positively to these efforts and particularly resisted attempts to make the Council respond more effectively to what are referred to as "situations of violations." China, Cuba, and Russia in particular systematically voted to reject any action of the Council that they deemed too critical of a state, or that was not supported by the state in question. They argued that the Council should be a forum where states meet to discuss human rights issues cooperatively without what they considered to be interfering in the domestic affairs of others.

While the number of states that engaged positively at the Council improved, too few states were willing to translate their support for action at the Council by taking on and leading needed initiatives. This had a doubly negative effect, in that it restricted the number of situations to which the Council could effectively respond, and it opened the Council up to charges of selectivity when the small group of states that did show initiative chose to act on the situations they preferred, leaving some egregious situations without a response.

This report also examines developments, both positive and negative, in the Council's work in key thematic areas, such as women's rights and freedom of religion. It addresses how some states played key roles in advancing human rights in thematic areas, while engagement by other states in these debates threatened existing standards.

The report confirms that states were most successful in creating new thematic mechanisms, such as the mandate for the new special rapporteur on freedom of association and assembly, when they worked collaboratively and cross regionally with other states. It also documents how deadlocks on difficult thematic issues were broken through when states showed sufficient political will and flexibility. The willingness of Pakistan and the Organization of the Islamic Conference (OIC) to work to find a new consensual approach to replace the "defamation of religions" resolution was a case in point, as was South Africa's decision to champion the first-ever initiative on human rights, sexual orientation, and gender identity.

The development of the Council's more assertive and effective approach took place almost in parallel to the Arab Spring—the pro-democracy uprisings that began in Tunisia in December 2010 and quickly spread throughout the Arab world. But like many processes of change, it is still too early to judge whether these improvements are durable or whether old behaviors will reemerge. This report examines how the Council's progress can be locked in, and other unhelpful entrenched practices at the Council can be addressed.

More will need to be done in the Council to combat selectivity—inconsistency in actions by states usually for political reasons. In this respect, countries able to exercise more leadership in the Council should step up to the challenge to ensure that a broader and more diverse range of situations are addressed by the body. The application of double standards by any state undermines the effectiveness of the Council and should be criticized. But equally deplorable is the idea that the Council should stop responding to violations altogether because of complaints that in taking up any particular situation, it is being selective.

The Council's membership will be significantly altered in September 2011, with a number of influential states rotating off and others joining. The Council's new members will have the choice of embracing the dynamics inherited from the Council's successful fifth year or going back to a more complacent approach—particularly in response to situations of violations. They will have the responsibility of joining other states who have already committed themselves to implementing the full scope of its mandate as a matter of principle, or standing back and questioning even the basic purpose of the body. The actions of new member states, such as Benin, Botswana, Costa Rica, India, Indonesia, Italy, and Peru, may define the Council's legacy during this period, as will the determination of others to keep improving on the gains of the past year and remedying the problems.

In particular, new member states should be willing to look critically at the motives of states that challenge the Council's mandate to respond to situations of violations. Countries that have themselves come out of dark periods of human rights abuse and are embracing democracy should not accept the argument that the Council should avoid addressing country situations, especially when that argument comes from states that have few freedoms or independent institutions, repressed or nonexistent civil societies, and may be motivated to oppose such actions for political gain. States that are distancing themselves from a domestic history of repression, whether they are new or old members of the Council, should also distance themselves from an international approach that puts state sovereignty and politics before victims of abuse and human rights protections. Particularly because of their past, states such as Nigeria, Indonesia, and Peru should choose to

support and implement the Council's mandate to respond to situations of serious human rights violations, not shy away from it.

It is the collective effort of states from all regions that will make the difference in the lives of those suffering from human rights violations. Victims of abuses need the Council to look into and monitor their situations, and to advocate for their protection when their rights are violated by their own governments. Embattled human rights defenders need the support for their work that international attention can provide. This is the heart of the Council's mission. It is during the most difficult times that victims and human rights defenders will look to the Council, and when the Council needs to be prepared and ready to respond. No regional group or state alone can define the direction that the Council will take, but the Council's collective response will be shaped by the individual action of its members. This report shows how the will and commitment of a few states has helped the Council to take on a more active role that has improved human rights on the ground. The commitment of each state can help ensure that the progress that was made during the Council's fifth year will continue, to the benefit of those facing human rights violations worldwide.

Recommendations

Improving States' Performance at the Human Rights Council

- States elected to the Human Rights Council should commit to fully implementing the Council's mandate, including its responsibility to address and prevent violations, and respond promptly to emergencies.
- States that have a policy of opposing action on country-specific situations as a matter of routine rather than on an objective assessment of the facts should modify their approach because it is contrary to the Council's explicit mandate to address violations and respond promptly to emergencies.
- States that oppose Council action based on opposition by the state concerned should revise their approach, as the Council's mandate is not conditional on the approval of the concerned state, and states that are particularly obstructionist are often those in which the Council's engagement is most warranted.
- States' actions at the Council should be based on an objective assessment of the human rights situation at hand and on the merits of the case, rather than political or other considerations, to contribute to a less selective approach in the Council.
- States should work to ensure that the Council's efforts are complementary to domestic and regional initiatives, but the Council's mandate does not require it to exhaust domestic and regional remedies to take action.
- States should ensure that their positions are consistent with international human rights law, and should commit to use the expertise of treaty bodies, OHCHR, and the special procedures in this connection.
- States identified in this report as having a strong voting record and a non-selective approach should take greater leadership roles at the Council.
- States that are overcoming a past of human rights abuses should bring their experience to bear at the Council in a manner that better supports those currently facing serious human rights violations.

Strengthening the Work Environment and Methods of the Council

- The Council should continue to innovate and diversify the tools it uses to respond to country-specific situations. The aim should be to identify the most effective response to a given situation taking into account the added value of the Council, the protection needs of victims of abuses and those at risk, and the importance of accountability.
- The Council should address the concerns identified in this report with regards to the selectivity by supporting:

- The creation of a special rapporteur mandate on Afghanistan;
 - The establishment of an independent international investigation into the violations by all parties during the final months of the Sri Lankan armed conflict;
 - Prompt action on the situation in Bahrain.
- The Council should streamline the number of resolutions it considers each year on the situation in Israel and the Occupied Palestinian Territories (OPT), while also expanding its work on other situations that warrant the Council’s attention. Efforts should also be made to ensure that resolutions put forward on the situation fully reflect the responsibility of all parties to the conflict, not Israel alone.
- States should stop giving the situation in Israel and the OPT exceptional treatment—whether it takes the form of exclusive support for, or systematic opposition to, any Council action on this situation.
- The Council should identify measures by which it can enhance the provision of technical cooperation to states that are genuinely willing to confront their human rights problems with the aid of the international system.
- For the Council to adopt a more cooperative approach vis-à-vis a particular state responsible for serious or chronic human rights violations, the state concerned should first demonstrate a genuine commitment to cooperation. The state concerned should meet at least three conditions:
 - Allow unhindered access, including in situ, to information on alleged violations by independent observers;
 - Acknowledge the need to address all allegations of violations that are the source of the Council’s concern; and
 - Demonstrate a commitment to remedy past and prevent future violations through concrete steps and including the assistance of the Council.
- States should continue to consider measures that could enhance the Council’s effective implementation of its mandate, including continuing to discuss innovative formats such as briefings, responding to calls of action to the Council from independent bodies, and enhancing cooperation with special procedures.
- In order to enhance the quality of the membership of the Council, all regional groups should abandon “clean slates” and promote competitive elections to the Council.

Methodology

This report examines the performance of the Human Rights Council during the fifth year since it was established, from July 2010 through June 2011. It analyzes the main positive and negative developments of the Council in three key areas:

1. Responses to situations of violations and emergencies (“country situations”¹)
2. Engagement on thematic human rights issues
3. Institutional developments

The report reviews the full response of the Council to country situations, taking into account the 26 resolutions and decisions that were adopted during the past year in response to such situations around the world. It identifies the main outcome of those decisions and their significance. It also examines three situations that Human Rights Watch made a priority at the Council (Bahrain, Sri Lanka, and Afghanistan) as case studies of country situations in which the Council failed to react. Lastly, the report discusses the Council’s approach to the situation of Israel and the OPT, which is a standing item on the Council’s agenda and is discussed at each session.

Regarding thematic issues, Human Rights Watch focused its analysis on the thematic areas on which it worked during the last year and on which there were significant new developments at the Council, including:

- Maternal mortality
- Women’s rights
- Health and human rights
- Freedom of association
- Defamation of religion
- Traditional values
- Sexual orientation and gender identity
- Business and human rights

In the second part of this report, Human Rights Watch analyzes the performance of the most influential states in the Council. We have chosen the states that had the most

¹The term “country situation” is used in this report to refer to all situations of human rights violations, including those that highlight a particular region of a country (e.g. Darfur), places that are recognized by some as states but that are not UN member states (Kosovo), and territories with unique legal status (e.g. Guantanamo).

significant roles in affecting the course of action of the Council in relation to the three priority areas listed above, taking into account all regions, as well as member and non-member states.

Human Rights Watch based its assessment of the performance of those states on their voting records, positions adopted, and statements made at the Council. The research was done by reviewing the official records, UN webcast, and written archives of the Council during this period, as well as from notes taken during informal negotiations and face-to-face meetings with states. Human Rights Watch also took into consideration the degree to which these states were loyal to the mandate of the Council as established in Resolution 60/251 of the UN General Assembly.

A full list of the voting record of all member states in the Council used for this report is found in Appendix 3 of the report.

For the purposes of this research, Human Rights Watch did not take into account the position of member states in relation to the Universal Periodic Review (UPR), the innovative peer review mechanism created when the Human Rights Council was established in 2006, whereby the human rights records of all 192 UN member states are examined once every four years.

A Year in the Life of the Human Rights Council: Achievements and Challenges

Progress in Responding to Country Situations

During the fifth year since its creation by the UN General Assembly in 2006, the Human Rights Council made substantial progress in responding to human rights emergencies around the world. The Council showed its ability to act promptly and firmly to a range of human rights crises, substantially increasing the overall number of country situations with which it was dealing. The Council tailored its response to the new situations on which it engaged, using various tools and approaches.

The Council's engagement in eight country situations illustrates this progress.

Iran: New Special Rapporteur

Action taken: In March 2011 the Council decided to appoint a special rapporteur on the situation of human rights in Iran.²

Significance: This new post allows for monitoring of the situation in Iran on a day-to-day basis, and the mandate-holder will be able to raise concerns about human rights violations both privately with Iranian authorities and publicly through the Council, the media, and its reporting function. The establishment of the expert mandate sent a strong message to the Iranian government that the crackdown on rights had gone too far and was adopted partly in response to Iran's lack of cooperation with thematic experts of the Council, which have not been allowed to visit the country since 2005.³

Next steps: Ahmed Shaheed, former foreign minister of the Maldives, was appointed Special Rapporteur on Iran in June 2011. Shaheed will present his first report to the Council

² UN Human Rights Council, "Situation of human rights in the Islamic Republic of Iran," March 24, 2011, Resolution 16/9, A/HRC/RES/16/9.

³ OHCHR, "Country and other visits by Special Procedures Mandate Holders since 1998 - F-M,"

<http://www2.ohchr.org/english/bodies/chr/special/countryvisitsf-m.htm#iran> (accessed July 7, 2011). Requests from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2005, 2007, and 2010), the Special Rapporteur on the independence of judges and lawyers (2006 and 2011), the Independent Expert on minority issues (2008), the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (2010), and the Special Rapporteur on the right to food (2011) have not yet received any answer from the government of Iran. Requests from the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on freedom of religion or belief have been agreed upon in principle, but no date for the visits has been set.

in March 2012 and will present an interim report on the human rights situation in Iran to the UN General Assembly at its 66th session in late 2011.

Côte d'Ivoire: Establishment of a Commission of Inquiry and a New Independent Expert Mandate

Action taken: Reacting swiftly to the human rights crisis in Côte d'Ivoire, the Council convened a special session on the situation on December 23, 2010, and mandated the Office of the High Commissioner for Human Rights (OHCHR) to monitor the situation and report back to it.⁴ In March 2011 the Council took further action by creating an independent international commission of inquiry to investigate violations committed in the aftermath of the November 2010 elections.

Significance: The commission documented serious violations of international law in Côte d'Ivoire—including war crimes and potential crimes against humanity—by armed forces on both sides. The commission emphasized the need for impartial and transparent judicial proceedings against those who committed grave crimes.

In response to the report, in June 2011 the Council requested OHCHR to provide technical assistance for the establishment and functioning of the Dialogue, Truth and Reconciliation Commission of Côte d'Ivoire.⁵ The Council also created an independent expert mandate to follow-up and assist the government in the implementation of the recommendations of the commission, as well as the decisions of the Council.

Next steps: The President of the Council in September 2011 will appoint the independent expert, who will present his or her first report in March 2012.

Libya: Suspension of Membership to the Council and Establishment of a Commission of Inquiry

Action taken: The Council convened a special session on Libya on February 25, 2011. The Council condemned the gross and systematic human rights violations committed in the country, noting that some may have amounted to crimes against humanity.⁶ In an unprecedented move, it unanimously called on the UN General Assembly to consider

⁴ UN Human Rights Council, "Situation of human rights in Côte d'Ivoire in relation to the conclusion of the 2010 presidential election," December 23, 2010, Resolution S-14/1, A/HRC/RES/S-14/1.

⁵ UN Human Rights Council, "Assistance to Côte d'Ivoire in the field of human rights," June 17, 2011, Resolution 17/21, A/HRC/RES/17/21.

⁶ UN Human Rights Council, "Situation of human rights in the Libyan Arab Jamahiriya," February 25, 2011, Resolution S-15/1, A/HRC/RES/S-15/1.

suspending Libya's membership to the Council, prompting the General Assembly's subsequent decision. It also decided to urgently dispatch an international commission of inquiry to investigate all alleged violations of international human rights law and asked the commission, where possible, to identify those responsible and make recommendations on accountability measures to be taken.

Significance: The work of the commission of inquiry has played a key role in setting the stage for the investigations of the International Criminal Court (ICC), which in turn have led to the issuing of arrest warrants for Libyan leader Muammar Gaddafi, his son Seif al-Islam Gaddafi, and Libya's intelligence chief Abdullah Sanussi. The three are wanted on charges of crimes against humanity for their roles in attacks on civilians, including peaceful demonstrators, in Tripoli, Benghazi, Misrata, and other Libyan cities and towns.

Next steps: In June 2011 the Council condemned the continuing deterioration of the human rights situation in Libya since February 2011 and decided to extend the mandate of the commission of inquiry for a further six months. The commission of inquiry will present its final report in March 2012.⁷

Belarus: Monitoring of the Human Rights Situation in the Country

Action taken: The Council acted in response to an upsurge in abuses following presidential elections in 2010 and urged the government of Belarus to end politically motivated persecution and harassment of opposition leaders and human rights activists.⁸ It called on the UN High Commissioner for Human Rights to monitor the situation and report to the Council. It also encouraged human rights experts appointed by the council to monitor specific issues, such as freedom of expression, independence of judges and lawyers, and torture, to "pay particular attention to the situation in Belarus" in order to contribute to the High Commissioner's report.⁹

Significance: The Council's resolution on Belarus sends a clear message that repression in the country needs to stop. It also ensures that key human rights developments on the ground will be monitored independently over the coming months and the Council informed about the situation. The Council's action is an important response to defenders' calls for increased accountability of the government of Belarus.

⁷ UN Human Rights Council, "Situation of human rights in the Libyan Arab Jamahiriya," June 17, 2011, Resolution 17/17, A/HRC/17/17.

⁸ UN Human Rights Council, "Human rights situation in Belarus," June 17, 2011, Resolution 17/24, A/HRC/RES/17/24.

⁹ UN Human Rights Council, Resolution 17/24, para. 5.

Next steps: An interim report by the High Commissioner for Human Rights will be presented to the Council in September 2011, followed by a final report in June 2012.

Tunisia: Supporting the Establishment of an OHCHR Office in the Country

Action taken: The Council recognized the importance of the Tunisian transitional government's decision to invite OHCHR to set up a country office in Tunisia.¹⁰ The resolution encouraged the authorities to implement the recommendations contained in the OHCHR assessment mission's report, produced following its mission to Tunisia from January 26 to February 2, 2011.¹¹

Significance: It is important that the Council respond not only when states ignore their human rights obligations, but also when they are willing to work with the UN to improve their record. With this resolution, the Council recognizes the efforts made by Tunisia to cooperate with the UN system to advance human rights in the country. The Council also called on the UN and its member states to assist the transitional process in the country, including through the mobilization of resources to tackle the economic and social challenges in the country.¹²

Next steps: OHCHR is currently recruiting and setting up its country office in Tunisia.

Syria: Fact-finding Mission Established; Bid for Council Seat Withdrawn

Action taken: On April 29, 2011 the Council convened a special session on the human rights situation in Syria. The Council condemned the killing, arrest, and torture of hundreds of peaceful protestors, and the hindrance of access to medical treatment by Syrian authorities and called on OHCHR to urgently investigate the killings and other human rights violations.¹³ A few days later, on May 11, 2011, Syria ended its bid for a seat on the Council.¹⁴

In an oral report to the Council in June 2011, the High Commissioner for Human Rights reported that Syrian authorities had failed to respond to her request to send a fact-finding mission to the country despite the Council's calls on Syria to "cooperate fully with and grant access" to

¹⁰ UN Human Rights Council, "Cooperation between Tunisia and the Office of the United Nations High Commissioner for Human Rights," March 24, 2011, Resolution 16/19, A/HRC/RES/16/19.

¹¹ UN Office of the High Commissioner for Human Rights, "Report of the OHCHR Assessment Mission to Tunisia," 2011, http://www.ohchr.org/Documents/Countries/TN/OHCHR_Assessment_Mission_to_Tunisia.pdf (accessed July 13, 2011).

¹² UN Human Rights Council, Resolution 16/19.

¹³ UN Human Rights Council, "Situation of Human Rights in the Syrian Arab Republic," April 29, 2011, Resolution S-16/1, A/HRC/RES/S-16/1.

¹⁴ "UN: Syria Ends Rights Body Bid, but Not Repression," Human Rights Watch news release, May 11, 2011, <http://www.hrw.org/en/news/2011/05/11/un-syria-ends-rights-body-bid-not-repression>.

the mission.¹⁵ Nonetheless, the High Commissioner said she would fulfill the fact-finding mandate by sending a team to southern Turkey, where thousands of Syrian refugees had crossed the border.¹⁶ In a presidential statement issued on August 3, 2011, the UN Security Council unanimously called on the Syrian authorities to cooperate fully with OHCHR.¹⁷

Significance: The OHCHR fact-finding mission, scheduled to present its report to the Council in September 2011, will help shed light on the nature and scope of violations that have been ongoing in Syria since peaceful demonstrators took to the streets in February 2011. The work of OHCHR will be instrumental in raising issues of accountability for violations in Syria and will hopefully offer recommendations to the Council on the steps it should take to prevent further abuses.

Next steps: The report of the fact-finding mission will be presented to the Council in September 2011.

Yemen: Briefing on the OHCHR Visit to the Country

Action taken: During its 17th session in June 2011, the Council adopted a procedural decision welcoming Yemen's decision to invite the OHCHR to visit the country, but failed to speak out on the violent crackdown there.¹⁸ The Council invited the High Commissioner to report back on her visit to Yemen during the September 2011 session.

Significance: While failing to address the substantive human rights issues affecting the country, the Council's decision puts Yemen on its agenda for further discussion.

Next steps: OHCHR will brief the Council on its mission to the country during the September 2011 session.

The Council's Ongoing Response to Other Country Situations

During the July 2010-June 2011 period, the Council continued its scrutiny of the human rights situations in Sudan, the Democratic People's Republic of Korea (North Korea), and Burma. With the consent of the concerned states, the Council also adopted technical

¹⁵ UN Human Rights Council, Resolution S-16/1, para. 8.

¹⁶ UN Human Rights Council, "Preliminary report of the High Commissioner on the situation of human rights in the Syrian Arab Republic," Report 17/CRP.1, A/HRC/17/CRP.1, para.14, http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.CRP.1_Englishonly.pdf (accessed July 11, 2011).

¹⁷ UN Security Council, Statement by the President of the Security Council, "The Situation in the Middle East," August 3, 2011, S/PRST/2011/16.

¹⁸ UN Human Rights Council, "Procedural decision," June 17, 2011, Decision 17/117, A/HRC/DEC/17/117.

assistance resolutions focusing on the human rights situations in Cambodia, Somalia, Burundi, the Democratic Republic of Congo (DRC), Guinea, and Kyrgyzstan.

Action taken: The Council renewed the mandates of the special rapporteurs on Cambodia,¹⁹ North Korea,²⁰ and Burma,²¹ and the independent experts on Sudan²² and Somalia,²³ respectively, for one year.

The Council expressed serious concern about the ongoing grave and systematic human rights violations in North Korea²⁴ and Burma.²⁵ On Sudan, it called on all parties to implement their obligations stipulated in the Comprehensive Peace Agreement.²⁶ In the case of Somalia, the Council focused on the need to protect civilians and particularly condemned attacks and other acts of violence perpetrated by Al-Shabaab forces.²⁷

The resolution on Kyrgyzstan strongly condemned the acts that resulted in the killing of protesters on April 7, 2010 and urged the government of Kyrgyzstan to ensure progress in a host of areas, including the administration of justice, the penitentiary system, torture, arbitrary detention, and minority rights.²⁸ The resolution also urged the government of Kyrgyzstan to ensure the prosecution of perpetrators of human rights violations and to promote inter-ethnic reconciliation. It requested the High Commissioner for Human Rights to continue to provide technical assistance through her office in Bishkek, to brief the Council on progress, and to submit a report for its consideration at its 20th session in June 2012.

In the case of Guinea the Council called on the international community to support the OHCHR office in the country and called on Guinean authorities to pursue efforts to implement the recommendations of the international commission of inquiry set up by the Secretary-General, with the support of Economic Community Of West African States

¹⁹ UN Human Rights Council, “Advisory services and technical assistance for Cambodia,” September 30, 2010, Resolution 15/20, A/HRC/RES/15/20.

²⁰ UN Human Rights Council, “Situation of human rights in the Democratic People’s Republic of Korea,” March 24, 2011, Resolution 16/8, A/HRC/RES/16/8.

²¹ UN Human Rights Council, “Situation of human rights in Myanmar,” March 25, 2011, Resolution 16/24, A/HRC/RES/16/24.

²² UN Human Rights Council, “Situation of human rights in the Sudan,” October 1, 2010, Resolution 15/27, A/HRC/RES/15/27.

²³ UN Human Rights Council, “Assistance to Somalia in the field of human rights,” October 1, 2011, Resolution 15/28, A/HRC/RES/15/28.

²⁴ UN Human Rights Council, Resolution 16/8.

²⁵ UN Human Rights Council, Resolution 16/24.

²⁶ UN Human Rights Council, Resolution 15/27.

²⁷ UN Human Rights Council, Resolution 15/28.

²⁸ UN Human Rights Council, “Technical assistance and cooperation on human rights for Kyrgyzstan,” June 17, 2011, Resolution 17/20, A/HRC/RES/17/20.

(ECOWAS) and the African Union (AU).²⁹ The Council invited the High Commissioner to report back on the situation at its 19th session, in March 2012.

The Failure to Respond to Important Human Rights Crises

Although there have been many significant improvements in the Council's response to situations of violations around the world, the Council's overall record on response to situations requiring its attention remained mixed, as it failed to adequately address situations such as Bahrain, Sri Lanka, and Afghanistan.

Bahrain

The Council's muted response to violations of human rights in Bahrain undermines its credibility and raises doubts about its ability to deal firmly with abusive governments, no matter who their allies are.

Situation: Since mid-March 2011 Bahrain has been carrying out a punitive and vindictive campaign of violent repression against its own citizens.³⁰ This repression has been characterized by widespread arbitrary arrests, credible allegations of torture and ill-treatment, apparently coerced televised "confessions," unfair trials, and attacks on healthcare professionals and injured protesters, as well as politically motivated mass dismissals of workers from jobs and professors and students from university.

Over the past few months, authorities have released hundreds of detainees and reinstated some workers, but the overall rights situation remains dire. Several hundred still remain in prison and politically motivated layoffs have continued. Despite a June decree by King Hamad bin Isa Al Khalifa indicating that cases pending before special military courts would be transferred to civilian courts, at least some of those charged with more serious crimes will reportedly still be tried by special military courts.

With more than 30 protest-related deaths and hundreds of injuries since February 2011, the number of people killed in Bahrain may not compare to the figures in neighboring Arab states such as Syria, Yemen, and Libya, but relative to Bahrain's population, it is substantial, and greater than the casualties resulting from five years of protracted unrest in the 1990s.³¹

²⁹ UN Human Rights Council, "Strengthening of technical cooperation and consultative services in Guinea," March 25, 2011, Resolution 16/36, A/HRC/RES/16/36.

³⁰ Human Rights Watch, "Bahrain's Human Rights Crisis," July 5, 2011, http://www.hrw.org/sites/default/files/related_material/Download%20the%20Report.pdf (accessed July 12, 2011).

³¹ Ibid.

Since mid-April the government has prohibited Human Rights Watch from visiting the country, refusing requests for visas and not allowing staff members and consultants to acquire visas at the airport, as had been customary. The government has also refused other rights groups and some international journalists from entering the country.

Bahrain's major Western allies—the United States, the United Kingdom, and France—have pointed to a “national dialogue” that began in July 2011 as the way out of the present crisis.³² But the ruling family stacked the deck in a way that made resolving the crisis highly unlikely. In place of Crown Prince Salman bin Hamad Al Khalifa, the original proponent of the dialogue, King Hamad bin Isa Al Khalifa appointed the speaker of the parliament, a proponent of the government crackdown, to convene and direct it.

Leading opposition figures essential to any successful dialogue were sentenced to lengthy prison terms after transparently unfair trials. Others remain detained awaiting prosecution simply for participating in peaceful demonstrations and criticizing the government. Even legally recognized opposition parties have been completely marginalized: Al Wifaq, Wa'ad, and Democratic Minbar—three opposition societies that, combined, received over 55 percent of the popular vote in the October 2010 election—each received five invitations out of an approximate total of 300. Together, these three groups with a clear electoral mandate made up just five percent of the participants in the dialogue. In July 2011, Al Wifaq and several other legally recognized opposition parties dropped out of the so-called dialogue.

Much more promising than the national dialogue, as proposed, was King Hamad's announcement on June 29, 2011, of an independent investigative commission headed by M. Cherif Bassiouni and including four other internationally recognized human rights experts, among them Nigel Rodley, the former UN special rapporteur on torture. According to Royal Order No. 28 of 2011, the commission's mandate is to investigate “the events occurring in Bahrain February/March 2011, and any consequences arising out of the aforementioned events.”³³ The investigation was underway at the time of writing. The government says it has launched its own investigations into the period of unrest and announced the investigation of several members of the security forces allegedly involved in committing rights abuses, but these investigations are neither transparent nor impartial.

Action needed: The Council should take action on Bahrain during its September 2011 session. It should request the government of Bahrain to allow international human rights

³² Ibid.

³³ “HM King Hamad Sets up Royal Independent Investigation commission,” Bahrain News Agency, June 29, 2011, <http://bna.bh/portal/en/news/462963> (accessed July 12, 2011).

organizations and media representatives access to the country. It should also ask the Bahraini authorities to present the report of the independent investigative commission set up in accordance with Royal Order No. 28 of 2011 to its session in March 2012. It should also follow up on Bahrain's promise to invite the UN High Commissioner for Human Rights to visit the country and request the High Commissioner to report back to the Council following her visit. The Council should call on the government of Bahrain to welcome visits from the special procedures of the Council, including the special rapporteurs on torture, on freedom of expression and opinion, on peaceful assembly and association, on the independence of judges and lawyers, on the right to education, and on freedom of religion and belief, as well as the Working Groups on Arbitrary Detention and on Enforced or Involuntary Disappearances.

Sri Lanka

Situation: In May 2009 Sri Lankan President Mahinda Rajapaksa promised in a joint statement with UN Secretary-General Ban Ki-moon to address allegations of laws-of-war violations committed by both government forces and the separatist Liberation Tigers of Tamil Eelam (LTTE) during the final months of Sri Lanka's decades-long war, which ended in May 2009.³⁴ One year later, after the Sri Lankan government failed to honor that commitment, the Secretary-General appointed a panel of experts to advise him regarding the "modalities, applicable standards and comparative experience relevant to an accountability process."³⁵ On March 31, 2011, the Secretary-General released the report of the panel of experts.³⁶

The panel of experts concluded that tens of thousands of civilians were killed in the final five months of the conflict, and that both Sri Lankan government forces and the LTTE conducted military operations "with flagrant disregard for the protection, rights, welfare and lives of civilians and failed to respect the norms of international law."³⁷ The panel found that the conduct of the war represented a "grave assault on the entire regime of international law designed to protect individual dignity during both war and peace."³⁸ It concluded that Sri Lanka's efforts to provide accountability "fall dramatically short of international standards on accountability and fail to satisfy either the joint commitment of the president of Sri Lanka and the Secretary-General, or Sri Lanka's legal duties."³⁹

³⁴ UN Secretary-General, "Joint statement by UN Secretary-General, Government of Sri Lanka," May 26, 2009, <http://www.un.org/News/Press/docs/2009/sg2151.doc.htm> (accessed July 12, 2011).

³⁵ UN Secretary-General, Office of the Spokesperson, "Statement attributable to the Spokesperson for the Secretary-General on Sri Lanka," June 22, 2010, <http://www.un.org/apps/sg/sgstats.asp?nid=4627> (accessed July 12, 2011).

³⁶ UN Secretary-General, "Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka," March 31, 2011, http://www.un.org/News/dh/infocus/Sri_Lanka/POE_Report_Full.pdf (accessed July 12, 2011).

³⁷ Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, para. 421.

³⁸ Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, para. 258.

³⁹ Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, para. 441.

The panel called on the Sri Lankan government to commence genuine investigations and recommended that the UN establish an independent international mechanism to monitor and assess the government's domestic accountability process, conduct investigations into the alleged violations, and collect and safeguard information relevant to accountability for the final stages of the war.

Regrettably, the Sri Lankan government responded to the report with blanket denials.⁴⁰ Instead of investigating the report's allegations, the government wrongly claimed that the Secretary-General did not have the authority to commission such a report, questioned the impartiality of the experts, and launched a diplomatic campaign to pressure the UN, including the Human Rights Council, to not act on the report's recommendations.

With so much new information on serious abuses now available, the panel questioned whether the Council possessed all the information it needed when it convened during its May 2009 special session immediately after the conflict ended.⁴¹ In its report the panel recommended that the Human Rights Council reconsider its May 2009 special session regarding Sri Lanka in light of the report.⁴² Yet in its June 2011 session the Council failed to take up Sri Lanka.⁴³

Action needed: The Council should reexamine its position on human rights violations in Sri Lanka. In particular, it should express concern that the Sri Lankan government has failed to investigate and provide accountability for abuses in violation of its international legal obligations. The Council should encourage the Secretary-General to work towards the implementation of the recommendations of the panel, in particular the recommendation to create an independent international mechanism to investigate the violations. It should also call on the Sri Lankan government to implement the recommendation to facilitate

⁴⁰ "Government rejects illegal Moon's Committee report," The Official Government News Portal of Sri Lanka, April 19, 2011, <http://www.news.lk/home/17911-government-rejects-illegal-moons-committee-report> (accessed July 12, 2011).

⁴¹ UN Human Rights Council, "Assistance to Sri Lanka in the promotion and protection of human rights," May 26-27, 2009, Resolution S-11/1, A/HRC/RES/S-11/1. The resulting resolution from the special session exhibits an array of shortcomings in dealing with the human rights situation in Sri Lanka following the conclusion of the civil war in May 2009. A disproportionate focus on LTTE abuses to the exclusion of government abuses is maintained throughout the text. This is most evident through the condemnation of attacks on the civilian population carried out by the LTTE (see PP8), with no mention of similar atrocities perpetrated by the Sri Lankan government, for which there exists a convincing body of evidence. The resolution even goes as far as explicitly welcoming "the continued commitment of Sri Lanka to the promotion and protection of all human rights" (see para. 2), despite well-documented human rights violations carried out by government forces during the final stages of the civil war. Furthermore, the resolution seeks to shield these violations from international scrutiny, through emphasizing the principle of non-interference in the domestic affairs of states as enshrined in the UN Charter (see PP2), as well as the sovereign right of states to combat terrorism (see PP7). Nowhere in the text is the Sri Lankan government called to accountability.

⁴² Report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka, p. 122.

⁴³ UN Human Rights Council, "Resolutions and decisions adopted at the 17th session," <http://www2.ohchr.org/english/bodies/hrcouncil/17session/resolutions.htm> (accessed July 12, 2011).

international efforts. The Council should remain seized of the situation in Sri Lanka and request regular updates from the Secretary-General of his assessment of measures taken by the Sri Lankan government to advance accountability.

Afghanistan

Given the gravity of the violations taking place in Afghanistan, Human Rights Watch has called on members of the Council to consider supporting the creation of a special rapporteur mandate on Afghanistan.⁴⁴

Situation: In the immediate years after the US-led invasion of Afghanistan in 2001 following the 9/11 attacks, involved states frequently contended that stability and security took priority over justice and rights. As a result, the Afghan government awarded warlords and serious rights violators with official positions and allowed them to commit abuses with impunity, bringing the government into disrepute among Afghans. The Taliban insurgency, which itself has been responsible for numerous abuses against the civilian population, has partly been fuelled by the abusiveness and corruption of powerful local government figures and warlords. The UN, foreign military powers, and donors are still not giving priority to the problem of impunity and the weakness of the rule of law. Efforts at reform in these areas remain slow and under-resourced, despite being critical to good governance.

In 2009 the Human Rights Council reviewed the situation in Afghanistan. During the fifth session of the Universal Periodic Review (UPR), on May 7, 2009, numerous governments raised concerns about the violations of human rights in the country.⁴⁵ In particular, governments identified the lack of progress in fighting impunity, their concerns regarding high civilian casualties in the armed conflict, and the need for stronger protection of women's rights, as key issues that should be addressed as a matter of urgency in the country. In the context of the review, a number of recommendations were made to improve Afghanistan's compliance with its international legal obligations. Of the 143 recommendations made to the government of Afghanistan, the government accepted 117 and rejected 10.⁴⁶ Sixteen recommendations remained pending as the government gave no clear position on their implementation.⁴⁷

⁴⁴ Letter from Human Rights Watch to the Permanent Missions to the United Nations Office at Geneva, "The Situation of Human Rights in Afghanistan," March 18, 2010, <http://www.hrw.org/en/news/2010/03/18/letter-situation-human-rights-afghanistan>.

⁴⁵ UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review: Afghanistan," July 20, 2009, Report 12/9, A/HRC/12/9.

⁴⁶ Ibid. Thirty-seven recommendations remained pending during the adoption of the Report of the Working Group on the Universal Periodic Review. Out of these 37 pending recommendations, 21 were later on accepted by the government of Afghanistan (UN Human Rights Council, "Addendum to the report of the Working Group on the Universal Periodic Review: Afghanistan," September 18, 2009, Report 12/9/Add.1, A/HRC/12/9/Add.1).

⁴⁷ UN Human Rights Council, Report 12/9/Add.1.

In June 2010 the Council adopted a narrow resolution on Afghanistan that focused only on attacks targeting school children and supporting Afghan government efforts to protect all students from such attacks.⁴⁸ While the Council's belated attention to an important human rights issue was a step forward, the Council's failure to address the full range of rights violations in Afghanistan by all parties to the conflict was regrettable.

In March 2011 the High Commissioner presented a report on her office's activities in Afghanistan.⁴⁹ The report raised serious concerns about rising civilian casualties and decreased protection for civilian populations. This lack of protection was cited as being due to an intensification of the armed conflict in the country, a lack of functioning and independent rule of law institutions, and the widespread use of harmful traditional practices against women and girls. While noting efforts made by the government, the report underlined the need for much more effective implementation of existing laws and policies designed to promote and protect human rights.⁵⁰

Concerns raised during the UPR and by the High Commissioner in her report on Afghanistan indicate the need for more decisive action by the Council beyond the framework of the UPR and the resolution focusing on attacks on school children. Close and regular independent examination of an already volatile and deteriorating situation is necessary. The Council can be instrumental in profiling the key challenges facing Afghanistan in the area of human rights in order to ensure that these challenges are adequately addressed by all actors involved.

Action needed: A special rapporteur would be instrumental in bringing the urgently required attention to the situation and would help assist the government in implementing its commitments under the UPR, while keeping the Council informed of developments. Such a mandate would also help shape an independent assessment of the shortcomings of some of the policies and practices implemented in Afghanistan to date, which have not helped improve the state of human rights in the country. The special rapporteur would provide public reporting and independent advice on the way in which key actors should engage to prevent further deterioration of the situation. The mandate would also function as an early warning mechanism to alert the Human Rights Council of emerging threats to the human rights environment in the country.

⁴⁸ UN Human Rights Council, "Addressing attacks on school children in Afghanistan," June 18, 2010, Resolution 14/15, A/HRC/RES/14/15.

⁴⁹ UN Human Rights Council, "Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights," January 19, 2011, Report 16/67, A/HRC/16/67.

⁵⁰ UN Human Rights Council, Report 16/67, para. 57.

The Council's Engagement on the Occupied Palestinian Territories and Israel

Situation: The Human Rights Council continued to focus disproportionately on the situation in the Occupied Palestinian Territories (OPT) and Israel. Out of the 102 resolutions⁵¹ adopted between July 2010 and June 2011, 9 focused on Israel and 26 focused on other country situations. Item 7 on the human rights situation in Palestine and other occupied Arab territories continues to be the only country-specific agenda item of the Council.

It is the disproportionate number of resolutions and time dedicated to the OPT and Israel, as compared to other human rights situations that is problematic for the Council, not that the situation is being addressed. Adding to the controversy is the fact that many of the states supporting strong action on the OPT and Israel obstruct action on all other country situations, sending a strong signal of selectivity. Furthermore, some of the resolutions on OPT/Israel fail to recognize the responsibility of all parties to the conflict, targeting Israel alone, and can be dismissed as unbalanced and selective. Human Rights Watch has consistently emphasized that by failing to look at the roles and responsibilities of all parties, the Council's approach renders it incapable of effectively addressing this human rights situation.

Between July 2010 and June 2011, almost half of the resolutions adopted by the Council on the OPT were perennial resolutions, adopted on a recurring annual basis. This includes the resolution on the right of the Palestinian people to self-determination⁵² and the resolution on Israeli settlements,⁵³ as well as the annual resolutions on human rights in the occupied Syrian Golan⁵⁴ and on the human rights situation in the OPT including East Jerusalem.⁵⁵ The US was the sole vote in opposition to all four resolutions, although there were 16 and 15 abstentions, respectively, on the Golan and OPT resolutions.

During the July 2010-June 2011 period, the Council also adopted three resolutions on the follow-up to the May 2010 "Gaza aid flotilla" incident, one at each session. Several delegations did not vote in favor of the resolution adopted during the September 2010 session⁵⁶ because it failed to acknowledge the work of the panel appointed by the UN

⁵¹ Includes all resolutions and decisions adopted by the Council (except UPR outcome adoptions, which were not included).

⁵² UN Human Rights Council, "Right of the Palestinian people to self-determination," March 25, 2011, Resolution 16/30, A/HRC/RES/16/30.

⁵³ UN Human Rights Council, "Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan," March 25, 2011, Resolution 16/31, A/HRC/RES/16/31.

⁵⁴ UN Human Rights Council, "Human rights in the occupied Syrian Golan," March 24, 2011, Resolution 16/17, A/HRC/RES/16/17.

⁵⁵ UN Human Rights Council, "The Human Rights Situation in the Occupied Palestinian Territory, including East Jerusalem," March 25, 2011, Resolution 16/29, A/HRC/RES/16/29.

⁵⁶ UN Human Rights Council, "Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla," September 29, 2010, Resolution 15/1, A/HRC/RES/15/1.

Secretary-General to investigate the incident and therefore lacked cohesion with other parts of the UN system. This was remedied in subsequent resolutions adopted during the March 2011 and June 2011 sessions,⁵⁷ which got broad cross-regional support, including the votes of several European Union and Western states, although the US voted against all three resolutions.

The Council also adopted two follow-up resolutions to the inquiry of laws-of-war violations committed during the 2008-2009 Gaza conflict, known as the Goldstone inquiry. Both resolutions were voted on and did not enjoy the support of any EU or Western state.⁵⁸ During the September 2010 session, Human Rights Watch called for the Council to refer the report of the expert committee that had been set up to monitor the status of investigations to the General Assembly, where the issue was being considered together with the Secretary-General's reports on the matter.⁵⁹ According to Human Rights Watch's research, Israel's investigations of the allegations of violations had not been thorough or impartial, while Hamas had conducted no serious investigation at all.⁶⁰ Human Rights Watch also urged the Council to request the prosecutor of the ICC to determine whether the court had jurisdiction over the Gaza conflict in order to clarify the avenues for justice available, particularly in view of the failure of the domestic courts to investigate adequately.⁶¹

Resolution 15/6 adopted during the Council's September 2010 session⁶² failed to link the work of the committee of experts with the ongoing debate at the UN General Assembly. Instead it asked the committee to continue to report to the Council in parallel. Resolution 16/32, adopted during the March 2010 of the Council,⁶³ discontinued the work of the expert committee and reverted back to the General Assembly and the Secretary-General to take further steps regarding the findings of the Goldstone inquiry. The resolution also

⁵⁷ UN Human Rights Council, "Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla," March 25, 2011, Resolution 16/20, A/HRC/RES/16/20; UN Human Rights Council, "Follow-up to the report of the Independent International Fact-Finding Mission on the incident of the Humanitarian Flotilla," June 17, 2011, Resolution 17/10, A/HRC/RES/17/10.

⁵⁸ See Appendix 3.

⁵⁹ Human Rights Watch, "Statement to the UN Human Rights Council on Accountability in the Gaza Conflict," September 27, 2010, <http://www.hrw.org/news/2010/09/27/statement-un-human-rights-council-accountability-gaza-conflict>.

⁶⁰ Human Rights Watch, *Turning a Blind Eye: Impunity for Laws-of-War Violations during the Gaza War*, April 2010, http://www.hrw.org/sites/default/files/reports/iopto41owebwcover_o.pdf.

⁶¹ Human Rights Watch, "Statement to the UN Human Rights Council on Accountability in the Gaza Conflict," September 27, 2010, <http://www.hrw.org/news/2010/09/27/statement-un-human-rights-council-accountability-gaza-conflict>.

⁶² UN Human Rights Council, "Follow-up to the report of the Committee of independent experts in international humanitarian and human rights law established pursuant to Council resolution 13/9," September 29, 2010, Resolution 15/6, A/HRC/RES/15/6.

⁶³ UN Human Rights Council, "Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict," March 25, 2011, Resolution 16/32, A/HRC/RES/16/32.

recommended the General Assembly submit the report to the UN Security Council for it to decide whether referral to the ICC was warranted or not.⁶⁴

Action needed: The Council should streamline the number of resolutions it considers each year on the situation in Israel and the OPT. At the same time, it should continue to expand its work on other situations that warrant attention by the Human Rights Council, a step that would also address disproportionality in the Council's treatment of Israel. Efforts should also be made to ensure that resolutions put forward on the situation fully reflect the responsibility of all parties to the conflict, not Israel alone. It is important for states from all regional groups to abandon a selective approach to the question of the OPT and Israel—whether it takes the form of promoting Council action only on this situation or systematically opposing any initiative focusing on this situation.

Progress in Thematic Areas Addressed by the Council

The Human Rights Council ventured into a number of new thematic areas of work during the last year and finally overcame the conflicting positions that had undermined discussion around the question of religion and freedom of expression.

Preventing Maternal Mortality

Action taken: Many resolutions were adopted in the area of the right to health during the July 2010-June 2011 period, including resolutions focusing on HIV and AIDS⁶⁵ and access to medicine.⁶⁶ Of particular significance, however, was the adoption for the first time by the Council of a resolution focusing on the prevention of maternal mortality from a human rights perspective.⁶⁷

Significance: The resolution calls upon states to collect disaggregated data in relation to maternal mortality and morbidity, to ensure effective targeting of policies and programs, to address discrimination and the needs of disadvantaged and marginalized women and adolescent girls. It requests all states to renew their political commitment to eliminate preventable maternal mortality and morbidity and to give the topic renewed emphasis in their development partnerships and cooperation arrangements.

⁶⁴ Ibid.

⁶⁵ UN Human Rights Council, "The protection of human rights in the context of HIV and AIDS," March 25, 2011, Resolution 16/28, A/HRC/RES/16/28.

⁶⁶ UN Human Rights Council, "Right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the context of development and access to medicines," June 17, 2011, Resolution 17/14, A/HRC/RES/17/14.

⁶⁷ UN Human Rights Council, "Preventable maternal mortality and morbidity and human rights: follow-up to Council resolution 11/8," September 30, 2010, Resolution 15/17, A/HRC/15/17.

Next steps: The resolution requests the OHCHR to document initiatives that exemplify good or effective practices in adopting a human rights-based approach to eliminating preventable maternal mortality and morbidity. The Council requested the OHCHR to prepare an analytical compilation on such initiatives, to be considered at its 18th session in September 2011.

Creation of a New Special Rapporteur Mandate on Freedom of Assembly and Association

Action taken: One of the most significant resolutions adopted by the Council during its September 2010 session was the decision to appoint a new special rapporteur focusing on the rights to freedom of peaceful assembly and of association.⁶⁸

Significance: At the time of its adoption, the resolution was seen as an important development given the growing restrictions to freedom of association and peaceful assembly, particularly as experienced by the human rights communities and nongovernmental organizations (NGOs) in a number of countries.⁶⁹ The mass mobilization of peaceful protesters in the Arab world beginning in December 2010 proved the pertinence and timeliness of this mandate.

Like other thematic mandates, the newly appointed special rapporteur will carry out country visits. The special rapporteur's reports will shed light on violations and document good practices in this area. The special rapporteur will engage governments about their obligations to respect freedom of association and assembly, and be a voice for victims of these violations around the world. Like other mandates, the special rapporteur will also be able to take up individual cases and will help clarify state obligations in this area.

Next steps: The new special rapporteur will present his first report to the Council in June 2012.

Landmark Decision on Sexual Orientation and Gender Identity

Action taken: In June 2011 the Council adopted its first-ever resolution on the issue of sexual orientation, gender identity, and human rights.⁷⁰ The resolution calls on the High Commissioner for Human Rights to commission a study, to be finalized by December 2011, that documents discriminatory laws and practices and acts of violence against individuals

⁶⁸ UN Human Rights Council, "The rights to freedom of peaceful assembly and of association," September 30, 2010, Resolution 15/21, A/HRC/RES/15/21.

⁶⁹ Human Rights Watch, *World Report 2010* (New York: Human Rights Watch, 2010), "The Abusers' Reaction: Intensifying Attacks on Human Rights Defenders, Organizations, and Institutions," <http://www.hrw.org/en/reports/2010/01/20/world-report-2010>.

⁷⁰ UN Human Rights Council, "Sexual orientation and gender identity," June 17, 2011, Resolution 17/19, A/HRC/RES/17/19.

based on their sexual orientation and gender identity, in all regions of the world. The Council called on OHCHR to examine how international human rights law can be used to end violence and related human rights violations based on sexual orientation and gender identity.

The Council also decided to convene a panel discussion during its March 2012 session focusing on the issue of discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity. It requested the panel to discuss what would be appropriate follow-up to the recommendations of the study commissioned by the High Commissioner.

Significance: By adopting this resolution the Council took a first bold step into territory previously considered off-limits. It is the first text of its kind to recognize the suffering of people who are targeted because of their sexual orientation and gender identity. The groundbreaking text adopted by the Council expressed “grave concern at acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation and gender identity.”⁷¹

The importance of this resolution lies in the recognition that all people, regardless of who they are, are entitled to the protection of their rights. It affirms the principles of nondiscrimination and universality of human rights.

The report commissioned by OHCHR will provide important guidance on how existing human rights law can be used to end violations on the basis of sexual orientation and gender identity. The panel will help shed light on the types of abuse that people face because of their gender identity or sexual orientation and hopefully help identify follow-up measures that can help prevent further violations.

Next steps: The OHCHR report will be published in December 2011. The Council will hold a panel discussion on the issue during its March 2012 session.

Creation of a New Working Group on the Elimination of Discrimination against Women Action taken: During its September 2010 session, the Council created a new working group of five independent experts focusing on the issue of discrimination against women in law and in practice.⁷²

⁷¹ UN Human Rights Council, Resolution 17/19, p. 1 (emphasis in original).

⁷² UN Human Rights Council, “Elimination of discrimination against women,” October 1, 2010, Resolution 15/23, A/HRC/RES/15/23.

Significance: The newly established mechanism is the only entity with universal coverage that focuses on the problem of laws and practices that discriminate against women globally. By creating this mandate the Council will contribute to discharge, 15 years overdue, a commitment made by states during the Fourth World Conference on Women in Beijing in 1995 to “revoke any remaining laws that discriminate on the basis of sex.”⁷³ In fact, the resolution calls upon states to fulfill their international obligations and commitments to revoke any remaining laws that discriminate against women, and remove gender bias in the administration of justice. It hoped that the working group can be a catalyst for change by presenting positive practices used to overcome obstacles to legal reform.

Next steps: The new working group will present its first report to the Council in June 2012.

Discontinuing the Resolution on Defamation of Religions

Action taken: During the March 2011 session, the council took a major step forward by discontinuing the adoption of a perennial resolution on “defamation of religions.” Instead it adopted a new resolution on combating intolerance and incitement to violence against persons based on their religion or belief.

Significance: The concept of defamation of religions had polarized discussions in the Council for years because it undermined existing international human rights guarantees on the rights to freedom of expression, freedom of religion, and nondiscrimination. The adoption of the new resolution was particularly significant because it was proposed by the OIC and adopted by consensus.

The challenge during the negotiations that led to the adoption of the new text was to forge a consensus around a resolution that presented a robust international response to tackling discrimination against individuals and groups on religious grounds and reflected international human rights law. The premise was that international human rights law does not protect religions per se, but does and should protect individuals and groups from discrimination, violence, and hostility on the basis of their religion. It was therefore necessary to shift away from the notion of defamation of religions, particularly because under international law, religious beliefs, ideas, and systems should not be exempt from discussion, debate, or even sharp criticism.

⁷³ Fourth World Conference on Women, “Beijing Declaration and Platform for Action,” para. 232(d), <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf> (accessed July 12, 2011).

The new resolution condemns any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility, or violence, and urges states to take effective measures to address and combat such incidents.⁷⁴ The text recognizes that the open public debate of ideas, as well as interfaith and intercultural dialogue, at the local, national, and international levels can be among the best protections against religious intolerance. It further calls upon states to adopt measures and policies to promote the full respect for and protection of places of worship and religious sites, cemeteries, and shrines, and to take measures in cases where they are vulnerable to vandalism or destruction.

The adoption of the new resolution has allowed states to refocus the discussion on religion and discrimination. On June 14, 2011, the Council held a panel discussion on the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs, in accordance with Council Resolution 16/18. During this panel, states expressed concerns about increased discrimination and violence on the ground of religion, and presented their national initiatives to combat religious intolerance on the international and domestic levels.

Next steps: The General Assembly is expected to discuss this issue during its 66th session beginning in September 2011. It is hoped that, like the Council, the General Assembly will be able to overcome the polarization that the concept of defamation of religions has created, in order to adopt a fresh approach to the issue of discrimination based on religion and belief.

Worrying Thematic Developments

Business and Human Rights

Reasons for concern: During its June 2011 session, the Council missed an opportunity to take meaningful action to curtail business-related human rights abuses. Instead the Council conformed to the status quo: a world where companies are encouraged, but not obliged, to respect human rights.

In a resolution adopted at the June 2011 session, the Council endorsed the “Guiding Principles on Business and Human Rights” developed by John Ruggie, the UN's Special Representative on business and human rights from 2005 to 2011.⁷⁵ It also agreed to form a working group and announced the convening of an annual meeting of business, government, and civil society representatives focused on disseminating and discussing

⁷⁴ Ibid.

⁷⁵ UN Human Rights Council, “Human rights and transnational corporations and other business enterprises,” June 16, 2011, Resolution 17/4, A/HRC/RES/17/4.

those principles. The Council disregarded recommendations by dozens of civil society groups, including Human Rights Watch, that called for a strong follow-up to Ruggie’s work, with a mechanism to assess whether companies and governments had actually put the principles into operation.⁷⁶ Instead, it mandated the new five-member working group, to be appointed in September 2011, to promote and disseminate the Guiding Principles. It also invited the group to consider options and make recommendations aimed at improving victims’ access to remedies.⁷⁷

The Guiding Principles aim to provide “an authoritative global standard.”⁷⁸ However, the Council described them as “comprehensive recommendations for the implementation of the United Nations Protect, Respect and Remedy Framework.”⁷⁹ That framework articulates three core concepts rooted in longstanding human rights principles: governments have a duty to protect individuals and communities from human rights abuses, including in connection with business activity; businesses have a responsibility to respect all rights; and victims should have greater access to remedy for abuses.⁸⁰ The Guiding Principles outline only partial steps to carry out the UN Framework. In January 2011, 125 organizations, including Human Rights Watch, jointly expressed concern that a draft version of the Guiding Principles was weaker in several respects than prevailing human rights standards. Unfortunately revisions to the text did not fully address the discrepancies.⁸¹

Future action needed :Looking ahead, it is hoped that the five-member working group will press for genuine, on-the-ground implementation of the Guiding Principles and the broader UN Framework in ways that benefit human rights victims in concrete cases, rather than limiting themselves to promoting codes of conduct and other such general commitments. In line with the Council’s resolution, the working group will also have the opportunity to put forward recommendations on remedies, which should ideally include a call for work leading to an international legal instrument on business and human rights. This idea, while supported in principle by former Special Representative Ruggie, was

⁷⁶ Letter from 55 Civil Society Organizations to UN Human Rights Council, “Advancing the Global Business and Human Rights Agenda: Sign-on Statement to the Human Rights Council from 55 Civil Society Organizations,” May 13, 2011, <http://www.hrw.org/en/news/2011/05/13/advancing-global-business-and-human-rights-agenda>.

⁷⁷ UN Human Rights Council, Resolution 17/4.

⁷⁸ “UN Guiding Principles for business & human rights published,” Special Representative of the UN Secretary-General on business and human rights press release, March 24, 2011, <http://www.business-humanrights.org/media/documents/ruggie/ruggie-guiding-principles-press-release-24-mar-2011.pdf> (accessed July 18, 2011).

⁷⁹ UN Human Rights Council, “Human rights and transnational corporations and other business enterprises,” June 16, 2011, Resolution 17/4, A/HRC/RES/17/4, para. 4.

⁸⁰ Human Rights Watch, “Joint NGO Statement to the Eighth Session of the Human Rights Council,” May 19, 2008, <http://www.hrw.org/en/news/2008/05/19/joint-ngo-statement-eighth-session-human-rights-council>.

⁸¹ ESCR-Net, “Joint Civil Society Statement on the draft Guiding Principles on Business and Human Rights,” January 2011, http://www.escr-net.org/actions_more/actions_more_show.htm?doc_id=1473602 (accessed July 18, 2011).

considered too controversial to gain support in the June 2011 session, since many governments seek to protect companies from the risk of human rights cases being filed against them in other jurisdictions.

Traditional Values

Reasons for concern: This resolution, initiated by Russia, undermines the basic principles of universality and equality, and puts forward new concepts that do not form the basis of, and are sometimes incompatible with, human rights doctrine. The initial drafts of this resolution focused on traditional values as something inherently positive and failed to recognize that some “traditional values of humankind” are inconsistent with international human rights or are invoked to justify human rights violations. The main problem with the initiative is that the common “values of humankind” underpinning international human rights law are already inscribed in the Universal Declaration of Human Rights and other international human rights instruments. Injecting undefined concepts of “tradition” or “traditional values” into this framework risks redefining the meaning of existing instruments and subordinating the universality of human rights to cultural relativism.

Resolution 16/3 adopted by the Council during its March 2011 session mandated the advisory committee of the Council to “prepare a study on how a *better understanding and appreciation of traditional values of dignity, freedom and responsibility* can contribute to the promotion and protection of human rights.”⁸²

Future action needed: In order for the advisory committee to fully develop an understanding of how traditional values contribute to human rights, the study needs to discuss the negative as well as positive ways in which they impact on human rights.

Such a study should underline that traditional values may not detract from the international human rights framework, and affirm that traditional values and practices may need to evolve to ensure conformity with international human rights standards.

In a joint statement, a group of 65 NGOs recommended that the advisory committee form a drafting team that reflects appropriate regional and gender balance; this is particularly important for a subject matter relating so closely to cultures and traditions, and their

⁸² UN Human Rights Council, “Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind,” March 24, 2011, Resolution 16/3, A/HRC/RES/16/3 (emphasis in original).

impact on women's rights.⁸³ They also suggested that the advisory committee prepare a questionnaire to facilitate consultations with member states, civil society, human rights experts (such as special procedures mandate holders), UN organizations (such as UNAIDS and UNFPA), and all relevant stakeholders on both the positive and negative impacts of traditional values on human rights.⁸⁴

Institutional Developments

When the General Assembly established the Human Rights Council in 2006, it decided that the Council should review its work and functioning five years after its creation and report back to the General Assembly. From October 25, 2010 to February 24, 2011,⁸⁵ delegations invested significant time and energy in a review that would ultimately come up with few changes or improvements for the Council. The review was a missed opportunity because it failed to address problems that had prevented the Council from responding promptly and effectively to situations of gross violations of human rights.

The process was marked by the reluctance of a large group of delegates, particularly those from the Non-Aligned Movement (NAM), Russia, and China, to even consider proposals that would have enhanced the ability of the Council to respond to violations in a non-selective way. Innovative proposals from countries such as Argentina, Chile, Mexico, and Peru that suggested giving more authority to the High Commissioner for Human Rights to bring issues to the attention of the Council for its action, were shelved. A proposal by the Maldives that would have allowed for states wishing to brief the Council on their domestic situation was also not incorporated.

The final outcome,⁸⁶ adopted by consensus, is disappointing in the limited changes that it set out. Among the changes that did make it into the final document were the decision to review the way in which states sign up to speak during the Universal Periodic Review of a country⁸⁷; the decision to increase the UPR cycle from four to four and a half years, in order to allow for an increase of time allotted for each review; and the agreement that the

⁸³ UN Human Rights Council, "Joint NGO Statement to the 7th session of the Advisory Committee of the Human Rights Council," August 3, 2011, A/HRC/AC/7/NGO/1, <http://www2.ohchr.org/english/bodies/hrcouncil/advisorycommittee/docs/session7/A-HRC-AC7-NGO-1.pdf>.

⁸⁴ *Ibid.*

⁸⁵ Date at which the working group on the review adopted the outcome on the review of the work and functioning of the Council, by consensus.

⁸⁶ UN Human Rights Council, "Review of the work and functioning of the Human Rights Council," March 25, 2011, Resolution 16/21, A/HRC/RES/16/21.

⁸⁷ The current system works on a first come, first served basis. Given the limited time allotted to the review of each country, those that do not sign-on early do not get a chance to speak.

Council will explore the use of information technology as a means of improving accessibility and participation by all stakeholders.

The June 2011 session of the Council saw the adoption of a decision establishing the Office of the President of the Human Rights Council, bringing to fruition a long-envisaged institutional change at the Council. The decision calls for appointment of three staff members to support the president in the fulfillment of his or her tasks.⁸⁸

One of the most controversial institutional issues debated during the past year was the issue of the relationship between the Council and the OHCHR. The controversy was sparked by an impromptu Cuban initiative in September 2010, which called on the High Commissioner to formally present OHCHR's strategic framework (its biannual management plan) to the Council before its submission to the General Assembly. The draft resolution would have altered the relationship between the two institutions by attempting to give the Council certain oversight functions over the OHCHR. Instead of the Cuban initiative, which met the resistance of several states, the Council adopted a decision that left it to the High Commissioner to compile state views to her office's management plan and did not formalize the process through which OHCHR's strategic framework would be submitted to the Council.

⁸⁸ UN Human Rights Council, "Office of the President," June 17, 2011, Decision 17/118, A/HRC/DEC/17/118.

Performance of Delegations that Most Influenced the Work of the Human Rights Council

Algeria

Although Algeria has not been a member state of the Council since 2007, it plays an influential role shaping Council debates, particularly through its active engagement in deliberations of the African Group and in a number of key negotiations. Like Cuba, Algeria uses its influence to contest initiatives that it sees as undermining the sovereignty of governments from the global South. Algeria engages strategically to mobilize the African Group to protect the interests of states within the group, often at the expense of addressing situations of concern. During the Council's June 2011 session, Algeria voiced concerns that the Council had dedicated too much time to discussing country situations, particularly in response to the Arab Spring.⁸⁹

As with other likeminded states, Algeria rejects condemnatory country-specific resolutions when they are adopted without the consent of the concerned state—except in the case of Israel and the OPT. It justifies this differential treatment by invoking the situation of occupation, yet the Council's mandate is clearly not limited to addressing violations taking place in the context of occupation. Algeria's approach is therefore inconsistent and undermines the mandate of the body.

Algeria is often a critic of the way in which special procedures engage in the Council and has been supportive of many initiatives aimed at reining in the work of the Council's special procedures through the creation of oversight mechanisms.⁹⁰ Algeria favors a Council that firmly controls its mechanisms, rather than allows them to function independently.

Algeria has engaged constructively on a number of thematic initiatives. It was a cosponsor of the maternal mortality resolution and the Brazilian-led initiatives on the right to health.⁹¹ It has also been an active player in debates about the effects of terrorism on human rights.

⁸⁹ UN Human Rights Council, Final comments on 17th session of the Human Rights Council, statement by Algeria, webcast, June 17, 2011, <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/seventeenth/hrc110617pm2-eng.rm?start=01:57:51&end=02:00:39> (accessed July 29, 2011).

⁹⁰ Algeria proposed to “[e]stablish, in the context of the review and on the basis of equitable geographical distribution of an HRC ‘legal committee on compliance with the Code of Conduct’ to which all contentions on compliance of the Code of Conduct should be referred to.” UN Human Rights Council, Open-Ended Intergovernmental Working Group on the Review of the Work and Functioning of the HRC, Compilation of State proposals, A/HRC/WG.8/1/CRP.1/Rev.1, p. 37.

⁹¹ See Appendix 2.

Argentina

Argentina has been a particularly positive and active delegation at the Council. It has a consistently strong voting record, both on difficult thematic issues and when it comes to responding to country situations.⁹² Its interventions and positions are based on a principled approach to human rights, which is greatly appreciated by civil society actors at the Council. Argentina often reflects on the time when the UN system was active reacting to violations committed on its own soil. It recognizes the positive role played by the UN and its special procedures in addressing violations and advocates for a strengthening of these mechanisms, particularly the independence of the special procedures. Argentina is also an important advocate for strengthening the independence of OHCHR and NGO participation at the UN.

The Argentinean delegation has a non-selective approach to situations of violations. Argentina voted in favor of all resolutions addressing country situations that were put to a vote, namely Sudan, North Korea, Iran, Belarus, and Syria. It was also among the initial cosponsors of the special sessions on Libya and Côte d'Ivoire.⁹³ The Argentinean delegation voted in favor of all the resolutions that were tabled concerning the OPT and Israel.⁹⁴ At the March 2011 session, Argentina noted in explaining its vote in favor of resolution 16/29 on the human rights situation in the OPT, including East Jerusalem, that the Council “must avoid a proliferation of resolutions regarding Israel”⁹⁵ because they detract attention from efforts to improve the human rights situation in the region. Argentina emphasized the need to avoid criticizing only one side and the importance of reflecting on the responsibilities of all parties. Argentina appealed to the Council to keep resolutions balanced.⁹⁶

Argentina actively participates in informal negotiations at the Council, often trying to bridge positions through constructive proposals. It showed particular leadership in difficult negotiations on the question of traditional values and the issue of human rights, sexual orientation, and gender identity. In these negotiations Argentina, along with Mexico, has sought to uphold international standards by strongly affirming the need to respect the principles of universality and nondiscrimination. Argentina has also led efforts to develop international standards in the area of enforced disappearances and the right to truth, and has

⁹² See Appendix 3.

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ UN Human Rights Council, “The Grave violations by Israel in the Occupied Palestinian Territory, including East Jerusalem,” Draft resolution 16/L.28, A/HRC/16/L.28; General comment by Argentina, webcast, March 25, 2011, <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/sixteenth/hrc110325pm2-eng.rm?start=00:24:20&end=00:26:16> (accessed July 20, 2011).

⁹⁶ Ibid.

been innovative by bringing technical issues to the Council such as forensic genetics and human rights.

During the five-year review of the Council, Argentina was among the countries that tried to promote positive proposals to overcome the problem of selectivity and double standards in the Council. With Peru, Mexico, and Chile, it proposed a mechanism through which the Council would examine situations formally brought to its attention by the High Commissioner.⁹⁷ Although many states supported this proposal, it did not find the sufficient support needed at the time to be adopted as part of the review.

Brazil

Brazil is a key player in all important negotiations at the Council. It played a significant and positive role during the July 2010-June 2011 period, supporting all the Council's efforts to respond promptly and effectively to country situations.⁹⁸

Over the past two years there was a noticeable positive shift in Brazil's approach to the Council's engagement on situations of violations. Whereas in 2009 Brazil conveyed skepticism about responding firmly to country situations, particularly when called to vote on texts concerning North Korea, DRC, and Sri Lanka,⁹⁹ in 2010 and 2011 Brazil took a bolder and more principled approach to such votes, voting affirmatively.¹⁰⁰

During the July 2010-June 2011 period, Brazil had a strong and coherent voting record, consistent with a non-selective approach. It voted in favor of all voted-upon resolutions addressing country situations, namely Sudan, North Korea, Iran, Belarus, and Syria. It was also among the initial cosponsors of the special sessions on Libya and Côte d'Ivoire. Brazil also voted in favor of all resolutions relating to the OPT and Israel.

Commendably Brazil also made a point of denouncing double standards in the Council. Its explanations of vote on both the Iran and Syria resolutions highlighted these concerns, with Brazil calling on the main sponsors of these initiatives to apply the same standards to other situations of concern.¹⁰¹ Brazil's non-selective approach combined with its consistent

⁹⁷ UN Human Rights Council, A/HRC/WG.8/1/CRP.1/Rev.1, pp. 85-86.

⁹⁸ See Appendix 3.

⁹⁹ Human Rights Watch, *Curing the Selectivity Syndrome: The 2011 Review of the Human Rights Council*, June 2010, <http://www.hrw.org/sites/default/files/reports/hrco610webwcover.pdf>, p. 33.

¹⁰⁰ See Appendix 3.

¹⁰¹ UN Human Rights Council, "Situation of human rights in the Islamic Republic of Iran," Draft Resolution 16/L.25/Rev.1, A/HRC/16/L.25/Rev.1; General comment by Brazil, webcast, March 24, 2011, <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/sixteenth/hrc110324am1-eng.rm?start=02:47:43&end=02:51:26>

voting record and influence put it in a strategic position to show more leadership in mobilizing the Council's response to situations of human rights violations, particularly where leadership from other states is lacking.

Brazil has made the issue of cooperation one of its priorities in the Council. The delegation coordinated a joint declaration on this issue during the June 2011 session of the Council, supported by states from all regional groups.¹⁰² Brazil has argued that the Council should do more to enhance capacity-building and assistance to states willing to confront human rights problems. The challenge for Brazil is to find creative and concrete ways in which such an approach can be developed in a political body that manages neither funding nor projects. Additionally, distinctions need to be drawn between states that invoke cooperation as a means of avoiding scrutiny and those that are genuinely in need of assistance to meet their human rights goals.

On the thematic front, Brazil has championed the right to health in the Council and also played a decisive leadership role alongside South Africa on the question of human rights, sexual orientation, and gender identity.¹⁰³ Brazil's openness to discuss difficult topics with all delegations places it in a strategic position to bridge differences and find points of convergence. During the review of the Council, Brazilian Ambassador Maria Nazareth Farani Azevêdo made considerable efforts to reconcile differences among states regarding the Council's engagement on emergency situations. Unfortunately even her best efforts were not sufficient to break the barriers that many countries, particularly from the NAM, put up to maintain the status quo in which only states can put issues onto the agenda of the Council.

Chile

Chile has a strong and coherent voting record at the Council. Its positions are based on a principled approach to human rights, which is consistent and non-selective. Chile voted in favor of all voted-upon resolutions addressing country- situations; namely Sudan, North Korea, Iran, Belarus, and Syria.¹⁰⁴ With the exception of Resolution 15/6 of the Council on

(accessed July 25, 2011); and UN Human Rights Council, "The Current Situation of human rights in the Syrian Arab Republic," Draft Resolution S-16/L.1, A/HRC/S-16/L.1; General comment by Brazil, webcast, April 29, 2011, <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/special/16/hrc110429pm2-eng.rm?start=00:35:17&end=00:37:05> (accessed July 25, 2011).

¹⁰² Joint Statement Under Item 10 – "Technical Assistance and Capacity Building," delivered by Brazil at the 17th session of the Human Rights Council, June 16, 2011, (UN webcast not accessible on August 24, 2011, statement on file at Human Rights Watch).

¹⁰³ UN Human Rights Council, "Right of everyone to the enjoyment of the highest attainable standard of physical and mental health," September 30, 2010, Resolution 15/22, A/HRC/RES/15/22; UN Human Rights Council, Resolution 16/28; UN Human Rights Council, Resolution 17/14; UN Human Rights Council, Resolution 17/19.

¹⁰⁴ UN Human Rights Council, Resolution 15/27; UN Human Rights Council, Resolution 16/8; UN Human Rights Council, Resolution 16/9; UN Human Rights Council, Resolution 17/24; UN Human Rights Council, Resolution S-16/1.

the follow-up of the expert committee's work on the investigation of allegations contained in the Goldstone report,¹⁰⁵ the Chilean delegation also voted in favor of all resolutions concerning the OPT and Israel.¹⁰⁶

Chile is an important actor when it comes to supporting the effective implementation of the Council's mandate to respond promptly to emergencies and situations of concern. It was a cosponsor of the special session on Libya and the only council member of the Group of Latin American and Caribbean countries (GRULAC) to sponsor the resolution on Iran, which led to the creation of the special rapporteur mandate. Chile endorses an approach that tailors the Council's response to the specific needs of each country situation and was one of only three GRULAC member states to cosponsor the resolution on cooperation between Tunisia and the OHCHR.¹⁰⁷

During the review of the Council, Chile was among the countries that tried to promote positive proposals to overcome the problem of selectivity and double standards in the Council. With Argentina, Mexico, and Peru, Chile proposed a mechanism through which the Council would examine situations formally brought to its attention by the High Commissioner.¹⁰⁸ Although many states supported this proposal, it did not find the sufficient support needed at the time to be adopted as part of the review.

Chile is among the states that regularly advocate for the strengthening of the independence of the special procedures and OHCHR, as well as promoting NGO participation at the Council. Chile has also been a strong advocate for women's rights and is among the cosponsors of the resolutions on maternal mortality and the elimination of discrimination against women.

China

Considering its power in the world, China has a low profile at the Council. China rarely leads or champions a negotiation, or calls for a vote. Instead it works alongside likeminded states that are willing to play a prominent role at the Council on issues of interest for China. Between July 2010 and June 2011, China cosponsored only two of the 43 resolutions and decisions reviewed in the context of this report: the resolution on traditional values of humankind¹⁰⁹ and the resolution on the right to health at the

¹⁰⁵ UN Human Rights Council, "Follow-up to the report of the Committee of independent experts in international humanitarian and human rights law established pursuant to Council resolution 13/9," September 29, 2010, Resolution 15/6, A/HRC/RES/15/6.

¹⁰⁶ See Appendix 3.

¹⁰⁷ The others were Uruguay and Ecuador.

¹⁰⁸ UN Human Rights Council, A/HRC/WG.8/1/CRP.1/Rev.1, pp. 85-86.

¹⁰⁹ UN Human Rights Council, Resolution 16/3.

September 2010 session.¹¹⁰ China often associates itself with NAM, strategically portraying itself as an advocate for the global South.

The Chinese delegation's main concern at the Council appears to be to protect state sovereignty from what it considers undue interference in domestic affairs through overly critical resolutions. It gives priority to what it sees as the Council's "cooperation mandate" (i.e. "promoting dialogue among states") over other functions, such as the Council's mandate to respond to emergencies and situations of violations.¹¹¹ China's defensive response on country situations seemingly reflect its concern that allegations of serious human rights violations in China could be brought to the attention at the Council. The delegation of China has repeatedly used points of order in an attempt to silence NGO speakers who criticized China's human rights record, particularly in Tibet.

Despite the Council's explicit mandate to respond to emergencies and to prevent violations, China has systematically opposed action on all country-specific situations.¹¹² In the three council sessions that took place from July 2010 through June 2011, it voted against all resolutions on country-specific situations, namely the resolutions on Sudan, North Korea, Iran, Belarus, and Syria, and dissociated itself from the consensus resolution on Burma. In most of these cases—despite overwhelming evidence of violations of human rights and the mandate of the Council—China explicitly argued that it opposed putting pressure on the named governments.¹¹³ China has argued that cooperation and dialogue are the preferred options to address these situations, and that resolutions that condemn violations only complicate matters.¹¹⁴

¹¹⁰ UN Human Rights Council, Resolution 15/22. See Appendix 1.

¹¹¹ See for example: UN Human Rights Council, "Situation of human rights in the Islamic Republic of Iran," Draft Resolution 16/L.25/Rev.1, A/HRC/16/L.25/Rev.1, General comment by China, webcast, March 24, 2011, <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/sixteenth/hrc110324am1-eng.rm?start=02:46:42&end=02:47:36> (accessed July 27, 2011).

¹¹² See Appendix 3.

¹¹³ UN Human Rights Council, oral statement by China before the vote on A/HRC/16/8/L.3 on the human rights situation in the Democratic People's Republic of Korea, delivered on March 24, 2011, webcast, <http://www.un.org/webcast/unhrc/archive.asp?go=110324> (accessed August 25, 2011); UN Human Rights Council, oral statement before the vote on A/HRC/16/L.25/Rev.1 on the human rights situation in the Islamic Republic of Iran, delivered on March 24, 2011, webcast, <http://www.un.org/webcast/unhrc/archive.asp?go=110324> (accessed August 25, 2011); UN Human Rights Council, oral statement by China before the vote on A/HRC/16/L.11 on the human rights situation in Myanmar, delivered on March 25, 2011, webcast, <http://www.un.org/webcast/unhrc/archive.asp?go=110325> Burma (accessed August 25, 2011).

¹¹⁴ UN Human Rights Council, "The Current Situation of human rights in the Syrian Arab Republic," Draft Resolution S-16/L.1, A/HRC/S-16/L.1, General comment by China, webcast, April 29, 2011, <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/special/16/hrc110429pm2-eng.rm?start=00:17:05&end=00:19:11> (accessed July 27, 2011); UN Human Rights Council, oral statement by China before the vote on A/HRC/17/L.20/Rev.1, delivered on June 17, 2011, <http://www.un.org/webcast/unhrc/archive.asp?go=110617> (accessed on August 24, 2011).

Although China often denounces selectivity and double standards in the Council, it has actively engaged in selectivity by firmly opposing any initiative on country situations while endorsing all resolutions focusing Israel and the OPT.¹¹⁵ Like a few other countries in the Council, China denounces condemnation and resolutions adopted without the consent of the concerned state, except when it comes to Israel and the OPT.

China's role on thematic discussions also reflects a defensive approach against issues that could raise the visibility of China's domestic human rights record. During the September 2010 session of the Council, China was one of five delegations that dissociated itself from the consensus resolution establishing the special rapporteur mandate on freedom of peaceful assembly and association. It argued that this right should be exercised only under certain conditions. At the June 2011 session, China was uncharacteristically outspoken during negotiations of the decision to convene a panel on the promotion and protection of human rights in the context of peaceful protest.¹¹⁶ China appealed to the sponsors of the resolution to include language on the need to "combat crimes against social order."¹¹⁷ It also made suggestions to include concerns that "separatists, extremists and terrorists" may use protests to incite hatred and internal conflict and to undermine the territorial integrity of concerned states.¹¹⁸ These suggestions were not accepted. China was also supportive of amendments made by other delegations to limit the rights that were the focus of the resolution.¹¹⁹

Given China's record at the Council, human rights organizations were pleased with China's abstention on the resolution focusing on human rights, sexual orientation, and gender identity.¹²⁰

Concerning the HRC review, China opposed initiatives aimed at improving the Council's capacity and effectiveness in responding to country situations. It opposed giving authority to the High Commissioner for Human Rights, the Secretary-General, and special procedures to bring issues to the attention of the Council for it to act. China supported initiatives aimed at

¹¹⁵ See Appendix 3.

¹¹⁶ UN Human Rights Council, "Panel on the promotion and protection of human rights in the context of peaceful protests," June 17, 2011, Decision 17/120, A/HRC/DEC/17/120.

¹¹⁷ Informal negotiations of draft resolution A/HRC/15/21 on the rights to freedom of peaceful assembly and of association on June 13, 2011.

¹¹⁸ *Ibid.*

¹¹⁹ China, for example, supported the amendment to Resolution 15/23 on the elimination of discrimination against women put forward by Saudi Arabia: UN Human Rights Council, "Elimination of discrimination against women," Draft Resolution 15/L.15, A/HRC/145/L.15, General comment by China, webcast, October 1, 2010, <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/fifteenth/hrc101001am2-eng.rm?start=00:10:24&end=00:11:38> (accessed July 27, 2011).

¹²⁰ See Appendix 3.

increasing state oversight of independent structures, such as the special procedures and OHCHR, and raising the threshold for the Council to create country-specific mandates.

Cuba

Cuba has been one of the most outspoken delegations at the Council. It is also the member state of the Council that tables the most resolutions. In the first 14 sessions of the Council, up to 2010, Cuba had tabled 28 resolutions, more than the next three states combined. Cuba was followed by France, Brazil, and Mexico, which tabled 10, 9, and 8 resolutions, respectively.

In line with the government's political and ideological discourse, Cuba promotes resolutions focusing on economic, social and cultural rights, and for a more equitable international world order. Cuba has championed resolutions focusing on the right to food¹²¹; the effects of foreign debt on the enjoyment of human rights¹²²; the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination¹²³; and the right to peace.¹²⁴ Cuba was also a strong supporter of the resolution on traditional values sponsored by Russia.¹²⁵

In line with this focus, Cuba was a sponsor of all the health and human rights resolutions adopted during the period examined in this report, including the resolution on HIV and AIDS.¹²⁶

In comparison Cuba has a weak record with respect to thematic resolutions on civil and political rights. Cuba was one of the delegations that dissociated itself from the consensus resolution that created the new special rapporteur mandate on freedom of peaceful assembly and of association.¹²⁷ Although Cuba did not cosponsor the South African

¹²¹ UN Human Rights Council, "The right to food," March 25, 2011, Resolution 16/27, A/HRC/RES/16/27.

¹²² UN Human Rights Council, "Mandate of the independent experts on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic social and cultural rights," March 24, 2011, Resolution 16/14, A/HRC/RES/16/14; UN Human Rights Council, "The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights," June 17, 2011, Resolution 17/7, A/HRC/RES/17/7.

¹²³ UN Human Rights Council, "The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination," September 30, 2010, Resolution 15/12, A/HRC/RES/15/12.

¹²⁴ UN Human Rights Council, "Promotion of the right of peoples to peace," June 17, 2011, Resolution 17/16, A/HRC/RES/17/16.

¹²⁵ UN Human Rights Council, "Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind," March 24, 2011, Resolution 16/3, A/HRC/RES/16/3.

¹²⁶ UN Human Rights Council, Resolution 15/22; UN Human Rights Council, Resolution 16/28; UN Human Rights Council, Resolution 17/14.

¹²⁷ UN Human Rights Council, "The right to freedom of peaceful assembly and of association," Draft Resolution 15/L.23, A/HRC/15/L.23, General comment by Cuba, webcast, September 30, 2010,

resolution on sexual orientation and gender identity, it voted in favor of this resolution with the rest of the GRULAC.¹²⁸

Cuba actively obstructs the adoption of country-specific resolutions at the Council, unless the concerned state agrees with the initiative, or, as in the case of Libya, there is an overwhelming consensus that action is needed, which marginalizes its position.

Cuba voted against the resolutions on Sudan, North Korea, Iran, Syria, and Belarus and denounced them as politically motivated and selective.¹²⁹ Despite overwhelming evidence of human rights abuses in these countries and the Council's explicit mandate to respond to violations, Cuba argued that action on such states was confrontational and not in line with the cooperative spirit that should regulate the relationship between states in a multilateral body.¹³⁰

More broadly, Cuba has pursued an ideological approach to the Council that emphasizes the power relations between states, rather than human rights violations against individuals as set out under international law. In Cuba's approach to the Council, the victims are the weak, underdeveloped states that Western or "imperialist" nations target,¹³¹ not the inhabitants of a country where violations occur. Accordingly, Cuba rejects resolutions opposed by the concerned state, regardless of the human rights situation on the ground. With respect to the North Korea resolution, for example, Cuba contended that it undermined the right to self-determination of the North Korean people.¹³²

<http://webcast.un.org/ramgen/ondemand/conferences/unhrc/fifteenth/hrc100930pm1-eng.rm?start=00:51:11&end=00:54:44> (accessed July 28, 2011).

¹²⁸ UN Human Rights Council, Resolution 17/19.

¹²⁹ UN Human Rights Council, Resolution 15/27; UN Human Rights Council, Resolution 16/8; UN Human Rights Council, Resolution 16/9; UN Human Rights Council, Resolutions S-16/1; UN Human Rights Council, Resolution 17/24.

¹³⁰ UN Human Rights Council, oral statement by Cuba before the vote on A/HRC/15/L.3, "The situation of human rights in Sudan," delivered on October 1, 2010, webcast, <http://www.un.org/webcast/unhrc/archive.asp?go=101001> (accessed August 24, 2011); UN Human Rights Council, oral statement by Cuba before the vote on A/HRC/16/L.11, "The Situation of human rights in Myanmar," delivered on March 25, 2011, webcast, <http://www.un.org/webcast/unhrc/archive.asp?go=110325> (accessed August 24, 2011); UN Human Rights Council, oral statement by Cuba before the vote on A/HRC/17/L.20/Rev.1, "The Situation of human rights in Belarus," delivered on June 17, 2011, webcast, <http://www.un.org/webcast/unhrc/archive.asp?go=110617> (accessed August 24, 2011).

¹³¹ See for example: UN Human Rights Council, "Situation of human rights in Belarus," Draft Resolution 17/L.20/Rev.1, A/HRC/17/L.20/Rev.1, General comment by Cuba, webcast, June 17, 2011, <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/seventeenth/hrc110617pm2-eng.rm?start=01:16:07&end=01:21:06> (accessed July 25, 2011).

¹³² UN Human Rights Council, "Situation of human rights in the in the Democratic People's Republic of Korea," Draft Resolution 16/L.3, A/HRC/16/L.3, Explanation of the vote before the vote by Cuba, webcast, March 24, 2011, <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/sixteenth/hrc110324am1-eng.rm?start=02:08:16&end=02:10:07> (accessed July 25, 2011).

Cuba rejects resolutions that are opposed by the concerned state because they are “an imposition,” and focus on “condemnation” rather than cooperation. Cuba’s denounces what it considers to be double standards of the Council, but rather than promoting a more expansive engagement by the Council (say, on situations such as Bahrain or Afghanistan) and non-selectivity, Cuba uses the double standards argument as a justification for rejecting all country-specific resolutions.

The exception to Cuba’s overall approach to situations of violations is Israel and the OPT. In this case, Cuba does not oppose or abstain from voting in favor of resolutions that both condemn and go against the will of the concerned state. Instead, it is a cosponsor of most of these resolutions. Cuba’s justification for its differing approach to Israel and the OPT is to say that this is a situation of occupation undermining the right to self-determination and therefore merits its engagement. However, Cuba has provided no credible basis for asserting that the Council should fulfill its mandate in a way that gives priority to the right to self-determination at the expense of other recognized human rights.

During the review of the Council, Cuba actively obstructed initiatives that sought to solve the problem of selectivity in the Council. It rejected proposals that suggested the Council give authority to independent figures or mechanisms—such as the High Commissioner, the Secretary-General, or the special procedures—to bring issues to the Council’s attention for its action. Instead, Cuba supported Russia’s proposal to increase the threshold for the adoption of country-specific resolutions from a simple majority to two-thirds.

Cuba has also led the charge on initiatives that pave the way for an oversight role of the Council over the OHCHR. In September 2010 Cuba drafted a resolution that sought to establish a role for the Council in the process of approval of the OHCHR’s strategic framework (its biannual management plan).¹³³ Cuba has also supported initiatives aimed at increasing state oversight of the work and functioning of the special procedures.¹³⁴

Egypt

After the January-February 2011 uprisings, Egypt lowered its profile at the Council. It modified some key public messages to reflect the changes taking place domestically. On May 30, 2011, in response to the update by the High Commissioner for Human Rights,

¹³³ UN Human Rights Council, “Strengthening dialogue, coordination and cooperation between the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights,” September 27, 2010, Draft Resolution 15/L.30, A/HRC/15/L.30.

¹³⁴ Cuba proposed to “[e]stablish a monitoring mechanism to review compliance with the Code of Conduct by Mandate Holders.” UN Human Rights Council, A/HRC/WG.8/1/CRP.1/Rev.1, p. 35.

Egyptian Ambassador Hisham Badr announced that the “ongoing historic transformation in Egypt was anchored in the will of the people.” He also alerted the Council that Egypt was considering ratifying the Rome Statute of the ICC and was reviewing visit requests by special procedures.¹³⁵

In the past, Egypt played a negative role at the Council, particularly because of its opposition to firm action in response to country situations. Egypt often used its denunciation of selectivity as a means to argue against the examination of specific situations of violations. But rather than arguing for a broader, more diverse, and geographically spread engagement by the Council, it advocated for restricting the Council’s action on country situations altogether, with the exception of resolutions on Israel and OPT, which it has consistently supported. It often also echoed the idea that the Council should only adopt country resolutions with the consent of the concerned state, making again an exception for the Council’s treatment of Israel and OPT. As an observer state, Egypt did not vote during the period covered by this report.

During the review of the Council, Egypt led initiatives as coordinator of the NAM that dismissed any attempt to improve the Council’s response to situations of violations. It pushed back on initiatives aimed at remedying the selectivity of the Council by arguing that the review should not allow for reform.¹³⁶ Egypt rejected proposals aimed at making the engagement of the Council less selective by giving more power to independent bodies and persons—such as the High Commissioner, the Secretary-General, and special procedures—to bring issues to the Council’s attention and for its action.

After Egyptian President Hosni Mubarak stepped down from power in February, Egypt asserted that as NAM’s coordinator, it was merely representing the views of the majority of NAM members. But Egypt had in fact played a leading role in shaping NAM’s approach to the review, despite such protestations. One of NAM’s key objectives became to keep the status quo of the Council—particularly on matters relating to the Council’s mandate to respond and prevent violations, and deal with emergencies—and not allow the creation of any new mechanisms in this connection.

¹³⁵ UN Human Rights Council, oral statement by Egypt under item 2 at the 17th session of the Human Rights Council, delivered on May 30, 2011, <http://www.un.org/webcast/unhrc/archive.asp?go=110530> (accessed August 24, 2011).

¹³⁶ UN Human Rights Council, oral statement by Egypt on behalf of the Non-Aligned Movement, delivered on February 7, 2011 at Second Open-Ended Intergovernmental Working Group of the Review of the Work and Functioning of the Human Rights Council (on file at Human Rights Watch).

Between July 2010 and June 2011, Egypt followed past practice and opposed initiatives relating to sexual health and identity issues. It criticized the maternal mortality resolution and the resolution focusing on HIV/AIDS and human rights. Egypt also denounced the resolution on sexual orientation and gender identity by stating that the resolution aimed at raising a particular group to a higher standard of protection—despite its focus on applying existing universal standards.

European Union

The overwhelming majority of EU member states who are Council members have a solid voting record at the Council. They voted in favor of all country-specific resolutions put to a vote and several of the resolutions focusing on the OPT and Israel. EU member states have been outspoken in denouncing human rights violations and sponsored most of the resolutions tackling country situations.

Despite its commitment to strengthen the Council's mandate to address violations, prevent abuses, and respond promptly to emergencies, as a group the EU has been slow in capitalizing on the Council's more favorable disposition to addressing violations. As a group the EU has often reacted in support of the initiative of a third-party country, or has endorsed the decision of one of its members to steer a country-specific negotiation; however, it has been hesitant about leading such processes itself. The EU has kept itself to leading resolutions that have been on the agenda of the Council for several years. It was not until June 2011 that the EU took up its first new country initiative at the Council, on Belarus.

The overall lack of EU leadership in this area is often caused by the difficulty the EU has in developing a common position among its 27 member states. Although there is often agreement by a majority of EU countries on how to proceed at the Council, the objection of a few is sufficient to block the decision of the group as a whole to take the lead on an initiative. Another problem that the EU has faced, and is trying to remedy, is its relatively poor outreach to third-party states, given the amount of energy and time it must dedicate to its internal deliberations.

The EU's lack of support for action on human rights situations in states with which it holds friendly relations or key strategic interests is another matter of concern. The EU did not back Switzerland's attempts to convene a special session that would have helped address the repression of peaceful demonstrations, a session that was intended to bring further attention to human rights violations in Bahrain and Yemen. It also failed to consider calls for the Council to create a special rapporteur on Afghanistan, despite the gravity and deterioration of the human rights situation in the country.

France

France has engaged actively in the Council, playing an important role in supporting key initiatives on country situations. It worked collaboratively with the governments of Côte d'Ivoire, Guinea, and Tunisia to support resolutions on the human rights situations in those countries. France was particularly active working with the delegation of Côte d'Ivoire on the establishment of the commission of inquiry and the independent expert mandate for that country.

France and the UK have had the most success among EU states in mobilizing the Council and the EU in response to country situations. In doing so, they have often faced political and bureaucratic obstacles within the EU. Such obstacles, as noted above, often delay the engagement of the EU in response to situations of concern, or hamper the EU's ability to take initiative in this area.

Overall France has a strong voting record at the Council. It voted in favor of the resolutions on Sudan, North Korea, Iran, Belarus, and Syria. France also voted favorably on some of the resolutions focusing on the OPT and Israel; namely the resolution on the right of the Palestinian people to self-determination, the resolution on Israeli settlements, and the resolutions on follow-up to the flotilla incident at the March 2011 and June 2011 sessions. It abstained on the resolutions focusing on the follow-up to the Goldstone inquiry, as well as the resolution on the human rights situation in the OPT, including East Jerusalem; the resolution on human rights in the occupied Syrian Golan; and the follow-up resolution on the flotilla incident at the September 2010 session.

During the July 2010-June 2011 period, France cosponsored all the calls for special sessions of the Council (on Côte d'Ivoire, Libya, and Syria) and a majority of resolutions drafted in response to situations of violations (including the resolution on the right of the Palestinian people to self-determination). France's nuanced approach to situations of concern is an important asset and puts it in a strong position to counter accusations of double standards by other countries. Nonetheless, France's reluctance to lead in situations where the concerned country was not cooperative left situations such as the repression of protests in Bahrain unaddressed by the Council. Regrettably, along with other Western countries, France has also shown little interest in engaging in situations such as Afghanistan and Iraq, where human rights have deteriorated dramatically in the last year and Council action is needed.

France continued to promote a number of important thematic initiatives with which it has traditionally been involved, including those relating to enforced disappearances, arbitrary detention, and extreme poverty. It has worked on these initiatives in a collaborative way

with delegations from different regions. It was also a strong supporter of the new special procedures mandates on freedom of association and on elimination of discrimination against women. The delegation cosponsored the resolutions on maternal mortality, and on human rights, sexual orientation, and gender identity.

During the Council's review, France was actively supportive of developing new mechanisms to improve the Council's response to country situations.

Ghana

Ghana's trajectory as an established African democracy created important expectations about its role in the Council. However, Ghana's performance during its last year as member of the Council was disappointing, particularly concerning its response to country situations. Ghana's voting record during the year was inconsistent and did not reflect the new momentum experienced at the Council. Ghana went from abstaining on the renewal of the mandate on Sudan in 2009, to voting against it in 2010. Despite the gravity of the human rights situation in both Iran and Belarus for instance, Ghana abstained on both these votes. On the positive side, however, Ghana continued to vote in favor of the renewal of the mandate of the special rapporteur on North Korea and also voted in favor of the resolution adopted during the special session on Syria. Ghana also sponsored the call for the special session on Côte d'Ivoire, although it did not join African states such as Senegal and Zambia in supporting the calls for the special sessions on Syria and Libya.

Ghana was commendably among the African states that cosponsored the resolution on maternal mortality. It was also among the signatories and supporters of the creation of the new special rapporteur mandate on freedom of association and assembly.

On traditional values Ghana voted in favor of the resolution, while rejecting the resolution on human rights, sexual orientation, and gender identity. Ghana was not among the countries that cosponsored the resolution creating the Working Group on the Elimination of Discrimination against Women, despite the broad support of many African countries for this initiative.

Japan

Japan is the main sponsor of resolutions on Cambodia and North Korea in the Council. Japan has a strong voting record. It voted favorably on all voted-upon country resolutions (Sudan, North Korea, Iran, Belarus, and Syria) and also voted in favor of some of the resolutions on the OPT and Israel. Its balanced and non-selective approach is an asset. It cosponsored all the calls for special sessions of the Council between July 2010 and June 2011.

Japan also cosponsored key thematic resolutions on maternal mortality, on the establishment of a new mandate for a special rapporteur on freedom of assembly and association, on the panel on peaceful protests, and on forensic genetics. Regrettably, Japan did not cosponsor the resolution creating the new Working Group on the Elimination of Discrimination against Women. However, it did vote in favor of the resolution on sexual orientation and gender identity, and was among the states that commendably contested the resolution on traditional values.

Japan has been weakest in its engagement on the situation in Sri Lanka. Japan has failed to put forward concerns about the question of accountability in Sri Lanka, despite the call by the Secretary-General's panel of experts (also endorsed by the High Commissioner for Human Rights) for an independent international mechanism into the final months of the conflict. This position contradicts former Foreign Minister Katsuya Okada's stated position of July 2010, that Japan would give priority to and tackle issues of "accountability on human rights" through the UN framework.¹³⁷

Jordan

Jordan's voting record at the Council is varied.¹³⁸ It has played a prominent role on issues relating to its region and has stepped up its engagement in the Council since the Arab Spring.

Jordan has consistently supported all of the Council's resolutions on OPT and Israel. On other issues, its votes are much less predictable, particularly when the resolutions address human rights situations in member states of the OIC.¹³⁹

Jordan voted in favor of the resolutions on North Korea and Belarus, and it cosponsored the resolutions on technical cooperation on Kyrgyzstan and Tunisia, which had the consent of the concerned states. Jordan abstained on Iran and voted against the renewal of the mandate of the independent expert on Sudan.¹⁴⁰

Jordan played a leading role on the situation in Libya. It cosponsored the call for a special session on Libya in February 2011¹⁴¹ and introduced the resolution extending the mandate of the commission of inquiry during the June 2011 session of the Council, on behalf of the

¹³⁷ Ministry of Foreign Affairs of Japan, "Japan-Sri Lanka Foreign Ministers' Meeting (Overview)," July 29, 2010, press releases (statements), http://www.mofa.go.jp/announce/announce/2010/7/0729_04.html.

¹³⁸ See Appendix 3.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ See Appendix 2.

Maldives, Qatar, and the UK.¹⁴² However, during the special session on Syria, Jordan was absent for the vote, together with Angola, Bahrain, and Qatar.¹⁴³

Jordan is a constructive player within the OIC, and has contributed to OIC efforts aimed at seeking consensus on the issue of discrimination on religious grounds. Its open-minded approach within the OIC is reflected in its co-sponsorship of the maternal mortality resolution, the resolution on HIV/AIDS at the March 2011 session, and the resolution on the promotion and protection of human rights in the context of peaceful protests.¹⁴⁴ Jordan voted with the OIC in rejecting the resolution on sexual orientation and gender identity, calling it divisive,¹⁴⁵ and voted in favor of the resolution on traditional values.¹⁴⁶

The Maldives

The Maldives has invested significant energy in its engagement at the Council and has been an outspoken advocate for the effective protection of human rights by the Council. Despite having a small delegation, its commitment to human rights and democracy has motivated it to be a part of, or to take leadership on, a significant number of initiatives over the last year. The Maldives was among the first group of signatories calling for the special sessions on Côte d'Ivoire and Libya. The Maldives also cosponsored the resolutions on Iran, Tunisia, Côte d'Ivoire, Libya, and Kyrgyzstan.¹⁴⁷

The Maldives has a solid voting record at the Council. It voted in favor of all the voted-upon resolutions on country situations (Sudan, North Korea, Iran, Belarus, and Syria), while also supporting the Council's action on Israel and the OPT.¹⁴⁸

Unfortunately, the one situation to which the Maldives has taken a regrettable approach is the situation of human rights in Sri Lanka, particularly on the question of accountability. The Maldives has been uncharacteristically reluctant to endorse the calls of the High Commissioner and the Secretary-General's panel for the creation of an independent international mechanism to investigate the final months of the conflict. Its close bilateral

¹⁴² See Appendix 1.

¹⁴³ See Appendix 3.

¹⁴⁴ See Appendix 1.

¹⁴⁵ UN Human Rights Council, "Human rights, sexual orientation and gender identity," Draft Resolution 17/L.9/Rev.1, A/HRC/17/L.9/Rev.1, General comment by Jordan, webcast, June 17, 2011, <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/seventeenth/hrc110617am1-eng.rm?start=02:46:02&end=02:46:23> (accessed July 28, 2011).

¹⁴⁶ See Appendix 3.

¹⁴⁷ See Appendix 1.

¹⁴⁸ See Appendix 3.

relationship with Sri Lanka, rather than the credible allegations coming from the ground, has prompted this position. The Maldives should revisit its approach on Sri Lanka in order to bring it in line with its otherwise principled approach to human rights at the Council.

On the thematic side, the Maldives was among the group of states that led the negotiations for the creation of the special rapporteur mandate on freedom of assembly and association, and cosponsored the resolutions on maternal mortality, on promotion and protection of human rights in the context of peaceful protests, and on creating the mandate of the Working Group on the Elimination of Discrimination against Women.¹⁴⁹

The Maldives is a constructive player within the OIC and contributed to internal discussions on the need to adopt a consensual approach to the question of discrimination on religious grounds. The Maldives supported Pakistan's efforts to develop a new resolution aimed at harnessing consensus in lieu of the resolution on defamation of religions.¹⁵⁰

During the review of the Council, the Maldives proposed innovative formats that would help the Council engage on situations in which the concerned state is willing to cooperate with its mechanisms. The Maldives, for instance, suggested institutionalizing briefings, whereby concerned states could request to brief the Council on their domestic situation.¹⁵¹ Unfortunately, this and other creative proposals aimed at improving the Council's response to situations of concern were rejected by a majority of states represented in the NAM.

Despite its strong record of positive engagement on many issues at the Council, the Maldives supported the resolution on traditional values and voted with the OIC against the resolution on human rights, sexual orientation, and gender identity.¹⁵²

Mauritius

Mauritius is recognized for its independent, principled, and balanced approach to the work of the Council. It plays an important role at the Council, despite having a small delegation. Mauritius has engaged constructively in many negotiations, particularly regarding the need to respond to emergency situations. Mauritius has also been outspoken about the need for the Council to engage in a non-selective manner when responding to country situations. During the special session on Syria, for instance, Mauritius intervened to remind the

¹⁴⁹ See Appendix 1.

¹⁵⁰ UN Human Rights Council, Resolution 16/18.

¹⁵¹ UN Human Rights Council, A/HRC/WG.8/1/CRP.1/Rev.1, p. 88.

¹⁵² See Appendix 3.

Council that not engaging on other situations in the region equally warranting the Council's attention would legitimize criticisms about double standards.

Mauritius was among the countries that cosponsored the special session on Côte d'Ivoire, and it voted for the resolutions on North Korea, Belarus, and Syria. It has also voted in favor of all resolutions focusing on Israel and the OPT. Its record was tarnished by its abstentions on the renewal of the expert mandate on Sudan and on the resolution creating a new special rapporteur on Iran. These votes are difficult to understand, given the gravity of the human rights situation in both countries and the need to keep the Council engaged and informed about developments there, including in an advisory capacity. Mauritius' decision not to vote in favor of the creation of a special rapporteur mandate on Iran is particularly disappointing given Iran's abysmal record of cooperation with the special procedures of the Council.¹⁵³ Mauritius has often spoken out about the need for states to strengthen their cooperation with the mechanisms of the Council as a form of genuine dialogue; however, Mauritius did not consider the situation of rights violations in Iran and its lack of cooperation with the Council as sufficient to vote for the creation of the special rapporteur mandate.

Mauritius is strongest on its engagement on thematic negotiations. It was a cosponsor of the maternal mortality resolution and also cosponsored the Brazilian resolution on the right to health. It was commendably willing to reject the resolution on traditional values, the only African state to do so. Mauritius also took a principled stance voting in favor of the resolution on sexual orientation and gender identity.

Mexico

Mexico is a particularly active and influential delegation at the Council. It has been a champion of a number of key issues, including the human rights of migrants and counterterrorism. The Mexican delegation is involved in all major negotiations and has a history of skillful diplomacy at the Council, characterized by the central role of Ambassador Luis Alfonso de Alba (who was the first president of the Council) and carried on by his successor, Ambassador Juan José Gómez Camacho.

¹⁵³ The government of Iran has failed to respond to requests for visits from the following special procedures of the Human Rights Council: the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (requests made in 2005, 2007, and 2010); the Special Rapporteur on the independence of judges and lawyers (2006 and 2011); the Independent Expert on minority issues (2008); the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (2010); and the Special Rapporteur on the right to food (2011). Requests from the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Special Rapporteur on freedom of religion or belief have been agreed upon in principle, but no date for the visits has been set. OHCHR, "Country and other visits by Special Procedures Mandate Holders since 1998 - F-M," <http://www2.ohchr.org/english/bodies/chr/special/countryvisitsf-m.htm#iran> (accessed July 7, 2011).

Mexico led the efforts to establish the Working Group on the Elimination of Discrimination against Women, together with Colombia. It was also part of the initial cross-regional group of states that supported the resolution to create a new special rapporteur on freedom of assembly and association.¹⁵⁴ With countries like Argentina and Brazil, it has played a key role in promoting issues of nondiscrimination across the board by bridging differences and finding common ground between delegations. Mexico's delegation showed particular leadership on the question of traditional values and in lessening concerns relating to the issue of human rights, sexual orientation, and gender identity. In these negotiations Mexico has sought to uphold international standards by strongly affirming the need to respect the principles of universality and nondiscrimination. It was commendably willing to reject the resolution on traditional values, the only Latin American member state to do so.

Mexico has had a generally positive voting record at the Council.¹⁵⁵ It voted to support most country-specific resolutions, but abstained on Belarus and the resolutions focusing on follow-up to the Gaza war. In the case of Belarus, Mexico argued that its abstention was not a show of indifference to violations in the country, but rather due to the fact that the EU had not been able to fully reflect its concerns in the text of the resolution. Changes ultimately proposed by the EU to the text did, however, allow a number of other Latin American states to support the text, including Argentina, Brazil, Chile, and Uruguay.¹⁵⁶

Mexico was among the initial cosponsors of the special sessions on Syria, Libya, and Côte d'Ivoire. It played a pivotal role in advocating for the Council to recommend Libya's suspension from the body and made a convincing case during the negotiations of this resolution.¹⁵⁷ It was one of only three Latin American countries to cosponsor the resolution extending the mandate of the commission of inquiry on Libya during the June 2011 session of the Council.¹⁵⁸

Mexico has been a strong advocate for institutional improvements in the Council. Together with Nigeria, Switzerland, Thailand, and Ukraine, it led negotiations to institutionalize the Office of the President.¹⁵⁹ Mexico has also been influential in discussions focusing on the independence of the special procedures and OHCHR.

¹⁵⁴ UN Human Rights Council, Resolution 15/21. See Appendix 1.

¹⁵⁵ See Appendix 3.

¹⁵⁶ UN Human Rights Council, "Situation of human rights in Belarus," Draft Resolution 17/L.20/Rev.1, A/HRC/17/L.20/Rev.1, General comment by Mexico, webcast, June 17, 2011, <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/seventeenth/hrc110617pm2-eng.rm?start=01:21:13&end=01:22:53> (accessed July 25, 2011).

¹⁵⁷ UN Human Rights Council, Resolution S-15/1.

¹⁵⁸ The others were Honduras and Costa Rica.

¹⁵⁹ UN Human Rights Council, Decision 17/118.

During the review of the Council, Mexico was among the countries that tried to promote positive proposals to overcome the problem of selectivity and double standards in the Council. With Argentina, Chile, and Peru, it proposed a mechanism through which the Council would examine situations formally brought to its attention by the High Commissioner.¹⁶⁰ Although many states supported this proposal, it did not find the sufficient support needed at the time to be adopted as part of the review.

Nigeria

Nigeria acted as coordinator of the African Group during the July 2010-June 2011 period. Many of its interventions at the Council reflected the positions of the African Group rather than its national position. It is therefore difficult to fully reflect on Nigeria's approach to the Council, as distinct from its role as African Group coordinator.

Nigeria has a disappointing voting record, especially when it comes to country situations.¹⁶¹ Nigeria voted against the resolutions on Sudan and Belarus, and abstained on the votes on North Korea, Iran, and Syria. It was selective in its approach, as the only situation-specific resolutions it voted in favor of were those focusing on the OPT and Israel.

Nigeria endorsed the Council's action on country situations only when resolutions addressing those situations were adopted by consensus and without a vote, and, with the exception of the OPT, when the action was uncontested. Thus, if a vote was called, invariably Nigeria did not support it, regardless of the merits of the case.¹⁶² This is unfortunate and contrary to the mandate of the Council, which calls on states to "address situations of violations of human rights, including gross and systematic," contribute to the prevention of violations and respond promptly to emergencies. Nigeria's rejection of, or abstention from, all country-specific initiatives in the Council puts it among the African states with the worst voting record in the Council when it comes to responding to situations of violations and emergencies.

Nigeria's negative voting record on situations of concern in the Council seems inconsistent with its more proactive role defending the rule of law and respect for human rights in the ECOWAS region.

¹⁶⁰ UN Human Rights Council, A/HRC/WG.8/1/CRP.1/Rev.1, pp. 85-86.

¹⁶¹ See Appendix 3.

¹⁶² See Appendix 3.

The African Group's position is that as a group it will only support action on a resolution focusing on an African country if the concerned country agrees with the resolution.¹⁶³ In this connection, on behalf of the African Group, Nigeria tabled several country-specific resolutions for adoption by consensus, because they had the consent of the concerned state, including the resolutions on Somalia, Côte d'Ivoire, Burundi, DRC, and Guinea. While the desire to have a common group position is understandable, the Council's responsibility to fulfill its mandate does not evaporate when a country is not willing to cooperate; in fact, states that are particularly intransigent are often those in which the Council's engagement is most warranted.

On the thematic front, commendably, Nigeria was part of the initial cross-regional group of supporters of the initiative to create a new special rapporteur on the freedom of assembly and association, and it championed the issue of racial discrimination in the Council.¹⁶⁴ Unfortunately, Nigeria did not cosponsor the resolution creating the new Working Group on the Elimination of Discrimination against Women, despite broad support from several African countries for the initiative.¹⁶⁵ Nor did Nigeria cosponsor the resolution on maternal mortality, which was presented by New Zealand, Colombia, and Burkina Faso, and was supported by 18 different African nations.¹⁶⁶

Nigeria's record was particularly poor with regard to the thematic initiatives on traditional values and on sexual orientation and gender identity. Nigeria cosponsored the resolution on traditional values and voted for it.¹⁶⁷ Nigeria fiercely rejected South Africa and Brazil's initiative on human rights, sexual orientation, and gender identity.¹⁶⁸ Speaking to the Council, the Nigerian delegate accused South Africa of breaking the African Group tradition by putting forward a resolution without the support of its group,¹⁶⁹ a contention that places the need for group solidarity above the Council's responsibility to help protect those facing human rights abuse.

¹⁶³ So far the exception to this position has been the vote on the Sudan resolution (UN Human Rights Council, Resolution 15/27), where despite opposition to the resolution by Sudan, the African Group has been unable to adopt a common position to reject the text.

¹⁶⁴ See Appendix 1.

¹⁶⁵ *Ibid.*

¹⁶⁶ *Ibid.*

¹⁶⁷ See Appendices 1 and 3.

¹⁶⁸ See Appendix 3.

¹⁶⁹ UN Human Rights Council, "Human rights, sexual orientation and gender identity," Draft Resolution 17/L.9/Rev.1, A/HRC/17/L.9/Rev.1, General comment by Nigeria on behalf of the African Group, webcast, June 17, 2011, <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/seventeenth/hrc110617am1-eng.rm?start=02:20:07&end=02:27:21> (accessed July 29, 2011).

Norway

Norway is a bridge-builder in the Council. It has a number of thematic priorities, including the protection of human rights defenders and the question of business and human rights, which it pursues through careful negotiations with a broad set of states.

Norway has a non-selective approach when it comes to responding to country situations in the Council and a strong voting record. It voted in favor of the resolutions on Sudan, North Korea, Iran, Belarus, and Syria, and cosponsored all the calls for special sessions of the Council (on Côte d'Ivoire, Libya, and Syria).¹⁷⁰ It also cosponsored a majority of resolutions focusing on situations of violations (including the resolutions on the right of the Palestinian people to self-determination and the resolution on Israeli settlements). It voted favorably on some of the resolutions focusing on the OPT and Israel,¹⁷¹ while abstaining on the resolutions focusing on the follow-up to the Goldstone inquiry. Norway also abstained on the resolution on the human rights situation in the OPT, including East Jerusalem, the resolution on human rights in the occupied Syrian Golan, and the follow-up resolution on the flotilla incident at the 15th session, expressing its concern about the duplication with the UN Secretary-General's panel on the incident.¹⁷²

Norway's non-selective approach to country situations is a significant asset and puts it in a strong position to counter accusations of double standards by other countries. However, Norway has shown insufficient leadership in responding to situations of violations around the world, acting only as a supporter when others champion a cause. The lack of constructive leadership from a more diverse range of actors in the Council, including Norway, has the effect of limiting the number of country situations on which the Council is able to respond effectively. The Council should not need to rely on the same few states to lead the response to situations of concern. This is not only difficult due to the lack of resources of delegations, but politically dangerous, lending itself to selectivity and accusations of politicization. Even during the review of the Council, Norway did not put forward any proposal aimed at improving the Council's response to country situations, despite the Council's dismal record at the time. Neither did Norway play a sufficiently active role in mobilizing support for the proposals of states like Argentina, Chile, and Peru, which did aim to address the Council's weaknesses.

¹⁷⁰ See Appendices 1 and 2.

¹⁷¹ See Appendix 3.

¹⁷² See Appendix 3.

Norway's diplomatic strengths have come through more forcefully on thematic issues. Between July 2010 and June 2011, Norway was a cosponsor of resolutions on maternal mortality, health and human rights, sexual orientation and gender identity, freedom of association and assembly, the right to peaceful protest, the elimination of discrimination against women, and forensic genetics and human rights. It voted against the resolution on traditional values.

Norway was also the chief sponsor and negotiator of the difficult negotiations of the resolution on business and human rights. During the adoption of the resolution to create the new mandate of the Working Group on Business and Human Rights, Norway recalled the complex history of the initiative in the UN, which was characterized by deep divisions among stakeholders. However, despite its successful efforts to bridge differences among states on this issue, Norway was unsuccessful in negotiating a text that also satisfied the aspirations of NGOs, victims, and their representatives.¹⁷³

Pakistan

Pakistan plays a prominent role in the Council. Its interventions are often made on behalf of the OIC, rather than in its national capacity, so it is difficult to fully reflect on Pakistan's national position without relating it to its role as OIC coordinator and spokesperson.

Pakistan and the OIC's top priorities in the Council include promoting action on situations in Israel and the OPT, and safeguarding religious and cultural values.

For many years Pakistan tabled a resolution on defamation of religions at the Council. This resolution polarized discussions on religion and human rights in the Council because it undermined existing international human rights guarantees on freedom of expression, freedom of religion, and nondiscrimination.¹⁷⁴ During the March 2011 session of the Council, Pakistan agreed to try a new approach around which it might be possible to build consensus. The challenge during the negotiations that led to the adoption of a new text was to draft a resolution that presented a robust international response to tackling discrimination against individuals and groups on religious grounds while still strongly reflecting international human rights law. Pakistan successfully negotiated such a text, together with the OIC, US, and UK, and a consensual resolution was adopted.¹⁷⁵ This was a

¹⁷³ See section on "Worrying Thematic Developments."

¹⁷⁴ See section on „Progress in Thematic Areas Addressed by the Council.“

¹⁷⁵ UN Human Rights Council, Resolution 16/18.

welcome change of approach by Pakistan, showing a flexibility and commitment to working collectively to fight discrimination.

During the February 2011 special session on Libya, Pakistani Ambassador Zamir Akram spoke on behalf of the OIC about the significance of the Arab Spring. He quoted from the Quran, stating that “whenever gross injustice is inflicted, those who stand up for their rights and defend themselves are without blame” and that “the blame is on those who oppress people and cause disorder on earth.” He spoke of a new dawn having arrived and noted that the international community would have to “pay attention to the voices of the Muslim people and not just to their leaders.”¹⁷⁶

Despite his inspiring speech at the Council, only two months later Ambassador Akram opposed the adoption of a resolution during the special session on Syria in response to the killing (at the time) of more than 300 protesters by Syrian security forces and the repression of demonstrations throughout the country. The main objection voiced by Pakistan was that the situation in Syria was not unique to that country and that isolating the case was unjustified. Akram qualified the Council’s resolution on Syria as an intrusion on domestic affairs, and Pakistan voted against it.¹⁷⁷

Overall Pakistan is among the states at the Council that most express opposition to the Council’s engagement on country situations.¹⁷⁸ Pakistan has objected to all country-specific resolutions focusing on member states of the OIC in which the state concerned objects to the resolution. Between July 2010 and June 2011, Pakistan voted against the resolutions on Sudan, Iran, and Syria. During these votes, it expressed skepticism about country-specific mandates, condemnatory resolutions, and attempts to deal with these situations outside of the UPR.¹⁷⁹ It abstained on the resolutions focusing on North Korea and Belarus.¹⁸⁰ Although Pakistan routinely denounces condemnatory resolutions, like

¹⁷⁶ UN Human Rights Council, “Situation of human rights in the Libyan Arab Jamahiriya,” Statement by Pakistan on behalf of the OIC, webcast, February 25, 2011, <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/special/15/hrc110225am1-eng.rm?start=00:37:47&end=00:41:54> (accessed July 28, 2011).

¹⁷⁷ UN Human Rights Council, “The Current Situation of human rights in the Syrian Arab Republic,” Draft Resolution S-16/L.1, A/HRC/S-16/L.1, General comment by Pakistan, webcast, April 29, 2011, <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/special/16/hrc110429pm2-eng.rm?start=00:11:27&end=00:15:07> (accessed July 28, 2011).

¹⁷⁸ See Appendix 3.

¹⁷⁹ See for example: UN Human Rights Council, “Situation of human rights in the Islamic Republic of Iran,” Draft Resolution 16/L.25/Rev.1, A/HRC/16/L.25/Rev.1, General comment by Pakistan on behalf of the OIC, webcast, March 24, 2011, <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/sixteenth/hrc110324am1-eng.rm?start=02:25:53&end=02:27:51> (accessed July 28, 2011).

¹⁸⁰ See Appendix 3.

Cuba it makes an exception when the resolution focuses on Israel and the OPT.¹⁸¹ In fact, Pakistan sponsored all the resolutions over the past year focusing on Israel and the OPT, and did not cosponsor any other country-specific resolution or the calls for any of the special sessions convened during this period, demonstrating selectivity in its engagement at the Council.¹⁸²

Pakistan opposes resolutions on issues it considers contrary or a threat to Islamic culture. It dissociated itself from the consensus on the maternal mortality resolution¹⁸³ and raised concerns about the resolution on HIV/AIDS.¹⁸⁴ During negotiations on the creation of a mandate for the Working Group on the Elimination of Discrimination against Women, Pakistan supported a Saudi amendment that would have limited state obligations to eliminate discrimination to the human rights obligations a state has itself affirmatively undertaken, for example by ratifying the Convention on the Elimination of all forms of Discrimination Against Women.¹⁸⁵ The amendment was rejected.

On behalf of the OIC, Pakistan also called for a vote on the resolution on sexual orientation and gender identity. It expressed OIC concerns that “the draft resolution intends to debate issues that relate to personal behavior and preferences and have nothing to do with fundamental human rights.”¹⁸⁶ Pakistan was a supporter and cosponsor of the resolution on traditional values of humankind.¹⁸⁷

Pakistan also opposed other important initiatives unrelated to social or religious values. It was regrettably among the five states (together with China, Cuba, Libya, and Russia) that

¹⁸¹ *Ibid.*

¹⁸² See Appendices 1 and 2.

¹⁸³ UN Human Rights Council, “Preventable maternal mortality and morbidity and human rights: follow-up to resolution 11/8,” Draft Resolution 15/L.27, A/HRC/15/L.27, General comment by Pakistan on behalf of the OIC, webcast, September 30, 2010, <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/fifteenth/hrc100930am1-eng.rm?start=02:06:44&end=02:07:11> (accessed July 28, 2011).

¹⁸⁴ UN Human Rights Council, “The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS),” Draft Resolution 16/L.22, A/HRC/16/L.22, General comment by Pakistan on behalf of the OIC, webcast, March 25, 2011, <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/sixteenth/hrc110325pm1-eng.rm?start=01:06:04&end=01:07:58> (accessed July 28, 2011).

¹⁸⁵ UN Human Rights Council, “Elimination of discrimination against women,” Draft Resolution 15/L.15, A/HRC/15/L.15, General comment by Pakistan, webcast, October 1, 2011, <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/fifteenth/hrc101001am2-eng.rm?start=00:20:20&end=00:21:25> (accessed July 28, 2011).

¹⁸⁶ UN Human Rights Council, “Human rights, sexual orientation and gender identity,” Draft Resolution 17/L.9/Rev.1, A/HRC/17/L.9/Rev.1, General comment by Pakistan, webcast, June 17, 2011, <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/seventeenth/hrc110617am1-eng.rm?start=02:13:58&end=02:16:30> (accessed July 28, 2011).

¹⁸⁷ See Appendix 1.

dissociated itself from the consensus on the resolution establishing the special rapporteur mandate on the freedom of assembly and association.¹⁸⁸ Pakistan justified its position by the stating its opposition to the proliferation of mandates and its concern that the mandate overlaps with that of other international organizations, like the International Labour Organization.¹⁸⁹ During the review, Pakistan firmly opposed proposals aimed at enhancing the Council's ability to respond to emergencies and situations of violations of human rights.¹⁹⁰

Republic of Korea (South Korea)

South Korea developed a strong and coherent voting record during the past year. It voted in favor of all voted-upon country-specific resolutions (Sudan, North Korea, Iran, Belarus, and Syria), as well some of the resolutions on the OPT and Israel. South Korea's vote on Iran was particularly significant given its traditional abstention on the Iran resolution in the UN General Assembly.

South Korea cosponsored the call for the special sessions on Syria and Côte d'Ivoire, as well as several country-specific resolutions. South Korea also cosponsored key thematic resolutions on maternal mortality, on the new mandate of the special rapporteur on the freedom of assembly and association, on the panel on peaceful protests, the resolution creating the new Working Group on the Elimination of Discrimination against Women, and the resolution on forensic genetics. Commendably, South Korea also voted in favor of the resolution on sexual orientation and gender identity, and was among the states that contested the resolution on traditional values.

South Korea's positive engagement at the Council should be supplemented by stepping up its work at the Council, specifically by taking initiative and showing more leadership on particular issues. Its relatively balanced and non-selective approach, combined with its consistent voting record, puts it in a strategic position to show more leadership in mobilizing the Council's response to country situations, further spreading the responsibility for such initiatives beyond the few states that currently play that role regularly.

¹⁸⁸ UN Human Rights Council, Resolution 15/21.

¹⁸⁹ UN Human Rights Council, "The right to freedom of peaceful assembly and of association," Draft Resolution 15/L.23, A/HRC/15/L.23, General comment by Pakistan, webcast, September 30, 2010, <http://webcast.un.org/ramgen/ondemand/conferences/unhrc/fifteenth/hrc100930pm1-eng.rm?start=00:57:49&end=01:00:30> (accessed July 28, 2011).

¹⁹⁰ UN Human Rights Council, A/HRC/WG.8/1/CRP.1/Rev.1.

Russia

Russia is a strong opponent of country-specific resolutions and country-specific special procedures. Despite the Council's explicit mandate to address and prevent situations of violations and respond promptly to human rights emergencies, Russia rejects attempts to take action regarding this aspect of the Council's mandate.

Russia voted against all voted-upon initiatives focusing on specific country situations in the Council, except those relating to Israel and OPT. It rejected the extension of the expert mandate on Sudan and the special rapporteur mandate on North Korea, and voted against the resolution for a special rapporteur on Iran. During the adoption of the resolution on Belarus, which Russia also voted against, the Russian delegation denounced the practice of adopting "critical country" resolutions as counterproductive.¹⁹¹ During the special session on Syria, Russia rejected the resolution requesting OHCHR to investigate the situation. It labeled the resolution as interference in domestic affairs.¹⁹² Even in the case of the resolution on Burma, which was adopted by the Council by consensus, Russia stated that the resolution was a further example of a "one-sided politicized approach" against the spirit of cooperation.¹⁹³ Russia dissociated itself from the consensus.

Russia's relentless opposition to action on country situations is contrary to the mandate of the Council. During the review of the Council, Russia argued for increasing the threshold for the Council to respond to such situations by requiring a two-thirds majority for the approval of new country-specific special rapporteurs and independent experts (instead of a simple majority).¹⁹⁴ Russia argued that the UPR should be the only human rights review mechanism of a country's record.

The one exception to Russia's approach to situations of violations is Israel and the OPT, where it voted in favor of all resolutions considered by the Council in this period. Seeking to avoid the appearance of acting selectively, Russia has sought to justify its position by contending that the OPT/Israel resolutions are not country-specific, but thematic

¹⁹¹ UN Human Rights Council, oral statement by the Russian Federation before the vote on A/HRC/ 17/24, delivered on March 17, 2011, webcast, <http://www.un.org/webcast/unhrc/archive.asp?go=110617> (accessed August 24, 2011).

¹⁹² UN Human Rights Council, oral statement by the Russian Federation before the vote on A/HRC/RES/S-16/1, delivered on April 29, 2011, webcast, <http://www.un.org/webcast/unhrc/archive.asp?go=0116#pm> (accessed August 24, 2011).

¹⁹³ UN Human Rights Council, oral statement by the Russian Federation before the vote on A/HRC/RES/16/24 on the human rights situation in Myanmar, delivered on March 25, 2011, webcast, <http://www.un.org/webcast/unhrc/archive.asp?go=110325#pm2> (accessed August 24, 2011).

¹⁹⁴ UN Human Rights Council, Open-Ended Intergovernmental Working Group on the Review of the Work and Functioning of the HRC, "Report of the Open-Ended Intergovernmental Working Group on the Review of the Work and Functioning of the Human Rights Council," May 4, 2011, A/HRC/WG.8/2/1, p. 112.

resolutions focused on the issue of occupation. However, the Council’s mandate to address violations or adopt a critical approach is not limited to situations of occupation.

Russia’s main initiative at the Council has been the traditional values resolution. In introducing the resolution, Russia emphasized that “stressing the link between traditional values and human rights makes it possible to strengthen recognition of human rights.”¹⁹⁵ It went on to say that each state has the “right to develop its own human rights concept.”¹⁹⁶ It responded to criticisms that the resolution would undermine universality by stating that the main purpose of the initiative is to ensure a “genuinely universal acceptance of human rights.”¹⁹⁷

Concerning other thematic issues, Russia voted against the resolution on human rights, sexual orientation, and gender identity. It was one of six delegations that criticized the establishment of the special rapporteur mandate on the freedom of assembly and association as duplicative. Russia cosponsored the resolution on business and human rights. Together with Algeria, Colombia, and Spain, Russia has been an advocate for a greater focus of the Council on the issue of terrorism and human rights.

Senegal

Senegal’s engagement on country situations in the Council is mixed, but improved significantly over the course of the last year. Senegal voted positively on both Iran and Syria,¹⁹⁸ and was among the cosponsors of the resolution extending the mandate of the commission of inquiry on Libya.¹⁹⁹ Commendably, Senegal and Zambia cosponsored all the calls for the special sessions held during this period (on Côte d’Ivoire, Libya, and Syria), the only two African states to do so.²⁰⁰ This seemed to demonstrate Senegal’s resolve and commitment to implement the Council’s mandate to respond promptly and effectively to emergency situations.

Unfortunately Senegal abstained on the vote on North Korea and on the vote addressing the situation in Belarus.²⁰¹ During the September 2010 session of the Council, Senegal voted against the renewal of the expert mandate on Sudan, disappointingly changing its

¹⁹⁵ UN Human Rights Council, oral statement by the Russian Federation before the vote on A/HRC/RES/16/3 on promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind, delivered on March 24, 2011, webcast, <http://www.un.org/webcast/unhrc/archive.asp?go=110324> (accessed August 24, 2011).

¹⁹⁶ *Ibid.*

¹⁹⁷ *Ibid.*

¹⁹⁸ See Appendix 3.

¹⁹⁹ See Appendix 1.

²⁰⁰ See Appendix 2.

²⁰¹ See Appendix 3.

previous position at the June 2009 session of the Council to abstain on the issue.²⁰² As a member of the OIC, Senegal voted in favor of all resolutions focusing on the human rights situations in the OPT and Israel.

Senegal has been supportive of a number of important thematic initiatives in the Council. Between July 2010 and June 2011, it was one of the African states that cosponsored the resolution on maternal mortality and also cosponsored the resolutions adopted during the September 2010 and June 2011 sessions on the right to health. Senegal was commendably among the group of countries that supported the establishment of the new special rapporteur mandate on freedom of assembly and association.²⁰³

Unfortunately Senegal was not one of the African sponsors of the mandate creating the Working Group on the Elimination of Discrimination against Women.²⁰⁴ Senegal voted in favor of the resolution on traditional values and voted with the OIC in rejecting the resolution on sexual orientation and gender identity.²⁰⁵

South Africa

South Africa led the historic initiative on human rights, sexual orientation, and gender identity at the June 2011 session, proving its power to deliver progressive leadership and make a difference in the Council on difficult debates.²⁰⁶ South Africa's engagement on the resolution came after years of troubling and inconsistent positions at the UN on sexual orientation and gender identity. The shift in South Africa's approach came as the result of the open dialogue that South Africa held with its own civil society on the issue. South Africa's willingness to stand by its principles and show flexibility in the negotiations was key to its success. Its partnership with likeminded states like Brazil was also instrumental in bringing this initiative to a successful completion, despite the opposition of a large number of states within the African Group.

South Africa continued to play a leading role on debates relating to racism, xenophobia, discrimination, and intolerance, and has given priority to the issues of poverty, mercenaries, and private security companies at the Council.

²⁰² Ibid.

²⁰³ See Appendix 1.

²⁰⁴ Ibid.

²⁰⁵ See Appendix 3.

²⁰⁶ UN Human Rights Council, Resolution 17/19.

Despite its compelling trajectory as a generally rights-respecting state that emerged from a human rights struggle, South Africa has maintained a low profile when it comes to the Council's work responding to country-specific situations around the world. South Africa has shown some skepticism regarding the Council's actions on country situations, and has in the past played an unhelpful role on such initiatives. It often denounces double standards, but has to date not followed through in ensuring that situations that are ignored get the attention they need. As an observer state, South Africa did not vote during the period covered by this report.

South Africa's engagement in the review process of the Council also demonstrated such ambiguity: its statement at the opening of the first session of the working group on the Human Rights Council review, as well as a number of constructive propositions to improve the Council's work made during this session,²⁰⁷ contrasted with a less active engagement to push for these ideas in the final stages of the review process. Although it argued for the Council to develop an approach centered around victims' needs and non-selectivity, South Africa went on to reject proposals that addressed the question of selectivity and the need to respond promptly to situations of concern.

Switzerland

Switzerland is strongly committed to the institutional development of the Council and its mechanisms. It is also a keen defender of the independence of the special procedures and the OHCHR. Switzerland is an active player in the Council involved in all the key thematic discussions and works with others to advance the question of transitional justice.

Despite Switzerland's relatively prominent role in the Council, it has been more hesitant than in the past to take leadership in responding to country situations. Its cautious approach contrasts with the more favorable environment that has developed in the Council towards engaging in these situations. Because of its coherent, non-selective approach and its strong voting record, Switzerland is well-placed to lead on country-specific initiatives that others do not take up.

Over the course of several weeks, Switzerland tried to mobilize support for a special session focusing on the protection of human rights in the context of the Arab Spring. However, it faced difficulties harnessing enough support to give it confidence to move ahead, and did not show the resolve necessary to publicly test the will of Western,

²⁰⁷ Oral statement by the South African delegation during the First Open-Ended Intergovernmental Working Group on the Review of the Work and Functioning of the Human Rights Council, delivered on October 25, 2010, (on file at Human Rights Watch).

African, and Arab allies by moving forward with the initiative. Had it succeeded, Switzerland would have gone far in addressing the problem of the Council's selective approach in addressing the Arab Spring, including its failure to take prompt action on Bahrain and Yemen. Instead, Switzerland opted for a global, thematic approach to the issue that is also useful, but does not address that significant gap. Switzerland successfully negotiated a resolution that called on the Council to hold a panel discussion during the Council's September 2011 session on the promotion and protection of human rights in the context of peaceful demonstrations.

Switzerland voted in favor of the resolutions on Sudan, North Korea, Iran, Belarus, and Syria and cosponsored all the calls for special sessions of the council (on Côte d'Ivoire, Libya, and Syria). It also cosponsored a majority of resolutions focusing on situations of violations (including the resolutions on the right of the Palestinian people to self-determination and the resolution on Israeli settlements).

It voted in favor of some of the resolutions focusing on the OPT and Israel, while abstaining on the March 2011 session resolution on the follow-up to the Goldstone inquiry.²⁰⁸ Switzerland also abstained on the resolution on the expert committee follow-up on the status of investigations of allegations contained in the Goldstone report during the September 2010 session, citing the unbalanced nature of the resolution. During the vote Switzerland expressed its regret that the resolution did not call on all parties, including the de facto authorities of Gaza, to take all measures to prosecute those who had committed violations of international law. Switzerland also abstained on the resolution on human rights in the occupied Syrian Golan and the follow-up resolution on the flotilla incident of the September 2010 session, expressing its concern that the resolution did not refer to the panel of the UN Secretary-General.

Switzerland cosponsored many of the important thematic initiatives that were negotiated during the July 2010-June 2011 period, including those on maternal mortality, health and human rights, HIV/AIDS and human rights, the creation of the special rapporteur mandate on freedom of assembly and association, sexual orientation and gender identity, the establishment of the Working Group on the Elimination of Discrimination against Women, forensic genetics, and the creation of the Office of the President of the Human Rights Council.

²⁰⁸ See Appendix 3.

Thailand

Ambassador Sihasak Phuangkitkeow of Thailand served as President of the Council during its fifth year of work, covering the September 2010, March 2011, and June 2011 sessions. His presidency coincided with Thailand's first year as a member of the Council.

Thailand's role in the Council can be described as constructive in relation to thematic negotiations, where Thailand has had a generally progressive and principled approach to human rights. Thailand was a cosponsor of the resolution on maternal mortality and all the resolutions adopted between July 2010 and June 2011 focusing on health and human rights, including HIV/AIDS. It also cosponsored the resolution creating the new mandate of the Working Group on the Elimination of Discrimination against Women, as well as the consensus resolution put forward by the OIC to replace the controversial resolution on defamation of religions.

Commendably, Thailand voted in favor of the resolution on sexual orientation and gender identity. However, Thailand also supported the resolution on traditional values.

Thailand showed far less commitment to the Council's mandate to respond to human rights emergencies and address violations. Thailand did not cosponsor any of the calls for special sessions over the last year (on Côte d'Ivoire, Libya, and Syria) and only cosponsored two country-specific resolutions (on Somalia and Côte d'Ivoire), both of which were adopted by consensus.

Thailand's ambivalent approach to situations of violations is very concerning. With the exception of the OPT and Israel, Thailand abstained on the overwhelming majority of votes on country situations over the past year. It abstained on the decision to create the independent expert mandate on Sudan and the new special rapporteur on Iran. It also abstained when the Council mandated OHCHR to investigate human rights violations in Syria and monitor the situation in Belarus. An exception was Thailand's decision to vote in favor of the resolution on the situation of human rights in North Korea, which was significant because Thailand had traditionally abstained on this issue at the UN General Assembly.

Given its profile at the Council, Thailand should not be a bystander on important discussions on situations of violations. It should tailor its votes to the human rights merits of each case. The delegation's new approach to the situation in North Korea is a positive sign that such change is possible. The Council's significantly more responsive approach to situations of violations, consistent with its mandate, should be endorsed by Thailand given its positive predisposition to engage constructively in the Council.

United Kingdom

The UK has engaged actively in the Council and led or was closely involved in several important negotiations over the past year, including the Council's action on Libya. The UK also played an important role in negotiations with the OIC to develop a consensus around the issue of religion and discrimination (see section on the discontinuation of the resolution on defamation of religions).

The UK and France have had the most success among EU states in mobilizing the Council and the EU in response to country situations. In doing so, they have often faced political and bureaucratic obstacles within the EU. Such obstacles often delay the engagement of the EU in response to situations of concern or hamper the EU's ability to take initiative in this area.

The UK has a strong voting record at the Council. It was actively involved in negotiations leading to the adoption of the resolutions on Sudan, North Korea, Iran, Belarus, and Syria, and voted in favor of all of them. During the July 2010-June 2011 period, it also cosponsored all the calls for special sessions of the council (on Côte d'Ivoire, Libya, and Syria) and a majority of resolutions drafted in response to country situations. Its strategy on Libya included helping to create a cross-regional group of cosponsors led by Jordan, which requested the extension of the mandate of the commission of inquiry. The efforts put into this negotiation paid off, as the resolution was adopted by consensus at the June 2011 session of the Council.

The UK voted for some of the resolutions focusing on the OPT and Israel, namely the resolution on the right of the Palestinian people to self-determination, and the resolution on Israeli settlements and on the follow-up to the flotilla incident (of the March 2011 and June 2011 sessions), while abstaining on the resolutions focusing on the follow-up to the Goldstone inquiry, on the human rights situation on the OPT, including East Jerusalem, on human rights in the occupied Syrian Golan, and the September 2010 resolution on follow-up to the flotilla incident. On this last resolution, the UK said that it regretted the unbalanced nature of the resolution, which failed to include the responsibility of Hamas to credibly investigate allegations made against it.

The UK's generally balanced approach to situations of concern is an important asset and puts it in a strong position to counter accusations of double standards by other countries. However, the UK did not press for Council action in response to the repression of peaceful demonstrations in Bahrain and Yemen—a serious inconsistency. The UK's lack of political will to lend support in these two cases contributed to the Council's failure to act promptly

and effectively. Regrettably the UK has also shown little interest in engaging in situations such as Afghanistan and Iraq, where human rights have deteriorated dramatically in the last year and Council action is needed.

Between July 2010 and June 2011, the UK cosponsored several thematic resolutions, including on maternal mortality, sexual orientation and gender identity, forensic genetics, the establishment of the panel on peaceful protests, and the creation of the mandate of the special rapporteur on freedom of assembly and association.

In negotiations at the Council, the UK has been a strong and principled advocate for the protection of the independence of the special procedures and the OHCHR.

United States

The United States has engaged actively in the Council. Since becoming a member of the Council in June 2009, it has adopted a refreshing new approach of cross-regional engagement and dialogue that has helped to depolarize the Council and strengthen its response to country situations. Ambassador Eileen Donahoe, the first to be appointed to the newly created position of US representative to the UN Human Rights Council, has played a remarkable role developing the US' new multilateral engagement strategy at the Council. The best example of the new US approach was the initiative to create the new special rapporteur mandate on freedom of assembly and association. This initiative was successful because it was initiated by a solid cross-regional group of cosponsors, including the Czech Republic, Indonesia, Lithuania, the Maldives, Mexico, Nigeria, and the US. The US has given priority to this approach when working on country-specific situations as well. For example, on Côte d'Ivoire, it worked with the African Group to gather the signatures required to convene a special session.

The US approach in the Council has been to consolidate the use of a diverse toolbox to respond to country situations and avoid adopting a "one-size-fits-all approach." It has worked with states such as Guinea and Kyrgyzstan that are willing to cooperate with the Council and the OHCHR in developing resolutions that reflect concern for human rights violations in their countries and that highlight the concerned countries willingness to address these challenges. The US has praised the approach of certain countries, including Somalia, which has engaged cooperatively with the Independent Expert on Somalia, and Tunisia, for its efforts on reform and cooperation with OHCHR. At the same time, the US underlined the need for a firm response to grave human rights situations in which the concerned state is unwilling to cooperate, such as the situations in Iran, Libya, and Syria.

The US has a strong voting record when it comes to responding to country situations, with the exception of the OPT and Israel. It introduced the amendment to renew the expert mandate on Sudan and voted in favor of the resolution. It cosponsored many resolutions on country situations and voted in favor of the resolutions on the human rights situation in North Korea, Iran, Libya, Syria, and Belarus.

Human Rights Watch has expressed concern about the lack of consistency of the US approach when it comes to mobilizing the Council's response to situations of concern involving close allies of the US. The lack of a prompt response to the repression of demonstrations in Yemen and Bahrain is a case in point. Although the US expressed its solidarity with those "calling for peaceful transitions, democracy and greater protection of human rights" in the Middle East "including Bahrain and Yemen,"²⁰⁹ it did not mobilize support for an urgent debate, special session, or resolution to hold these governments to account and promptly respond to these crises as they were developing.

The US has also been consistently unwilling to put the human rights situation in Afghanistan squarely on the Council's agenda, and did not support the call for the creation of a special procedure mandate on the country. The joint Afghani-US resolution on addressing attacks on school children in Afghanistan in June 2011, while addressing an important issue, raised questions of why a more comprehensive approach, such as that endorsed by the US in other situations, was not being applied in this case.²¹⁰

The systematic rejection of any resolution focusing on the OPT and Israel by the US is also a matter of concern. The US called for a vote on all the resolutions focusing on the OPT and Israel, including the resolution on the right to self-determination of the Palestinian people, which had previously been adopted by consensus. The US was the only member state of the Council to vote against the resolutions on Israeli settlements, human rights in the Syrian Golan, and the human rights situation in the OPT, including East Jerusalem.

The lack of nuance in the US position undermines its credibility and overall engagement at the Council. It has created tension around initiatives sponsored by the US on other countries, such as the special session on Syria, because of the perception that the US engages in double standards.²¹¹

²⁰⁹ US Statement at the special session on the situation of human rights in the Syrian Arab Republic, April 29, 2011, <http://geneva.usmission.gov/2011/04/29/hrc-special-session-on-syria-statement-by-ambassador-donahoe/> (accessed August 11, 2011).

²¹⁰ UN Human Rights Council, Resolution 14/15.

²¹¹ During the special session on the situation of human rights in the Syrian Arab Republic held on April 29, 2011, Brazil and Mauritius clearly expressed such concerns.

On thematic issues, the US has engaged actively on a number of thematic initiatives. It played a key role in working constructively with Pakistan as the coordinator of the OIC to develop a consensus to replace the text on defamation of religions. It also supported Mexico and Colombia's initiative to create a mandate for the Working Group on the Elimination of Discrimination against Women. The US strongly supported the South African initiative on human rights, sexual orientation, and gender identity.

During the review of the Council, the US was supportive of developing new mechanisms to improve the Council's response to situations of violations and put several proposals forward.

Uruguay

On June 20, 2011, Ambassador Laura Dupuy Lasserre of Uruguay was elected as the sixth President of the Council. The Council's selection of the Uruguayan ambassador as president is a clear vote of confidence for Uruguay's fair-play approach in the body.

Uruguay has a well-regarded and principled approach to human rights in the Council. It often draws on the lessons it has learned from its own past when formulating its priorities and positions. During the period covered by this report, Uruguay had a strong voting record. It supported the Council's need to respond to country situations in a non-selective manner and voted in favor of the resolutions on Sudan, North Korea, Belarus, Syria, as well as on the OPT and Israel. Uruguay also cosponsored the call for the special session on Libya and was one of only two GRULAC member states that cosponsored the special session on Syria.²¹²

Unfortunately, Uruguay did not vote in favor of the resolution establishing the special rapporteur mandate for Iran. Its position on Iran is inconsistent with the rest of its voting record in the Council and differs from the position of likeminded states in the GRULAC region, which voted in favor of this resolution. Nonetheless, during its explanation of vote, Uruguay condemned the application of the death penalty in Iran, especially on minors, and called on Iran to allow visits by the special procedures.²¹³

Uruguay commendably cosponsored the March 2011 session resolution on Burma, the only GRULAC member state of the Council to do so. It was also one of only three GRULAC member states to cosponsor the resolution on cooperation between Tunisia and the

²¹² The other was Mexico.

²¹³ UN Human Rights Council, oral statement by Uruguay before the vote on A/HRC/ 16/9 on the situation of human rights in Iran, delivered on March 24, 2011, webcast, <http://www.un.org/webcast/unhrc/archive.asp?go=110324> (accessed August 29, 2011).

OHCHR,²¹⁴ and has often emphasized the important role of technical cooperation for the realization of human rights.

Uruguay's generally positive approach on country situations is matched by its positive engagement on thematic resolutions, its open support for the independence of the special procedures and the OHCHR, and its advocacy in favor of NGO participation in the Council. Uruguay was also a supporter of the initiative for the establishment of the Office of the President of the Council.

Pertaining to thematic issues over the last year, Uruguay cosponsored all of the health and human rights resolutions, as well as those on maternal mortality and sexual orientation and gender identity. It was a key leader of negotiations on the resolution on the rights of the child.²¹⁵ It was also one of the sponsors of the resolution creating the new mandate on the elimination of discrimination against women.²¹⁶

Zambia

During its tenure on the Human Rights Council, Zambia has played an important role, particularly in supporting the implementation of the Council's mandate to respond effectively to situations of violations of human rights and emergencies. It was the only African country, together with Senegal, to support all three calls for special sessions held in the first half of 2011 (on Côte d'Ivoire, Libya, and Syria), and it cosponsored the resolutions on Somalia, Iran, and Libya.²¹⁷

Zambia has a strong voting record at the Council. It showed a principled and consistent approach to human rights by voting across the board to support the Council's engagement on country situations, namely on Sudan, Iran, North Korea, Belarus, and Syria. On Israel and the OPT, it voted in favor of the resolutions on the right to self-determination of the Palestinian people, the question of Israeli settlements, and human rights in the occupied Golan Heights. However, Zambia abstained on other resolutions focusing on follow-up to the Gaza conflict and the flotilla incident, as well as the resolution on the human rights situation in the OPT, including East Jerusalem.²¹⁸

²¹⁴ The others were Chile and Ecuador.

²¹⁵ UN Human Rights Council, "Rights of the child: a holistic approach to the protection and promotion of the rights of children working and/or living on the street," March 24, 2011, Resolution 16/12, A/HRC/RES/16/12.

²¹⁶ See Appendix 1.

²¹⁷ See Appendices 1 and 2.

²¹⁸ See Appendix 3.

On thematic issues, Zambia was a cosponsor of the resolution on maternal mortality, as well as on the resolution that led to the creation of the new Working Group on the Elimination of Discrimination against Women.²¹⁹ Despite NGO concerns that the resolution on traditional values undermines established principles of universality and equality, Zambia cosponsored and voted in favor of this initiative. It abstained on the resolution on human rights, sexual orientation, and gender identity, which affirms the need to ensure nondiscrimination of all people regardless of their sexual identity.²²⁰

²¹⁹ See Appendix 1.

²²⁰ See Appendix 3.

Appendix 1: Select Resolutions and Decisions

September 2010-June 2011

RESOLUTION	TITLE	COSPONSORS
A/HRC/RES/15/1 (September 29, 2010)	Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla	Bolivia, Pakistan (on behalf of the Organization of the Islamic Conference) and Venezuela
A/HRC/RES/15/5 (September 29, 2010)	Forensic genetics and human rights	Andorra, Argentina, Armenia, Austria, Azerbaijan, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Denmark, Ecuador, Egypt, France, Finland, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Israel, Japan, Latvia, Mexico, Morocco, Netherlands, Norway, Palestine, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Saudi Arabia, Serbia, Slovenia, South Africa, Spain, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, and Venezuela
A/HRC/RES/15/6 (September 29, 2010)	Follow-up to the report of the Committee of independent experts in international humanitarian and human rights law established pursuant to Council resolution 13/9	Pakistan (on behalf of the Organization of the Islamic Conference), Palestine and Syrian Arab Republic (on behalf of the Arab Group), and Venezuela
A/HRC/RES/15/17 (September 30, 2010)	Preventable maternal mortality and morbidity and human rights: follow-up to Council resolution 11/8	Algeria, Andorra, Angola, Argentina, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Chad, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Estonia, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Japan, Jordan, Kenya, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mauritius, Mexico, Monaco, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Senegal, Serbia, Singapore, Slovakia, Slovenia, Somalia, Spain, Sri Lanka, Sweden, Switzerland, Tanzania, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Viet Nam, Zambia, and Zimbabwe
A/HRC/RES/15/20 (September 30, 2010)	Advisory services and technical assistance for Cambodia	Australia, Austria, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, New Zealand, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Switzerland, and the United States of America
A/HRC/RES/15/21 (September 30, 2010)	The rights to freedom of peaceful assembly and of association	Albania, Argentina, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Canada, Chile, Colombia, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Ghana, Guatemala, Hungary, Iceland, India,

RESOLUTION	TITLE	COSPONSORS
		Indonesia, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Senegal, Serbia, Slovakia, Slovenia, Somalia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, Ukraine, and the United States of America
A/HRC/RES/15/23 (October 1, 2010)	Elimination of discrimination against women	Albania, Andorra, Argentina, Australia, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, France, Finland, Germany, Guatemala, Haiti, Hungary, Iceland, India, Ireland, Italy, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Mauritania, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Rwanda, Serbia, Slovakia, Slovenia, Somalia, Spain, Sweden, Switzerland, Tanzania, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United States of America, Uruguay, Venezuela, and Zambia
A/HRC/RES/15/22 (September 30, 2010)	Right of everyone to the enjoyment of the highest attainable standard of physical and mental health	Argentina, Austria, Belarus, Bolivia, Bosnia and Herzegovina, Brazil, Burkina Faso, Burundi, Canada, Chad, Chile, China, Colombia, Costa Rica, Croatia, Cuba, Djibouti, Dominican Republic, Ecuador, Eritrea, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Kazakhstan, Kenya, Luxembourg, Mali, Malta, Mexico, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Senegal, Serbia, Slovenia, South Africa, Spain, Sudan, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay, and Venezuela
A/HRC/RES/15/27 (October 1, 2010)	Situation of human rights in the Sudan	United States of America, Iceland, Ireland, Israel, Japan, Norway, and Switzerland
A/HRC/RES/15/28 (October 1, 2010)	Assistance to Somalia in the field of human rights	Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, New Zealand, Nigeria (on behalf of the African Group), Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, and Zambia
A/HRC/RES/16/3 (March 24, 2011)	Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind	Algeria, Angola, Bangladesh, Belarus, Bolivia, Botswana, Burkina Faso, Burundi, Chad, China, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Ethiopia, Gabon, Indonesia, Islamic Republic of Iran, Kazakhstan, Kyrgyzstan, Lao Democratic People's Republic, Lebanon, Madagascar, Malaysia, Mauritania, Morocco, Namibia, Nicaragua, Nigeria, Pakistan (on behalf of the Organization of Islamic Conference), Palestine, Qatar, Russian Federation, Singapore, Sri Lanka, Syrian Arab Republic, Thailand, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia, and Zimbabwe
A/HRC/RES/16/4 (March 24, 2011)	Freedom of opinion and expression: mandate of the Special Rapporteur on the promotion	Albania, Algeria, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Senegal, Serbia, Slovakia, Slovenia, Somalia, Spain, Sweden, Switzerland, Tanzania, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, and Zambia

RESOLUTION	TITLE	COSPONSORS
	and protection of the rights to freedom of opinion and expression	France, Gabon, Georgia, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Japan, Jordan, Latvia, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Mauritius, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Nigeria, Norway, Palestine, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Senegal, Serbia, Slovakia, Slovenia, Somalia, Spain, Sweden, Switzerland, Thailand, Turkey, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, and Zambia
A/HRC/RES/16/8 (March 24, 2011)	Situation of human rights in the Democratic People's Republic of Korea	Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary (on behalf of the European Union), Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Republic of Korea, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the Former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, and the United States of America
A/HRC/RES/16/9 (March 24, 2011)	Situation of human rights in the Islamic Republic of Iran	Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Botswana, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Israel, Latvia, Liechtenstein, Lithuania, Luxembourg, the former Yugoslav Republic of Macedonia, Maldives, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, the United States of America, and Zambia
A/HRC/RES/16/17 (March 24, 2011)	Human rights in the occupied Syrian Golan	Belarus, Cuba, Democratic People's Republic of Korea, Iraq (on behalf of the Arab Group), Nicaragua, Nigeria (on behalf of the African Group), Pakistan (on behalf of the Organization of the Islamic Conference), and Venezuela
A/HRC/RES/16/18 (March 24, 2011)	Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief	Nicaragua, Pakistan (on behalf of the Organization of the Islamic Conference), Thailand, Uruguay, and Venezuela
A/HRC/RES/16/19 (March 24, 2011)	Cooperation between Tunisia and the Office of the High Commissioner for Human Rights	Australia, Austria, Belgium, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Honduras, Hungary (on behalf of the European Union), Iceland, Iraq (on behalf of the Arab Group), Ireland, Italy, Japan, Jordan, Latvia, Lithuania, Luxembourg, Maldives, Malta, Monaco, Montenegro, Netherlands, New Zealand, Nigeria (on behalf of the African Group), Norway, Panama, Peru, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, the United States of America, and Uruguay

RESOLUTION	TITLE	COSPONSORS
A/HRC/RES/16/20 (March 25, 2011)	Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla	Algeria, Bolivia, Cuba, Iraq (on behalf of the Arab Group), Ireland, Malta, Nicaragua, Pakistan (on behalf of the Organization of the Islamic Conference), Portugal, Slovenia, and Venezuela
A/HRC/RES/16/21 (March 25, 2011)	Review of the work and functioning of the Human Rights Council	None
A/HRC/RES/16/24 (March 25, 2011)	Situation of human rights in Myanmar	Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary (on behalf of the European Union), Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, Uruguay, and the United States of America
A/HRC/RES/16/25 (March 25, 2011)	Situation of human rights in Côte d'Ivoire	Austria, Australia, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Greece, Hungary, Iceland, Ireland, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, Nigeria (on behalf of the African Group), Norway, Poland, Portugal, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, and the United States of America
A/HRC/RES/16/28 (March 25, 2011)	The protection of human rights in the context of HIV and AIDS	Argentina, Armenia, Austria, Bolivia, Bosnia and Herzegovina, Brazil, Chile, Colombia, Congo, Costa Rica, Croatia, Cuba, Ecuador, Equatorial Guinea, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Jordan, Liechtenstein, Mexico, Montenegro, Mozambique, Netherlands, Nicaragua, Panama, Peru, Portugal, Romania, Serbia, Switzerland, Thailand, Uruguay, and Venezuela
A/HRC/RES/16/29 (March 25, 2011)	The Human Rights Situation in the Occupied Palestinian Territory, Including East Jerusalem	Algeria, Belarus, Bolivia, Cuba, Iraq (on behalf of the Arab Group), Nicaragua, Nigeria (on behalf of the African Group) Pakistan (on behalf of the Organization of Islamic Conference), Palestine, Sri Lanka, and Venezuela
A/HRC/RES/16/30 (March 25, 2011)	Right of the Palestinian people to self-determination	Algeria, Austria, Belarus, Belgium, Bolivia, Bulgaria, Cuba, Cyprus, France, Finland, Greece, Iceland, Iraq (on behalf of the Arab Group), Ireland, Luxembourg, Malta, Nicaragua, Nigeria (on behalf of the African Group), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Palestine, Portugal, Serbia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, and Venezuela
A/HRC/RES/16/31 (March 25, 2011)	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan	Algeria, Austria, Belgium, Belarus, Bolivia, Cuba, Cyprus, Greece, Finland, Iceland, Iraq (on behalf of the Arab Group), Ireland, Luxembourg, Malta, Nicaragua, Nigeria (on behalf of the African Group), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Palestine, Portugal, Spain, Sri Lanka, Sweden, Switzerland, and Venezuela

RESOLUTION	TITLE	COSPONSORS
A/HRC/RES/16/32 (March 25, 2011)	Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict	Algeria, Belarus, Bolivia, Cuba, Iraq (on behalf of the Arab Group), Nicaragua, Nigeria (on behalf of the African Group), Pakistan (on behalf of the Organization of the Islamic Conference), Palestine, and Venezuela
A/HRC/RES/16/33 (March 25, 2011)	Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance	Bangladesh, Belarus, Brazil, Cuba, Indonesia, Mexico, Nicaragua, Nigeria (on behalf of the African Group), Russian Federation, Pakistan, Uruguay, and Venezuela
A/HRC/RES/16/34 (March 25, 2011)	Advisory services and technical assistance for Burundi	Nigeria (on behalf of the African Group)
A/HRC/RES/16/35 (March 25, 2011)	The human rights situation in the Democratic Republic of the Congo and the strengthening of technical cooperation and advisory services	Iceland and Nigeria (on behalf of the African Group)
A/HRC/RES/16/36 (March 25, 2011)	Strengthening of technical cooperation and consultative services in Guinea	Australia, Austria, Bulgaria, Canada, the Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Greece, Hungary, Lithuania, Luxembourg, Malta, Netherlands, Nigeria (on behalf of the African Group), Norway, Poland, Portugal, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, and the United States of America
A/HRC/RES/17/4 (June 16, 2011)	Human Rights and Transnational Corporations and other Business Enterprises	Andorra, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Colombia, Denmark, Djibouti, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jordan, Latvia, Lithuania, Luxembourg, Mexico, Netherlands, Nigeria, Norway, Peru, Poland, Portugal, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, and the United States of America
A/HRC/RES/17/10 (June 17, 2011)	Follow-up to the report of the independent international fact-finding mission on the humanitarian flotilla	Bolivia, Cuba, Pakistan (on behalf of the Organization of the Islamic Conference), Palestine (on behalf of the Arab Group), Somalia, and Venezuela
A/HRC/RES/17/14 (June 17, 2011)	Right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the context of development and access to medicines	Algeria, Andorra, Argentina, Armenia, Bangladesh, Bolivia, Bosnia and Herzegovina, Brazil, Burkina Faso, Chile, Colombia, Costa Rica, Cuba, Djibouti, Egypt, Guatemala, Ecuador, El Salvador, India, Mauritius, Morocco, Nicaragua, Norway, Panama, Peru, Philippines, Senegal, South Africa, Spain, Sri Lanka, Switzerland, Thailand, Turkey, Uganda, Uruguay, and Venezuela
A/HRC/RES/17/17 (June 17, 2011)	Human Rights Situation in Libyan Arab Jamahiriyah	Australia, Austria, Belgium, Botswana, Bulgaria, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Japan, Jordan, Kuwait, Latvia,

RESOLUTION	TITLE	COSPONSORS
		Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mauritania, Mexico, Monaco, Montenegro, Morocco, the Netherlands, New Zealand, Nigeria, Norway, Palestine, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Senegal, Slovakia, Slovenia, Spain, St. Kitts and Nevis, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, and Zambia
A/HRC/RES/17/19 (June 17, 2011)	Human Rights, Sexual Orientation and Gender Identity	Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Honduras, Iceland, Ireland, Israel, Italy, Luxembourg, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Serbia, Slovenia, South Africa, Spain, Sweden, Switzerland, Timor-Leste, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, and Venezuela
A/HRC/RES/17/20 (June 17, 2011)	Technical assistance and cooperation on human rights for Kyrgyzstan	Australia, Belgium, Bulgaria, Canada, Chile, Czech Republic, Estonia, Finland, France, Hungary, Iceland, Italy, Japan, Jordan, Kazakhstan, Kyrgyzstan, Lithuania, Maldives, Montenegro, Netherlands, Norway, Poland, Portugal, Dominican Republic, Republic of Korea, Romania, Somalia, Spain, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, and the United States of America
A/HRC/RES/17/21 (June 17, 2011)	Assistance to Côte d'Ivoire in the field of human rights	Australia, Austria, Azerbaijan, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania Luxembourg, Maldives, Monaco, Netherlands, Nigeria (on behalf of the African Group), Norway, Republic of Moldova, Poland, Portugal, Romania, Slovenia, Spain, Sweden, Switzerland, Thailand, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, and the United States of America
A/HRC/RES/17/22 (June 17, 2011)	Migrants and asylum seekers fleeing from events in North Africa	Bolivia, Brazil and Nigeria (on behalf of the African Group)
A/HRC/RES/17/24 (June 17, 2011)	Situation of human rights in Belarus	Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, the former Yugoslav Republic of Macedonia, Malta, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, and the United States of America
A/HRC/RES/17/25 (June 17, 2011)	Assistance to Somalia in the field of human rights	Australia, Austria, Belgium, Canada, Croatia, Cyprus, Czech Republic, Estonia, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Malta, Monaco, Netherlands, Nigeria (on behalf of the African Group), Norway, Palestine, Poland, Portugal, Romania, Serbia, Slovenia, Spain, Thailand, Turkey, Ukraine, and the United States of America
A/HRC/DEC/17/117 (June 17, 2011)	Procedural Decision (Yemen)	The Netherlands and Palestine (on behalf of the Arab Group)
A/HRC/DEC/17/118 (June 17, 2011)	Establishment of the Office of the President of the Human Rights Council	Austria, the Dominican Republic, Ecuador, Guatemala, Lao People's Democratic Republic, Mexico, Republic of Moldova, Nigeria, Switzerland, Thailand, Ukraine, Uruguay, and Venezuela

RESOLUTION	TITLE	COSPONSORS
A/HRC/DEC/17/119 (June 17, 2011)	Follow-up to the Human Rights Council Resolution 16/21 with regard to the Universal Periodic Review	
A/HRC/DEC/17/120 (June 17, 2011)	Panel on the promotion and protection of human rights in the context of peaceful protests	Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kenya, Latvia, Liechtenstein, Lithuania, Maldives, Montenegro, Netherlands, Norway, Palestine, Poland, Portugal, Republic of Korea, Serbia, Slovakia, Slovenia, Somalia, Spain, Sweden, Switzerland, Timor-Leste, Turkey, United Kingdom of Great Britain and Northern Ireland, and the United States of America

The data in this table is based on information from the advance unedited reports of the 15th, 16th, and 17th sessions of the Human Rights Council, available at <http://www2.ohchr.org/english/bodies/hrcouncil/>.

The final versions of these reports were not available at the time of writing.

Appendix 2: Cosponsors of Special Sessions

September 2010-June 2011

SESSION	DATE	MEMBER STATE REQUESTING SESSION	MEMBER STATES SUPPORTING SESSION	SIGNATORIES (INCLUDING MEMBER AND OBSERVER STATES)
14th Special Session on Côte d'Ivoire	December 23, 2010	Nigeria (on behalf of the African Group) and the United States of America	Angola, Argentina, Belgium, Brazil, Burkina Faso, Cameroon, Djibouti, France, Gabon, Ghana, Hungary, Japan, Libyan Arab Jamahiriya, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Poland, Republic of Korea, Republic of Moldova, Senegal, Slovakia, Spain, Switzerland, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, the United States of America, and Zambia	Austria, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Slovenia, and Sweden
15th Special Session on Libya	February 25, 2011	Hungary (on behalf of the European Union)	Argentina, Belgium, Brazil, Chile, France, Guatemala, Hungary, Japan, Jordan, Maldives, Mexico, Norway, Poland, Qatar, Republic of Moldova, Senegal, Slovakia, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, and Zambia	Australia, Austria, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Honduras, Iceland, Iraq, Ireland, Israel, Italy, Latvia, Lebanon, Lithuania, Luxembourg, Malta, Monaco, New Zealand, Netherlands, Palestine, Peru, Portugal, Romania, Slovenia, Sweden, Tunisia, and Turkey
16th Special Session on Syria	April 29, 2011	United States of America	Belgium, France, Hungary, Japan, Mexico, Norway, Poland, Republic of Korea, Republic of Moldova, Senegal, Slovakia, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, and Zambia	Austria, Australia, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Finland, Germany, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Portugal, Romania, Slovenia, Sweden, and Uruguay

The data in this table is based on information from the advance unedited reports of the 14th, 15th, and 16th special sessions of the Human Rights Council, available at <http://www2.ohchr.org/english/bodies/hrcouncil/>. The final versions of these reports were not available at the time of writing.

Appendix 3: Voting Records by Regional Group

July 2010-June 2011

AFRICAN GROUP RESOLUTION	ANGOLA	BURKINA FASO	CAMEROON	DJIBOUTI	GABON	GHANA	MAURITANIA	MAURITIUS	NIGERIA	SENEGAL	UGANDA	ZAMBIA	LIBYA
Situation of human rights in the Sudan (A/HRC/RES/15/27)	ABSENT	N	N	N	Y	N	N	A	N	N	Y	Y	N
Situation of human rights in the Democratic People's Republic of Korea (A/HRC/RES/16/8)	A	Y	A	Y	Y	Y	A	Y	A	A	A	Y	SUSPENDED
Situation of human rights in the Islamic Republic of Iran (A/HRC/RES/16/9)	ABSENT	A	A	A	A	A	N	A	A	Y	A	Y	SUSPENDED
The current human rights situation in the Syrian Arab Republic in the context of recent events (A/HRC/RES/S-16/1)	ABSENT	Y	A	A	N	Y	N	Y	A	Y	A	Y	SUSPENDED
Situation of human rights in Belarus (A/HRC/17/24)	A	A	A	A	Y	A	A	Y	N	A	A	Y	SUSPENDED
Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla (A/HRC/RES/15/4)	Y	Y	A	Y	Y	ABSENT	Y	Y	Y	Y	Y	A	Y
Follow-up to the report of the Committee of independent experts in international humanitarian and human rights law established pursuant to Council resolution 13/9 (A/HRC/RES/15/6)	Y	A	A	Y	Y	Y	Y	Y	Y	Y	Y	A	Y
Human rights in the occupied Syrian Golan (A/HRC/RES/16/17)	Y	Y	A	Y	A	Y	Y	Y	Y	Y	Y	Y	SUSPENDED
Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla (A/HRC/RES/16/20)	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	A	SUSPENDED
The Human Rights Situation in the Occupied Palestinian Territory, including East Jerusalem (A/HRC/RES/16/29)	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	A	SUSPENDED
Right of the Palestinian people to self-determination (A/HRC/RES/16/30)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	SUSPENDED
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (A/HRC/RES/16/31)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	SUSPENDED
Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/RES/16/32)	Y	A	A	Y	Y	Y	Y	Y	Y	Y	Y	A	SUSPENDED
Follow up to the report of the independent international fact-finding mission on the humanitarian flotilla (A/HRC/17/10)	Y	Y	A	Y	ABSENT	Y	Y	Y	Y	Y	Y	A	SUSPENDED
Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind (A/HRC/RES/16/3)	Y	Y	Y	Y	ABSENT	Y	Y	N	Y	Y	Y	Y	SUSPENDED
Human Rights, Sexual Orientation and Gender identity (A/HRC/17/L-9)	N	A	N	N	N	N	N	Y	N	N	N	A	SUSPENDED

ASIAN GROUP	BAHRAIN	BANGLADESH	CHINA	JAPAN	JORDAN	KYRGYZSTAN	MALAYSIA	MALDIVES	PAKISTAN	QATAR	SOUTH KOREA	SAUDI ARABIA	THAILAND
RESOLUTION													
Situation of human rights in the Sudan (A/HRC/RES/15/27)	N	N	N	Y	N	A	N	Y	N	N	Y	N	A
Situation of human rights in the Democratic People's Republic of Korea (A/HRC/RES/16/8)	ABSENT	A	N	Y	Y	Y	A	Y	A	A	Y	ABSENT	Y
Situation of human rights in the Islamic Republic of Iran (A/HRC/RES/16/9)	A	N	N	Y	A	ABSENT	A	Y	N	ABSENT	Y	A	A
The current human rights situation in the Syrian Arab Republic in the context of recent events (A/HRC/RES/S-16/1)	ABSENT	N	N	Y	ABSENT	Y	N	Y	N	ABSENT	Y	A	A
Situation of human rights in Belarus (A/HRC/17/24)	A	A	N	Y	Y	A	A	Y	A	A	Y	A	A
Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla (A/HRC/RES/15/1)	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	A	Y	Y
Follow-up to the report of the committee of independent experts in international humanitarian and human rights law established pursuant to Council resolution 13/9 (A/HRC/RES/15/6)	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	A	Y	Y
Human rights in the occupied Syrian Golan (A/HRC/RES/16/17)	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	A	Y	Y
Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla (A/HRC/RES/16/20)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y
The Human Rights Situation in the Occupied Palestinian Territory, including East Jerusalem (A/HRC/RES/16/29)	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	A	Y	Y
Right of the Palestinian people to self-determination (A/HRC/RES/16/30)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (A/HRC/RES/16/31)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/RES/16/32)	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y
Follow-up to the report of the independent international fact-finding mission on the humanitarian flotilla (A/HRC/17/10)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y
Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind (A/HRC/RES/16/3)	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	Y	Y
Human rights, sexual orientation and gender identity (A/HRC/17/19)	N	N	A	Y	N	ABSENT	N	N	N	N	Y	N	Y

EASTERN EUROPEAN GROUP		HUNGARY	POLAND	REPUBLIC OF MOLDOVA	SLOVAKIA	RUSSIAN FEDERATION	UKRAINE
RESOLUTION							
Situation of human rights in the Sudan (A/HRC/RES/15/27)		Y	Y	Y	Y	N	Y
Situation of human rights in the Democratic People's Republic of Korea (A/HRC/RES/16/8)		Y	Y	Y	Y	N	Y
Situation of human rights in the Islamic Republic of Iran (A/HRC/RES/16/9)		Y	Y	Y	Y	N	Y
The current human rights situation in the Syrian Arab Republic in the context of recent events (A/HRC/RES/S-16/1)		Y	Y	Y	Y	N	A
Situation of human rights in Belarus (A/HRC/17/24)		Y	Y	A	Y	N	ABSENT
Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla (A/HRC/RES/15/1)		A	A	A	A	Y	A
Follow-up to the report of the committee of independent experts in international humanitarian and human rights law established pursuant to Council resolution 13/9 (A/HRC/RES/15/6)		A	A	A	A	Y	A
Human rights in the occupied Syrian Golan (A/HRC/RES/16/17)		A	A	A	A	Y	A
Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla (A/HRC/RES/16/20)		A	A	A	A	Y	A
The Human Rights Situation in the Occupied Palestinian Territory, including East Jerusalem (A/HRC/RES/16/29)		A	A	A	A	Y	A
Right of the Palestinian people to self-determination (A/HRC/RES/16/30)		Y	Y	Y	Y	Y	Y
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (A/HRC/RES/16/31)		Y	Y	Y	Y	Y	Y
Follow-up to the report of the United Nations fact-finding mission on the Gaza Conflict (A/HRC/RES/16/32)		A	A	A	N	Y	A
Follow-up to the report of the independent international fact-finding mission on the humanitarian flotilla (A/HRC/17/L.1)		A	A	A	A	Y	A
Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind (A/HRC/RES/16/3)		N	N	A	N	Y	A
Human rights, sexual orientation and gender identity (A/HRC/17/L.9)		Y	Y	N	Y	N	Y

GROUP OF LATIN AMERICAN & CARIBBEAN COUNTRIES (GRULAC)									
RESOLUTION	ARGENTINA	BRAZIL	CHILE	CUBA	ECUADOR	GUATEMALA	MEXICO	URUGUAY	
Situation of human rights in the Sudan (A/HRC/RES/15/27)	Y	Y	Y	N	Y	Y	Y	Y	
Situation of human rights in the Democratic People's Republic of Korea (A/HRC/RES/16/8)	Y	Y	Y	N	A	Y	Y	Y	
Situation of human rights in the Islamic Republic of Iran (A/HRC/RES/16/9)	Y	Y	Y	N	N	Y	Y	A	
The current human rights situation in the Syrian Arab Republic in the context of recent events (A/HRC/RES/S-16/1)	Y	Y	Y	N	N	Y	Y	Y	
Situation of human rights in Belarus (A/HRC/17/24)	Y	Y	Y	N	N	A	A	Y	
Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla (A/HRC/RES/15/1)	Y	Y	Y	Y	Y	Y	Y	Y	
Follow-up to the report of the committee of independent experts in international humanitarian and human rights law established pursuant to Council resolution 13/9 (A/HRC/RES/15/6)	Y	Y	A	Y	Y	A	A	Y	
Human rights in the occupied Syrian Golan (A/HRC/RES/16/17)	Y	Y	Y	Y	Y	A	Y	Y	
Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla (A/HRC/RES/16/20)	Y	Y	Y	Y	Y	Y	Y	Y	
The human rights situation in the Occupied Palestinian Territory, including East Jerusalem (A/HRC/RES/16/29)	Y	Y	Y	Y	Y	A	Y	Y	
Right of the Palestinian people to self-determination (A/HRC/RES/16/30)	Y	Y	Y	Y	Y	Y	Y	Y	
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (A/HRC/RES/16/31)	Y	Y	Y	Y	Y	Y	Y	Y	
Follow-up to the report of the United Nations fact-finding mission on the Gaza conflict (A/HRC/RES/16/32)	Y	Y	Y	Y	Y	A	A	Y	
Follow up to the report of the independent international fact-finding mission on the humanitarian flotilla (A/HRC/17/10)	Y	Y	Y	Y	Y	Y	Y	Y	
Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind (A/HRC/RES/16/3)	A	A	A	Y	Y	A	N	A	
Human rights, sexual orientation and gender identity (A/HRC/17/19)	Y	Y	Y	Y	Y	Y	Y	Y	

WESTERN EUROPEAN AND OTHERS GROUP (WEOG)		BELGIUM	FRANCE	NORWAY	SPAIN	SWITZERLAND	UK	USA
RESOLUTION								
	Situation of human rights in the Sudan (A/HRC/RES/15/27)	Y	Y	Y	Y	Y	Y	Y
	Situation of human rights in the Democratic People's Republic of Korea (A/HRC/RES/16/8)	Y	Y	Y	Y	Y	Y	Y
	Situation of human rights in the Islamic Republic of Iran (A/HRC/RES/16/9)	Y	Y	Y	Y	Y	Y	Y
	The current human rights situation in the Syrian Arab Republic in the context of recent events (A/HRC/RES/S-16/1)	Y	Y	Y	Y	Y	Y	Y
	Situation of human rights in Belarus (A/HRC/17/24)	Y	Y	Y	Y	Y	Y	Y
	Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla (A/HRC/RES/15/1)	A	A	A	A	A	A	N
	Follow-up to the report of the committee of independent experts in international humanitarian and human rights law established pursuant to Council resolution 13/9 (A/HRC/RES/15/6)	A	A	A	A	A	A	N
	Human rights in the occupied Syrian Golan (A/HRC/RES/16/17)	A	A	A	A	A	A	N
	Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla (A/HRC/RES/16/20)	Y	Y	Y	Y	Y	Y	N
	The human rights situation in the Occupied Palestinian Territory, including East Jerusalem (A/HRC/RES/16/29)	A	A	A	A	Y	A	N
	Right of the Palestinian people to self-determination (A/HRC/RES/16/30)	Y	Y	Y	Y	Y	Y	N
	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan (A/HRC/RES/16/31)	Y	Y	Y	Y	Y	Y	N
	Follow-up to the report of the United Nations fact-finding mission on the Gaza conflict (A/HRC/RES/16/32)	A	A	A	A	A	N	N
	Follow-up to the report of the independent international fact-finding mission on the humanitarian flotilla (A/HRC/17/10)	Y	Y	Y	Y	Y	Y	N
	Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind (A/HRC/RES/16/3)	N	N	N	N	N	N	N
	Human rights, sexual orientation and gender identity (A/HRC/17/19)	Y	Y	Y	Y	Y	Y	Y

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Keeping the Momentum

One Year in the Life of the UN Human Rights Council

Five years after its creation, the UN Human Rights Council began shaking off its reluctance to engage on “country situations” by taking concrete steps to respond to several human rights crises across the globe. From July 2010 through June 2011, the Council established commissions of inquiry on Libya and Côte d’Ivoire, appointed an expert to investigate the human rights situation in Iran, and spoke out after years of silence on the human rights situation in Belarus. It responded quickly and helpfully to the Arab Spring in some countries (Libya, Syria, Tunisia), but ignored entirely developments in Bahrain.

Keeping the Momentum highlights the main achievements of the Council in the past year, while noting the serious human rights situations that the Council failed to address. By taking a close look at the performance of 27 states that have played an influential role at the Council, the report shows how a small number of states have moved the Council from being a passive spectator to engaging actively in a manner that shapes human rights on the ground. And it describes how some states have sought to derail that progress.

The report examines ways to consolidate and build on that progress to the benefit of all those facing human rights abuse. Human Rights Watch challenges states to live up to the Council’s clear mandate: to promote and protect the human rights of people throughout the world.

View of the Palais de Nations, the headquarters of the United Nations Office in Geneva and the UN Human Rights Council.

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