

ELECTING THE 2018-2020 MEMBERS OF THE U.N. HUMAN RIGHTS COUNCIL

*Ahead of the Human Rights Council elections by the General Assembly
at United Nations Headquarters, New York, October 16, 2017*

EXECUTIVE SUMMARY

This report evaluates the country candidates for the October 16, 2017 election of 15 new members to the U.N. Human Rights Council. Our evaluations applied 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 U.N. voting record. The report finds as follows:

UNQUALIFIED

7 out of 16 candidates have poor records and fail to qualify:

**Afghanistan, Angola, Democratic Republic of Congo,
Malaysia, Nigeria, Pakistan, and Qatar**

QUESTIONABLE

4 candidates have problematic human rights and/or U.N. voting records:

Mexico, Nepal, Senegal and Ukraine

QUALIFIED

Only 5 out of 16 candidate countries are qualified to be council members:

Australia, Chile, Peru, Slovakia and Spain

The absence of competition this year in four out of the five regional slates undermines the very premise and rationale for holding elections. Nevertheless, this report emphasizes to U.N. member states that they have the legal right—and moral obligation—to refrain from voting for an Unqualified candidate—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 Botswana, Congo, Ghana and Nigeria

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

COUNTRY	FH RATING	ECONOMIST RATING	RSF RATING	UN VOTING RECORD	SUITABILITY FOR MEMBERSHIP
Angola	Not Free	Authoritarian Regime	Difficult Situation	Negative	Unqualified
Democratic Republic of Congo	Not Free	Authoritarian Regime	Difficult Situation	Negative	Unqualified
Nigeria	Partly Free	Hybrid Regime	Difficult Situation	Negative	Unqualified
Senegal	Free	Flawed Democracy	Noticeable Problem	Mixed	Questionable

ASIAN GROUP

CONTESTED: 5 CANDIDATES FOR 4 SEATS

Replacing Bangladesh, India, Indonesia, and Qatar

COUNTRY	FH RATING	ECONOMIST RATING	RSF RATING	UN VOTING RECORD	SUITABILITY FOR MEMBERSHIP
Afghanistan	Not Free	Authoritarian Regime	Difficult Situation	Negative	Unqualified
Malaysia	Partly Free	Flawed Democracy	Difficult Situation	Negative	Unqualified
Nepal	Partly Free	Hybrid Regime	Noticeable Problem	Mixed	Questionable
Pakistan	Partly Free	Hybrid Regime	Difficult Situation	Negative	Unqualified
Qatar	Not Free	Authoritarian Regime	Noticeable Problem	Negative	Unqualified

LATIN AMERICAN AND CARIBBEAN GROUP

CLOSED SLATE: 3 CANDIDATES FOR 3 SEATS

Replacing Bolivia, El Salvador and Paraguay

COUNTRY	FH RATING	ECONOMIST RATING	RSF RATING	UN VOTING RECORD	SUITABILITY FOR MEMBERSHIP
Chile	Free	Flawed Democracy	Satisfactory Situation	Positive	Qualified
Mexico	Partly Free	Flawed Democracy	Difficult Situation	Positive	Questionable
Peru	Free	Flawed Democracy	Satisfactory Situation	Positive	Qualified

WESTERN EUROPEAN AND OTHERS GROUP

CLOSED SLATE: 2 CANDIDATES FOR 2 SEATS

Replacing Netherlands and Portugal

COUNTRY	FH RATING	ECONOMIST RATING	RFS RATING	UN VOTING RECORD	SUITABILITY FOR MEMBERSHIP
Australia	Free	Full Democracy	Satisfactory Situation	Positive	Qualified
Spain	Free	Full Democracy	Satisfactory Situation	Positive	Qualified

EASTERN EUROPEAN GROUP

CLOSED SLATE: 2 CANDIDATES FOR 2 SEATS

Replacing Albania and Latvia

COUNTRY	FH RATING	ECONOMIST RATING	RSF RATING	UN VOTING RECORD	SUITABILITY FOR MEMBERSHIP
Slovakia	Free	Flawed Democracy	Noticeable Problem	Positive	Qualified
Ukraine	Partly Free	Hybrid Regime	Noticeable Problem	Positive	Questionable

METHODOLOGY

The presence of systematic abusers on the 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, the Netherlands on behalf of 47 countries—including the U.S., UK, France, Germany, Italy, Canada—issued a joint statement in June 2017 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.”

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

- *The Economist Democracy Index (2016)*, 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 (2017)*, 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 (2017)*, the annual survey by Freedom House that measures political rights and civil liberties worldwide, ranking countries as: Free, Partly Free, or Not Free.
- *Voting at UNGA and UNHRC*, examining countries by how they voted at the UN on various human rights proposals, classifying their voting records accordingly as either Positive, Negative, or Mixed.

¹ See Joint Statement by the Netherlands on behalf of 47 countries, Human Rights Council, 35th Session, 23 June 2017, at www.unwatch.org/joint-statement-improving-unhrc-membership/.

CALL TO ACTION

OPPOSE UNQUALIFIED CANDIDATES

On October 16, 2017, the UN General Assembly's 193 member states will be asked to fill 15 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 **Afghanistan, Angola, Democratic Republic of Congo, Malaysia, Nigeria, Pakistan and Qatar**. These candidates' records — on respecting human rights at home and in UN voting — fail to meet the minimal UN criteria for Council membership.

We also call on **Mexico, Nepal, Senegal and Ukraine** 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 four out of the five regional groups: The African Group, the Eastern European Group, the Latin American and Caribbean Group and the Western Europe and Others Group. Closed slates are most of the times 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 Angola, Democratic Republic of Congo and Nigeria.

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 seven unqualified candidates: Afghanistan, Angola, Democratic Republic of Congo, Malaysia, Nigeria, Pakistan, and Qatar.

Afghanistan’s Human Rights Record

Afghanistan commits serious human rights violations, including:

- Indiscriminate attacks on civilians by armed groups
- Killing of government officials by armed groups
- Torture and abuse of detainees by government forces
- Disregard for the rule of law
- Lack of accountability for human rights abusers
- Violence and discrimination against women and girls
- Extrajudicial killings
- Poor prison conditions
- Arbitrary arrest and detention
- Judicial corruption and ineffectiveness
- Restrictions on freedoms of speech, press, religion
- Corruption
- Underage and forced marriage
- Abuse of children
- Trafficking in persons
- Discrimination against persons with disabilities
- Discrimination against ethnic minorities
- Discrimination against LGBT
- Abuse of worker’s rights

Discussion

Afghanistan is a country that has been in a continuous state of war since 1979. Following April 2014 presidential elections beset by allegations of fraud, the U.S. brokered a power-sharing agreement between the two main rivals—Aahraf Ghani Ahmadzai (“Ghani”) and Abdullah Abdullah.² However, the two never entered into a meaningful partnership, each continuing to vie

² “Afghanistan 2016 Human Rights Report,” *U.S. Department of State*, 2017, p. 28, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265530>.

for power and each staffing government posts with his own supporters, mainly based on ethnic grounds.³

The government is characterized by widescale corruption and impunity. For example, Afghanistan has used foreign aid money to support local militias that commit human rights abuses.⁴ In March this year, the U.S. special inspector general for Afghanistan, John F. Sopko, criticized the situation, complaining that corruption and mismanagement were the main reasons for the military failure in the country.⁵ This corruption has played into the hands of the Taliban, which now controls some 40% of the country, and has frustrated democracy.⁶

Now, three years into the National Unity Government, Afghans frustrated by the continuing lack of peace and security are already calling for change.⁷ In June 2017, more than 1,000 Afghani citizens took to the streets in protest, following deadly terrorist attacks which killed close to 1,000 civilians in a span of just four days. Afghani police shot at the demonstrators, killing six.⁸ After these events, the UN representative in Afghanistan, Tadamichi Yamamoto, warned the Security Council: “Without enhanced efforts by the National Unity Government to increase political inclusiveness, strengthen accountability and improve the Government’s credibility,

³ Ayesha Tanzeem, “International Crisis Group Calls Afghan Government ‘Shaky,’” *Voice of America*, April 10, 2017, available at <https://www.voanews.com/a/international-crisis-group-calls-afghan-government-shaky/3803905.html>.

⁴ *Id.*; Jamil Danish, “Afghans corruption epidemic is wasting billions in aid,” *The Guardian*, Nov. 3, 2016, available at <https://www.theguardian.com/global-development-professionals-network/2016/nov/03/afghanistans-corruption-epidemic-is-wasting-billions-in-aid>; Sune Engel Rasmussen, “Afghanistan funds abusive militias as US military ‘ignores’ situation, officials say,” *The Guardian*, Dec. 26, 2016, available at <https://www.theguardian.com/world/2016/dec/26/afghanistan-us-military-militia-funding-human-rights>; “Afghanistan 2016 Human Rights Report,” *U.S. Department of State*, 2017, pp. 30-31, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265530>.

⁵ Sharif Walid, “Afghan generals face charges in crackdown on military corruption,” *Washington Post*, March 29, 2017, available at https://www.washingtonpost.com/world/afghan-generals-face-charges-in-crackdown-on-military-corruption/2017/03/29/9d6c0dca-1480-11e7-bb16-269934184168_story.html?utm_term=.6c41c69b706d.

⁶ Beth McKernan, “Kabul attack: Police shoot hundreds of protesters calling for better security in Afghanistan,” *The Independent*, June 2, 2017, available at <http://www.independent.co.uk/news/world/middle-east/kabul-attack-latest-police-shoot-hundreds-protesters-calling-better-security-afghanistan-government-a7768856.html>.

⁷ Tabish Forugh, “Afghanistan’s Uprising for Change: Time to Shatter Ghani’s Delusion,” *The Diplomat*, June 27, 2017, available at <http://thediplomat.com/2017/06/afghanistans-uprising-for-change-time-to-shatter-ghanis-delusion/>.

⁸ *Id.*; Beth McKernan, “Kabul attack: Police shoot hundreds of protesters calling for better security in Afghanistan,” *The Independent*, June 2, 2017, available at <http://www.independent.co.uk/news/world/middle-east/kabul-attack-latest-police-shoot-hundreds-protesters-calling-better-security-afghanistan-government-a7768856.html>.

particularly in the security sector, we are likely to face more crises in an increasingly fragile environment.”⁹

In 2016, thousands of Afghani civilians were killed in terror attacks by the Taliban, the Islamic State and others, and more than 500,000 were internally displaced during the year.¹⁰ The United Nations Office of Coordination of Humanitarian Affairs (UNOCHA) reported that in the month of October 2016 alone, 213,000 people were displaced due to the fighting.¹¹

Pro-government forces were responsible for approximately 23% of the more than 8,000 civilian casualties (death and injury) in the first nine months of 2016. In one incident in February 2016, men dressed as Afghani soldiers stormed a health clinic in a Taliban controlled area, killing two patients and a 15 year-old care-giver.¹²

Afghan police and security forces were implicated in several cases of extrajudicial killing and forced disappearances. In one case in November 2016, First Vice President General Abdul Rashid Dostum kidnapped an Uzbek tribal elder and political rival and held him for a number of days during which he was beaten and tortured.¹³

In addition, local NGOs reported excessive use of force and torture by Afghani police and security officials, including widespread sexual abuse and exploitation of children.¹⁴

Journalists have been targeted by all sides. According to Human Rights Watch, most of the violence against journalists in 2016 was committed by government and pro-government actors. In August 2016, President Ghani’s security detail beat nine journalists.¹⁵ Amnesty International reported that there were more than 100 cases of attacks on journalists and media workers in the first nine months of 2016.¹⁶

⁹ “Afghanistan’s Government Must Work to Improve Trust in Security Sector amid Rising Tensions, Terrorist Attacks, Special Representative Tells Security Council,” *United Nations*, June 21, 2017, available at <https://www.un.org/press/en/2017/sc12882.doc.htm>.

¹⁰ Human Rights Watch, World Report 2017, Afghanistan country chapter, available at <https://www.hrw.org/world-report/2017/country-chapters/afghanistan>.

¹¹ Jelena Bjelica, “Over Half a Million Afghans Flee Conflict in 2016: A look at the IDP statistics,” *Afghanistan Analysts Network*, Dec. 28, 2016, available at <http://reliefweb.int/report/afghanistan/over-half-million-afghans-flee-conflict-2016-look-idp-statistics>.

¹² Human Rights Watch, World Report 2017, Afghanistan country chapter, available at <https://www.hrw.org/world-report/2017/country-chapters/afghanistan>; Amnesty International 2016/2017 Report, Afghanistan, available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/afghanistan/report-afghanistan/>.

¹³ “Afghanistan 2016 Human Rights Report,” *U.S. Department of State*, 2017, pp. 2-3, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265530>.

¹⁴ *Id.* pp. 3-4.

¹⁵ Human Rights Watch, World Report 2017, Afghanistan country chapter, available at <https://www.hrw.org/world-report/2017/country-chapters/afghanistan>.

¹⁶ Amnesty International 2016/2017 Report, Afghanistan, available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/afghanistan/report-afghanistan/>.

The situation of women in Afghanistan is especially bleak. They suffer from rape, domestic violence, honor killing, acid attacks, underage forced marriage and general discrimination. The Afghani justice system fails to adequately protect women, sometimes caving in to family pressure or bribery. Female victims are often subjected to virginity tests and/or accused of crimes such as adultery and fornication. In many cases female victims end up in prison due to lack of shelters or because running away is treated as a moral crime. According to statistics cited by the U.S. State Department, more than half of female prisoners in Afghanistan are incarcerated for moral crimes.¹⁷

In Ghor, one of Afghan's deadliest provinces for women, there have been 118 registered cases of violence against women so far this year, but not a single suspect has been arrested. Government security forces claim they can do nothing because bringing the perpetrators to justice will just increase the Taliban's power in the province.¹⁸

U.N. Voting Record

Negative: At the General Assembly, Afghanistan backed human rights abusers through a resolution denying the right to sanction such regimes, and by voting to delay the work of the Special Rapporteur on violence against LGBT. Afghanistan also voted against a General Assembly resolution that spoke out for human rights victims in Iran.

Angola's Human Rights Record

Angola commits serious human rights violations, including:

- Torture
- Cruel, inhuman or degrading punishment
- Restrictions on freedom of assembly
- Restrictions on free speech
- Restrictions on free press
- Corruption
- Impunity
- Unlawful deprivation of life
- Potentially life-threatening prison conditions
- Arbitrary arrest and detention
- Lack of due process
- Judicial inefficiency
- Forced evictions without compensation
- Violence against women and children

¹⁷ "Afghanistan 2016 Human Rights Report," *U.S. Department of State*, 2017, pp. 33-40, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265530>.

¹⁸ Mujib Mashal and Zahra Nader, "No Justice, 'No Value' for Women in a Lawless Afghan Province," *New York Times*, July 8, 2017, available at <https://www.nytimes.com/2017/07/08/world/asia/afghanistan-women-honor-killings.html?mcubz=0>.

- Child labor
- Trafficking in persons
- Forced labor

Discussion

Angola's president José Eduardo dos Santos was one of the longest serving African presidents before he stepped down in August 2017 after 38 years in power.¹⁹ His reign was characterized by endemic government corruption, economic crisis, inflation, poor health indicators and widespread poverty.²⁰ It remains to be seen whether dos Santos' chosen successor, João Manuel Gonçalves Lourenço, of the ruling MPLA party, will stick to his promise to fight the corruption.

Angola is Africa's second largest oil producing country. Yet, despite the one-time opportunity for rebuilding which Angola received when its nearly 30-year civil war ended in 2002, outgoing President dos Santos exploited the country's resources to enrich himself and his inner circle, leaving ordinary Angolans to languish in poverty.²¹ While dos Santos' oldest daughter, Isabel, is Africa's richest woman with estimated wealth of \$2.3 billion, and other family members amassed fortunes, one third of the population lives on less than \$2 a day.²² One government insider was recently quoted as saying that government spending on reconstruction was "like opening a window and throwing out money," because billions of dollars disappeared into individuals' pockets.²³

Angola's 14-year post-war economic boom was followed by a sharp downturn in 2016 as the price of oil declined. Now, there is 30% inflation and government services have deteriorated.²⁴

¹⁹ Kevin Sieff, "He outlasted Reagan, Castro and Gorbachev. Now Angola's 74-year-old leader is stepping down," *Washington Post*, August 23, 2017, available at https://www.washingtonpost.com/world/africa/he-outlasted-reagan-castro-and-gorbachev-now-angolas-78-year-old-leader-is-stepping-down/2017/08/22/90753f6f-6f66-4979-b7d7-2e1c95d855ab_story.html?utm_term=.38662caf776a.

²⁰ *Id.*; Anita Powell, "Angola's Economic Woes Top of Citizens', New President's Priority List," *Voice of America*, August 29, 2017, available at <https://www.voanews.com/a/angola-economic-woes-top-of-citizen-new-president-priority-list/4003691.html>; "Angola 2016 Human Rights Report," *U.S. Department of State*, 2017, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265222>.

²¹ Norimitsu Onishi, "Angola's Corrupt Building Boom: 'Like Opening a Window and Throwing Out Money,'" *The New York Times*, June 24, 2017, available at <https://www.nytimes.com/2017/06/24/world/africa/angola-luanda-jose-eduardo-dos-santos.html?mcubz=0>.

²² Henrique Almeida and Candido Mendes, "Angola Enters a New Political Era With Its Economy Struggling," *Bloomberg*, August 22, 2017, available at <https://www.bloomberg.com/news/articles/2017-08-21/skyscrapers-stand-unfinished-as-angolan-election-marks-new-era>.

²³ Norimitsu Onishi, "Angola's Corrupt Building Boom: 'Like Opening a Window and Throwing Out Money,'" *The New York Times*, June 24, 2017, available at <https://www.nytimes.com/2017/06/24/world/africa/angola-luanda-jose-eduardo-dos-santos.html?mcubz=0>.

²⁴ Henrique Almeida and Candido Mendes, "Angola Enters a New Political Era With Its Economy Struggling," *Bloomberg*, August 22, 2017, available at <https://www.bloomberg.com/news/articles/2017-08-21/skyscrapers-stand-unfinished-as-angolan-election-marks-new-era>.

According to Human Rights Watch, Angola has one of the highest child mortality rates in the world with one in five children dying before age five. In 2016, Angola failed to adequately deal with outbreaks of Yellow Fever and Malaria because of lack of medication and supplies due to budget cuts. Almost 3,000 people died from Malaria in the first quarter of the year.²⁵

Angolan security forces committed serious human rights violations with impunity. For example, in April 2016, at least three demonstrators were wounded by police gunfire; in August 2016, security forces killed a 14-year-old boy during a peaceful protest against forced evictions; in August 2016, an officer of a private security firm with government ties reportedly shot and killed a 17-year-old boy.²⁶

Security forces were also responsible for beatings and torture. In one case from August 2016, a suspected gang member was tortured and killed in police custody. There were also several cases of police arbitrarily detaining protesters in advance of demonstrations and beating protesters.²⁷

While the law officially provides for freedom of expression, the government owned or controlled most media and journalists practiced self-censorship. In 2016, the legislature approved several new restrictive laws giving the government greater control of both traditional and online media.²⁸

Furthermore, government authorities arrested, harassed and intimidated journalists and denied them access to information. In January and June 2016, the government charged two journalists with defamation after they reported on government corruption. In August 2016, a team of *Novo Jornal* journalists were stopped, searched and threatened by security forces while visiting a demolition site and one of the journalists was beaten. In May 2016, another journalist was detained and beaten while reporting on a street altercation he had witnessed.²⁹

U.N. Voting Record

Negative: At the General Assembly, Angola backed human rights abusers through a resolution denying the right to sanction such regimes, by voting to delay the work of the Special Rapporteur on violence against LGBT, and by voting against a resolution to protect human rights defenders.

<https://www.bloomberg.com/news/articles/2017-08-21/skyscrapers-stand-unfinished-as-angolan-election-marks-new-era>; Kevin Sieff, “He outlasted Reagan, Castro and Gorbachev. Now Angola’s 74-year-old leader is stepping down,” *Washington Post*, August 23, 2017, available at https://www.washingtonpost.com/world/africa/he-outlasted-reagan-castro-and-gorbachev-now-angolas-78-year-old-leader-is-stepping-down/2017/08/22/90753f6f-6f66-4979-b7d7-2e1c95d855ab_story.html?utm_term=.38662caf776a.

²⁵ Human Rights Watch, World Report 2017, Angola country chapter, available at <https://www.hrw.org/world-report/2017/country-chapters/angola>.

²⁶ *Id.*; “Angola 2016 Human Rights Report,” *U.S. Department of State*, 2017, p. 2, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265222>.

²⁷ *Id.* pp. 3-5; Amnesty International 2016/2017 Report, Angola, available at <https://www.amnesty.org/en/countries/africa/angola/report-angola/>.

²⁸ “Angola 2016 Human Rights Report,” *U.S. Department of State*, 2017, pp. 12-13, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265222>; Freedom in the World 2017: Angola Profile, *Freedom House*, available at <https://freedomhouse.org/report/freedom-world/2017/angola>.

²⁹ *Id.*

Angola abstained on resolutions that spoke out for human rights victims in Iran, Syria and North Korea.

Democratic Republic of Congo's (DRC) Human Rights Record

DRC commits serious human rights violations, including:

- Unlawful killings
- Torture
- Cruel, inhuman or degrading punishment
- Gender based violence
- Disappearances
- Life-threatening prison conditions
- Systematic use of arbitrary arrests and prolonged detention
- Restrictions of freedom of expression
- Political corruption
- Lack of independent judiciary
- Lack of due process
- Harassment of civil society and opposition leaders
- Inability of citizens to choose their government in free and fair elections
- Suppression of freedom of assembly and association
- Abuse of internally displaced persons
- Discrimination against minorities
- Discrimination against women
- Discrimination against people with disabilities
- Child soldiers
- Persecution of LGBT
- Persecution of Albinos

Discussion:

DRC President Joseph Kabila came to power in 2001 after his father—Laurent-Désiré Kabila—was assassinated. Pursuant to the DRC constitution, Joseph Kabila was supposed to step down as president at the end of his second term in office on December 19, 2016. Although the constitution prohibits him from serving another term, Kabila refused to organize presidential and legislative elections prior to the expiration of his term. The last elections (in which Kabila was elected to his second term), held in 2011, were criticized by international observers as “seriously flawed” due to voting irregularities and lack of transparency.³⁰

While the law officially permits opposition parties, Kabila’s government has done its best to suppress them. In May 2016, when opposition leader Moïse Katumbi announced his candidacy

³⁰ “Democratic Republic of the Congo 2016 Human Rights Report,” *U.S. Department of State*, 2017, p. 24, available at

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265242>.

for president, the government commenced an investigation against him, later charging him with recruitment of mercenaries, and arrested 27 of his associates.³¹ Katumbi claims the charges are politically motivated and has remained out of the country for over a year to avoid imprisonment.³²

On September 19-20, in response to protests turned violent over Kabila's failure to organize elections, the State Security Forces (SSF) responded with excessive force, killing at least 48 protesters.³³ The SSF also viciously attacked the headquarters of the opposition party New Forces for Union and Solidarity and Union for Democracy and Social Progress (UDPS) with RPGs and grenades, killing at least 11 civilians and cruelly preventing the injured from seeking medical attention, according to eyewitnesses. More violent protests followed in December 2016 when Kabila refused to step down resulting in at least 20 deaths, some shot at close range by government troops.³⁴

Kabila appears to be intent on hanging onto power at any cost. Despite a December 2016 agreement brokered by the National Episcopal Conference of Congo, by which Kabila agreed to hold elections at the end of this year, Kabila has taken no action to organize the elections.³⁵ Complaining about the government's crackdown on the media and civil society, UN Human Rights Office field operations director, Georgette Gagnon, recently commented: "The space required for a credible electoral process is rapidly shrinking."³⁶ According to Human Rights Watch, more than 100 activists and opposition leaders or supporters were arbitrarily arrested in 2016 and held for more than 48 hours. Some were held incommunicado for weeks or months and abused in custody.³⁷ In July 2017 alone, the government arrested more than 100 anti-Kabila protesters.³⁸

In December 2016, the government closed CCTV and Radio Liberte Kinshasa, both owned by opposition leader Jean-Pierre Bemba, claiming they owed back taxes and licensing fees. Twelve

³¹ *Id.* at 25.

³² Kimiko de Freytas-Tamura, "When Will Kabila Go? Congolese Leader Long Overstays His Welcome," *The New York Times*, July 23, 2017, available at <https://www.nytimes.com/2017/07/23/world/africa/congo-joseph-kabila-elections.html?mcubz=1>.

³³ "Democratic Republic of the Congo 2016 Human Rights Report," *U.S. Department of State*, 2017, pp. 25-26, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265242>.

³⁴ "DR Congo anti-Kabila protests 'leave more than 20 dead,'" *BBC*, Dec. 20, 2016, available at <http://www.bbc.com/news/world-africa-38377478>.

³⁵ Kimiko de Freytas-Tamura, "When Will Kabila Go? Congolese Leader Long Overstays His Welcome," *The New York Times*, July 23, 2017, available at <https://www.nytimes.com/2017/07/23/world/africa/congo-joseph-kabila-elections.html?mcubz=1>.

³⁶ William Clowes, "Crackdown in Congo Limits Chances of Credible Elections, UN Says," *Bloomberg*, Aug. 25, 2017, <https://www.bloomberg.com/news/articles/2017-08-25/crackdown-in-congo-limits-chances-of-credible-elections-un-says>.

³⁷ Human Rights Watch, *World Report 2017*, Democratic Republic of Congo country chapter, available at <https://www.hrw.org/world-report/2017/country-chapters/democratic-republic-congo>.

³⁸ Adam Whithnall, "Congo: 250 people killed in ethnic based massacres in the DRC, says UN," *Independent*, Aug. 4, 2017, available at <http://www.independent.co.uk/news/world/africa/congo-massacres-ethnic-conflict-250-people-killed-m-united-nations-crimes-humanity-civil-war-a7876266.html>.

journalists were mistreated, arrested or harassed by government forces while covering the September 2016 protests in Kinshasa. At least three of the journalists were subjected to arbitrary detention and abuse while in custody.³⁹ The media and journalists were also targeted throughout the year.

Against this background, civil war has raged in the Kasai region since August 2016 between government and opposition forces.⁴⁰ The violence began when the military assassinated a regional leader critical of President Joseph Kabila. The Roman Catholic Church estimates that 3,300 people have been killed in the region since October 2016 and more than 1.4 million have fled from their homes.⁴¹

Mass graves in the town of Nganza, where witnesses say government forces went door to door massacring whole families in March 2017, are being guarded by government troops in order to prevent any investigation of the murders. A recent report by the UN Human Rights Office has accused “elements” of the government army of digging most of the 80 mass graves it identified and has implicated government forces in large scale ethnic killings. Two UN representatives charged with investigating massacres in the region were themselves killed in March 2017. Their murderers have not yet been identified.⁴²

The eastern part of the country has also experienced large scale violence by all sides in recent years, with government troops being implicated in unlawful killings and other crimes, including the unlawful detention of more than 29 children.⁴³ In addition, the State Security Forces illegally detained, raped and tortured civilians; and the use of child soldiers by all sides, including the government, has continued. Human Rights Watch also reported that more than 175 civilians and aid workers were kidnapped for ransom in eastern Congo in 2015 and that this trend continued into 2016.⁴⁴

U.N. Voting Record

Negative: At the General Assembly, DRC backed human rights abusers through a resolution denying the right to sanction such regimes, and by voting to delay the work of the Special

³⁹ Human Rights Watch, World Report 2017, Democratic Republic of Congo country chapter, available at <https://www.hrw.org/world-report/2017/country-chapters/democratic-republic-congo>.

⁴⁰ Adam Whithnall, “Congo: 250 people killed in ethnic based massacres in the DRC, says UN,” *Independent*, Aug. 4, 2017, available at <http://www.independent.co.uk/news/world/africa/congo-massacres-ethnic-conflict-250-people-killed-m-united-nations-crimes-humanity-civil-war-a7876266.html>.

⁴¹ Kimiko de Freytas-Tamura, “Who’s in Congo’s Mass Graves? And Why Are Soldiers Guarding Them?” *New York Times*, July 28, 2017, available at <https://www.nytimes.com/2017/07/28/world/africa/congo-kasai-kabila-militia-graves.html?mcubz=1>.

⁴² *Id.*; “DR Congo: UN report indicates Government participation in ethnic massacres in Kasai,” UN News Centre, Aug. 4, 2017, available at <http://www.un.org/apps/news/story.asp?NewsID=57309#.WbopPLjGuk>.

⁴³ Human Rights Watch, World Report 2017, Democratic Republic of Congo country chapter, available at <https://www.hrw.org/world-report/2017/country-chapters/democratic-republic-congo>.

⁴⁴ “Democratic Republic of the Congo 2016 Human Rights Report,” *U.S. Department of State*, 2017, pp. 12-13, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265242>.

Rapporteur on violence against LGBT. DRC abstained on resolutions that spoke out for human rights victims in Iran and Syria. At the Human Rights Council, DRC voted against resolutions to protect gays and people with disabilities. It also voted against a resolution to allow the High Commissioner to choose his own staff.

Malaysia's Human Rights Record

Malaysia commits serious human rights violations, including:

- Persecution of LGBT
- Corporal punishment allowed by the judicial system
- Harsh condition of prisoners
- Child marriage
- Politically motivated trials
- Electoral fraud
- Corruption
- Restriction on opposition parties
- Restriction on freedom of expression
- Restriction on freedom of assembly
- Discrimination against minorities
- Restriction on religious freedom
- Arbitrary arrest without trials
- Torture
- Death penalty for drug trafficking
- Restriction on the activities of NGOs
- No respect for refugee/asylum seeker status

Discussion

Elections in Malaysia are subject to political interference.⁴⁵ Among other things, the government strongly suppresses opposition. In February 2015, the Federal Court of Malaysia condemned opposition leader Anwar Ibrahim on sodomy charges, after a well-known political trial. He remains in prison, serving a five-year sentence.⁴⁶ In August 2016, another opposition leader—Mohd Fakhulrazi Mohd Mokhtar—was sentenced to eight months in prison on sedition charges for calling for Ibrahim's release. In November, opposition leader Rafizi Ramli was convicted and

⁴⁵ Freedom House, Freedom in the World 2017, Malaysia country report, available at <https://freedomhouse.org/report/freedom-world/2017/malaysia>.

⁴⁶ Amnesty International Report 2016/17, Malaysia chapter, available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/malaysia/report-malaysia/>.

sentenced to 18 month's jail time for violating the Official Secrets Act. The conviction disqualifies him from serving in parliament for five years after he completes his sentence.⁴⁷

Discrimination against religious minorities in Malaysia is common.⁴⁸ In October 2016, 50 suspected Shiites were arrested for attending a religious celebration. Restrictions remain on the use of the word "Allah" by non-Muslims when referring to God, even though this is the term widely used in scriptures of Malay-speaking Christians, as well as present in Christian Bibles and in everyday discussions.⁴⁹

The government routinely forces "deviant" Muslims to undergo "re-education."⁵⁰ Malaysia employs a cadre of religious officers to investigate violations of Sharia law, such as indecent dress, alcohol consumption, sale of restricted books and close proximity to the opposite sex. These officers have authority to conduct raids on private premises.⁵¹ In one recent case, a man died jumping out of a window in an attempt to escape the morality police.⁵²

Malaysia restricts the rights to freedom of assembly and association. Street protests are prohibited and violators can be subjected to heavy fines. In November 2016, the government intensified its crackdown on Bersih 5.0 activists with raids and arrests in advance of a major Bersih rally.⁵³

Free press is also severely restricted in Malaysia, particularly through enforcement of the 1948 Seditious Act and harsh criminal defamation laws. The government has used these laws to prosecute journalists for critical reporting. Additionally, the government has exercised its authority to deny or revoke licenses for media outlets, and to block websites, that criticized the government.⁵⁴

LGBT rights are systematically violated in Malaysia. Same sex relations can be punishable by up to 20 years of prison. The Ministry of Health considers homosexuality nearly a disease and, along

⁴⁷ Human Rights Watch, World Report 2016, Malaysia chapter, available at <https://www.hrw.org/world-report/2017/country-chapters/malaysia>.

⁴⁸ Freedom House, Freedom in the World 2017, Malaysia country report, available at <https://freedomhouse.org/report/freedom-world/2017/malaysia>.

⁴⁹ U.S. Department of State, International Religious Freedom Report for 2016, Malaysia, available at <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dclid=268744>.

⁵⁰ Amanda Hodge, "Moderation under threat as Malaysia faces Islamic tide," *The Australian*, August 17, 2017, available at <http://www.theaustralian.com.au/news/inquirer/moderation-under-threat-as-malaysia-faces-islamic-tide/news-story/341d55d040ce90e55baf62d590ab13c1>.

⁵¹ U.S. Department of State, Country Reports on Human Rights Practices for 2016, Malaysia, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265350>.

⁵² Ana Salva, "Here come the Malaysian Morality Police," *The Diplomat*, Feb. 22, 2017, available at <http://thediplomat.com/2017/02/here-come-the-malaysian-morality-police/>.

⁵³ Freedom House, Freedom in the World 2017, Malaysia country report, available at <https://freedomhouse.org/report/freedom-world/2017/malaysia>.

⁵⁴ Freedom House, Freedom of the Press 2016, Malaysia, available at <https://freedomhouse.org/report/freedom-press/2016/malaysia>; Jahabar Sadiq, "The press has become too free for the government of Malaysia," *The Guardian*, March 16, 2016, available at <https://www.theguardian.com/world/2016/mar/16/the-press-has-become-too-free-for-the-government-of-malaysia>.

with the Ministry of Education, launched a campaign to “prevent, overcome and correct” symptoms of homosexuality in children. Wearing opposite-sex clothes is prohibited by Sharia law in Malaysia.⁵⁵ The Malaysian health ministry recently launched a video contest offering cash rewards for the best videos on preventing homosexuality.⁵⁶

Police violence against prisoners is common and unpunished by the government. Early in 2016, a local NGO reported at least 13 cases of torture or other ill-treatment in custody, including being beaten and stepped on, and being forced to strip and perform sexual acts in the presence of the authorities.⁵⁷

Malaysia has no respect for asylum seekers and refugees. Malaysia does not follow the Refugee Convention, does not recognize the status of asylum seekers and refugees, and refuses to provide education or work permits for refugees. Refugees suffer from overcrowded and unsanitary conditions at detention centers.⁵⁸

U.N. Voting Record

Negative: At the General Assembly, Malaysia backed human rights abusers through a resolution denying the right to sanction such regimes, and by voting to delay the work of the Special Rapporteur on violence against LGBT. Malaysia also voted against a positive resolution promoting entrepreneurship in developing countries. Malaysia abstained on resolutions that spoke out for human rights victims in Iran and North Korea.

Nigeria’s Human Rights Record

Nigeria commits serious human rights violations, including:

- Extrajudicial killings
- Disappearances
- Torture
- Rape
- Arbitrary detention
- Mistreatment of detainees
- Looting
- Destruction of property
- Forced evictions

⁵⁵ Human Rights Watch, World Report 2016, Malaysia chapter, available at <https://www.hrw.org/world-report/2017/country-chapters/malaysia>, and Freedom House, Freedom in the World 2017, available at <https://freedomhouse.org/report/freedom-world/2017/malaysia>.

⁵⁶ Tom Porter, “Gay Prevention’ Video Competition Defended by Malaysian Government,” *Newsweek*, June 13, 2017, available at <http://www.newsweek.com/malaysia-lgbt-rights-gay-cure-gender-620228>.

⁵⁷ Amnesty International Report 2016/17, Malaysia chapter, available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/malaysia/report-malaysia/>.

⁵⁸ Human Rights Watch, World Report 2016, Malaysia chapter, available at <https://www.hrw.org/world-report/2017/country-chapters/malaysia>.

- Vigilante killings
- Denial of fair public trial
- Executive influence on judiciary
- Restrictions on freedom of speech
- Restrictions on freedom of the press
- Restrictions on freedom of assembly
- Restrictions on freedom of movement
- Official corruption
- Violence against women and children
- Trafficking in persons
- Early and forced marriages
- LGBT discrimination
- Discrimination based on ethnic and religious grounds
- Forced labor
- Child labor

Discussion

Nigeria experienced its first successful democratic transfer of power in 2015 with the election of President Muhammadu Buhari. Despite this positive step, the government continues to be plagued by corruption at all levels.⁵⁹ According to Human Rights Watch, official corruption directly affects the basic rights of Nigerians, more than half of whom live in poverty. One third of school-age children are out of school and one in five children under age five die from treatable, preventable diseases.⁶⁰

While Nigeria has enacted legislation protecting freedom of the press, journalists often face intimidation, harassment and physical attacks both from militias and the police, especially if they are critical of the government or politicians.⁶¹ Reporters Without Borders' recorded a decline in freedom of the press in Nigeria over the last year. There were at least four separate incidents of government intimidation and harassment of journalists in the first four months of 2017.⁶²

Since 2009, Nigeria has been battling a violent insurgency by Boko Haram, a jihadi terrorist group responsible for grave human rights abuses in the northeast of the country. While the government has made progress against the group, Boko Haram continues to terrorize parts of Nigeria.⁶³

⁵⁹ "Nigeria 2016 Human Rights Report," U.S. State Department, 2017, pp. 1, 26, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265288>.

⁶⁰ Human Rights Watch, World Report 2017, Nigeria country chapter, available at <https://www.hrw.org/world-report/2017/country-chapters/nigeria>.

⁶¹ Freedom House, Freedom of the Press 2016, Nigeria, available at <https://freedomhouse.org/report/freedom-press/2016/nigeria>.

⁶² "Nigeria's Press Freedom Record Worsens in One Year, Reports, Sahara Reporters, April 26, 2017, available at <http://saharareporters.com/2017/04/26/nigeria%E2%80%99s-press-freedom-record-worsens-one-year-reports>.

⁶³ *Id.*; Nigeria 2016 Human Rights Report," U.S. State Department, 2017, p. 2, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265288>.

Government military and security forces also are responsible for numerous human rights violations in the fight against Boko Haram. In June 2016, the Nigerian military massacred more than 80 men in a small farming village in Marte and burned down the village, even though none of the men were identified by villagers as being affiliated with Boko Haram. Witnesses in displaced persons' camps reported many similar cases of abuse by the military in its search for Boko Haram sympathizers.⁶⁴ The military also arbitrarily detained thousands of young men on the basis of random profiling without reasonable suspicion of involvement in Boko Haram activity. This led to overcrowding in prisons with poor sanitary conditions, and resulted in the deaths of more than 240 detainees.⁶⁵

The Nigerian military and police also employ excessive force against other groups, such as the Indigenous People of Biafra (IPOB) and the Islamic Movement of Nigeria (IMN). The military killed at least nine IPOB protesters in February 2016. According to Amnesty International, at least 150 IPOB members had been killed between August 2015 and September 2016 with hundreds more arbitrarily arrested. In August 2016, armed men in a government vehicle shot and disappeared IBOP activist Sunday Chucks.⁶⁶

A government judicial commission published in July 2016 found that the military used excessive force in an altercation with the Shia IMN in December 2015 in which 347 IMN members were killed and buried in a mass grave, and in which the government destroyed IMN religious sites and property. IMN leader Ibrahim Zakzaky and his wife continue to be detained without charge even though a federal court has declared the detention unconstitutional and ordered their unconditional release.⁶⁷

Torture and mistreatment of suspects by Nigerian security forces is common. In May 2016, a burglary suspect died after two weeks in custody.⁶⁸ Another suspect was beaten with machetes and heavy sticks and released after he paid an \$81 fine. Security services also subject women and girls to rape and other forms of violence, with impunity.⁶⁹

The government has carried out forced evictions against many Nigerians without affording them adequate legal protections or alternative housing.⁷⁰ Between November 2016 and April 2017, the government forcibly evicted at least 35,000 people in fishing settlements in Lagos, leaving them

⁶⁴ Dionne Searcey, “‘They Told Us They Were Here to Help Us.’ Then Came Slaughter,” *New York Times*, Feb. 28, 2017, available at <https://www.nytimes.com/2017/02/28/world/africa/nigeria-civilian-massacre.html?mcubz=0>.

⁶⁵ Amnesty International 2016/2017 Report, Nigeria, available at <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>.

⁶⁶ “Nigeria 2016 Human Rights Report,” U.S. State Department, 2017, pp. 3-4, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265288>.

⁶⁷ *Id.*

⁶⁸ Amnesty International 2016/2017 Report, Nigeria, available at <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>.

⁶⁹ “Nigeria 2016 Human Rights Report,” U.S. State Department, 2017, p. 5, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265288>.

⁷⁰ *Id.* p. 15; Amnesty International 2016/2017 Report, Nigeria, available at <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>.

homeless and without livelihood.⁷¹ The evictions proceeded despite a January 2017 court order that they be halted.⁷²

Women and LGBT are also at risk in Nigeria where female genital mutilation continues to be widely practiced and homosexuality can be punished with 14-year prison terms.⁷³

U.N. Voting Record

Negative: At the General Assembly, Nigeria backed human rights abusers through a resolution denying the right to sanction such regimes, by voting to delay the work of the Special Rapporteur on violence against LGBT and by voting against a resolution to protect human rights defenders. Nigeria abstained on resolutions that spoke out for human rights victims in Iran, Syria and North Korea. At the Human Rights Council, Nigeria voted against resolutions to protect gays and people with disabilities. Nigeria voted against a resolution that spoke out for human rights victims in Belarus. It also voted against a resolution to allow the High Commissioner to choose his own staff.

Pakistan's Human Rights Record

Pakistan commits serious human rights violations, including:

- Extrajudicial and targeted killings
- Disappearances
- Torture
- Death penalty
- Lack of rule of law
- Discrimination against women
- Violence against women
- Violence against LGBT
- Sectarian violence
- Persecution of religious minorities
- Poor prison conditions

⁷¹ Ijeoma Joy Ike and Andrew Esiebo, "They came while we were asleep": Lagos residents tell of brutal evictions," *The Guardian*, May 31, 2017, available at <https://www.theguardian.com/cities/2017/may/31/destroyed-community-lagos-nigeria-residents-forced-evictions-demolitions>.

⁷² Remi Adekoya, "Lagos slums are being razed to make way for luxury properties. That's Nigeria," *The Guardian*, April 14, 2017, available at <https://www.theguardian.com/commentisfree/2017/apr/14/lagos-slums-razed-luxury-nigeria-poor-ruling-class>.

⁷³ Claire Daly and Mary Carson, "Nigeria: 20 million women and girls have undergone FGM," *The Guardian*, Oct. 11, 2016, available at <https://www.theguardian.com/society/2016/oct/11/fgm-nigeria-20-million-women-and-girls-undergone-female-genital-mutilation>; Rachel Banning-Lover, "Where are the most difficult places in the world to be gay or transgender," *The Guardian*, March 1, 2017, available at <https://www.theguardian.com/global-development-professionals-network/2017/mar/01/where-are-the-most-difficult-places-in-the-world-to-be-gay-or-transgender-lgbt>.

- Arbitrary detention
- Lengthy pretrial detention
- Governmental infringement on citizen privacy
- Lack of independent judiciary
- Harassment of journalists
- Harassment of human rights defenders
- Restrictions on freedom of assembly
- Restrictions on freedom of movement
- Discrimination against religious minorities
- Political corruption
- Child labor
- Human trafficking, including forced labor
- Lack of respect for workers' rights
- Widespread societal discrimination based on nationality, ethnicity, race, caste, sexual orientation, gender identity and HIV status.

Discussion

Large areas of Pakistan suffer from terrorist violence. Pakistani military and security forces are accused of heavy handed tactics in responding to the militants, including extrajudicial killings, arbitrary detentions and forced disappearances. The Karachi-based political party MQM alleged that the Pakistani paramilitary Sindh Rangers extrajudicially killed 61 MQM members in security operations in Karachi. It has also reported 171 of its political workers missing since January 2016. Other Pakistani parties made similar allegations against the government.⁷⁴

In one case from May 2016, Pakistani police arrested senior MQM official Aftab Ahmed and a few days later news of his death surfaced along with photographs showing he had been tortured in custody. Another high profile detainee Dr. Asim Hussain, a senior member of the Pakistan People's Party, is suspected of being mistreated while in the custody of the Rangers' who detained him in August 2015.⁷⁵

Many political detainees are subjected to torture in prison, including harsh beatings, cigarette burnings, whipping the soles of feet, prolonged isolation, electric shock, denying food or sleep, hanging upside down, and forcibly spreading legs with bar fetters. Local human rights groups reported more than 124 cases of police excess as of the end of November 2016.⁷⁶

⁷⁴ "Pakistan 2016 Human Rights Report," U.S. Department of State, 2017, pp. 2-5, 20, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265546>.

⁷⁵ Amnesty International 2016/2017 Report, Pakistan, available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/>; Human Rights Watch, World Report 2017, Pakistan country chapter, available at <https://www.hrw.org/world-report/2017/country-chapters/pakistan>.

⁷⁶ *Id.*; "Pakistan 2016 Human Rights Report," U.S. Department of State, 2017, pp. 6, 40, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265546>.

While officially Pakistan has freedom of the press, journalists and their families are often victims of violence and harassment by government organs and others, including sexual violence, abduction and murder. Many media outlets say they practice self-censorship and are routinely denied access to conflict areas. Content is also restricted through the “Code of Ethics,” and anti-blasphemy laws.⁷⁷ According to Freedom House, more than 200,000 websites are banned for anti-Islamic, pornographic or blasphemous content.⁷⁸ In January 2016, the Pakistan Rangers searched the house of New York Times journalist Salman Masood without a warrant.⁷⁹ At least two journalists were killed in 2016.⁸⁰

Human Rights Watch describes violence against women and girls in Pakistan as “routine,” with local human rights groups estimating 1,000 honor killings per year.⁸¹ These horrific crimes, in which women are often also tortured and/or mutilated, are under reported and often pardoned by the family. In July 2016, social media celebrity Qandeel Baloch was killed by her brother for shaming the family with her liberal lifestyle.⁸²

Furthermore, rape and domestic violence are widespread. While rape is a criminal offense, domestic violence is not. Moreover, criminal prosecutions for rape are rare and rape victims face many obstacles from the police and court system in seeking justice, including abuse or threats by the police. Pakistani women also suffer from Female Genital Mutilation, child marriage, being used as chattel to settle disputes, forced sequestration to keep property within the family and many other forms of discrimination and abuse.⁸³

Under Pakistan’s draconian blasphemy laws, it is a capital offense to insult the Prophet Muhammed. Moreover, these laws are misused to accuse people in unrelated personal disputes and frequently embolden vigilante violence.⁸⁴ Pakistani courts fail to protect religious minorities

⁷⁷ “Pakistan 2016 Human Rights Report,” U.S. Department of State, 2017, p. 25, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265546>.

⁷⁸ Freedom in the World 2017, Pakistan Profile, available at <https://freedomhouse.org/report/freedom-world/2017/pakistan>.

⁷⁹ Amnesty International 2016/2017 Report, Pakistan, available at <https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/>.

⁸⁰ Freedom in the World 2017, Pakistan Profile, available at <https://freedomhouse.org/report/freedom-world/2017/pakistan>.

⁸¹ Human Rights Watch, World Report 2017, Pakistan country chapter, available at <https://www.hrw.org/world-report/2017/country-chapters/pakistan>.

⁸² “Pakistan 2016 Human Rights Report,” U.S. Department of State, 2017, p. 43, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265546>; Lizzie Dearden, “Rampant violence against women in Pakistan revealed as groups fight ‘un-Islamic’ law against domestic abuse,” *The Independent*, April 5, 2016, available at <http://www.independent.co.uk/news/world/asia/rampant-violence-against-women-in-pakistan-revealed-as-groups-fight-un-islamic-law-against-domestic-a6969311.html>.

⁸³ “Pakistan 2016 Human Rights Report,” U.S. Department of State, 2017, pp. 6, 42-46, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265546>.

⁸⁴ “Pakistan: How the blasphemy laws enable abuse,” *Amnesty International*, Dec. 21, 2016, available at <https://www.amnesty.org/en/latest/news/2016/12/pakistan-how-the-blasphemy-laws-enable-abuse/>; Sune Engel Rasmussen and Kiyya Baloch, “Student’s lynching sparks rare uproar in Pakistan over blasphemy killings,” *The Guardian*, April 26, 2017, available at

subjected to these accusations, often convicting them on insufficient evidence.⁸⁵ According to Amnesty International, the mere accusation of blasphemy can result in arrest even if the charges make no sense and, once charged, the accused is often denied bail and subjected to a lengthy, unfair trial.⁸⁶

In 2011, two government officials—Punjab province governor Salmaan Taseer and government minister Shahbaz Bhatti—were assassinated for publicly criticizing the blasphemy law.⁸⁷ In 2014, human rights lawyer Rashid Rehman was killed for trying to “save a blasphemer.” According to Human Rights Watch, there are currently 19 people on death row for blasphemy.⁸⁸ One of these is Asia Bibi, the Christian mother of five, convicted in 2010 for derogatory remarks about the Prophet Muhammed during an argument. An appeal in the case due to be heard in October 2016 was delayed and has not yet been rescheduled.⁸⁹ Bibi has suffered both mentally and physically while in custody, according to her husband who said she has been held in solitary confinement with no access to reading material.⁹⁰ In addition, in April this year, university student Mashal Khan was brutally lynched after having made comments that supposedly offended Islam.⁹¹

U.N. Voting Record

Negative: At the General Assembly, Pakistan backed human rights abusers through a resolution denying the right to sanction such regimes, by voting to delay the work of the Special Rapporteur on violence against LGBT. Pakistan also voted against resolutions to protect human rights defenders and to promote entrepreneurship in developing countries. Pakistan voted against a General Assembly resolution that spoke out for human rights victims in Iran, and abstained on a resolution that spoke out for human rights victims in Syria and North Korea. At the Human

<https://www.theguardian.com/world/2017/apr/26/lynching-of-a-student-sparks-uproar-in-pakistan-against-blasphemy-laws>; “Why doesn’t Pakistan reform its blasphemy laws?” *The Economist*, Apr. 25, 2017, available at <https://www.economist.com/blogs/economist-explains/2017/04/economist-explains-14>.

⁸⁵ “Pakistan 2016 Human Rights Report,” U.S. Department of State, 2017, pp. 17-18, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265546>.

⁸⁶ “Pakistan: How the blasphemy laws enable abuse,” *Amnesty International*, Dec. 21, 2016, available at <https://www.amnesty.org/en/latest/news/2016/12/pakistan-how-the-blasphemy-laws-enable-abuse/>.

⁸⁷ “Why doesn’t Pakistan reform its blasphemy laws?” *The Economist*, Apr. 25, 2017, available at <https://www.economist.com/blogs/economist-explains/2017/04/economist-explains-14>.

⁸⁸ Human Rights Watch, World Report 2017, Pakistan country chapter, available at <https://www.hrw.org/world-report/2017/country-chapters/pakistan>.

⁸⁹ “Pakistan 2016 Human Rights Report,” U.S. Department of State, 2017, p. 18, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265546>.

⁹⁰ Jon Boone and Kiyya Baloch, “Asia bibi blasphemy case to be heard by Pakistan supreme court,” *The Guardian*, Oct. 11, 2016, available at <https://www.theguardian.com/world/2016/oct/11/asia-bibi-pakistan-blasphemy-law-supreme-court-death-sentence-salmaan-taseer>.

⁹¹ Sune Engel Rasmussen and Kiyya Baloch, “Student’s lynching sparks rare uproar in Pakistan over blasphemy killings,” *The Guardian*, April 26, 2017, available at <https://www.theguardian.com/world/2017/apr/26/lynching-of-a-student-sparks-uproar-in-pakistan-against-blasphemy-laws>.

Rights Council, Pakistan voted against a resolution to allow the High Commissioner to choose his own staff.

Qatar's Human Rights Record

Qatar commits serious human rights violations, including:

- Support for terrorist organizations
- Inability of citizens to choose their government in free and fair elections
- Restrictions on Freedom of Expression
- Restrictions on Freedom of Press
- Restrictions on freedom of assembly and association
- Prohibition of opposition parties
- Denial of the rights of foreign workers
- Lack of due process
- Restrictions on freedom of religion
- Restrictions on freedom of movement for migrants
- Legal, institutional and cultural discrimination against women
- Trafficking in domestic workers
- Discrimination against stateless persons

Discussion

Qatar is governed by a hereditary monarch who holds all executive and legislative powers and controls the judiciary. Political parties are forbidden. Elections are supposed to be held for the Advisory Council and the Municipal Council. However, no elections have ever been held for the Advisory Council. According to various human rights monitors, 80-90% of the Qatari population is expatriates (*i.e.*, not Qatari citizens) with few civil and political rights and limited economic opportunities.⁹²

Civil liberties such as freedom of expression and freedom of the press are significantly curtailed in Qatar. Citizens are prohibited from criticizing the Emir and do not discuss sensitive political and religious issues in public. The press is essentially controlled by the ruling family and reflects government views. On November 30, 2016, the independent Doha News website was blocked, ostensibly for licensing issues, following its coverage of socially sensitive issues such as labor rights and homosexuality.⁹³

⁹² "Freedom in World 2017, Qatar Profile," *Freedom House*, available at <https://freedomhouse.org/report/freedom-world/2017/qatar>; Human Rights Watch, World Report 2017, Qatar country chapter, available at <https://www.hrw.org/world-report/2017/country-chapters/qatar>.

⁹³ "Qatar 2016 Human Rights Report," *U.S. Department of State*, 2017, p. 7, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dclid=265516>.

Migrant workers in Qatar are particularly vulnerable and are often exploited and abused. According to the latest U.S. State Department human rights report, there are continuing indications of forced labor in Qatar, particularly in the construction and domestic labor sectors.⁹⁴

Abuses suffered by migrants include being charged exorbitant recruitment fees, having their passports confiscated by employers and not being paid on time or at all. Despite recent legislative reforms, the legal status of migrant workers is still tied to their employer. They must obtain a “No Objection Certificate” from their employer and approval from a government office in order to switch jobs mid-contract, and they must obtain an exit permit from their employer in order to leave the country.⁹⁵ There have been particular allegations of abuse of migrants in connection with construction projects for the 2022 World Cup.⁹⁶

Furthermore, Qatari women are subject to discrimination in law and practice, particularly in relation to marriage, divorce, inheritance, child custody, nationality and freedom of movement.⁹⁷ A male guardian and male witnesses are required to validate a marriage contract, women are prohibited from passing citizenship to their children, women have fewer inheritance rights than men and their testimony in court is not weighted equally with that of a man. The penalties for sex outside of marriage are flogging for non-married violators or the death penalty for married violators. According to media reports, there have been dozens of floggings for this crime since 2016. Furthermore, in 2016, a Dutch woman was sentenced to one-year imprisonment and deported for engaging in extramarital sex after she reported that she had been raped. The perpetrator was sentenced to lashings.⁹⁸

In addition, Qatar is notorious for supporting jihadi terrorism. It supports the Islamist Muslim Brotherhood and its Palestinian offshoot, Hamas, and also has close ties with the Taliban, certain al-Qaeda affiliates in Syria and elsewhere, and Iran.⁹⁹ In 2014, the U.S. criticized Qatar for its

⁹⁴ *Id.* at 22.

⁹⁵ Human Rights Watch, World Report 2017, Qatar country chapter, available at <https://www.hrw.org/world-report/2017/country-chapters/qatar>; Nita Bhalla, “Qatar given deadline to end abuse of migrant workers or face investigation,” *Reuters*, March 22, 2017, available at <http://www.reuters.com/article/us-qatar-rights-migrants/qatar-given-deadline-to-end-abuse-of-migrant-workers-or-face-investigation-idUSKBN16T2B9>.

⁹⁶ Amnesty International 2016/2017 Report, Qatar, available at <https://www.amnesty.org/en/latest/news/2017/05/qatar-world-cup-stadium-first-match/>; “Qatar: Abuse of migrant workers remains widespread as World Cup stadium hosts first match,” *Amnesty International*, May 18, 2017, available at <https://www.amnesty.org/en/latest/news/2017/05/qatar-world-cup-stadium-first-match/>.

⁹⁷ Amnesty International 2016/2017 Report, Qatar, available at <https://www.amnesty.org/en/latest/news/2017/05/qatar-world-cup-stadium-first-match/>.

⁹⁸ Human Rights Watch, World Report 2017, Qatar country chapter, available at <https://www.hrw.org/world-report/2017/country-chapters/qatar>; “Qatar 2016 Human Rights Report,” *U.S. Department of State*, 2017, p. 16, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265516>.

⁹⁹ Peter Hussey, “Crack down on Qatar’s terror ties now to challenge Iran later,” *The Hill*, July 14, 2017, available at <http://thehill.com/blogs/pundits-blog/foreign-policy/342096-why-crackdown-on-qatar-now-will-help-us-arab-allies-to>; Jon Gambrell, “Egypt, Saudi Arabia, UAE and Bahrain cut ties with Qatar over terror links,” *Independent*, June 5, 2017, available at

permissive environment which enabled fundraisers to solicit donations for extremist jihadi groups like al-Qaeda and the Islamic State.¹⁰⁰ In April this year, Qatar reportedly paid over \$1 billion to Iranian officials and a former al-Qaeda affiliate in Syria for the release of 26 members of the Qatar royal family kidnapped in Iraq and other fighters captured by jihadists in Syria.¹⁰¹

U.N. Voting Record

Negative: At the General Assembly, Qatar backed human rights abusers through a resolution denying the right to sanction such regimes, and by voting to delay the work of the Special Rapporteur on violence against LGBT. Qatar also abstained from voting on a resolution to protect human rights defenders and voted against a resolution to promote entrepreneurship in developing countries. Qatar abstained on resolutions that spoke out for human rights victims in Iran and North Korea. At the Human Rights Council, Qatar voted against resolutions to protect gays and people with disabilities. Qatar voted against a resolution to allow the High Commissioner to choose his own staff.

<http://www.independent.co.uk/news/world/middle-east/qatar-four-middle-eastern-powers-cut-diplomatic-ties-terror-links-bahrain-egypt-saudi-arabia-uae-a7772836.html>; Gregg Carlstrom, “The Qatar Crisis is Pushing Hamas Back to Iran,” *The Atlantic*, June 14, 2017, available at <https://www.theatlantic.com/international/archive/2017/06/qatar-crisis-saudi-arabia-hamas-iran-syria-gcc-gaza/530229/>.

¹⁰⁰ Tom Keatinge, “Why Qatar is the Focus of Terrorism Claims,” *BBC*, June 13, 2017, available at <http://www.bbc.com/news/world-middle-east-40246734>.

¹⁰¹ *Id.*