

# ELECTING THE 2014-2016 MEMBERS OF THE UN HUMAN RIGHTS COUNCIL

*For presentation at United Nations Headquarters, New York, Nov. 4, 2013*

*Presented by:*



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## EXECUTIVE SUMMARY

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This report evaluates the 17 countries that have formally submitted candidacies for the November 4, 2013 election of 14 new members to the UN Human Rights Council. To evaluate qualifications we applied the membership criteria established by UNGA Resolution 60/251. In particular, we examined (a) each candidate's record of domestic human rights protection; and (b) its UN voting record.

### NOT QUALIFIED

*7 candidates have poor records and fail to qualify:*

**Algeria, China, Cuba, Jordan, Russia, Saudi Arabia, Vietnam.**

### QUESTIONABLE

*6 candidates have problematic human rights and/or UN voting records:*

**Maldives, Morocco, Namibia, South Africa, South Sudan, Uruguay.**

### QUALIFIED

*Only 4 out of the 17 candidate countries are qualified to be Council members:*

**France, Macedonia, Mexico, UK.**

The absence of competition in both the Western and Eastern European groups are unfortunate, and undermine the premise and rationale for holding elections. Nevertheless, this report reminds UN member states that they have the right to refrain from voting for a non-qualified candidate such as Russia, even though it is running on a closed slate. 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, Zambia*

*Asia: Mongolia, East Timor*

*Eastern Europe: Hungary, Slovenia, Lithuania.*

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

# EVALUATION OF 2014-2016 UNHRC CANDIDATES

Presented at United Nations Headquarters, New York, November 4, 2013

## AFRICAN GROUP:

### CONTESTED ELECTION OF 5 CANDIDATES FOR 4 SEATS

Replacing Angola, Libya, Mauritania, and Uganda

\*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
Algeria	Not Free	Authoritarian Regime	Not Free	Difficult Situation	Negative	Not Qualified
Morocco	Partly Free	Hybrid Regime	Not Free	Difficult Situation	Mixed	Questionable
Namibia	Free	Flawed Democracy	Partly Free	Good Situation	Negative	Questionable
South Africa	Free	Flawed Democracy	Partly Free	Satisfactory Situation	Negative	Questionable
South Sudan	Not Free	N/A	Partly Free	Noticeable Problems	Mixed	Questionable

## ASIAN GROUP:

### CLOSED SLATE OF 5 CANDIDATES FOR 5 SEATS

Replacing Malaysia, Maldives, Qatar, and Thailand

COUNTRY	FH RATING	ECONOMIST RATING	FH PRESS FREEDOM	RSF RATING	UN VOTING RECORD	SUITABILITY FOR MEMBERSHIP
China	Not Free	Authoritarian Regime	Not Free	Very Serious Situation	Negative	Not Qualified
Jordan	Not Free	Authoritarian Regime	Not Free	Difficult Situation	Mixed	Not Qualified
Maldives	Partly Free	N/A	Partly Free	Satisfactory Situation	Mixed	Questionable
Saudi Arabia	Not Free	Authoritarian Regime	Not Free	Very Serious Situation	Mixed	Not Qualified
Vietnam	Not Free	Authoritarian Regime	Not Free	Very Serious Situation	Negative	Not Qualified

LATIN AMERICAN AND CARIBBEAN GROUP:  
 CONTESTED ELECTION OF 3 CANDIDATES FOR 2 SEATS  
 Replacing Ecuador and Guatemala

COUNTRY	FH RATING	ECONOMIST RATING	FH PRESS FREEDOM	RSF RATING	UN VOTING RECORD	SUITABILITY FOR MEMBERSHIP
<b>Cuba</b>	Not Free	Authoritarian Regime	Not Free	Very Serious Situation	Negative	Not Qualified
<b>Mexico</b>	Partly Free	Flawed Democracy	Not Free	Difficult Situation	Mixed	Qualified
<b>Uruguay</b>	Free	Full Democracy	Free	Satisfactory Situation	Mixed	Questionable

WESTERN EUROPEAN AND OTHERS GROUP:  
 CLOSED SLATE OF 2 CANDIDATES FOR 2 SEATS  
 Replacing Spain and Switzerland

COUNTRY	FH RATING	ECONOMIST RATING	FH PRESS FREEDOM	RSF RATING	UN VOTING RECORD	SUITABILITY FOR MEMBERSHIP
<b>France</b>	Free	Flawed Democracy	Free	Satisfactory Situation	Positive	Qualified
<b>UK</b>	Free	Full Democracy	Free	Satisfactory Situation	Positive	Qualified

EASTERN EUROPEAN GROUP:  
 CLOSED SLATE OF 2 CANDIDATES FOR 2 SEATS  
 Replacing Poland and Moldova

COUNTRY	FH RATING	ECONOMIST RATING	FH PRESS FREEDOM	RSF RATING	UN VOTING RECORD	SUITABILITY FOR MEMBERSHIP
<b>Macedonia</b>	Partly Free	Flawed Democracy	Partly Free	Noticeable Problems	Positive	Qualified
<b>Russia</b>	Not Free	Authoritarian Regime	Not Free	Difficult Situation	Negative	Not Qualified

## METHODOLOGY

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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* (2012), 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 (2013-2014)*, 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* (2013), 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* (2013), 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 Votes (2011-2012 resolutions of UNGA and UNHRC)*, examining countries by how they voted on key human rights proposals and participated at the Universal Periodic Review (UPR), classifying their voting records accordingly as either Positive, Negative or Mixed.

## CALL TO ACTION

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### OPPOSE NON QUALIFIED CANDIDATES

On November 12, 2013, the UN General Assembly's 193 members 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 **Algeria, China, Cuba, Jordan, Russia, Saudi Arabia, and Vietnam**, whose records—on respecting human rights at home and in UN voting—fail to meet the UN criteria for Council membership.

The **Maldives, Morocco, Namibia, South Africa, South Sudan and Uruguay** should commit to change their human rights and/or UN voting records before being deemed suitable.

### “CLOSED SLATES” DEFEAT PURPOSE OF ELECTIONS

Regrettably, there is no competition in the Western Europe and Others Group (WEOG), or in the Eastern European group. “Closed slates” are 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 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. Therefore, even though Eastern Europe submitted a closed slate, UN member states should fulfill their duties under UNGA Resolution 60/251 by refraining to vote for Russia.

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 the African group, qualified alternatives include: **Cape Verde, Ghana, and Zambia.**

- In the Asian group, qualified alternatives include: **Mongolia** and **East Timor**.
- In the Eastern European group, qualified alternatives include: **Hungary**, **Slovenia**, and **Lithuania**.

A noteworthy feature of this year's election is the candidacies of four permanent members of the UN Security Council. In the past year, the U.S. was the only permanent member to also be a member of the Human Rights Council. Fourteen countries will be chosen in this year's election, with the rotation of exiting and incoming members taking place on Jan. 1, 2014.

#### CUBA, LEADER OF HRC'S ANTI-DEMOCRATIC FACTION, AIMING TO COME BACK

In addition to **China** and **Russia**, several other countries are candidates for the Council, who took the mandatory year off: **Cuba**, **Jordan**, **Mexico**, **Saudi Arabia**, and **Uruguay**. Cuba's possible return 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.

#### IRAN WITHDREW CANDIDACY

When UN Watch first announced the candidates for the Human Rights Council in July 2013, several diplomats and major news agencies confirmed the information that Iran was among the candidates. However, Iran quickly denied it, falsely claiming that they had withdrawn in February 2013, and blaming the news on a conspiracy by the U.S. and Israel.

## ANALYSIS OF "NOT QUALIFIED" CANDIDATES

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### ALGERIA

#### HUMAN RIGHTS RECORD

Algeria fails to protect the basic rights of citizens. Harassment of political opposition and civil society are ongoing. As Freedom House reported, new laws passed are criticized for failing to protect basic rights where protests against the government are being violently subdued by the police.

Journalists have also been arrested on charges of libel. According to Amnesty International, Manseur Si Mohamed, a journalist at La Nouvelle République newspaper in Mascara, was fined and sentenced to two months' imprisonment in June for making "defamatory comments" by reporting that a state official had failed to implement a judicial decision.

Algeria is ranked Not Free by Freedom House, with a score of 5.5 out of a worst possible 7 overall, receiving a 5 on civil liberties and a 6 on political liberties.

#### UN VOTING RECORD

In 2011 Algeria voted against the two resolutions on the human rights situation in North Korea and Myanmar. Algeria abstained from voting on the 2012 resolutions on human rights in Syria and Iran. In addition, Algeria supported the counter-productive resolutions on the "promotion of peace" and "human rights and cultural diversity."

## CHINA

### HUMAN RIGHTS RECORD

China severely restricts freedom of expression, prosecutes government critics, inhibits the activities of human rights organizations and citizens, and undermines the independence of its judiciary.

China has arrested many citizens who oppose the government and sentenced them to long prison terms in recent years. Criminal trials are closed to the public and the conviction rate is at 98%. Democracy advocate and 2010 Nobel Peace Prize winner Liu Xiaobo was sentenced to 11 years in prison in 2009 and has remained there in 2013, while his wife remains under strict house arrest.

According to the 2013 Amnesty International Report on China, Chinese authorities have “continued to repress Tibetans’ right to enjoy and promote their own culture as well as their rights to freedom of religion, expression, peaceful association and assembly.” Similarly, Amnesty reported on the many missing Uighur ethnic minorities where the government continues to intimidate people, including families seeking information on their displaced relatives who reveal human rights abuses.

Corruption still remains largely prevalent in China, where although thousands of officials are investigated and punished, the prosecution is selective and opaque. In 2012, former Chongqing party chief Bo Xilai was charged with bribery and Sichuan Province deputy party secretary Li Chunheng was dismissed for influence peddling. According to Freedom House, investigations by Bloomberg News and the New York Times found that the family members of Xi Jinping and outgoing premier Wen Jiabao held assets worth \$376 million and \$2.7 billion, respectively, raising questions about corruption and conflict of interest. However, the reports were suppressed in China, and both outlets’ websites were blocked shortly after the articles’ publication.

China is ranked Not Free by Freedom House and received a low score of 6 on civil rights and 7 on political rights.

### UN VOTING RECORD

In 2011 China voted against resolutions condemning the human rights situation in North Korea and Myanmar. In 2012 they also voted against the resolutions condemning the human rights violations in Syria and Iran. China supported the counter-productive resolution on the “promotion of peace,” as well as a resolution on “human rights and cultural diversity.” In the Human Rights Council in 2012, China also voted against resolutions on the human rights situations in Belarus and Sri Lanka. UN Watch’s report on the UPR judged China’s performance as “Destructive.”

## CUBA

### HUMAN RIGHTS RECORD

Media in Cuba is subject to censorship, legal restrictions, harassments, and pressures from the government.

In 2012, the Cuban government oversaw a systematic increase in short-term “preventative” detentions of dissidents, including harassment, beatings, acts of repudiation, and restrictions on foreign and domestic travel, especially surrounding politically sensitive dates throughout the year.

According to Amnesty International, in September 2012, independent journalist, Calixto Ramón

Martinez Arias, was arrested by the Cuban Revolutionary Police and has been detained since. He had been investigating allegations that medicine provided by the WHO were being kept at the airport instead of being distributed, downplaying the seriousness of the outbreak.

In July 2012, Cuban democracy leader Oswaldo Payá was killed in a car accident under mysterious circumstances. Over 100 former world leaders, foreign ministers, parliamentarians and democracy activists around the world have called for an independent investigation into his death.

According to Freedom House, Cuba received a score of 6.5 and is categorized as Not Free.

## UN VOTING RECORD

In 2011 Cuba voted against the resolutions on the human rights situations in North Korea and Myanmar. Cuba also voted against the resolutions for human rights in Syria and Iran in 2012. The same year they supported (and indeed sponsored) the counter-productive resolution on the “promotion of peace,” as well as the resolution on “human rights and cultural diversity.” UN Watch’s report on the UPR judged Cuba’s UPR performance as “Destructive.”

## JORDAN

### HUMAN RIGHTS RECORD

Recently Jordan passed a new press law restricting freedom of expression on the Internet. According to Freedom House, in 2012 police forcefully dispersed protests against the political status quo and the detention of protesters in prior demonstrations around the country, especially in Amman, Tafilah, and Mafreq, detaining demonstrators on charges of disturbing public order, insulting the king, or incitement against the regime.

Several people were arrested for criticizing the king and/or Jordan’s system of government. Jordan is ranked Not Free by Freedom house, with a low score of 5 on civil liberties, and 6 on political liberties.

## UN VOTING RECORD

In 2011 Jordan voted against UN resolutions condemning human rights abuses by North Korea and Myanmar. Jordan did support the 2012 resolution on human rights in Syria. However, it also supported the counter-productive resolutions on the “promotion of peace” and “human rights and cultural diversity.” Jordan abstained on the 2012 resolution on human rights in Iran. In the Human Rights Council in 2012, Jordan abstained on a resolution on the human rights situation in Sri Lanka, but supported a resolution on the human rights situation in Belarus. UN Watch’s report on the UPR judged Jordan’s performance as “Very Detrimental.”

## RUSSIA

### HUMAN RIGHTS RECORD

Russia has a tightly-controlled governmental system that fails to meet the minimal standards of a free democracy. Prime Minister Vladimir Putin won the March 2012 presidential election, imposing greater restrictions on public assemblies, non-governmental organizations and the Internet, especially in regards to criticism of the government.



According to Freedom House, the deeply flawed 2011 Duma elections were marked by a “convergence of the state and the governing party, limited political competition and a lack of fairness,” according to the Organization for Security and Cooperation in Europe, but many voters used them to express a protest against the status quo.

Chess champion and Russian political activist Garry Kasparov stated in a press conference in June 2013, that seeing Russia as a “democratic state” is a delusion; Russian elections fail to provide real opportunities for the people to influence the formation of their government.

Leonid Razvozhayev, an opposition activist, when preparing for asylum application, was allegedly abducted by Russian authorities. He was compelled to sign a confession to charges of planning mass riots. Russian officials insisted that he had turned himself in, according to Freedom House. “They told me, ‘If you don’t answer our questions, your children will be killed,’” Mr. Razvozhayev said in a recent interview. “They said that legally I didn’t exist, and anything could happen to me.” After he signed the confession, he said, his captors delivered him to the authorities in Moscow.

Russia is ranked Not Free by Freedom House, and received a 5 for civil liberties and a 6 for political liberties. Russia has failed to address ongoing criminal justice problems, and is constantly being criticized for poor prison conditions and illegal use of detention and torture.

## UN VOTING RECORD

Russia voted against 2012 resolutions for human rights in Syria and Iran, and it opposed 2011 resolutions for human rights in North Korea and Myanmar. Russia supported the counter-productive resolutions on the “promotion of peace” and “human rights and cultural diversity.” In the Human Rights Council in 2012, Russia voted against two resolutions on human rights in Belarus and Sri Lanka. UN Watch’s report on the UPR judged Russia’s performance as “Detrimental.”

## SAUDI ARABIA

### HUMAN RIGHTS RECORD

Tension in the Middle East has pushed Saudi Arabia to crack down on Shiite activists and protestors. The government has arrested, tried, and imprisoned some of the country’s most visible human rights activists.

According to Freedom House, in March 2011, Khaled al-Johani, a teacher, was arrested after calling for greater rights and democracy during an interview recorded in Riyadh and broadcast by the television station BBC Arabic. He was imprisoned shortly afterwards and remained in jail in 2012.

In December 2012, prominent Saudi author and intellectual Turki al-Hamad was arrested for criticizing Islamists on the social media site Twitter; he remained in prison at the year’s end. Similarly, according to Reuters, Raif Badawi, who started the “Free Saudi Liberals” website, was sentenced to seven years in prison and 600 lashes on July 30, 2013, for “founding an Internet forum that violates Islamic values and propagates liberal thought.”

Women are also not treated as equal members of society; they are not permitted to vote in municipal elections, drive cars, or travel within or outside of the country without a male relative. Saudi Arabia received the worst possible Freedom House score of 7.

## UN VOTING RECORD

In 2011 Saudi Arabia voted against two resolutions for in North Korea and Myanmar. Saudi Arabia supported the 2012 resolution on human rights in Syria, and the counter-productive resolutions on the “promotion of peace” and “human rights and cultural diversity.” Saudi Arabia abstained on the 2012 resolution on human rights in Iran. In the Human Rights Council in 2012, Saudi Arabia voted against a resolution on the human rights situation in Sri Lanka and abstained on the human rights resolution on Belarus. UN Watch’s report on the UPR, judged their performance as “Very Detrimental.”

## VIETNAM

### HUMAN RIGHTS RECORD

Serious economic problems in Vietnam have fueled turmoil within the ruling Communist Party. Freedom of speech is increasingly limited, particularly online, with the government arresting and jailing bloggers and journalists.

According to Amnesty International, since May 27, 2013, Dr. Cu Huy Ha Vu, a Vietnamese legal scholar, has been on a hunger strike in his treatment prison. He is serving a seven-year sentence for “conducting propaganda” against the state. He has a chronic heart condition and his health is at risk.

In May, the courts rejected appeals by human rights activists Hồ Thị Bích Khương and Nguyễn Trung Tôn, upholding prison sentences—five and two years, respectively—that they received in December 2011 for “conducting propaganda against the Socialist Republic of Vietnam.”

Freedom House gave Vietnam the low score of 6.

### UN VOTING RECORD

Vietnam voted against the 2012 resolution on human rights in Iran, as well as the 2011 resolutions on human rights in North Korea and Myanmar. Vietnam voted in favor of the counter-productive resolutions on the “promotion of peace” and “human rights and cultural diversity,” and abstained on the 2012 resolution on the human rights in Syria.

## ANALYSIS OF DEMOCRACIES RANKED “QUESTIONABLE”

As explained above in the section on methodology, this report evaluates each candidate’s suitability for election to the UNHRC following a two-prong analysis. First, the report examines each country’s record of human rights protection at home, and, second, it examines each country’s record of human rights promotion at the UN, under the premise that the UN should not elect any country to the Council that is likely to use its membership to frustrate the protection of human rights victims or the principles of individual human rights.

According to the first prong of the analysis, the initial position of a country in the ranking will be generally determined by whether they are dictatorial (closed societies or fully authoritarian regimes), hybrid regimes (competitive authoritarian regimes, illiberal democracies), or democracies (representative democracy,

liberal democracy)<sup>1</sup>, respectively. As a result, a democracy will be generally considered to be “qualified” for election to the UNHRC, a hybrid regime will be generally considered “questionable” or “not qualified,” and a dictatorship will generally be considered “not qualified.”

The second prong assesses whether these countries (democracies or non-democracies) generally exert or are likely to exert a comparatively positive or negative influence at the UNHRC. The general stance of each country and the likelihood of their future voting can be best construed from their voting records regarding resolutions on human rights at the United Nations.

Following this two-prong test, as a general rule, a democratic country that satisfies the first part of the evaluation will generally be considered suitable for election to the Human Rights Council, unless this democracy is deemed to be likely to use its Council membership to frustrate the protection of human rights victims or the principles of individual human rights.

Accordingly, a negative assessment on a country’s voting record may determine whether a country stays in its initial position, or instead moves from “qualified” to “questionable”, or from “questionable” to “not qualified.”

This explains why Namibia, South Africa and Uruguay are ranked as “questionable.” Despite having an overall positive human rights record, they too often failed to use their UN votes to support key resolutions for human rights victims, either opposing or abstaining.

Uruguay is one of the most stable democracies in the Western Hemisphere. Yet, while its current national government protects the human rights of its people at home, this government led by Uruguay’s president José Mujica is an open admirer and apologist of the Cuban dictatorial government, having consistently voted following the pernicious influence of Cuba at the UNHRC. Based on this track record, if it were to gain a seat at the UNHRC, Uruguay is likely to continue voting along with Cuba, and exert a pernicious influence at the council, blocking any opportunity for a resolution or independent review of the human rights situation in Cuba.

## WHY MEXICO RANKS AS “QUALIFIED”

Mexico is a liberal democratic country, in spite of ranking poorly in RSF’s press freedom index, as “partly free” and “not free” in FH’s freedom in the world and press freedom indexes, respectively, and as a “flawed democracy” in the index by The Economist. After looking closely at the methodology used by these indexes, especially when it comes to assessing press freedom, it becomes apparent that Mexico’s poor rankings are primarily a consequence of violence as a result of feuds between drug cartels, the national government’s unsuccessful attempts to crackdown on organized crime (mostly drug cartels), and widespread corruption of law enforcement and regional public officials in this context. These phenomena are especially pervasive in those regions where organized crime presence is stronger. To a large degree, this also explains why other democracies in Latin America rank as “partly free” in FH’s freedom in the world index—Guatemala,

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1 A democratic country can be roughly defined as a State that protects basic human rights at home, i.e., a country where people are free to criticize the government, the national government does not systematically harass, persecute or imprison either political opponents or the independent media, and where elections by which the national government is able to access power are deemed to be largely free and fair.

Colombia, Honduras and Paraguay.<sup>2</sup>

While the responsibility for this violence can be directly or indirectly attributed to specific policies put in place by the Mexican federal government and this fact could arguably put the government in the category of a “systematic human rights violator” and undermine its credentials as a “democracy”, consistency with this approach would dilute the definition of a liberal democratic government that we have adopted here by requiring a similar negative assessment of many other countries, including traditionally drug-producing countries (Bolivia, Colombia, Perú), drug-transit countries (Venezuela, Guatemala, Mexico, Brazil) and traditionally drug-consuming countries (United States, Canada, and Western European countries), regardless of their respective democratic credentials.

If Mexico were categorized as “questionable” in spite of it having in place the very tools (liberal democracy) that could effect a change towards a different, less bloody drug interdiction policy, other Latin American democratic countries such as Guatemala, Colombia, Honduras and Paraguay would automatically be deemed questionable once they became candidates for the UNHRC. Under this loose approach, even the United States could become a suitable candidate for the “questionable” category. Virtually every country/region that is touched by the illegal drug trade would have to account proportionally for their many human rights-related problems derived from the way the drug trade affects them, and the policies they put in place to combat it. Even the United States, the oldest liberal democracy in the region, with a tradition of wide protection for civil liberties, has currently the highest incarceration rates in the world (the Chinese dictatorship continuously points to this fact to call on the US government as a “systematic human rights violator”), among a list of problems with a high human toll that arise as a direct consequence of its government’s drug policies.

As we explained above, a democratic country is roughly one where people are free to criticize the national government,<sup>3</sup> one that does not systematically harass, persecute or imprison either political opponents and the independent media, and where national elections are largely free and fair. Mexico complies with this standard.

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2 Note that we do not mention Bolivia, Ecuador, Nicaragua and Venezuela, which also have drug trade issues, but which cannot be considered liberal democracies because their national governments systematically harass/persecute political opponents and the independent media.

3 We purposefully use the term “national government” to differentiate it from “subnational”, “regional”, or “local” governments. While under international law, the acts or omissions by subnational governments are attributed to the States for purposes of the State’s international responsibility, this distinction is relevant when making a general assessment on the democratic quality of a country. The rationale behind this distinction is that there are many instances of territories under regional or local governments or even territorial enclaves that face grave issues of violence, corruption, and other problems, even in countries that are generally considered to be democratic ones. This makes it problematic to assess a country’s democratic qualities based too heavily on how a few of their subnational governments perform.

## **REVIEW OF “QUESTIONABLE” CANDIDACIES**

Those ranked “questionable” include countries with poor human rights records but who have relatively more positive UN voting records, and countries with good human rights records but with problematic voting records.

### **MALDIVES**

The Republic of Maldives has a poor human rights record. However, its UN voting record was mixed. To its credit, the Maldives supported the following positive resolutions spotlighting the plight of human rights victims in North Korea (GA 2011); Myanmar (GA 2011), Syria (GA 2012), Iran (GA 2012), and Belarus (HRC 2012). At the same time, however, the Maldives opposed the positive resolution on the human rights situation in Sri Lanka (HRC 2011), and voted to support the counterproductive resolutions—supported by Cuba, Syria and Iran—entitled “Human rights and cultural diversity” (GA 2011) and “Promotion of peace” (GA 2012).

Significant human rights problems in the Maldives include restrictions on religious freedom; massive corruption in the executive, legislative, and even judicial branches of government; the use of flogging; arbitrary arrests; harassment of journalists; abuse and unequal treatment of women; and discrimination against foreign laborers, who are the primary victims of human trafficking. The law restricts speech concerning Islam or government religious policies.

### **MOROCCO**

Morocco has a poor human rights record. However, its UN voting record is mixed. To its credit, Morocco supported the positive resolutions on the human rights situation in North Korea (GA 2011) and Syria (GA 2012). Morocco abstained on the positive resolution on the human rights situation in Myanmar (GA 2011) and Iran (GA 2012). Regrettably, however, Morocco voted to support the counterproductive resolutions entitled “Human rights and cultural diversity” (GA 2011) and “Promotion of peace” (GA 2012).

Morocco practices institutional discrimination of women. Domestic workers are abused. Freedom of expression is repressed. The plight of blogger Kacem El Ghazzali, an atheist blogger who was subjected to death threats for challenging state orthodoxies, exemplifies the precarious state of free speech. Independent media risk imprisonment for investigating and criticizing the government. The press law includes prison terms for

“maliciously” spreading “false information” that offends members of the royal family or undermines Islam.

## **NAMIBIA**

Namibia is rated as Free by Freedom House. However, it has a highly problematic voting record. Namibia abstained and failed to support the positive resolutions on the human rights situation in North Korea (GA 2011), Syria (GA 2012) and Iran (GA 2012). Worse, Namibia supported the counterproductive resolutions entitled “Human rights and cultural diversity” (GA 2011) and “Promotion of peace” (GA 2012). Namibia did support the positive resolution on the human rights situation in Myanmar (GA 2011).

According to a report by the US State Department, human rights abuses in Namibia include lengthy pretrial detention under poor conditions; violence and discrimination against women and children, including rape, child abuse, and child labor; and discrimination and violence based on sexual orientation and gender identity. Other human rights problems included harassment and political intimidation of opposition members and discrimination against ethnic minorities and indigenous people. According to a 2013 report by Amnesty International, ethnic minorities face numerous barriers preventing them from accessing education and attending public schools.

## **SOUTH AFRICA**

South Africa is rated as Free by Freedom House, but has a shockingly poor UN voting record. South Africa abstained and failed to support the important UNGA resolutions on the human rights situation in North Korea (2011), Myanmar (2011), Syria (2012) and Iran (2012). Similarly, South Africa supported the counterproductive resolutions entitled “Human rights and cultural diversity” (GA 2011) and “Promotion of peace” (GA 2012).

According to a 2013 report by Human Rights Watch, South Africa has reintroduced bills that compromise the rights of women. One such bill gives “traditional leaders” the authority to enforce controversial versions of customary law such as the practice of *ukutwala* (forced marriage), adjudicate compliance, and enforce penalties. The system fosters discriminatory social and economic practices, such as access to land, inheritance, and forced marriage. South Africa compromises freedom of speech through its controversial Protection of State Information Bill, which aims to regulate the classification, protection, and dissemination of state information, weighing state interests against the importance of freedom of expression.

South Africa protects freedom of assembly. In recent years, however, a growing number of community protests have turned violent and been forcibly dispersed by police, as noted by Freedom House. In September 2012, the government deployed security forces and banned all demonstrations in the Marikana and Rustenberg areas, and some nonviolent protests were forcibly broken up by police. Wildcat strikes in the mining sector during 2012 resulted in at least 50 deaths.

## **SOUTH SUDAN**

South Sudan is a new country, created in 2011, with a poor human rights record, and a mixed UN voting record. To its credit, South Sudan supported the positive resolutions on the human rights situation in North Korea (GA 2011), Syria (GA 2012) and Iran (GA 2012); and it broke from most in the African group by abstaining and refusing to support the Syrian-supported resolution entitled “Promotion of Peace” (GA 2012). Regrettably, South Sudan supported the negative resolution entitled “Human rights and cultural diversity” (GA 2011). They were absent for the voting on the human rights situation in Myanmar in 2011.

Freedom House finds that South Sudan is not an electoral democracy, and is ranked as Not Free. Broad powers are given to the executive. Corruption is endemic. The sole national television channel is government-owned. Media workers avoid covering sensitive subjects such as human rights abuses and official corruption, for fear of harassment. The courts are strained and the police is ill-equipped and unprofessional. There were numerous reports in 2012 of arbitrary arrest and police brutality. Prison facilities are poor, with insanitary conditions and insufficient food for inmates. Children and the mentally ill are routinely detained with adult prisoners. Authorities are unable to protect vulnerable populations from violence, particularly in Jonglei state, where ethnic clashes have caused thousands of deaths and displacements.

South Sudan has widespread child marriage, leading to massive gender gaps in school enrollment, soaring maternal mortality rates, and violence. South Sudan’s army has unlawfully killed and committed other serious violations against civilians in the context of a counterinsurgency campaign. The conflict has forced thousands of people to flee their homes, making them more vulnerable to attack from rival ethnic groups.

## URUGUAY

Uruguay is rated Free but has a highly problematic UN voting record. Uruguay shamefully abstained on and refused to support the important resolution on the human rights situation in Iran (GA 2012), as it did on the valuable resolution on the human rights situation in Belarus (HRC 2012). Similarly, Uruguay supported the negative resolutions entitled “Human rights and cultural diversity” (GA 2011) and “Promotion of peace” (GA 2012). On the other hand, Uruguay did support the positive resolutions on the human rights situation in North Korea (GA 2011), Myanmar (GA 2011) and Syria (GA 2012), and it supported the positive resolution on the human rights situation in Sri Lanka (HRC 2012).

According to a 2011 report by the US State Department, Uruguay has severe overcrowding, inhuman conditions, and disrepair in its prison system. There is violence against women and trafficking in persons. The Ministry of Interior reported 11,255 cases of domestic violence of which 35 cases resulted in murder. In many instances, however, courts did not apply criminal penalties. The Uruguayan Network against Domestic and Sexual Violence denounced the government at the Human Rights Committee of the Organization of American States for failing to protect women who die in the country as victims of domestic violence, despite having presented formal complaints and often receiving restraining orders or other preventive measures ruled by the judiciary. In regards to children’s rights, a report by the US State department found that some minors engaged in prostitution and forced labor.