

EVALUATION OF UNHRC CANDIDATES FOR 2020-2022

This report evaluates the country candidates for the October 17, 2019 election of 14 new members to the UN Human Rights Council. Our evaluations apply the membership criteria established by UNGA Resolution 60/251, which requires members to “uphold the highest standards in the promotion and protection of human rights” and to “fully cooperate with the Council.” In particular, we examined (a) each candidate’s record of domestic human rights protection; and (b) its UN voting record. The report finds as follows:

UNQUALIFIED

Six out of sixteen candidates have poor records and fail to qualify:
Iraq, Indonesia, Libya, Mauritania, Sudan, Venezuela

QUESTIONABLE

Four candidates have problematic human rights and/or UN voting records:
Armenia, Benin, Brazil, Moldova

QUALIFIED

Only seven out of sixteen candidate countries are qualified to be council members:
Costa Rica, Germany, Japan, Marshall Islands, Netherlands, Poland, South Korea

The absence of competition this year in two out of the five regional slates undermines the very premise and rationale for holding elections. Nevertheless, this report emphasizes to UN member states that they have the legal right—and moral obligation—to refrain from voting for Unqualified candidates, 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, thereby freeing up the process for qualified alternatives to come forward. In regard to candidate countries deemed Questionable, they should, at a minimum, be asked to commit to redress the shortcomings identified in this report.

AFRICAN GROUP

CLOSED SLATE: 4 CANDIDATES FOR 4 SEATS

Replacing Egypt, Rwanda, South Africa, Tunisia

FH: Freedom House; RSF: Reporters Sans Frontières Press Freedom Index

COUNTRY	FH RATING	ECONOMIST RATING	RSF RATING	UN VOTING RECORD	SUITABILITY FOR MEMBERSHIP
Benin	Free	Hybrid Regime	Problematic	Mixed	Questionable
Libya	Not Free	Authoritarian Regime	Very Serious	Negative	Unqualified
Mauritania	Not Free	Authoritarian Regime	Problematic	Negative	Unqualified
Sudan	Not Free	Authoritarian Regime	Very Serious	Negative	Unqualified

ASIAN GROUP

CONTESTED: 5 CANDIDATES FOR 4 SEATS

Replacing China, Iraq, Japan, Saudi Arabia

COUNTRY	FH RATING	ECONOMIST RATING	RSF RATING	UN VOTING RECORD	SUITABILITY FOR MEMBERSHIP
Indonesia	Partly Free	Flawed Democracy	Difficult	Negative	Unqualified
Iraq	Not Free	Hybrid Regime	Difficult	Negative	Unqualified
Japan	Free	Flawed Democracy	Problematic	Positive	Qualified
Marshall Islands	Free	N/A	N/A	Positive	Qualified
South Korea	Free	Flawed Democracy	Satisfactory	Positive	Qualified

LATIN AMERICAN AND CARIBBEAN GROUP

CONTESTED: 3 CANDIDATES FOR 2 SEATS

Replacing Brazil, Chile

COUNTRY	FH RATING	ECONOMIST RATING	RSF RATING	UN VOTING RECORD	SUITABILITY FOR MEMBERSHIP
Brazil	Free	Flawed Democracy	Problematic	Mixed	Questionable
Costa Rica	Free	Full Democracy	Good	Positive	Qualified
Venezuela	Not Free	Authoritarian Regime	Difficult	Negative	Unqualified

WESTERN EUROPEAN AND OTHERS GROUP

CLOSED SLATE: 2 CANDIDATES FOR 2 SEATS

Replacing Iceland, United Kingdom

COUNTRY	FH RATING	ECONOMIST RATING	RSF RATING	UN VOTING RECORD	SUITABILITY FOR MEMBERSHIP
Germany	Free	Full Democracy	Good	Positive	Qualified
Netherlands	Free	Full Democracy	Good	Positive	Qualified

EASTERN EUROPEAN GROUP

CONTESTED: 3 CANDIDATES FOR 2 SEATS

Replacing Croatia, Hungary

COUNTRY	FH RATING	ECONOMIST RATING	RSF RATING	UN VOTING RECORD	SUITABILITY FOR MEMBERSHIP
Armenia	Partly Free	Hybrid Regime	Problematic	Mixed	Questionable
Moldova	Partly Free	Hybrid Regime	Problematic	Positive	Questionable
Poland	Free	Flawed Democracy	Problematic	Positive	Qualified

METHODOLOGY

The presence of gross and systematic abusers of human rights on the UN Human Rights Council contradicts 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 further 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 by voting to frustrate the protection of human rights victims or to undermine the principles of individual human rights.

Citing these criteria, in June 2017 the Netherlands on behalf of 47 countries—including the U.S., UK, France, Germany, Italy, Canada—issued a joint statement to further HRC membership requirements.¹ They pledged to “strive to ensure competitive HRC membership elections,” and to “engage in voting based on human rights considerations consistent with GA resolution 60/251.” The stated goal was to “help strengthen the Council’s effectiveness and credibility.”

However, that pledge has not resulted in any change to the HRC election process. In fact, this year there is no competition whatsoever in two out of the five regional slates.

The country evaluations in this report are based on information, ratings and analysis from the following sources:

- *The Economist Democracy Index (2018)*, 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 (2019)*, 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, Satisfactory, Problematic, Difficult or Very Serious.
- *Freedom in the World (2019)*, the annual survey by Freedom House that measures political rights and civil liberties worldwide, ranking countries as: Free, Partly Free or Not Free.
- *Voting record at the UN General Assembly*, examining countries by how they voted at the UN on ten different thematic and country-specific human rights proposals, and classifying their

¹ *Joint Statement by the Netherlands on behalf of 47 countries*, HUMAN RIGHTS COUNCIL (June 23, 2017), available at www.unwatch.org/joint-statement-improving-unhrc-membership/.

voting records accordingly as either Positive, Negative, or Mixed. Countries were credited with one point for voting to support human rights, debited one point for opposing human rights and given no points for abstaining or being absent. Countries who scored between 6 to 10 are ranked as having Positive voting records; those scoring 0 to 5 are Mixed; and those scoring below zero are Negative.

CALL TO ACTION

OPPOSE UNQUALIFIED CANDIDATES

On October 17, 2019, the UN General Assembly's 193 member states will be asked to fill 14 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 **Indonesia, Iraq, Libya, Mauritania, Sudan, and Venezuela**. These candidates' records — on respecting human rights at home and in UN voting — fail to meet the UN criteria for Council membership.

We also call on **Armenia, Benin, Brazil, and Moldova** to commit to changing their human rights and/or UN voting records before they can be deemed suitable.

CLOSED SLATES DEFEAT PURPOSE OF ELECTIONS

Regrettably, there is no competition in two of the five regional groups this year. Closed slates are typically 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 to them by the 2006 UNGA resolution creating the Council.

Because of the poor records of many of this year's candidates, this election also threatens to further weaken the Council, which still struggles to improve on the reputation of its widely disparaged predecessor, the Commission on Human Rights.

PROCEDURE FOR OPPOSING UNQUALIFIED 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 that 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. For example, even though the African Group submitted a closed slate, UN member states should fulfill their duties under UNGA Resolution 60/251 by refraining to vote for Libya, Mauritania, and Sudan.

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 present their candidacy.

ANALYSIS OF “UNQUALIFIED” CANDIDATES

Following is our analysis of six unqualified candidates: **Indonesia, Iraq, Libya, Mauritania, Sudan, and Venezuela.**

Indonesia’s Human Rights Record

Indonesia commits serious human rights violations, including:

- Arbitrary and unlawful killings by members of the security forces
- Torture by police
- Arbitrary detentions
- Harsh and life-threatening prison conditions
- Political prisoners
- Censorship
- Corruption
- Criminalization of same-sex sexual activities
- Violence against LGBT individuals
- Forced or compulsory labor

Discussion

In April 2019, Joko Widodo was re-elected to a second term as president.² Following the announcement of the election results in May, supporters of the defeated opposition candidate Prabowo Subianto took to the streets of Jakarta in protest. The protests turned violent on the evening of May 21, 2019 and the police responded with deadly force, killing six and injuring 350. The authorities also blocked some social media sites in parts of the country.³

In 2018, the government of Indonesia awarded its highest honor to Director-General of the Philippine National Police, Ronald dela Rosa, who has been implicated in possible crimes against humanity in connection with the Philippines’ war on drugs. Senior Indonesian officials have publicly expressed support for the abusive tactics used by Philippines President Duterte in his war on drugs.⁴

Like in the Philippines, Indonesian police are accused of excessive force and unlawful killings in their fight against crime.⁵ Amnesty International reported that between January and mid-August 2018

² Muklita Suhartono and Daniel Victor, *Violence Erupts in Indonesia’s Capital in Wake of Presidential Election Results*, NEW YORK TIMES (May 22, 2019), <https://www.nytimes.com/2019/05/22/world/asia/indonesia-election-riots.html>.

³ *Id.*

⁴ *Indonesia: Events of 2018*, HUMAN RIGHTS WATCH (2019) [Hereinafter “*Human Rights Watch Indonesia 2019*”], <https://www.hrw.org/world-report/2019/country-chapters/indonesia>.

⁵ *2018 Country Reports on Human Rights Practices: Indonesia*, US DEPARTMENT OF STATE (March 13, 2019) [Hereinafter “*State Department Report Indonesia 2019*”], <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/indonesia/>.

Indonesian police killed 77 in operations to boost security in advance of hosting the 2018 Asian Games.⁶

The Indonesian security forces have also committed unlawful killings in other contexts, particularly in suppressing protests in Papua. In August 2019, Indonesian authorities responded with excessive force to protests in Papua, killing ten Papuans.⁷ The protests were in response to a video of Indonesian militias racially abusing Papuan students outside their dorm.⁸ The government also completely shut down the internet in Papua and West Papua for almost two weeks. In addition, the government has harassed local activists, including human rights lawyer Veronica Koman who police accused of spreading false information after she published reports on human rights violations in Papua.⁹ UN High Commissioner Michelle Bachelet said she was disturbed by the escalating violence.¹⁰

Prior to these events, human rights groups reported that 95 people had been unlawfully killed by Indonesian security forces in Papua between January 2010 and February 2018.¹¹ In March 2018, a 17-year-old Papuan student died in police custody allegedly from alcohol poisoning.¹² Furthermore, according to the media, 300 Papuans were arbitrarily detained for engaging in peaceful protests in the first 8 months of 2018.¹³

NGOs accused police of torturing detainees during interrogations. There were fifty allegations of police torture in the first half of 2018.¹⁴ In February 2019, a video was circulated online of a Papuan boy being interrogated by police with a snake wrapped around his body.¹⁵ Police are also accused of carrying out torture and other ill-treatment against protesters detained in connection with the May 21-23 riots in Jakarta.¹⁶ The province of Aceh applies Sharia law and carries out public canings for certain

⁶ *Indonesia: Dozens killed on the streets in police crackdown ahead of Asian Games*, AMNESTY INTERNATIONAL (Aug. 16, 2018), <https://www.amnesty.org/en/latest/news/2018/08/indonesia-dozens-killed-on-the-streets-in-police-crackdown-ahead-of-asian-games/>.

⁷ Marni Cordell and Ben Doherty, *Australia refuses to rule out handing over Sydney lawyer who advocates for West Papuans to Indonesia*, GUARDIAN (Sep. 17, 2019), <https://www.theguardian.com/world/2019/sep/17/australia-refuses-to-rule-out-handing-over-sydney-lawyer-who-advocates-for-west-papuans-to-indonesia>.

⁸ *Indonesia: Investigate Deaths of Papuan Protesters*, HUMAN RIGHTS WATCH (Sep. 7, 2019), <https://www.hrw.org/news/2019/09/07/indonesia-investigate-deaths-papuan-protesters>.

⁹ *Indonesia must protect rights of Veronica Koman and others reporting on Papua and West Papua protests – UN experts*, OHCHR (Sep. 16, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24990&LangID=E>.

¹⁰ *Comment by UN High Commissioner for Human Rights Michelle Bachelet on Indonesia (Papua and West Papua)*, OHCHR (Sep. 4, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24942&LangID=E>.

¹¹ *Human Rights Watch Indonesia 2019*, *supra* note 4; *Freedom in the World 2019: Indonesia*, FREEDOM HOUSE (2019), <https://freedomhouse.org/report/freedom-world/2019/indonesia>.

¹² *Human Rights Watch Indonesia 2019*, *supra* note 4.

¹³ *State Department Report Indonesia 2019*, *supra* note 5.

¹⁴ *Id.*

¹⁵ *Indonesia: UN experts condemn racism and police violence against Papuans, and use snake against arrested boy*, OHCHR (Feb. 21, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24187&LangID=E>.

¹⁶ *Open Letter on Torture or Other Ill-Treatment By The Police in The Mass Protests Following the Election Result Announcement of 21-23 May 2019*, AMNESTY INTERNATIONAL (June 25, 2019), <https://www.amnesty.org/en/documents/asa21/0577/2019/en/>.

violations including gambling, adultery, alcohol consumption, consensual same-sex activities and sexual relations outside of marriage. On July 13, 2018, two gay men received 87 lashes in public for same-sex acts.¹⁷

Government corruption is widespread. Police commonly demand bribes. In addition, bribes and extortion influence the outcome of legal proceedings.¹⁸

Blasphemy and defamation laws are used to infringe free speech and persecute religious minorities. The hate speech law criminalizes content deemed insulting to religion.¹⁹ In 2018, six people received prison sentences of one to five years for violating Indonesia's blasphemy law.²⁰ For example, in August 2018, an ethnic Chinese woman was sentenced to 18-months in prison for complaining the call to prayer at a nearby mosque was too loud.²¹ A 21-year-old student was sentenced to four years in prison for a Facebook post likening the Prophet Muhammad to a pig.²²

Journalists suffer assaults, threats, and arrests, among other things. In 2018, two foreign journalists in Papua were arrested for alleged "illegal reporting."²³ In June 2018, journalist Muhammad Yusuf of local news website *Kemajuan Rakyat* died in police custody where he was being detained on charges of defamation for exposing corruption by an oil company.²⁴ The Alliance of independent journalists reported 34 cases of violence against media workers in the first four months of 2018. In May 2018, a video circulated showing a journalist and civil servant being assaulted during a political debate.²⁵

Women are subjected to discrimination and violence. FGM is common in Indonesia. According to UNICEF data, it is estimated that 49% of girls aged 13 or under have undergone some form of FGM. In addition, female migrants are arbitrarily subjected to strip searches, theft and extortion, while women who seek to work in the police are forced to undergo abusive "virginity testing."²⁶

The LGBT community is subjected to intimidation and harassment.²⁷ The police, assisted by militant Islamists, conduct unlawful raids on gatherings of LGBT people. For example, in January 2018, police in Aceh detained around 12 transgender beauty salon employees claiming they had teased a group of boys. The police forced the transgender salon employees to cut their hair, wear "male" clothes and speak in "masculine" voices while in police custody.²⁸ This type of harassment has curtailed public health outreach resulting in an increase in HIV rates.²⁹ Also, Indonesia's proposed draft criminal code would criminalize consensual same-sex activity.³⁰

¹⁷ *State Department Report Indonesia 2019*, *supra* note 5.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Human Rights Watch Indonesia 2019*, *supra* note 4.

²¹ *Freedom in the World 2019: Indonesia*, *supra* note 11.

²² *State Department Report Indonesia 2019*, *supra* note 5.

²³ *Human Rights Watch Indonesia 2019*, *supra* note 4.

²⁴ *Freedom in the World 2019: Indonesia*, *supra* note 11.

²⁵ *State Department Report Indonesia 2019*, *supra* note 5.

²⁶ *Id.*; *Human Rights Watch Indonesia 2019*, *supra* note 4.

²⁷ *Freedom in the World 2019: Indonesia*, *supra* note 11.

²⁸ *State Department Report Indonesia 2019*, *supra* note 5; *Human Rights Watch Indonesia 2019*, *supra* note 4.

²⁹ *Human Rights Watch Indonesia 2019*, *supra* note 4.

³⁰ *Indonesia: Draft Criminal Code Disastrous for Rights*, HUMAN RIGHTS WATCH (Sep. 18, 2019), <https://www.hrw.org/news/2019/09/18/indonesia-draft-criminal-code-disastrous-rights>.

Child labor is common. According to a 2015 survey, six percent of children aged 10 to 17 were working due to poverty,³¹ including in hazardous conditions on tobacco farms.³²

UN Voting Record

Negative: At the General Assembly, Indonesia backed human rights abusers when it supported a resolution denying the right to level sanctions against such regimes, and by voting to delay the work of the Special Rapporteur on violence against LGBT individuals. Indonesia voted against a resolution speaking out for victims of human rights violations by Iran and abstained on resolutions that spoke out for victims of human rights violations by Russia and Syria. It also abstained on a resolution calling for protection of the rights to peaceful assembly and freedom of association.

Iraq's Human Rights Record

Iraq commits serious human rights violations, including:

- Arbitrary and unlawful killings by members of the security forces
- Enforced disappearances
- Torture
- Arbitrary detention
- Harsh and life-threatening prison conditions
- Arbitrary or unlawful interference with privacy
- Restrictions on freedom of expression
- Restrictions on freedom of the press
- Legal restrictions on freedom of movement of women
- Corruption
- Child soldiers
- Human trafficking
- Criminalization of LGBT individuals
- Child labor

Discussion

Iraq has been beset by violence and instability for years. It has an ethnically diverse population comprised of both Sunni and Shiite Muslims, Christians, Yazidis, Kurds, and others. This has resulted in ethnic and sectarian fighting, which continues today in mixed areas.³³ From 2014 to 2017, Iraq was beset by a civil war in which various extremist Islamic groups, including Islamic State (IS) and Al Qaeda, sought to take control over the territory. At its height, IS controlled some 88,0000 sq. km in Syria and Iraq, including its Iraqi stronghold in Mosul.³⁴ In the course of its conquest, IS killed and

³¹ *State Department Report Indonesia 2019*, *supra* note 5.

³² *Human Rights Watch Indonesia 2019*, *supra* note 4.

³³ *Freedom in the World 2019: Iraq*, FREEDOM HOUSE (2019), <https://freedomhouse.org/report/freedom-world/2019/iraq>.

³⁴ *IS 'Caliphate' defeated but jihadist group remains a threat*, BBC NEWS (March 23, 2019), <https://www.bbc.com/news/world-middle-east-45547595>.

enslaved thousands of Yazidis, more than 3,000 of whom are still unaccounted for.³⁵ In November 2018, more than 200 mass graves containing the remains of thousands of victims were found in parts of Iraq formerly controlled by IS.³⁶

While IS was defeated in 2017, it is still a major perpetrator of atrocities, including suicide bombings, killing and abducting civilians, and attacking security forces and continues to pose a significant security threat.³⁷ On August 1, 2019, twin IS attacks killed at least seven members of the Iraqi Security Forces and wounded 16.³⁸

Although Iraq holds democratic elections and its last election was generally considered to be free and fair, a number of factors hinder the ability of its officials to govern. These include widespread corruption and interference by outside forces, such as Iran.³⁹ Some militias that are part of the state-sponsored military operate independently and answer to Iranian authorities.⁴⁰ According to the parliamentary transparency commission, corruption has caused at least \$320 million of state funds to disappear over the last 15 years.⁴¹

Extrajudicial killings are committed by government forces, as well as terrorist groups such as IS and Iranian-aligned militias. More than 700 civilians were reportedly killed in the first eight months of 2018.⁴² In April 2018, one of the Iranian-aligned militias killed Brigadier General Shareef Ismaeel al-Murshidi and two of his guards. In August, another of these groups killed three tribal sheikhs.⁴³

Likewise, both the government and terrorist groups are responsible for the enforced disappearance of thousands.⁴⁴ Government forces also routinely torture detainees with impunity. Human Rights Watch reported that at least three people died from torture in prison facilities in Mosul in 2018, and the torture continued into 2019.⁴⁵ These groups also engaged in kidnapping and extortion.

³⁵ Richard Hall, *Yazidi leaders call for help finding thousands of missing women and children kidnapped by ISIS*, THE INDEPENDENT (Feb. 28, 2019), <https://www.independent.co.uk/news/world/middle-east/isis-syria-iraq-women-children-missing-yazidi-a8800996.html>.

³⁶ *ISIL's legacy of terror: at least 200 mass graves in Iraq, says UN report*, OHCHR (Nov. 6, 2018), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23831&LangID=E>.

³⁷ Pasha Magid, *How ISIS Still Threatens Iraq*, FOREIGN POLICY (May 28, 2019), <https://foreignpolicy.com/2019/05/28/how-isis-still-threatens-iraq/>; *Amnesty International Report 2017/18: Iraq*, AMNESTY INTERNATIONAL (2018) [Hereinafter "*Amnesty International Iraq 2018*"], <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iraq/report-iraq/>.

³⁸ *Islamic State attacks kill seven security forces in Iraq: police*, REUTERS (Aug. 1, 2019), <https://www.reuters.com/article/us-iraq-security/islamic-state-attacks-kill-seven-security-forces-in-iraq-police-idUSKCN1UR3TH>.

³⁹ *Freedom in the World 2019: Iraq*, *supra* note 33.

⁴⁰ *2018 Country Reports on Human Rights Practices: Iraq*, US DEPARTMENT OF STATE (March 13, 2019) [Hereinafter "*State Department Report Iraq 2019*"], <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/iraq/>.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Iraq: Events of 2018*, HUMAN RIGHTS WATCH (2019) [Hereinafter "*Human Rights Watch Iraq 2019*"], <https://www.hrw.org/world-report/2019/country-chapters/iraq>.

⁴⁵ *Iraq: Chilling Accounts of Torture, Deaths*, HUMAN RIGHTS WATCH (Aug. 19, 2018), <https://www.hrw.org/news/2018/08/19/iraq-chilling-accounts-torture-deaths>; *Iraq: Torture Persists in Mosul*

Arbitrary arrests and due process violations are common, especially in terrorism cases. Suspects, including children, are routinely denied access to counsel and subjected to torture, forced confessions, and summary trials.⁴⁶ According to Human Rights Watch, approximately 1500 children are being held by Iraqi and Kurdish authorities for alleged ISIS affiliation.⁴⁷ In 2018, a number of IS suspects were given the death sentence after trials lasting as little as 20 minutes.⁴⁸

In addition to the above, there are restrictions on civil liberties like freedom of the press and freedom of association. Journalists suffer harassment and intimidation and engage in self-censorship.⁴⁹ In 2018, there were a number of cases where the government prevented journalists from reporting ostensibly for security reasons, as well as cases of beatings, detentions and death threats against journalists.⁵⁰

Social media posts on controversial topics can result in retribution. In December 2017, the family of Miss Iraq Sarah Idan was forced to flee the country after receiving death threats over her posting photos taken with Miss Israel on social media.⁵¹ In July this year, the government of Iraq threatened to remove Idan's citizenship over a UN speech criticizing Iraq and supporting Israel.⁵²

Just this month, nearly 100 protesters were killed in anti-government protests, many by security forces. In July 2018, Iraqi security forces employed excessive force, including live ammunition, to suppress protests in Basra against corruption and poor infrastructure. According to the UN, at least twenty protesters were killed and many more were arrested or injured.⁵³ Journalists covering the protests were also detained.⁵⁴ In September 2018, one of the leaders of the protest, Iraqi women's rights activist Suad al-Ali, was murdered in her car in Basra.⁵⁵ Other human rights activists have also been attacked.⁵⁶

Iraqi women suffer violence and discrimination. For example, women cannot obtain a passport or government ID without consent of a male guardian. This severely restricts their freedom of movement and ability to access employment, education and social services.⁵⁷ Forced and early marriages are

Jail, HUMAN RIGHTS WATCH (April 18, 2019), <https://www.hrw.org/news/2019/04/18/iraq-torture-persists-mosul-jail>.

⁴⁶ *Human Rights Watch Iraq 2019*, *supra* note 44.

⁴⁷ *Iraq: ISIS Child Suspects Arbitrarily Arrested, Tortured*, HUMAN RIGHTS WATCH (March 6, 2019), <https://www.hrw.org/news/2019/03/06/iraq-isis-child-suspects-arbitrarily-arrested-tortured>.

⁴⁸ *Freedom in the World 2019: Iraq*, *supra* note 33.

⁴⁹ *Id.*

⁵⁰ *State Department Report Iraq 2019*, *supra* note 40.

⁵¹ *Miss Iraq Says Family Forced to Flee Country After She Posted a Photo With Miss Israel*, HAARETZ (Dec. 14, 2017), <https://www.haaretz.com/middle-east-news/miss-iraq-flees-country-after-posting-photo-with-miss-israel-1.5628700>.

⁵² *Miss Iraq Threatened With Citizenship Removal For UN Speech Backing Israel*, UN WATCH (July 10, 2019), <https://unwatch.org/miss-iraq-threatened-with-citizenship-removal-for-un-speech-backing-israel/>.

⁵³ *Press briefing notes on Iraq Basra protests*, OHCHR (Sep. 11, 2018), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23532&LangID=E>; *Freedom in the World 2019: Iraq*, *supra* note 33; *Human Rights Watch Iraq 2019*, *supra* note 44.

⁵⁴ *Amnesty International Iraq 2018*, *supra* note 37.

⁵⁵ *Freedom in the World 2019: Iraq*, *supra* note 33.

⁵⁶ *Iraq: Officials Arrest, Abuse, Harass Aid Workers*, HUMAN RIGHTS WATCH (Feb. 25, 2019), <https://www.hrw.org/news/2019/02/25/iraq-officials-arrest-abuse-harass-aid-workers>.

⁵⁷ *Freedom in the World 2019: Iraq*, *supra* note 33.

common; domestic violence is widespread. Other harmful traditional practices such as FGM, honor killings, temporary marriages, and trading women to settle tribal disputes persist.⁵⁸ Women from families associated with IS are subjected to sexual violence, including rape.⁵⁹ Half of the 3500 Yazidi women captured by IS in 2014 and subjected to sexual slavery are still unaccounted for.⁶⁰

In September 2018, the female social media star Tara Fares was shot dead in Baghdad. Several other high-profile women associated with the beauty and fashion industry were also killed in 2018.⁶¹

UN Voting Record

Negative: At the General Assembly, Iraq backed human rights abusers when it supported a resolution denying the right to level sanctions against such regimes, and by voting to delay the work of the Special Rapporteur on violence against LGBT individuals. Iraq voted against a resolution speaking out for victims of human rights violations by Iran and abstained on resolutions that spoke out for victims of human rights violations by Russia and Syria. It also abstained on a resolution calling for protection of the rights to peaceful assembly and freedom of association.

Libya's Human Rights Record

Libya commits serious human rights violations, including:

- Arbitrary and unlawful killings by armed groups
- Enforced disappearances
- Torture by armed groups
- Arbitrary arrests
- Harsh and life-threatening prison conditions
- Unlawful interference with privacy
- Restrictions on freedom of expression
- Restrictions on freedom of the press, including violence against journalists
- Corruption
- Human trafficking
- Criminalization of sexual orientation
- Forced labor

⁵⁸ *State Department Report Iraq 2019*, *supra* note 40.

⁵⁹ *Amnesty International Iraq 2018*, *supra* note 37.

⁶⁰ Maya Oppenheim, *Yazidi rape survivors forced to abandon children of Isis to be able to return to community: 'Drowning in an ocean of pain'*, THE INDEPENDENT (Aug. 3, 2019), <https://www.independent.co.uk/news/world/middle-east/yezidis-sinjar-massacre-rape-iraq-isis-fighters-children-a9037126.html>.

⁶¹ Laignee Barron, *Why Did Former Miss Iraq Flee Her Country?* Time (Oct. 18, 2018), <https://time.com/5428156/miss-iraq-women-flee/>; *Freedom in the World 2019: Iraq*, *supra* note 33.

Discussion

Since the fall of longtime dictator Muammar Qaddafi in 2011, Libya has been politically fractured and beset by violence and instability. It is listed by Freedom House among the thirteen “worst of the worst” countries in the world.⁶²

Libya is governed by the internationally recognized Government of National Accord (GNA). However, the self-proclaimed Libyan National Army (LNA) operates outside the law in parts of the country. Armed groups on either side of the conflict continue to clash.⁶³ Between April and August 2019, an estimated 1100 people were killed in confrontations in Tripoli, including some 44 migrants who were killed when their detention center was bombed.⁶⁴ At least three Libyan military and political officials are currently subject to arrest warrants by the International Criminal Court, including an LNA field commander who was filmed extrajudicially executing ten people.⁶⁵

While the GNA is recognized by the UN, armed militias wield significant power and influence and effectively control a number of critical government institutions and ministries.⁶⁶ The GNA itself was not democratically elected, but was selected in 2015 as part of an internationally brokered peace process, and has not been approved by the House of Representatives, the dominant of two rival legislatures.⁶⁷ In addition, the mandate of the House of Representatives expired in 2015,⁶⁸ but the UN has been unsuccessful in organizing new democratic elections in the country.⁶⁹

Government corruption is pervasive.⁷⁰ According to a report by the Audit Bureau, 277 billion Libyan dinars were laundered between from 2012 to 2017, much of it through extortion by armed groups.⁷¹

The government has insufficient control over national police and other security forces.⁷² Both government forces and armed groups commit extrajudicial killings and enforced disappearances, including kidnapping for ransom. For example, on March 15, 2018, an unknown militia abducted

⁶² *Democracy in Retreat: Freedom in the World 2019*, FREEDOM HOUSE (2019),

<https://freedomhouse.org/report/freedom-world/freedom-world-2019/democracy-in-retreat>.

⁶³ *Libya: Events of 2018*, HUMAN RIGHTS WATCH (2019) [Hereinafter “*Human Rights Watch Libya 2019*”],

<https://www.hrw.org/world-report/2019/country-chapters/libya>.

⁶⁴ *Libya: ongoing atrocities reveal the trouble with international military intervention*, THE CONVERSATION (Aug. 16, 2019), <http://theconversation.com/libya-ongoing-atrocities-reveal-the-trouble-with-international-military-intervention-119918>; Declan Walsh, *Airstrike Kills Dozens of Migrants at Detention Center in Libya*, NEW YORK TIMES (July 3, 2019), <https://www.nytimes.com/2019/07/03/world/middleeast/libya-airstrike-migrants-tripoli.html?module=inline>.

⁶⁵ *Human Rights Watch Libya 2019*, *supra* note 63.

⁶⁶ *Freedom in the World 2019: Libya*, FREEDOM HOUSE (2019), <https://freedomhouse.org/report/freedom-world/2019/libya>.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *2018 Country Reports on Human Rights Practices: Libya*, US DEPARTMENT OF STATE (March 13, 2019) [Hereinafter “*State Department Report Libya 2019*”], <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/libya/>.

⁷² *Id.*

Masoud Erhouma, the government's chief military prosecutor.⁷³ On April 20, 2018, local militias abducted Tripoli University professor Salem Mohamed Beitelmal on his way to work.⁷⁴

Government forces and armed groups also engage in arbitrary arrests with impunity. Even government detainees are often held in unofficial facilities controlled by armed groups where torture is routine.⁷⁵ Thousands of individuals are currently being held without charges for extended periods and denied due process, including many that have been detained since 2011.⁷⁶ In August 2018, 99 defendants were convicted in a mass trial, 45 of whom were sentenced to death.⁷⁷ Victims of abuses are unable to seek redress, as the judiciary lacks the capacity to effectively function and is unable to enforce judgments.

Armed groups are responsible for indiscriminate shelling of civilian areas, torture of detainees, summary executions, rape, and destruction of property.⁷⁸ Government officials, members of civil society, journalists, and religious leaders have all been targeted by armed groups.⁷⁹ On November 26, 2018, two prominent government-aligned commanders were killed on arrival at the airport.⁸⁰ Terrorist attacks and military confrontations have resulted in thousands of deaths and injuries to civilians in 2019.⁸¹ In April 2019, High Commissioner Michelle Bachelet said "The escalation of attacks in residential areas, including the use of artillery, rockets and airstrikes is deeply worrying. Thousands of children, women and men's lives are at risk."⁸²

The government itself places many restrictions on journalists. In addition, due to the conflict, human rights defenders as well as journalists face serious threats. They are subjected to assaults, detention, harassment and disappearances.⁸³ As a result, objective reporting is extremely dangerous.⁸⁴ On January 11, 2018, journalist Mariam al-Tayeb was abducted by an armed group for views expressed on social media.⁸⁵ On March 20, 2018, a government-aligned militia detained the director of the Al-Asima Television Channel for a week without giving a reason. On July 30, 2018, another government-aligned militia detained and interrogated four Reuters and AFP journalists for ten hours.⁸⁶ On July 31, 2018, journalist Musa Abdul Kareem was found dead.⁸⁷

⁷³ *Amnesty International Report 2017/18: Libya*, AMNESTY INTERNATIONAL (2018) [Hereinafter "*Amnesty International Libya 2018*"], <https://www.amnesty.org/en/countries/middle-east-and-north-africa/libya/report-libya/>.

⁷⁴ *State Department Report Libya 2019*, *supra* note 71.

⁷⁵ *Id.*; *Justice, Delayed in Libya*, HUMAN RIGHTS WATCH (Sep. 11, 2019), <https://www.hrw.org/news/2019/09/11/justice-delayed-libya>.

⁷⁶ *Amnesty International Libya 2018*, *supra* note 73; *State Department Report Libya 2019*, *supra* note 71.

⁷⁷ *Freedom in the World 2019: Libya*, *supra* note 66.

⁷⁸ *Id.*

⁷⁹ *State Department Report Libya 2019*, *supra* note 71.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Grave concerns for trapped civilians in Libya*, OHCHR (April 30, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24535&LangID=E>.

⁸³ *State Department Report Libya 2019*, *supra* note 71.

⁸⁴ *Freedom in the World 2019: Libya*, *supra* note 66.

⁸⁵ *Amnesty International Libya 2018*, *supra* note 73.

⁸⁶ *State Department Report Libya 2019*, *supra* note 71.

⁸⁷ *Human Rights Watch Libya 2019*, *supra* note 63.

Libya is not party to the 1951 Refugee Convention and has no refugee law or procedure.⁸⁸ Migrants are severely mistreated and are subjected to detention in squalid facilities by both government forces and armed groups without any judicial process. Among other things, these migrants suffer from starvation, overcrowding and poor sanitation and they are subjected to sexual exploitation and abuse.⁸⁹ In a June 2017 press release the Office of the High Commissioner for Human Rights said it was “deeply concerned about the ghastly conditions in which migrants and refugees are being held in Libya.”⁹⁰

As of September 2018, there were 8,000 to 9,000 migrants and refugees held in some 20 government detention facilities and an unknown number in non-government facilities.⁹¹ In addition, migrants face a high risk of disappearance or death and are routinely exploited by traffickers.⁹² While the overall number of migrants transiting to Europe through Libya declined, deaths of those trying to reach Europe through Libya increased dramatically.⁹³ After the latest boat disaster in August 2019 in which an estimated 40 migrants drowned off the Libyan Coast, the UN High Commissioner for Refugees stated that in 2019 alone more than 850 migrants had died or gone missing attempting to cross the Mediterranean from Libya.⁹⁴

In July 2019, after a migrant detention center was bombed in hostilities, High Commissioner Michelle Bachelet called for “the closure of all migrant detention centers in Libya” and “for the release of detained migrants and refugees as a matter of urgency.”⁹⁵

UN Voting Record

Negative: At the General Assembly, Libya backed human rights abusers when it supported a resolution denying the right to level sanctions against such regimes, and by voting to delay the work of the Special Rapporteur on violence against LGBT individuals. Libya abstained on resolutions that spoke out for victims of human rights violations by Iran, North Korea, Russia and Syria. It also abstained on a resolution calling for protection of the rights to peaceful assembly and freedom of association.

⁸⁸ *Id.*

⁸⁹ *Freedom in the World 2019: Libya*, *supra* note 66; Mario Malie, *As a refugee in one of Libya’s dangerous detention centres, I know what it feels like when the world leaves you behind*, THE INDEPENDENT (July 15, 2019), <https://www.independent.co.uk/voices/libya-strike-refugee-unhcr-tripoli-triq-al-sikka-italy-a9004961.html>.

⁹⁰ *Press briefing note on Libya*, OHCHR (June 7, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24681&LangID=E>.

⁹¹ *State Department Report Libya 2019*, *supra* note 71.

⁹² *Id.*

⁹³ *Human Rights Watch Libya 2019*, *supra* note 63.

⁹⁴ *Scores dead off coast of Libya in latest Mediterranean shipwreck*, UNHCR (Aug. 27, 2019), <https://www.unhcr.org/news/press/2019/8/5d6565ac4/scores-dead-coast-libya-latest-mediterranean-shipwreck.html>.

⁹⁵ *Attack on Libyan migrant detention centre Statement by UN High Commissioner for Human Rights Michelle Bachelet*, OHCHR (July 3, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24784&LangID=E>.

Mauritania's Human Rights Record

Mauritania commits serious human rights violations, including:

- Torture
- Arbitrary and politically motivated arrests
- Harsh and life-threatening prison conditions
- Restrictions on freedom of assembly, association and religion
- Corruption
- Rape and domestic violence against women
- Ethnic discrimination by government actors
- Criminalization of same-sex conduct
- Slavery
- Human trafficking
- Child labor

Discussion

Mauritania is headed by Mohamed Ould Ghazouani who was elected in June 2019 amidst cries of election irregularities.⁹⁶ He follows former President Mohamed Ould Abdel Aziz who came to power in 2008 through a military coup and was re-elected in 2014 in elections boycotted by the main opposition party due to allegations the electoral process was flawed.⁹⁷ Government corruption is widespread at the highest levels.⁹⁸

Following the election results, the government responded harshly to an outbreak of protests, including by shutting down the internet. An opposition leader and two pro-opposition journalists were detained for a week without charge and dozens of opposition activists were also arrested.⁹⁹

Opposition leaders are frequently subjected to arbitrary arrests. In August 2017, Senator Mohamed Ould Ghadda who opposed a measure by then-President Abdel Aziz to dissolve the senate was arrested on bribery charges and held in custody for one year without trial.¹⁰⁰

⁹⁶ Kissima Diagana, *Mauritanian court confirms election win for government-backed candidate*, REUTERS (July 1, 2019), <https://www.reuters.com/article/us-mauritania-election-court/mauritanian-court-confirms-election-win-for-government-backed-candidate-idUSKCN1TW2XK>.

⁹⁷ *Freedom in the World 2019: Mauritania*, FREEDOM HOUSE (2019), <https://freedomhouse.org/report/freedom-world/2019/mauritania>.

⁹⁸ Kissima Diagana, *Mauritanian court confirms election win for government-backed candidate*, REUTERS (July 1, 2019), <https://www.reuters.com/article/us-mauritania-election-court/mauritanian-court-confirms-election-win-for-government-backed-candidate-idUSKCN1TW2XK>.

⁹⁹ *Mauritania: Widespread Arrests to Blunt Backlash Over Election*, HUMAN RIGHTS WATCH (July 23, 2019), <https://www.hrw.org/news/2019/07/23/mauritania-widespread-arrests-blunt-backlash-over-election>.

¹⁰⁰ *Mauritania: Events of 2018*, HUMAN RIGHTS WATCH (2019) [Hereinafter “*Human Rights Watch Mauritania 2019*”], <https://www.hrw.org/world-report/2019/country-chapters/mauritania>.

Torture in Mauritania's prisons is common, especially as a method of interrogation to extract confessions.¹⁰¹ In its recent concluding observations, the Committee Against Torture expressed concern that “torture remains widespread” in Mauritania.¹⁰² In July 2018, Mohamed Ould Brahim died in custody only five hours after being arrested.¹⁰³ Other due process violations are also routine, such as prolonged pretrial detention and failure to provide detainees with prompt access to a lawyer.¹⁰⁴

Mauritania is an Islamic republic which applies Sharia law. Conversion from Islam to another religion results in loss of citizenship; and apostasy is punishable by death. Furthermore, in April 2018, parliament passed a new law strengthening the death penalty for certain blasphemy offenses.¹⁰⁵ The law was strongly criticized by UN human rights experts who expressed outrage that “Mauritanian authorities have decided to enshrine the death penalty for those who express their rights to freedom of expression, religion and belief.”¹⁰⁶

Journalists who cover sensitive topics such as the military, corruption and slavery are likely to be harassed and engage in self-censorship. For example, in March 2018 a French-Moroccan journalist who was investigating slavery was detained for three days and then expelled. Independent blogger Mohamed Cheikh Ould Mohamed M'Kheitir spent a total of five years in prison for a blog post critical of the Prophet Muhammad, including two years after he had completed his sentence.¹⁰⁷ He was originally sentenced to death for apostasy, but his sentence was commuted to two years in prison on appeal.¹⁰⁸ In March 2019, two bloggers were arrested on slander charges for their reporting on corruption.¹⁰⁹

Similarly, NGOs, particularly anti-slavery groups are subjected to intimidation and violence, and have difficulty obtaining legal status from the government.¹¹⁰ The government uses a range of harsh and overbroad criminal laws to prosecute and jail human rights defenders.¹¹¹ From August 7 to December 31, 2018, authorities detained Biram Dah Abeid, the president of the anti-slavery group Initiative for

¹⁰¹ *Amnesty International Report 2017/18: Mauritania*, AMNESTY INTERNATIONAL (2018) [Hereinafter “*Amnesty International Mauritania 2018*”], <https://www.amnesty.org/en/countries/africa/mauritania/report-mauritania/>

¹⁰² Concluding observations on the second periodic report of Mauritania, Committee Against Torture, UN Doc. CAT/C/MRT/CO/2 (Sep. 4, 2018), Para. 12.

¹⁰³ *Freedom in the World 2019: Mauritania*, *supra* note 97.

¹⁰⁴ *Amnesty International Mauritania 2019*, *supra* note 101.

¹⁰⁵ *Freedom in the World 2019: Mauritania*, *supra* note 97.

¹⁰⁶ *Death Penalty: UN experts urge Mauritania to repeal anti-blasphemy law*, OHCHR (June 7, 2018), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23186&LangID=E>.

¹⁰⁷ *Freedom in the World 2019: Mauritania*, *supra* note 97; *Human Rights Watch Mauritania 2019*, *supra* note 100; *Freed Mauritanian blogger arrives in Europe amid safety concerns*, MIDDLE EAST EYE (Aug. 5, 2019), <https://www.middleeasteye.net/news/freed-mauritanian-blogger-arrives-europe-amid-safety-concerns>.

¹⁰⁸ *Mauritania: One Year On, Blogger Still Detained*, HUMAN RIGHTS WATCH (Nov. 8, 2018), <https://www.hrw.org/news/2018/11/08/mauritania-one-year-blogger-still-detained>.

¹⁰⁹ *Mauritanian bloggers face defamation charges for reporting on corruption*, ADVOX (April 4, 2019), <https://advox.globalvoices.org/2019/04/04/mauritanian-bloggers-face-defamation-charges-for-reporting-on-corruption/>; Nasser Weddady, *My brother is in jail in Mauritania – for reporting on a massive fraud*, WASHINGTON POST (April 1, 2019), <https://www.washingtonpost.com/opinions/2019/04/01/my-brother-is-jail-mauritania-reporting-massive-fraud/?noredirect=on>.

¹¹⁰ *Freedom in the World 2019: Mauritania*, *supra* note 97; *Human Rights Watch Mauritania 2019*, *supra* note 100.

¹¹¹ *Mauritania: Repressive Laws Restrict Peaceful Speech*, HUMAN RIGHTS WATCH (Jan. 17, 2019), <https://www.hrw.org/news/2019/01/17/mauritania-repressive-laws-restrict-peaceful-speech>.

the Resurgence of the Abolitionist Movement just before he was elected to parliament.¹¹² Another activist, Abdallah Yali who fights discrimination against the Haratine ethnic group, has been in jail since January 2017 on various criminal charges.¹¹³ On July 22, 2018, the Mauritanian government blocked five activists from traveling to Geneva to participate in the UN Committee Against Torture's periodic review of Mauritania.

Although the practice of slavery has been criminalized since 2007, it is estimated that there are some 90,000 slaves (2% of the population) in Mauritania today.¹¹⁴ Afro-Mauritanians and members of the Haratine ethnic group suffer widespread discrimination.¹¹⁵

According to UNICEF, 37% of girls in Mauritania are married before age 18.¹¹⁶ The practice of FGM is also common. In addition, women face difficulties reporting rape and sexual assault, as the law favors men and the women themselves would risk prosecution for sexual relations outside of marriage.¹¹⁷

UN Voting Record

Negative: At the General Assembly, Mauritania backed human rights abusers when it supported a resolution denying the right to level sanctions against such regimes, and by voting to delay the work of the Special Rapporteur on violence against LGBT individuals. Mauritania opposed a resolution that spoke out for victims of human rights violations by Syria and abstained on resolutions that spoke out for victims of human rights violations by Iran, North Korea and Russia.

Sudan's Human Rights Record

Sudan commits serious human rights violations, including:

- Unlawful and arbitrary killings
- Enforced disappearances
- Torture
- Arbitrary detention
- Harsh and life-threatening prison conditions
- Political prisoners
- Restrictions on freedom of the press, including arrests and intimidation of journalists
- Restrictions on the rights of assembly and association
- Restrictions on religious liberty
- Restrictions on political participation
- Corruption

¹¹² *Id.*; *Human Rights Watch Mauritania 2019*, *supra* note 100.

¹¹³ *Human Rights Watch Mauritania 2019*, *supra* note 100.

¹¹⁴ *Id.*

¹¹⁵ *Amnesty International Mauritania 2018*, *supra* note 101.

¹¹⁶ *Mauritania*, GIRLS NOT BRIDES (last visited Sep. 19, 2019), <https://www.girlsnotbrides.org/child-marriage/mauritania/>.

¹¹⁷ *In conservative Mauritania, confronting sexual violence laws*, FRANCE 24 (July 3, 2019), <https://www.france24.com/en/20190307-conservative-mauritania-confronting-sexual-violence-laws>; Philip H. Stewart, *The Courage of Women in Mauritania*, HUMAN RIGHTS WATCH (Sep. 5, 2018), <https://www.hrw.org/news/2018/09/05/courage-women-mauritania>.

- Violence against women, including rape and FGM
- Human trafficking
- Child labor

Discussion

After thirty years in power, on April 11, 2019, Sudan's Omar al-Bashir, wanted by the International Criminal Court for war crimes,¹¹⁸ was overthrown and arrested by the military.¹¹⁹ The coup followed 16 weeks of protests. Under Bashir's rule, Sudan was listed by Freedom House among the thirteen "worst of the worst" countries in the world.¹²⁰

But the protesters were disappointed that President Bashir was initially replaced by military rule rather than a civilian government. The military continued to violently crackdown against protesters.¹²¹ In June, more than 100 protesters were killed and 500 injured outside the Khartoum military headquarters during a peaceful sit-in to protest the failure of the military to hand power to a civilian government.¹²² High Commissioner for Human Rights Michelle Bachelet "deplored the apparent use of excessive force in the protest camps."¹²³ On June 10, authorities completely shut down the internet for an extended period.¹²⁴ These events led to Sudan being suspended from the African Union.¹²⁵

On June 30, at least seven were killed and 181 injured in another wave of mass protests. The next day, the bodies of three more activists were found with visible signs of torture. High Commissioner Michele Bachelet called for "prompt, transparent and independent investigations" into the deaths and for accountability by security forces.¹²⁶

In August, the military and the protesters reached an agreement to form a new council to transition the country to civilian rule.¹²⁷ It is too soon to comment on the long-term implications of this change.

¹¹⁸ *Sudan: Former president Omar Al-Bashir must be tried by ICC For war crimes*, AMNESTY INTERNATIONAL (April 17, 2019), <https://www.amnesty.org/en/latest/news/2019/04/sudan-former-president-omar-al-bashir-must-be-tried-by-icc-for-war-crimes/>.

¹¹⁹ *Sudan's Bashir appears in public for first time since being ousted*, THE GUARDIAN (June 16, 2019), <https://www.theguardian.com/world/2019/jun/16/sudan-omar-al-bashir-in-public-since-ousted>.

¹²⁰ *Democracy in Retreat: Freedom in the World 2019*, *supra* note 62.

¹²¹ *In Sudan, Repression of Protests by Another Name*, HUMAN RIGHTS WATCH (June 26, 2019), <https://www.hrw.org/news/2019/06/26/sudan-repression-protests-another-name>.

¹²² *Sudan's Bashir appears in public for first time since being ousted*, THE GUARDIAN (June 16, 2019), <https://www.theguardian.com/world/2019/jun/16/sudan-omar-al-bashir-in-public-since-ousted>; *Investigations and Monitoring Needed in Response to Sudan Violence*, HUMAN RIGHTS WATCH (June 7, 2019), <https://www.hrw.org/news/2019/06/07/investigations-and-monitoring-needed-response-sudan-violence>.

¹²³ *UN Human Rights Chief deplores killings and detentions amid peaceful protests in Sudan*, OHCHR (June 3, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24672&LangID=E>.

¹²⁴ *Sudan: UN experts denounce Internet shutdown, call for immediate restoration*, OHCHR (July 8, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24803&LangID=E>.

¹²⁵ *Investigations and Monitoring Needed in Response to Sudan Violence*, HUMAN RIGHTS WATCH (June 7, 2019), <https://www.hrw.org/news/2019/06/07/investigations-and-monitoring-needed-response-sudan-violence>.

¹²⁶ *Bachelet urges Sudan to restore freedoms, investigate violations and move swiftly to civilian rule*, OHCHR (July 3, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24785&LangID=E>.

¹²⁷ *Nermin Ismail, Sudan protesters, military form new transitional council*, DEUTSCHE WELLE (Aug. 20, 2019), <https://www.dw.com/en/sudan-protesters-military-form-new-transitional-council/a-50101593>.

Some have expressed doubt about whether the military is serious about implementing democracy in Sudan and note that international pressure is what forced the military to the negotiating table. According to the agreement, the interim council will be headed by General Abdel Fattah al-Burhan for the next 21 months.¹²⁸ However, civilian Abdallah Hamdok, a former UN economist, was selected to serve as interim prime minister with elections to take place in three years. He has already chosen a civilian cabinet of 18 ministers, including four women.

In a submission to the Human Rights Council ahead of the September 2019 session, Human Rights Watch commented that “the human rights situation in Sudan continues to be of grave concern, including with violence against protesters and ongoing lack of accountability for violations and abuses since December [2018].”¹²⁹ Nevertheless, Prime Minister Hamdok appears to be genuinely set on the path to reform. For example, he has already set up an investigations committee into the June 2019 protester killings.

Ousted President Bashir’s crimes include murder, rape, torture and genocide. Under his rule, Sudan became a haven for jihadists such as Osama bin Laden, fought a bloody civil war in the south which led to the creation of South Sudan, and oversaw the genocide of an estimated 300,000 in Darfur.¹³⁰ The last months of Bashir’s rule were characterized by violent crackdowns against demonstrators protesting the poor economy.¹³¹ According to Amnesty International, at least 37 protesters were killed in December 2018.¹³² In the midst of the protests, the government also blocked major social media sites like Facebook, Twitter, Instagram and WhatsApp and shut down the internet.¹³³

Under Bashir, basic civil liberties were severely restricted, including through government censorship and intimidation and arrests of journalists and human rights activists. In December 2018, nine journalists demonstrating against government harassment of the media were briefly detained and three journalists covering anti-government demonstrations were assaulted by security forces.¹³⁴ Following his ouster, on June 20, members of Sudan’s Rapid Support Forces, responsible for killings in Darfur, detained journalist Amar Mohamed Adam as well as employees of the health ministry who had participated in a protest.¹³⁵

¹²⁸ *Id.*

¹²⁹ *Sudan: Ensuring a credible response by the UN Human Rights Council at its 42nd session*, HUMAN RIGHTS WATCH (Sep. 3, 2019), <https://www.hrw.org/news/2019/09/03/sudan-ensuring-credible-response-un-human-rights-council-its-42nd-session>.

¹³⁰ Declan Walsh, *The Fall of Omar Hassan al-Bashir, the ‘Spider’ at the Heart of Sudan’s Web*, NEW YORK TIMES (April 11, 2019), <https://www.nytimes.com/2019/04/11/world/africa/omar-bashir-sudan.html>.

¹³¹ *Freedom in the World 2019: Sudan*, FREEDOM HOUSE (2019), <https://freedomhouse.org/report/freedom-world/2019/sudan>.

¹³² *Sudan: 37 protesters dead in government crackdown on demonstrations*, AMNESTY INTERNATIONAL (Dec. 24, 2018), <https://www.amnesty.org/en/latest/news/2018/12/sudan-protesters-dead-in-government-crackdown-on-protests/>.

¹³³ *Freedom in the World 2019: Sudan*, *supra* note 131.

¹³⁴ *Id.*

¹³⁵ *In Sudan, Repression of Protests by Another Name*, HUMAN RIGHTS WATCH (June 26, 2019), <https://www.hrw.org/news/2019/06/26/sudan-repression-protests-another-name>.

Under Bashir, security forces routinely detained political opponents incommunicado without charges.¹³⁶ Security forces also commonly tortured, beat and harassed detainees. In January 2018, a detainee died after two days in police custody. The autopsy report showed signs of severe torture.¹³⁷ Members of the security forces benefited from legal protection for acts committed in their official capacity.¹³⁸

In addition, under the Bashir government's interpretation of Sharia law, physical punishments such as flogging, amputation and stoning were permitted. Indecent dress and production and consumption of alcohol have been typically punished with lashes. Sharia law was also sometimes applied against non-Muslims against their wishes in civil domestic matters like marriage and divorce.¹³⁹

The Bashir government also perpetrated violence in Darfur where it is accused of genocide. The situation there remains unstable and dangerous, particularly for internally displaced persons.¹⁴⁰ Following Bashir's ouster, the conflict continues. In June, the UN announced that 17 people had been killed and more than 100 homes burned down in a Darfur village.¹⁴¹

While Bashir has been ousted, and there is optimism that Prime Minister Hamdok's new government is headed in the right direction, Sudan must establish a positive record on human rights before it can be considered for membership in the Human Rights Council.

UN Voting Record

Negative: At the General Assembly, Sudan backed human rights abusers when it supported a resolution denying the right to level sanctions against such regimes, and by voting to delay the work of the Special Rapporteur on violence against LGBT individuals. Sudan opposed resolutions that spoke out for victims of human rights violations by North Korea and Russia and abstained on resolutions that spoke out for victims of human rights violations by Iran and Syria. It also abstained on a resolution calling for protection of the rights to peaceful assembly and freedom of association.

Venezuela Human Rights Record

Venezuela commits serious human rights violations, including:

- Extrajudicial killings
- Torture
- Harsh and life-threatening prison conditions
- Political prisoners
- Restrictions on freedom of expression

¹³⁶ 2018 Country Reports on Human Rights Practices: Sudan, US DEPARTMENT OF STATE (March 13, 2019) [Hereinafter "State Department Report Sudan 2019"], <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/sudan/>

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ Yousef Saba, *U.N. says it confirms 17 deaths in Sudan's Darfur*, REUTERS (June 13, 2019), <https://www.reuters.com/article/us-sudan-politics/u-n-says-it-confirms-17-deaths-in-sudans-darfur-idUSKCN1TE1U3>.

- Restrictions on freedom of the press
- Violent suppression of peaceful demonstrations
- Restrictions on political participation
- Corruption
- Human trafficking
- Child labor
- Impunity for human rights abuses

Discussion

Venezuela is an authoritarian regime ruled by President Nicolás Maduro who was reelected to a second six-year term in May 2018 in elections that were not considered to be free and fair.¹⁴² Originally scheduled for December, the pro-government National Constituent Assembly fast-tracked the election, moving up the date so as to prevent the opposition from organizing in time. A number of opposition parties were banned from participating in the elections. In addition, major opposition figures such as Leopoldo López and Henrique Capriles were disqualified from competing.¹⁴³ The flawed elections were widely criticized by the international community. In January 2019, as Maduro commenced his second term, opposition leader Juan Guaidó, President of the National Assembly, declared himself interim-president until free and fair elections could be held.¹⁴⁴

There are no independent government institutions to act as a check on Maduro’s power.¹⁴⁵ In the last few years, President Maduro has taken steps to erode democracy in Venezuela. After the opposition won a majority in the country’s legislature—the National Assembly—in 2015, the Maduro-controlled Supreme Tribunal of Justice repeatedly nullified legislation adopted by that body. Then, in 2017, Maduro effectively replaced the National Assembly with the National Constituent Assembly, a new body comprised of regime supporters elected through an undemocratic process.¹⁴⁶ The opposition boycotted the elections to this new body which were criticized as unconstitutional. The pro-Maduro National Constituent Assembly is reportedly drafting a new constitution.¹⁴⁷

The government routinely targets opposition leaders, including by imprisoning them and preventing them from participating in elections. According to a UN Human Rights Council report published in July 2019, since 2016, the Venezuelan government has implemented a strategy “aimed at neutralizing, repressing and criminalizing political opponents and people critical of the Government.”¹⁴⁸ Opposition leader Leopoldo López spent three years in prison and is still under house arrest. In March

¹⁴² *Freedom in the World 2019: Venezuela*, FREEDOM HOUSE (2019), <https://freedomhouse.org/report/freedom-world/2019/venezuela>.

¹⁴³ *Id.*

¹⁴⁴ Joe Parkin Daniels, *Venezuela: who is Juan Guaido, the man who declared himself president?* THE GUARDIAN (Jan. 23, 2019), <https://www.theguardian.com/world/2019/jan/15/juan-guaido-venezuelan-opposition-leader-challenging-maduros-rule>.

¹⁴⁵ *Venezuela: Events of 2018*, HUMAN RIGHTS WATCH (2019) [Hereinafter “*Human Rights Watch Venezuela 2019*”], <https://www.hrw.org/world-report/2019/country-chapters/venezuela>.

¹⁴⁶ *Freedom in the World 2019: Venezuela*, *supra* note 142.

¹⁴⁷ *Id.*

¹⁴⁸ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24788&LangID=E>.

2018, his home was raided after the *New York Times* published an article based on secret interviews with López.¹⁴⁹

On June 29, 2019, retired navy Captain Rafael Acosta Arévalo died on his ninth day in custody, one day after he was brought before a military tribunal in a wheel chair and unable to speak showing visible signs of torture. Prior to that appearance, he had been detained by armed men and held incommunicado for seven days.¹⁵⁰ High Commissioner for Human Rights Michelle Bachelet said she was shocked by the alleged torture and urged authorities to investigate the death.¹⁵¹ Two opposition leaders were arrested in 2018 on suspicion of being involved in an assassination attempt on Maduro. One of them—Caracas councilman Fernando Albán—was arrested on his return from an advocacy trip to the United Nations in New York and died in custody.¹⁵² Both are believed to have been tortured.¹⁵³

In 2017, the government fired Attorney General Luisa Ortega Díaz who had been investigating allegations of human rights violations by government officials. She immediately fled the country fearing for her life.¹⁵⁴

According to the NGO Foro Penal, as of April 2019 there were more than 900 political prisoners across Venezuela.¹⁵⁵ Due process violations are commonplace, including arbitrary detention for extended periods without criminal charges. Furthermore, the judiciary lacks independence, generally rules in favour of the government and is plagued by corruption.¹⁵⁶

Various laws are used to stifle free speech, including the vaguely-worded Constitutional Law against Hate, for Political Coexistence and Tolerance which carries penalties of up to 20 years in prison, and a law prohibiting inaccurate reporting that disturbs the public peace.¹⁵⁷ Independent journalists in Venezuela suffer from intimidation, harassment, assault, and arrest. In the first three months of 2019, 39 journalists had been arbitrarily detained according to the Institute for Press and Society in

¹⁴⁹ *Freedom in the World 2019: Venezuela*, *supra* note 142.

¹⁵⁰ UN Human Rights report on Venezuela urges immediate measures to halt and remedy grave rights violations, OHCHR (July 4, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24770&LangID=E>.

¹⁵¹ *Id.*

¹⁵² *2018 Country Reports on Human Rights Practices: Venezuela*, US DEPARTMENT OF STATE (March 13, 2019) [Hereinafter “*State Department Report Venezuela 2019*”], <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/venezuela/>.

¹⁵³ *Freedom in the World 2019: Venezuela*, *supra* note 142.

¹⁵⁴ Hugh Bronstein and Julia Symmes Cobb, *Venezuela faces outrage after new assembly takes legislative power*, REUTERS (Aug. 18, 2017), <https://www.reuters.com/article/us-venezuela-politics/venezuela-faces-outrage-after-new-assembly-takes-legislative-power-idUSKCN1AY1VM>.

¹⁵⁵ Arelis R. Hernandez and Mariana Zuniga, *Political detentions climbing amid worsening Venezuela crisis*, WASHINGTON POST (April 12, 2019), https://www.washingtonpost.com/world/political-detentions-climbing-amid-worsening-venezuela-crisis/2019/04/12/f52e0b7a-5cc8-11e9-98d4-844088d135f2_story.html.

¹⁵⁶ *State Department Report Venezuela 2019*, *supra* note 152.

¹⁵⁷ *Id.*

Caracas.¹⁵⁸ In addition, since 2014, 17 people have been arrested for comments posted on social media.¹⁵⁹ Human rights activists also are subjected to harassments and threats.

Freedom of association is not respected. After Guaidó declared himself interim-president, Venezuelans took to the streets in a series of mass protests between January and May 2019. The government responded violently. In one week in January alone, more than 1000 people were arbitrarily detained and at least 26 people were killed.¹⁶⁰ According to government figures 1569 people were killed between January and May 2019 for “resistance to authority,” during government security operations.¹⁶¹ Observers have called this the worst crackdown in twenty years.¹⁶²

It follows the government’s brutal crackdown on protesters in May 2017 which resulted in 136 deaths and 1900 injured.¹⁶³ In the wake of those protests, Maduro created a special division of the criminal police to quash those participating in the protests. Between May and November 2017, this special unit committed 31% of the police killings. According to the NGO Monitor de Víctimas, in the month of July 2019 alone, this unit was responsible for 57 extrajudicial killings.¹⁶⁴ According to Human Rights Watch, more than 12500 people have been arrested since 2014 in connection with anti-government protests, and many were prosecuted in military court in violation of international law.¹⁶⁵

In addition to these violations of civil and political rights, Venezuelans are suffering from a major economic crisis characterized by mass hunger, epidemics and shortages of basic food and medicine. As of March 2018, it was estimated that 17% of children under five were suffering moderate to severe malnutrition.¹⁶⁶ According to the UN High Commissioner for Refugees, the number of Venezuelans leaving the country had topped four million by mid-2019.¹⁶⁷ The UN Office of Coordination of Humanitarian Affairs estimates that seven million Venezuelans need humanitarian assistance.¹⁶⁸

¹⁵⁸ John Otis, *Venezuela’s intimidation tactics include arbitrary arrests, deportation*, COMMITTEE TO PROTECT JOURNALISTS (March 29, 2019), <https://cpj.org/blog/2019/03/venezuela-crisis-detained-journalist-weddle-maduro.php>.

¹⁵⁹ *Freedom in the World 2019: Venezuela*, *supra* note 142.

¹⁶⁰ *Venezuela: UN experts condemn widespread rights violations reported during protests*, OHCHR (March 21, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24386&LangID=E>.

¹⁶¹ Nick Cumming-Bruce, *Venezuela Forces Killed Thousands Then Covered it Up, U.N. Says*, New York Times (July 4, 2019), <https://www.nytimes.com/2019/07/04/world/americas/venezuela-police-abuses.html>.

¹⁶² Arelis R. Hernandez and Mariana Zuniga, *Political detentions climbing amid worsening Venezuela crisis*, WASHINGTON POST (April 12, 2019), https://www.washingtonpost.com/world/political-detentions-climbing-amid-worsening-venezuela-crisis/2019/04/12/f52e0b7a-5cc8-11e9-98d4-844088d135f2_story.html.

¹⁶³ *Freedom in the World 2019: Venezuela*, *supra* note 142.

¹⁶⁴ *Oral Update on the Human Rights Situation in the Bolivarian Republic of Venezuela*, OHCHR (Sep. 9, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24958&LangID=E>.

¹⁶⁵ *Human Rights Watch Venezuela 2019*, *supra* note 145.

¹⁶⁶ *Id.*

¹⁶⁷ *Refugees and migrants from Venezuela top 4 million: UNHCR and IOM*, UNHCR (June 7, 2019), <https://www.unhcr.org/news/press/2019/6/5cfa2a4a4/refugees-migrants-venezuela-top-4-million-unhcr-iom.html>.

¹⁶⁸ *Enhanced Interactive dialogue on the situation of human rights in the Bolivarian Republic of Venezuela*, OHCHR (July 5, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24795&LangID=E>.

UN Voting Record

Negative: At the General Assembly, Venezuela backed human rights abusers when it supported a resolution denying the right to level sanctions against such regimes. Venezuela opposed resolutions that spoke out for victims of human rights violations by Iran, North Korea, Russia and Syria. It also abstained on a resolution calling for protection of the rights to peaceful assembly and freedom of association.

“QUESTIONABLE” CANDIDATES

We determined that the qualifications for Human Rights Council membership of **Armenia, Benin, Brazil, and Moldova** are questionable due to their human rights and/or UN voting records.

ARMENIA

Armenia fails to meet the basic standards for democracy according to Freedom House which classifies it as “partly free.” Human rights violations include torture; harsh and life-threatening prison conditions; arbitrary arrest; government corruption; restrictions on freedom of the press and association; violence against journalists; violence against LGBT individuals; and child labour. Nevertheless, we note that in 2018 Armenia experienced a peaceful transition of power when Prime Minister Serzh Sargsyan, who had sought to hold onto power by manipulating the constitution, resigned following mass protests in what has been termed the “Velvet Revolution.” Civil society was very active during the protests. Since then, the government has taken some positive steps, including releasing a number of political prisoners.

In addition, Armenia has a mixed voting record at the UN. At the General Assembly, Armenia sided with dictatorships and against democracies when it voted in favor of a resolution that seeks to erode universal rights in favor of “cultural diversity” while endorsing an Iranian-sponsored “Center for Human Rights and Cultural Diversity;” and a resolution denying the right to level sanctions against regimes that violate human rights. These resolutions were opposed by 53 democracies. Likewise, Armenia sided with dictatorships in voting to delay the work of the Special Rapporteur on violence against LGBT individuals. Armenia also opposed resolutions that spoke out for victims of human rights violations by Iran and Russia and abstained on a resolution that spoke out for victims of human rights violations by Syria.

BENIN

Benin is a “questionable” candidate primarily because of its mixed UN voting record. At the General Assembly, Benin sided with dictatorships and against democracies when it voted in favor of a resolution that seeks to erode universal rights in favor of “cultural diversity” while endorsing an Iranian-sponsored “Center for Human Rights and Cultural Diversity;” and a resolution denying the right to level sanctions against regimes that violate human rights. These resolutions were opposed by 53 democracies. Likewise, Benin sided with dictatorships in voting to delay the work of the Special Rapporteur on violence against LGBT individuals. Benin also abstained on a resolution that spoke out for victims of human rights violations by Russia. Benin should provide an explanation for these positions.

BRAZIL

Brazil is a “questionable” candidate primarily because of its mixed UN voting record. At the General Assembly, Brazil abstained on resolutions that spoke out for victims of human rights violations by Iran and Russia. Brazil also joined dictatorships in supporting a resolution that seeks to erode universal rights in favor of “cultural diversity” while endorsing an Iranian-sponsored “Center for Human Rights and Cultural Diversity.” That resolution, titled “Human rights and cultural diversity” was opposed by 53 democracies. Similarly, Brazil abstained on a resolution denying the right to level sanctions against regimes that violate human rights which was opposed by 53 democracies.

We note that under the leadership of Brazil's new president Jair Bolsonaro, Brazil appears to be changing its voting patterns at the UN. For example, at the March session of the Human Rights Council, Brazil voted with democracies and against dictatorships on the Cuba-sponsored resolution denying the right to level sanctions against human rights abusers. However, it has continued to abstain on, or support, a number of other problematic, dictatorship-sponsored resolutions at the Human Rights Council which seek to restrict universal human rights. Brazil should provide an explanation for these positions.

MOLDOVA

Moldova is a “questionable” candidate primarily because it fails to meet the basic standards for democracy according to Freedom House which classifies it as “partly free.” While the most recent presidential elections in Moldova were generally considered free and fair, the government suffers from widespread corruption and undue interference by powerful economic interests. This inhibits the proper functioning of the government. In particular, the judiciary is known to be susceptible to political pressure. In addition, there is a repressive environment in which journalists practice self-censorship and individuals fear that criticizing the government or other powerful actors could lead to retribution. Human rights abuses include torture; harsh prison conditions; arbitrary arrest; widespread government corruption; restrictions on the media; forced abortion; widespread violence against women; and rape and violence against persons with disabilities.

Notwithstanding the above, we note that Moldova's new Prime Minister Maia Sandu is a courageous anti-corruption campaigner. She said that she intends to focus on “freeing up and cleaning up the justice institutions and making them independent,” and her government has already begun to pass “anti-oligarchic” legislation.