

EVALUATION OF CANDIDATES FOR 2011-2014 MEMBERSHIP ON THE UN HUMAN RIGHTS COUNCIL

*As submitted to UNGA member states on May 17, 2011. To be presented
at United Nations Headquarters, New York, May 19, 2011*

Executive Summary

This report assesses each candidate country's record of domestic human rights protection and its UN voting record, based on the criteria for UN Human Rights Council membership established by UNGA Resolution 60/251 (2006). We find that only 10 out of 17 candidate countries are qualified. Three candidates have poor records and are not qualified to be Council members. Four countries fall somewhere in between, with qualifications that are questionable.

Not Qualified: Congo, Kuwait*, Nicaragua

Questionable: Burkina Faso, India, Indonesia, Philippines

**Qualified: Austria, Benin, Botswana, Chile, Costa Rica,
Czech Republic, Georgia, Italy, Peru, Romania**

The absence of competition in three out of the five regional lists calls into question the very premise and rationale of the election. Nevertheless, UNGA member states can—and should—refrain from casting their votes for countries that are not qualified. Candidate countries with questionable credentials should, at a minimum, be asked to commit to redress the shortcomings—in their human rights record and their UN voting records—as identified in this report.

* All reports say that Kuwait will run instead of Syria. However, as of May 17, the UN website still lists Syria as a candidate, and Kuwait's name is yet to appear: <http://www.un.org/en/ga/65/meetings/elections/hrc.shtml>.

Methodology

According to UNGA Resolution 60/251, which established the UN Human Rights Council in 2006, General Assembly members are obliged to elect states to the Council by “tak[ing] into account the candidates’ contribution to the promotion and protection of human rights and their voluntary pledges and commitments made thereto.”

The resolution also provides that consideration ought to be given to whether the candidate can meet the obligations of Council membership, which include (a) “to uphold the highest standards in the promotion and protection of human rights” and (b) to “fully cooperate with the Council.”

Guided by these criteria, this report evaluates each candidate’s suitability for election to the Human Rights Council by examining its record of human rights protection at home, and its record of human rights promotion at the UN. Under the criteria established by UNGA Resolution 60/251, it is clear that the UN should not elect any country to the Council which has either a poor record of respecting the human rights of its own people, or which is likely to use its Council membership to frustrate the protection of human rights victims or the principles of individual human rights. The report is based on information, ratings and analysis from the following sources:

- A country’s rating in [Freedom in the World 2011](#), an annual survey by Freedom House that measures political rights and civil liberties worldwide, ranking countries as: Free, Partly Free, or Not Free;
- A country’s rating in [The Economist 2010 Democracy Index](#), which considers a country’s electoral process and pluralism, civil liberties, government functioning, political participation, and political culture, and ranks it as: a Full Democracy, a Flawed Democracy, a Hybrid Regime, or an Authoritarian Regime;
- A country’s rating in [Freedom of the Press 2011](#), an annual survey by Freedom House that examines the legal, political and economic environments in which journalists work in order to assess the degree of print, broadcast, and internet freedom in every country in the world, ranking each as free, partly free, or not free;
- A country’s global ranking in the [2010 Worldwide Press Freedom Index by Reporters Sans Frontières](#), which measures the degree of freedom that journalists and news organizations enjoy in each country, and the

- efforts made by state authorities to respect and ensure respect for this freedom, ranking each country as Good Situation, Satisfactory Situation, Noticeable Problems, Difficult Situation, or Very Serious Problems; and
- A country’s voting record on key human rights proposals, which are classified as positive, negative or mixed based on key [2010 votes at the UN General Assembly Third Committee \(Human Rights\)](#).

The May 20 Elections

Background

On May 20, 2011, the UN General Assembly will vote to fill 15 of the 47 Human Rights Council seats in the annual rotation of membership. Seventeen countries have presented themselves as candidates for the 15 open seats. Syria was a candidate for one of the four open Asian seats, endorsed by the UN’s Asian Group. Following robust campaigning by civil society and several UN member states, Syria pulled out, replaced by Kuwait.

“Closed Lists” Defeat Purpose of Elections

Regrettably, the election is somewhat of an illusion. In only two regional groups is there competition: four countries from the Latin American and Caribbean Group (GRULAC) are running for the three available GRULAC seats, and three Eastern European countries are running for the two available Eastern European seats.

However, for three of the five regions, there is the same amount of candidates as available seats—i.e., no competition whatsoever. These candidates were selected by a process of political horse-trading. Thus there are four Asian countries that are candidates for the four available Asian seats; four African countries for the four available African seats; and two countries from the Western European and Others Group (“WEOG”) for two available WEOG seats.

These “closed lists” deprive the Member States of the UNGA of the opportunity to exercise the responsibilities described in the 2006 UNGA Resolution creating the Council and—because of the records of many of this year’s candidates—threaten to further weaken the Council, which still struggles to establish a reputation superior to its widely disparaged predecessor, the UN Human Rights Commission.

Procedure for Opposing Non-Qualified Candidates on Closed Lists

In these cases, many UNGA member states assume that their task is simply to ratify the pre-selection made by regional groups. However, it is important to note that this is not a necessary outcome. Each candidate must still receive the affirmative votes of 97 countries (an absolute majority of the membership of the UNGA), even if they run unopposed.

In order for the Human Rights Council to live up the ideals expressed in the UN Charter and the Universal Declaration of Human Rights, UN Member States are urged to vote “No” in regard to the most conspicuously unqualified states in the secret ballot. This means that even though Africa and Asia have submitted closed lists, the UNGA members should fulfill their duties under UNGA resolution 60/251 and refrain from voting for Congo or Kuwait

This would allow other, better qualified candidates to come forward. In order to successfully block an unqualified candidate, according to Rule 94 of the UNGA Rules of Procedure, a majority of states must vote against the country on three successive ballots. As the Rule explains, “after the third inconclusive ballot, votes may be cast for any eligible person or Member”—which would open the process to other states not already on the ballot. Moreover, the UNGA could make clear to hesitating governments that there is a realistic prospect of their election by casting write-in votes for the best-qualified alternatives eligible.

Call for Action: Oppose Non Qualified Candidates Congo, Kuwait and Nicaragua

We call upon the member states of the UN General Assembly to refrain from voting in favor of Congo, Kuwait and Nicaragua, whose records — on human rights and UN voting — fail to meet the criteria for Council membership.

Qualified Alternative Candidates in Africa, Asia, GRULAC

- In the African group, qualified alternatives would include Cape Verde, Mali and Namibia, among others.
- In the Asian group, qualified candidates include Cyprus, Mongolia and the Pacific island states, provided they are given support in Geneva.
- In the Latin American group, where there is competition, member states should vote for Chile, Costa Rica and Peru.

Who's Leaving, Who's Coming Back

Two countries, Burkina Faso and Chile, are running for reelection. Some of the candidate countries are seeking a return to the Council after a mandatory gap year (required after two terms): India, Indonesia and the Philippines. Other candidates have been members in the past, such as the Czech Republic, Italy, Peru and Romania. Interestingly, in June, ten countries that have been HRC members since its 2006 creation will come off for the first time: Brazil, France, Gabon, Ghana, Japan, Pakistan, South Korea, United Kingdom, Ukraine and Zambia. All of them are required to take a gap year before seeking to return.

Analysis of the “Not Qualified” Candidates

Congo

Human Rights Record

According to the 2011 edition of *Freedom in the World*, the annual survey by Freedom House, the Republic of Congo fails to meet the standards of an electoral democracy. Recent elections have been marred by irregularities, opposition boycotts and disqualifications, and the absence of an independent electoral commission. The government's respect for press freedom is limited. Congo's weak judiciary is subject to corruption and political influence while ethnic discrimination persists. Congo is ranked Not Free by Freedom House, with a score of 6 out of a worst possible 7 for political rights, and a 5 out of a worst possible 7 for civil liberties.

UN Voting Record

In the past year at the UNGA's Third Committee, which deals with human rights, Congo abstained on resolutions condemning the human rights situations in Iran, Myanmar (Burma), and North Korea, and abstained on the Islamic-sponsored resolution on “Combating defamation of religions.”

Kuwait

Human Rights Record

According to Freedom House, Kuwait fails to meet the standards of an electoral democracy. The ruling family largely sets the policy agenda and dominates political life. Formal political parties are banned. The authorities continue to limit criticism and debate on politics in the press. The government imposes constraints on freedoms of assembly and association. It routinely

restricts the registration and licensing of associations and nongovernmental organizations. Kuwait lacks an independent judiciary. Kuwait is ranked only Partly Free by Freedom House and, out of a worst possible score of 7, it received a 4 for political rights and a 5 for civil liberties.

UN Voting Record

In the past year at the UNGA's Third Committee, Kuwait voted against the resolution condemning the human rights situations in Iran, abstained on the resolutions condemning Myanmar (Burma) and North Korea, and voted in favor of the resolution on "Combating defamation of religions."

Nicaragua

Human Rights Record

According to Freedom House, Nicaraguan authorities use violent intimidation and politicized courts for political means. Freedoms of the press and assembly have come under mounting pressure. Nicaragua is ranked only Partly Free by Freedom House, with a score of 4 out of a worst possible 7 for both political rights and civil liberties.

UN Voting Record

In the past year at the Third Committee, Nicaragua voted against the resolutions condemning the human rights situations in Iran and Myanmar (Burma), abstained on the resolution condemning North Korea, and voted in favor of the resolution on "Combating defamation of religions."

Recent evidence indicates that Nicaragua would use membership on the HRC to shield repressive regimes and frustrate the cause of victims. Nicaragua was one of the very few countries to support Col. Qaddafi at the Human Rights Council. During the February urgent session on Libya's atrocities, Nicaragua blamed the Libyan situation on the Western media, saying it was "whipping up violence" so that "Western imperialism could assert its domain." In a separate statement during the crisis, President Ortega openly endorsed Col. Qaddafi, calling the Libyan dictator a "brother."

Similarly, at the April 29 UNHRC special session on Syria, Nicaragua attempted to shield the Assad regime from accountability. According to the UN summary, the Nicaraguan representative said that the Special Session "was one more demonstration of the double standards and of the increasing proliferation of political dialogue within the Council." Nicaragua said it was an "active member in defending the principle of self-determination" and they believed that the Syrian government would be able to achieve this "only

through dialogue.” Nicaragua urged all Member and Observer States “to privilege dialogue and cooperation with Syria” and “to prefer this to condemnation measures that could hinder the finding of peaceful solutions.”

Analysis of the “Questionable” Candidates

Burkina Faso

Human Rights Record

Burkina Faso is ranked only Partly Free by Freedom House and received a score of 5 out of a worst possible 7 on political rights and a 3 on civil rights.

UN Voting

Burkina Faso is running for re-election on the council. To its credit, Burkina Faso was among the five African countries that recently voted in favor of the HRC condemnation of Syrian atrocities. In the past year at the Third Committee, Burkina Faso abstained on the resolutions condemning the human rights situations in Iran, Myanmar (Burma), and North Korea, and abstained on the resolution on “Combating defamation of religions.”

India

Human Rights Record

India is ranked Free by Freedom House with a score of 2 on the scale of 1 (high) to 7 (low) for both political rights and 3 for civil liberties.

UN Voting Record

In the past year at the Third Committee, India voted against the resolutions condemning the human rights situations in Iran and Myanmar (Burma), abstained on the resolution condemning North Korea, and abstained on the resolution on “Combating defamation of religions.”

During the recent HRC session on Syria, India’s statement was mixed. It noted that the escalation of violence in Syria posed serious challenges to the stability of the country and the region as a whole. India urged the Government of Syria to facilitate greater access to media and information to assess the situation. India wrongly gave credit to Syria by speaking of its “positive recent reforms.” India also sent the wrong message to Damascus, failing to put human rights at the core, when it said that, “Actions of the international community should not inadvertently complicate the situation by inflaming it further or endangering the unity and territorial integrity of the country.”

Indonesia

Human Rights Record

Indonesia is ranked Free by Freedom House with a score of a 2 out of a worst possible 7 for political rights, and a 3 for civil liberties.

UN Voting Record

There are serious questions as to whether Indonesia would use HRC membership to stand up for victims. In the past year at the Third Committee, Indonesia voted against the resolution condemning the human rights situation in Iran, abstained on the resolutions condemning the human rights situations in North Korea and Myanmar (Burma), and voted in favor of “Combating defamation of religions.”

In the UNHRC special session on Syria, Indonesia undermined the effort to hold Syria accountable for its crimes. Using diplomatic code for supporting inaction, Indonesia said, according the UN summary, that “constructive dialogue, mutual respect and genuine cooperation should guide the Council’s work in promoting and protecting human rights, including when dealing with the human rights situation in a specific country.” Indonesia did note that “the fundamental obligation of the government was to listen to their citizens and people should be allowed to avail themselves of the right to express their views democratically without fear of repression and violence.” Yet it subtly opposed the draft resolution condemning Damascus when it called on the international community to “engage constructively with Syria to find a peaceful solution.”

Philippines

Human Rights Record

The Philippines is ranked Partly Free by Freedom House receiving a score of 3 out of a worst possible 7 on both political rights and on civil rights.

UN Voting

In the past year at the Third Committee, the Philippines abstained on the resolutions condemning the human rights situations in Iran, Myanmar (Burma) and North Korea, and abstained on the resolution on “Combating defamation of religions.”

Analysis of “Qualified” Candidates

Austria

Human Rights Record

Austria is ranked Free by Freedom House, receiving a score of 1 out of a worst possible 7 on both political rights and civil rights.

UN Voting Record

In the past year at the Third Committee, Austria voted in favor of the resolutions condemning the human rights situations in Iran, Myanmar (Burma) and North Korea, and voted against the resolution on “Combating defamation of religions.”

Benin

Human Rights Record

Benin is ranked Free by Freedom House, receiving a score of 2 out of a worst possible 7 on both political rights and on civil rights.

UN Voting

In the past year at the Third Committee, Benin abstained on the resolutions condemning the human rights situations in Iran and Myanmar (Burma), voted in favor of the resolution condemning North Korea, and abstained on “Combating defamation of religions.”

Botswana

Human Rights Record

Botswana is ranked Free by Freedom House, receiving a score of 3 out of a worst possible 7 on political rights and a 2 on civil rights.

UN Voting Record

In the past year at the Third Committee, Botswana voted in favor of the resolutions condemning the human rights situations in Iran, Myanmar (Burma) and North Korea, and abstained on the resolution on “Combating defamation of religions.”

Chile

Human Rights Record

Chile is ranked Free by Freedom House, receiving a score of 1 out of a worst possible 7 on both political rights and civil rights.

UN Voting Record

In the past year at the Third Committee, Chile voted in favor of the resolutions condemning the human rights situations in Iran and Myanmar (Burma), was absent during the vote on the resolution condemning North Korea, and voted against the resolution on “Combating defamation of religions.” Chile is running for re-election.

Costa Rica

Human Rights Record

Costa Rica is ranked Free by Freedom House, receiving a score of 1 out of a worst possible 7 on both political rights and civil rights.

UN Voting Record

In the past year at the Third Committee, Costa Rica voted in favor of the resolutions condemning the human rights situations in Iran, Myanmar (Burma) and North Korea, and abstained on the resolution on “Combating defamation of religions.”

Czech Republic

Human Rights Record

Czech Republic is ranked Free by Freedom House, receiving a score of 1 out of a worst possible 7 on both political rights and civil rights.

UN Voting Record

In the past year at the Third Committee, Czech Republic voted in favor of the resolutions condemning the human rights situation in Iran, Myanmar (Burma) and North Korea, and voted against the resolution on “Combating defamation of religions.”

Georgia

Human Rights Record

Georgia is ranked Partly Free by Freedom House, receiving a score of 4 out of a worst possible 7 on political rights and a 3 on civil rights.

UN Voting Record

In the past year at the Third Committee, Georgia voted in favor of the resolution condemning the human rights situation in Myanmar (Burma), was absent during the votes on the resolutions condemning the human rights situations in Iran and North Korea, and voted against the resolution on “Combating defamation of religions.”

Italy

Human Rights Record

Italy is ranked Free by Freedom House, receiving a score of 1 out of a worst possible 7 on political rights and a 2 on civil rights.

UN Voting Record

In the past year at the Third Committee, Italy voted in favor of the resolutions condemning the human rights situations in Iran, Myanmar (Burma) and North Korea, and voted against the resolution on “Combating defamation of religions.”

Peru

Human Rights Record

Peru is ranked Free by Freedom House, receiving a score of 2 out of a worst possible 7 on political rights and a 3 on civil rights.

UN Voting Record

In the past year at the Third Committee, Peru voted in favor of the resolutions condemning the human rights situations in Iran, Myanmar (Burma) and North Korea, and abstained on the resolution on “Combating defamation of religions.”

Romania

Human Rights Record

Romania is ranked Free by Freedom House, receiving a score of 2 out of a worst possible 7 on political rights and a 2 on civil rights.

UN Voting Record

In the past year at the Third Committee, Romania voted in favor of the resolutions condemning the human rights situations in Iran, Myanmar (Burma) and North Korea, and voted against the resolution on “Combating defamation of religions.”

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Candidates from the African Group (for 4 seats)

Replacing Burkina Faso, Gabon, Ghana and Zambia

FH: *Freedom House annual survey* RSF: *Reporters Sans Frontières press freedom index*

Country	FH Rating	Economist Rating	FH Press Freedom	RSF Rating	UN Voting Record	Suitability for Membership
Benin	Free	Flawed Democracy	Partly Free	Noticeable Problems	Mixed	Qualified
Botswana	Free	Flawed Democracy	Partly Free	Noticeable Problems	Positive	Qualified
Burkina Faso	Partly Free	Authoritarian Regime	Partly Free	Satisfactory situation	Mixed	Questionable
Congo	Not Free	Authoritarian Regime	Partly Free	Noticeable Problems	Mixed	Not Qualified

Candidates from the Asian Group (for 4 seats)

Replacing Bahrain, Japan, Pakistan and Republic of Korea

Country	FH Rating	Economist Rating	FH Press Freedom	RSF Rating	UN Voting Record	Suitability for Membership
India	Free	Flawed Democracy	Partly Free	Noticeable Problems	Negative	Questionable
Indonesia	Free	Flawed Democracy	Partly Free	Noticeable Problems	Negative	Questionable
Philippines	Partly Free	Flawed Democracy	Partly Free	Difficult Situation	Mixed	Questionable
Kuwait	Partly Free	Authoritarian Regime	Partly Free	Noticeable Problems	Negative	Not Qualified

Candidates from the Latin American and Caribbean Group (for 3 seats)

Replacing Argentina, Chile and Brazil

Country	FH Rating	Economist Rating	FH Press Freedom	RSF Rating	UN Voting Record	Suitability for Membership
Chile	Free	Flawed Democracy	Free	Satisfactory Situation	Positive	Qualified
Costa Rica	Free	Full Democracy	Free	Satisfactory Situation	Positive	Qualified
Nicaragua	Partly Free	Hybrid Regime	Partly Free	Noticeable Problems	Negative	Not Qualified
Peru	Free	Flawed Democracy	Partly Free	Noticeable Problems	Positive	Qualified

Candidates from the Western European and Others Group (for 2 seats)

Replacing France and the United Kingdom

Country	FH Rating	Economist Rating	FH Press Freedom	RSF Rating	UN Voting Record	Suitability for Membership
Austria	Free	Full Democracy	Free	Good Situation	Positive	Qualified
Italy	Free	Flawed Democracy	Partly Free	Noticeable Problems	Positive	Qualified

Candidates from the Eastern European Group (for 2 seats)

Replacing Slovakia and Ukraine

Country	FH Ranking	Economist Rating	FH Press Freedom	RSF Rating	UN Voting Record	Suitability for Membership
Czech Republic	Free	Full Democracy	Free	Satisfactory Situation	Positive	Qualified
Georgia	Partly Free	Hybrid Regime	Partly Free	Noticeable Problems	Positive	Qualified
Romania	Free	Flawed Democracy	Partly Free	Noticeable Problems	Positive	Qualified