



EVALUATION OF CANDIDATES FOR 2013-2015 MEMBERSHIP ON THE UN HUMAN RIGHTS COUNCIL

For presentation at United Nations Headquarters, New York, Nov. 8, 2012

EXECUTIVE SUMMARY

This report evaluates the countries that have submitted candidacies for the Nov. 12, 2012 election of 18 new members to the UN Human Rights Council. To evaluate qualifications we applied the membership criteria established by UNGA Resolution 60/251, in particular by examining (a) each candidate's record of domestic human rights protection; and (b) its UN voting record. The report finds as follows:

- **Not Qualified**

Seven candidates have poor records and are not qualified:

Cote d'Ivoire, Ethiopia, Gabon, Kazakhstan, Pakistan, UAE, Venezuela

- **Questionable**

Two candidates have problematic records and thus questionable candidacies:

Kenya, Sierra Leone

- **Qualified**

Only 11 out of 20 candidate countries are qualified to be Council members:

Argentina, Brazil, Estonia, Germany, Greece, Ireland, Japan, Montenegro, South Korea, Sweden, United States

The absence of competition this year in four out of the five regional slates is scandalous, undermining the very premise and rationale for holding elections. Nevertheless, this report reminds UN member states that they have the right to refrain from voting for countries deemed Not Qualified, even if those happen to be running on closed slates. Instead, as detailed in the report, during the ballot they can actually defeat such candidacies, and instead free up the process for qualified alternatives to come forward. We note several alternative candidacies for the relevant regional groups, who have better human rights and U.N. voting records:

- **Qualified Alternative Candidates**

Africa: Cape Verde, Ghana, Namibia and Zambia

Asia: Mongolia and East Timor

Latin America: Panama and Paraguay

In regard to candidate countries deemed Questionable, they should, at a minimum, be asked to commit to redress the shortcomings identified in this report.

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African Group: Closed Slate of 5 Candidates for 5 Seats Replacing Cameroon, Djibouti, Mauritania, Mauritius and Nigeria

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

COUNTRY	FH* RATING	ECONOMIST RATING	FH* PRESS FREEDOM	RSF** RATING	UN VOTING RECORD	SUITABILITY FOR MEMBERSHIP
Cote d'Ivoire	Not Free	Authoritarian Regime	Not Free	Noticeable Problems	Mixed	Not Qualified
Ethiopia	Not Free	Authoritarian Regime	Not Free	Difficult Situation	Mixed	Not Qualified
Gabon	Not Free	Authoritarian Regime	Not Free	Noticeable Problems	Positive	Not Qualified
Kenya	Partly Free	Hybrid Regime	Partly Free	Noticeable Problems	Mixed	Questionable
Sierra Leone	Partly Free	Hybrid Regime	Partly Free	Noticeable Problems	Mixed	Questionable

Asian Group: Closed Slate of 5 Candidates for 5 Seats Replacing Bangladesh, China, Jordan, Kyrgyzstan and Saudi Arabia

COUNTRY	FH RATING	ECONOMIST RATING	FH PRESS FREEDOM	RSF RATING	UN VOTING RECORD	SUITABILITY FOR MEMBERSHIP
Japan	Free	Full Democracy	Free	Satisfactory Situation	Positive	Qualified
Kazakhstan	Not Free	Authoritarian Regime	Not Free	Difficult Situation	Mixed	Not Qualified
Pakistan	Partly Free	Hybrid Regime	Not Free	Difficult Situation	Negative	Not Qualified
South Korea	Free	Full Democracy	Partly Free	Satisfactory Situation	Positive	Qualified
UAE	Not Free	Authoritarian Regime	Not Free	Noticeable Problems	Mixed	Not Qualified

Latin American and Caribbean Group: Closed Slate of 3 Candidates for 3 Seats
 Replacing Cuba, Mexico and Uruguay

COUNTRY	FH RATING	ECONOMIST RATING	FH PRESS FREEDOM	RSF RATING	UN VOTING RECORD	SUITABILITY FOR MEMBERSHIP
Argentina	Free	Flawed Democracy	Partly Free	Satisfactory Situation	Positive	Qualified
Brazil	Free	Authoritarian Regime	Not Free	Noticeable Problems	Mixed	Qualified
Venezuela	Partly Free	Flawed Democracy	Not Free	Noticeable Problems	Negative	Not Qualified

Western European and Others Group: Contested Election of 5 Candidates for 3 Seats
 Replacing Belgium, Norway and the United States

COUNTRY	FH RATING	ECONOMIST RATING	FH PRESS FREEDOM	RSF RATING	UN VOTING RECORD	SUITABILITY FOR MEMBERSHIP
Greece	Free	Flawed Democracy	Free	Noticeable Problems	Positive	Qualified
Germany	Free	Full Democracy	Free	Good Situation	Positive	Qualified
Ireland	Free	Full Democracy	Free	Good Situation	Positive	Qualified
Sweden	Free	Full Democracy	Free	Good Situation	Positive	Qualified
USA	Free	Full Democracy	Free	Satisfactory Situation	Positive	Qualified

Eastern European Group: Closed Slate of 2 Candidates for 2 Seats
 Replacing Hungary and Russia

COUNTRY	FH RATING	ECONOMIST RATING	FH PRESS FREEDOM	RSF RATING	UN VOTING RECORD	SUITABILITY FOR MEMBERSHIP
Estonia	Free	Flawed Democracy	Free	Good Situation	Positive	Qualified
Montenegro	Free	Flawed Democracy	Partly Free	Noticeable Problems	Positive	Qualified

METHODOLOGY

Those who find justifications for the presence of systematic abusers on the Human Rights Council contradict its own charter. According to UNGA Resolution 60/251, which established the Council in 2006, General Assembly members are obliged to elect states to the Council by considering “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 membership obligations (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 country evaluations in this report are based on information, ratings and analysis from the following sources:

- *The Economist Democracy Index* (2011), which considers a country’s electoral process and pluralism, civil liberties, government functioning, political participation, and political culture, and ranks it as: Full Democracy, Flawed Democracy, Hybrid Regime, or Authoritarian Regime.
- *Reporters Sans Frontières Worldwide Press Freedom Index* (2011-2012), 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.
- *Freedom in the World* (2012), the annual survey by Freedom House that measures political rights and civil liberties worldwide, ranking countries as: Free, Partly Free, or Not Free.
- *Freedom of the Press* (2012), 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.
- *United Nations General Assembly* (2011 resolutions), examining countries by how they voted on key human rights proposals, and classifying their voting records accordingly as either Positive, Negative or Mixed.

CALL TO ACTION

Oppose Non Qualified Candidates

On November 12, 2012, the UN General Assembly’s 193 members states will be asked to fill 18 of the 47 Human Rights Council seats. Slots open each year as members complete their three-year terms. We call upon

member states to refrain from voting in favor of Cote d'Ivoire, Ethiopia, Gabon, Kazakhstan, Pakistan, UAE, and Venezuela, whose records—on respecting human rights at home and in UN voting—fail to meet the UN criteria for Council membership.

"Closed Slates" Defeat Purpose of Elections

Regrettably, this year's election is somewhat of an illusion. Competition is only present in one regional group, the Western Europe and Others Group (WEOG); all others have "closed slates," the product of backroom deals fixing an equal number of candidates and available seats. The result deprives UN Member States of the opportunity to exercise the responsibilities given them by the 2006 UNGA Resolution creating the Council. Because of the poor records of many of this year's candidates, this year's election also threatens to further weaken the Council, which still struggles to establish a reputation superior to its widely disparaged predecessor, the Human Rights Commission.

Procedure for Opposing Non-Qualified Candidates on Closed Slates

Many UN member states mistakenly assume that their task is simply to ratify the pre-selections of the closed slates fixed by regional groups. The truth, however, is that nothing obliges any country to vote for any candidate, even if they appear on a non-competitive list. Moreover, it is equally true every candidate, including those on closed slates, must receive the affirmative votes of 97 countries, being an absolute majority of the GA membership.

Accordingly, to allow the Human Rights Council to live up to the ideals expressed in the UN Charter and the Universal Declaration of Human Rights, we urge UN Member States to oppose all unqualified states in the secret ballot.

Therefore, even though Africa, Asia and Latin America all submitted closed slates, UN member states should fulfill their duties under UNGA Resolution 60/251 by refraining to vote for Cote d'Ivoire, Ethiopia, Gabon, Kazakhstan, Pakistan, UAE and Venezuela.

This would allow other, better qualified candidates to come forward. In order to successfully block an unqualified candidate, Rule 94 of the UNGA Rules of Procedure provides that a majority of states must vote against a candidate country on three successive ballots. As the Rule explains, "after the third inconclusive ballot, votes may be cast for any eligible person or Member." This would open the process to other states not already on the ballot. Moreover, by casting write-in votes for the best-qualified alternatives eligible, the UNGA could thereby convince hesitating governments that they would have a realistic prospect, thus encouraging them to throw their hat in the ring.

Qualified Alternative Candidates in Africa, Asia, GRULAC

- In the African group, qualified alternatives include Cape Verde, Ghana, Namibia and Zambia.
- In the Asian group, qualified alternatives include Mongolia and East Timor.
- In the Latin American group, qualified alternatives include Panama and Paraguay.

U.S. in Tight Race

A noteworthy feature of this year's election is that the U.S. may soon become the only permanent member of the Security Council to also be a member of the Human Rights Council. Eighteen countries will be chosen in this year's election, with the rotation of exiting and incoming members taking place on Jan. 1, 2013. For the first time since the Council was created in 2006, **Russia** and **China** will be coming off, as they complete their second terms. The rules require them to take a mandatory year off before running for a third term. **France** and **Britain** have declined to run.

The U.S., which ran for the first time in 2009, is now running for reelection. America's bid will be closely watched not merely because it is the sole regional group in which there is a contest. Diplomatic sources confirm that the U.S. could actually lose, having joined the race later than others, and given America's distinctive policy of refraining from making agreements to trade votes. Other candidates obtain commitments of support from countries by providing in exchange a commitment to vote for a certain candidate in other UN elections.

Cuba, Leader of HRC's Anti-Democratic Faction, Coming Off

In addition to **China** and **Russia**, several other countries are exiting the Council and are prohibited from running for reelection this year: **Bangladesh, Cameroon, Cuba, Djibouti, Jordan, Mauritius, Mexico, Niger, Saudi Arabia, Senegal** and **Uruguay**.

Cuba's exit, for the first time since the Council's 2006 creation, will be an important development because it has been a key leader of the Council's anti-democratic faction, initiating more counter-productive resolutions than any other country.

Some of the candidate countries are seeking a return to the Council after a mandatory gap year (required after two terms): **Argentina, Brazil, Japan, Pakistan** and **South Korea**. Other candidates have been members in the past, such as **Germany**.

Sudan Withdraws Bid After Mia Farrow and NGOs Oppose

Sudan this summer announced its candidacy for the upcoming UNHRC election. In response, a major diplomatic and public campaign was launched by governments and NGOs. Film star and human rights activist Mia Farrow headed a campaign organized by UN Watch with the support of Human Rights Foundation and 30 other NGOs. A legal objection was filed with the UN Legal Counsel asking to disqualify Sudan's candidacy on account of its president being indicted for genocide by the ICC; an online petition to Sudan's UN Ambassador and U.S. Ambassador Susan Rice gathered thousands of signatures; an Internet campaign page was created and letters sent to foreign ministers and all UN Missions in New York and Geneva; UN Watch and Human Rights Foundation requested a permit from the city of New York to hold a mass rally in front of the United Nations. In face of the mounting pressure, Sudan announced the withdrawal of its candidacy.

ANALYSIS OF "NOT QUALIFIED" CANDIDATES

Venezuela

Human Rights Record

Venezuela severely restricts freedom of expression, prosecutes government critics, inhibits the activities of human rights organizations, and undermines the independence of its judiciary, thereby creating a chilling effect amongst the general public and media at large.

Venezuela has engaged in the arrest, incarceration, and criminal prosecution of individuals for having expressed opinions that disturb State authorities, in gross violation of the right to freedom of expression as guaranteed under Article 19 of the Universal Declaration on Human Rights.

Legislation and actions by the state have criminalized legitimate criticism of public officials, disregarding the principles of accountability, transparency and honest government.

Human rights groups have pointed to an orchestrated campaign to delegitimize, stigmatize and cripple the ability of NGOs to work in Venezuela, including through the pursuit of unjustified investigations, alarmingly broad rulings by the Supreme Court designed to prevent such organizations from conducting activities not sanctioned

by the Government, aggressive smear campaigns launched by the government against human rights advocates, legislative measures that restrict the ability of human rights organizations to obtain critical international funding, and the expulsion of foreigners who express opinions that offend state institutions or senior officials.

The Government made a calculated effort in 2004 and 2010 to achieve a political takeover of the Supreme Court by stacking it with government supporters, creating mechanisms designed to purge other judges, altering the makeup of the judiciary of the lower courts, thereby undermining the rule of law and preventing the court from legitimately serving as a check on executive powers.

Judge María Lourdes Afiuni was immediately arrested by police after she ordered, on 10 December 2009, the conditional release pending trial of political prisoner Eligio Cedeño, whose detention for nearly three years without trial was declared arbitrary by the United Nations Human Rights Council Working Group on Arbitrary Detention in its 1 September 2009 Opinion citing violations of the right to fair trial.

The case of Judge Afiuni has been addressed in Human Rights Council reports and by the United Nations High Commissioner for Human Rights in her statement at the tenth Biennial Conference of the International Association of Women Judges in Seoul. On 16 December 2009 a joint urgent appeal was issued by three independent UN human rights experts calling for the release of Judge Afiuni, criticizing the infringement by President Hugo Chávez of the independence of judges and lawyers, and noting that reprisals for the exercise of constitutionally guaranteed functions, and the creation of a climate of fear among the judiciary and the legal profession, serve no purpose other than to undermine the rule of law and obstruct justice.

Venezuela is ranked only *Partly Free* by Freedom House and received a low score of 5 on both political and civil rights.

UN Voting

Venezuela voted against the resolutions for victims in North Korea, Myanmar, Syria and Iran. Venezuela supported the Cuban-sponsored and counter-productive resolution on “human rights and cultural diversity.”

Pakistan

Human Rights Record

Pakistan fails to meet the minimal standards of a free democracy. The authorities limit criticism in the press, and have increased Internet censorship. The government restricts the registration of nongovernmental organizations. Blasphemy laws remain in use, where insulting Islam, the prophet Mohammad or the Koran is punishable by death.

Pakistan 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. “Pakistan was the world’s deadliest country for journalists for the second year running,” found Reporters Without Borders, ranking the country 151st out of 179 countries in its 2011-2012 press freedom index.

In Pakistan, Asia Bibi, a Christian mother of five, remains on death row for the crime of blasphemy. Some Pakistanis also believe their government is complicit in the culture of intolerance and violence that allowed 14-year-old Malala to be shot in the head by the Taliban for advocating education for herself and other girls.

“The aftermath of the attack,” wrote Pakistani lawyer Saroop Ijaz in a recent article, “saw the usual clichés, one of which is, ‘We are all Malala.’ No, we are not. Had all of us or even most of been Malala, these medieval thugs could not have attacked her. Had enough of us been Malala, nobody would have dared to make excuses for this murderous assault.”

“The Pakistan Army has to stop the policy of considering the terrorist, any faction or network as ‘strategic assets.’ The Pakistan Army has, the over the past three decades, contributed to this ideology of jihad.”

UN Voting Record

Pakistan abstained on the resolutions for victims in North Korea and Myanmar, and opposed the resolution for victims in Iran. Pakistan abstained on the Syria resolution, and supported the Cuban-sponsored and counter-productive resolution on “human rights and cultural diversity.”

Kazakhstan

Human Rights Record

Media in Kazakhstan is subjected to censorship, harassment, legal restrictions, prohibitive libel and defamation judgments, and pressure from politicians. The main broadcast media is owned by state agents or associates of the president’s family. According to the Economist Intelligence Unit, President’s Nazerbayev’s authoritarian rule is likely to continue. Reporters Without Borders notes that the country is experiencing a new wave of censorship, and ranked the country 154th out of 179 countries in its 2011-2012 press freedom index. Kazakhstan is ranked *Not Free* by Freedom House, with a low score of 6 on political liberties, and 5 on civil liberties.

UN Voting Record

Kazakhstan supported the resolutions on Syria, North Korea and Myanmar. However, it opposed the resolution for human rights victims in Iran. Kazakhstan voted to support the Cuban-sponsored and counter-productive resolution on “human rights and cultural diversity.”

Cote d’Ivoire

Human Rights Record

Côte d’Ivoire’s Freedom House political freedom rating went from the worst score of 7 to 6, due to opposition leader Alassane Ouattara’s assumption of office after a reasonably credible 2010 presidential election, and the forcible removal of incumbent Laurent Gbagbo. However, the country is still listed as an Authoritarian Regime in The Economist’s Democracy Index, and as *Not Free* by Freedom House.

UN Voting Record

Cote d’Ivoire supported the positive resolutions for victims in Myanmar and Syria. However, it abstained on the resolutions for human rights victims in North Korea and Iran, and voted to support the Cuban-sponsored and counter-productive resolution on “human rights and cultural diversity.”

Ethiopia

Human Rights Record

As Freedom House reported, the government uses a 2009 antiterrorism law to silence dissenting voices. Journalists have fled to avoid prosecution. Ethiopia is the only nation in sub-Saharan Africa with a nationwide Internet-filtering system. It used information blackouts in the state media to censor news of the Arab uprisings. Ethiopia is ranked *Not Free* by Freedom House, with a low political and civil liberties score of 6, out of a worst possible 7.

UN Voting Record

Ethiopia supported the resolutions for victims in Syria. However, Ethiopia abstained on the resolutions for human rights victims in North Korea, Iran and Myanmar. Ethiopia voted to support the Cuban-sponsored and counter-productive resolution on “human rights and cultural diversity.”

Gabon

Human Rights Record

Gabon was ranked 101st out of 179 countries in Reporters Without Borders' press freedom index, and *Not Free* by Freedom House, with a low score of 6 on political liberties, and 5 on civil liberties.

UN Voting Record

Gabon supported resolutions on Syria, North Korea and Myanmar, but abstained on Iran.

United Arab Emirates

Human Rights Record

Journalists in the United Arab Emirates suffer intimidation and harassment. Reporters Without Borders notes that a new draft law on press freedom would maintain massive restrictions. The freedoms of assembly and association are restricted. UAE is ranked *Not Free* by Freedom House, with a score of 6 out of a worst possible 7 on political rights and civil liberties.

UN Voting Record

UAE voted for the resolutions on North Korea and Syria. It abstained on the resolutions for victims in Myanmar and Iran, and supported the Cuban-sponsored and counter-productive resolution on "human rights and cultural diversity."

ANALYSIS OF "QUESTIONABLE" CANDIDATES

Kenya

Human Rights Record

Freedom House ranked Kenya as only *Partly Free*. The country received a score of 4 out of a worst possible 7 on political rights. Kenya's media is also only *Partly Free*.

UN Voting Record

Kenya abstained on the resolutions for victims in Syria, Iran, Myanmar and North Korea, and supported the counter-productive resolution on "human rights and cultural diversity."

Sierra Leone

Human Rights Record

Sierra Leone is rated as only *Partly Free* by Freedom House. *The Economist* Democracy Index lists Sierra Leone as having a Hybrid Regime.

UN Voting Record

Sierra Leone voted in favor of the Syria resolution.