



# WHO GUARDS THE GUARDIANS?

EVALUATION OF UNHRC CANDIDATES FOR 2022-2024

### **ABOUT THE COVER**

A handout picture provided by the official website of the Iranian Presidency on Jan 12, 2020 shows Emir of Qatar Tamim bin Hamad al-Thani speaking during a joint press conference with the Iranian president in Tehran. (Photo: Iranian Presidency, AFP)

### **ABOUT UN WATCH**

Founded in 1993, UN Watch is a non-governmental organization based in Geneva, Switzerland that monitors the United Nations by the yardstick of its charter and protects human rights worldwide. For more information, please visit our website: [www.unwatch.org](http://www.unwatch.org).

### **ACKNOWLEDGEMENTS**

This report was written by Legal Advisor Dina Rovner with assistance from Fellow Vanina Meyer. The report was edited by Executive Director Hillel Neuer. Managing Editor Simon Plosker provided editorial review. Thank you also to Chief of Staff Aylin Ergil Amsellem for her contribution.

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# Evaluation of UNHRC Candidates for 2022–2024

This report evaluates the candidate countries seeking election to the UN Human Rights Council for the 2022–2024 term, in the vote to be held at the General Assembly on 14 October 2021. Our evaluations apply the membership criteria established by UNGA Resolution 60/251, which requires members to “uphold the highest standards in the promotion and protection of human rights” and to “fully cooperate with the Council.” In particular, we examined each candidate’s (a) record of domestic human rights protection; and (b) UN voting record.

The absence of competition this year in all five regional slates undermines the very premise and rationale for holding elections. Nevertheless, this report emphasizes to UN member states that they have the legal right, and moral obligation, to refrain from voting for Unqualified candidates, even if those happen to be running on closed slates.

Instead, as detailed in the report, during the ballot they can actually defeat such candidacies, thereby freeing up the process for qualified alternatives to come forward. In regard to candidate countries deemed Questionable, they should, at a minimum, be asked to commit to redress the shortcomings identified in this report.

The report finds as follows:

## UNQUALIFIED

**Cameroon, Eritrea, Kazakhstan, Qatar, Somalia**

## QUESTIONABLE

**Benin, Gambia, Honduras, India, Paraguay, Malaysia, Montenegro, United Arab Emirates**

## QUALIFIED

**Argentina, Finland, Lithuania, Luxembourg, United States**



Qatar's Emir Sheikh Tamim bin Hamad Al Thani attends the opening session of the 30th Arab League summit in the Tunisian capital Tunis, March 31, 2019 (Photo: AFP)

## AFRICAN GROUP

CLOSED SLATE: 5 CANDIDATES FOR 5 SEATS

Replacing: Burkina Faso, Cameroon, Eritrea, Somalia, Togo

COUNTRY	FH RATING	ECONOMIST RATING	RSF RATING	UN VOTING RECORD	MEMBERSHIP SUITABILITY
<b>Benin</b>	Partly Free	Hybrid	Difficult	Negative	<b>Questionable</b>
<b>Cameroon</b>	Not Free	Authoritarian	Difficult	Negative	<b>Unqualified</b>
<b>The Gambia</b>	Partly Free	Hybrid	Problematic	Mixed	<b>Questionable</b>
<b>Eritrea</b>	Not Free	Authoritarian	Very Serious	Negative	<b>Unqualified</b>
<b>Somalia</b>	Not Free	N/A	Very Serious	Negative	<b>Unqualified</b>

## ASIAN GROUP

CLOSED SLATE: 5 CANDIDATES FOR 5 SEATS

Replacing: Bahrain, Bangladesh, Fiji, India, Philippines

COUNTRY	FH RATING	ECONOMIST RATING	RSF RATING	UN VOTING RECORD	MEMBERSHIP SUITABILITY
<b>India</b>	Partly Free	Flawed Democracy	Difficult	Negative	<b>Questionable</b>
<b>Kazakhstan</b>	Not Free	Authoritarian	Difficult	Negative	<b>Unqualified</b>
<b>Malaysia</b>	Partly Free	Flawed Democracy	Difficult	Mixed	<b>Questionable</b>
<b>Qatar</b>	Not Free	Authoritarian	Difficult	Mixed	<b>Unqualified</b>
<b>UAE</b>	Not Free	Authoritarian	Difficult	Mixed	<b>Questionable</b>

FH = Freedom House

RSF = Reporters Sans Frontières Press Freedom Index

## LATIN AMERICAN AND CARIBBEAN GROUP

CLOSED SLATE: 3 CANDIDATES FOR 3 SEATS

Replacing: Argentina, Bahamas, Uruguay

COUNTRY	FH RATING	ECONOMIST RATING	RSF RATING	UN VOTING RECORD	MEMBERSHIP SUITABILITY
<b>Argentina</b>	Free	Flawed Democracy	Problematic	Mixed	<b>Qualified</b>
<b>Honduras</b>	Partly Free	Hybrid	Difficult	Mixed	<b>Questionable</b>
<b>Paraguay</b>	Partly Free	Flawed Democracy	Problematic	Mixed	<b>Questionable</b>

## WESTERN EUROPEAN AND OTHERS GROUP

CLOSED SLATE: 3 CANDIDATES FOR 3 SEATS

Replacing: Austria, Denmark, Italy

COUNTRY	FH RATING	ECONOMIST RATING	RSF RATING	UN VOTING RECORD	MEMBERSHIP SUITABILITY
<b>Finland</b>	Free	Full Democracy	Good	Positive	<b>Qualified</b>
<b>Luxembourg</b>	Free	Full Democracy	Satisfactory	Positive	<b>Qualified</b>
<b>United States</b>	Free	Flawed Democracy	Satisfactory	Positive	<b>Qualified</b>

## EASTERN EUROPEAN GROUP

CLOSED SLATE: 2 CANDIDATES FOR 2 SEATS

Replacing: Bulgaria, Czech Republic

COUNTRY	FH RATING	ECONOMIST RATING	RSF RATING	UN VOTING RECORD	MEMBERSHIP SUITABILITY
<b>Lithuania</b>	Free	Flawed Democracy	Satisfactory	Positive	<b>Qualified</b>
<b>Montenegro</b>	Partly Free	Hybrid	Problematic	Positive	<b>Questionable</b>

# Methodology

The presence of gross and systematic abusers of human rights on the UN Human Rights Council contradicts its own charter. According to UNGA Resolution 60/251, which established the Council in 2006, General Assembly members are obliged to elect states to the Council by considering “the candidates’ contribution to the promotion and protection of human rights and their voluntary pledges and commitments made thereto.” The resolution further provides that consideration ought to be given to whether the candidate can meet membership obligations (a) “to uphold the highest standards in the promotion and protection of human rights” and (b) to “fully cooperate with the Council.”

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

Citing these criteria, in June 2017 the Netherlands on behalf of 47 countries—including the U.S., UK, France, Germany, Italy and Canada—issued a joint statement to further HRC membership requirements.<sup>1</sup> They pledged to “strive to ensure competitive HRC membership elections,” and to “engage in voting based on human rights considerations consistent with GA resolution 60/251.” The stated goal was to “help strengthen the Council’s effectiveness and credibility.” However, that pledge has not resulted in any change to the HRC election process. In fact, this year there is no competition whatsoever in any of the five regional slates.

The country evaluations in this report consider a totality of human rights indicators, including information, ratings and analysis from the following sources:

- *The Economist Democracy Index (2020)*, 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 (2021)*, which measures the degree of freedom that journalists and news organizations enjoy in each country, and the efforts made by state authorities to respect and ensure respect for this freedom, ranking each country as Good, Satisfactory, Problematic, Difficult or Very Serious.
- *Freedom in the World (2021)*, the annual survey by Freedom House that measures political rights and civil liberties worldwide, ranking countries as: Free, Partly Free or Not Free.
- *Voting record at the UN General Assembly*, examining countries by how they voted at the UNGA on ten different thematic and country-specific human rights proposals (listed in the table below), and classifying their voting records accordingly as either Positive, Negative or Mixed. Countries were credited with two points for voting to support human rights, zero points for opposing human rights and one point for abstaining or being absent. Countries who scored between 15 to 20 are ranked as having Positive voting records, those scoring 8 to 14 are Mixed and those scoring 0 to 7 are Negative.

Our evaluations considered a totality of human rights factors beyond the above data. For example, whereas the lists show comparable metrics for Qatar and the United Arab Emirates, the latter has been acclaimed for playing a leadership role in promoting regional peace, tolerance and interfaith relations in the Middle East. This significant contribution to the cause of human rights in a region otherwise plagued by ancient hatred, wars, terrorism and killings was a positive factor in the UAE rising above the lowest category of Unqualified.

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1 *Joint Statement by the Netherlands on behalf of 47 countries, Human Rights Council* (June 23, 2017), available at <https://www.unwatch.org/joint-statement-improving-unhrc-membership/>.

# Voting Record: Table of UN General Assembly Resolutions

RESOLUTION	EXPLANATION	DESIRED VOTE
Situation of human rights in the Islamic Republic of Iran A/RES/75/191	Expressing concern about Iranian human rights violations, including executions and abuses against women.	Yes
Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastapol, Ukraine A/RES/75/192	Condemning Russia's occupation of Crimea and its human rights abuses therein.	Yes
Situation of human rights in the Syrian Arab Republic A/RES/75/193	Strongly condemning "widespread and systematic gross violations" of human rights by the Syrian regime.	Yes
Situation of human rights of Rohingya Muslims and other minorities A/RES/75/238	Condemning all human rights violations in Myanmar, including against Rohingya Muslims.	Yes
Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia A/RES/75/285	Critical of the forced displacement of ethnic Georgians from their homes in connection with the 2008 conflict, and calling for their "voluntary, safe, dignified and unhindered return."	Yes
Promotion of peace as a vital requirement for the full enjoyment of all human rights by all A/RES/75/177	Empowers human rights abusers to violate human rights under the pretext of peace.	No
Promotion of a democratic and equitable international order A/RES/75/178	Cuban-sponsored text undermines the concept of individual human rights by promoting new collective rights that have no clear definition and are not universally agreed-upon, such as "the right to international solidarity."	No
Human rights and unilateral coercive measures A/RES/75/181	NAM-sponsored text that shields human rights abusers by denying the right to sanction such regimes.	No
The right to development A/RES/75/182	NAM-sponsored text seeking to codify "the right to development" on an equal footing with universally recognized individual human rights and fundamental freedoms, even though such a right is not categorized in any of the core UN human rights conventions, has no agreed international meaning and is not recognized as a universal right held and enjoyed by individuals.	No
The responsibility to protect and the prevention of genocide, war, crimes, ethnic cleansing and crimes against humanity A/RES/75/277	Endorsing responsibility of states to take steps to prevent genocide, war crimes, ethnic cleansing and crimes against humanity.	Yes

# CALL TO ACTION

## Oppose Unqualified Candidates

In the upcoming October 2021 election, the UN General Assembly's 193 member states will be asked to fill 18 of the 47 Human Rights Council seats.

We call upon member states to refrain from voting in favor of **Cameroon, Eritrea, Kazakhstan, Qatar** and **Somalia**. These candidates' records—on respecting human rights at home and in UN voting—fail to meet the UN criteria for Council membership.

We also call on **Benin, Gambia, Honduras, India, Paraguay, Malaysia, Montenegro** and **United Arab Emirates** to commit to improving 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 any of the regional groups this year. Closed slates are typically the product of backroom deals fixing an equal number of candidates and available seats. The result deprives UN member states of the opportunity to exercise the responsibilities given to them by the 2006 UNGA resolution creating the Council.

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

## Procedure for Opposing Unqualified Candidates on Closed Slates

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

Accordingly, to allow the Human Rights Council to live up to the ideals expressed in the UN Charter and the Universal Declaration of Human Rights, we urge UN member states to oppose all unqualified states in the secret ballot. For example, even though the Asian Group submitted a closed slate, UN member states should fulfill their duties under UNGA Resolution 60/251 by refraining to vote for Qatar.

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 the five unqualified candidates:  
**Cameroon, Eritrea, Kazakhstan, Qatar and Somalia.**

# Cameroon

## Human Rights Violations<sup>2</sup>

Unlawful or arbitrary killings; enforced disappearances; torture and cruel, inhuman or degrading treatment by the government and other actors; harsh and life-threatening prison conditions; arbitrary arrests; political prisoners; political reprisals against individuals outside the country; lack of independence of the judiciary; arbitrary or unlawful interference with privacy; restrictions on freedom of expression and the press; interference with rights to peaceful assembly and freedom of association; lack of free and fair elections; corruption; child soldiers; human trafficking; violence against LGBT.

## Cameroon is beset by internal strife and conflict

Cameroon is ruled by President Paul Biya, who won a seventh term in office in October 2018, in an election marred by allegations of fraud.<sup>3</sup>

In the Far North, the Islamist terrorist group Boko Haram routinely perpetrates terrorist attacks. According to Human Rights Watch, since 2014, the conflict between the government and Boko Haram has killed thousands.<sup>4</sup> UNHCR reports that as of July 2021, 322,000 have been displaced in the Far North region.<sup>5</sup> Between December 2020 and April 2021, Boko Haram terror attacks killed 80 civilians in Cameroon's Far North.<sup>6</sup> In July 2021, Boko

Haram terrorists attacked a military post in Sagne, killing at least eight soldiers and wounding others.<sup>7</sup>

Similarly, in the Anglophone regions which make up more than 20% of the country's population, conflict between armed separatists and government forces has killed more than 3,000 civilians and hundreds of security forces.<sup>8</sup> As of July 2021, the conflict had displaced over 700,000.<sup>9</sup> In these regions, both the government and the separatists have engaged in serious human rights violations, including killing civilians, torching villages, torture, kidnappings and incommunicado detention. According to Amnesty International, on the night of February 13-14, 2020, at least 22 civilians were killed following a military operation in Ngarbuh. In October 2020, High Commissioner for Human Rights Michelle Bachelet criticized abuses by all sides in the Anglophone region saying her office had received "numerous reports of serious human rights violations by separatist groups and security forces."<sup>10</sup> Yet, the violence has continued. Between June and July 2021, at least four policemen were killed near Bali Nyonga in the North-West region.<sup>11</sup> On June 8-9, 2021, security forces reportedly killed two civilians, raped a 53-year-old woman and destroyed at least 33 homes and shops.<sup>12</sup>

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2 2020 Country Reports on Human Rights Practices: Cameroon, **U.S. Dep't of State, Bureau of Democracy, H.R. and Lab.** (March 30, 2021), <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/cameroon/>.

3 *Freedom in the World 2021: Cameroon*, **Freedom House** (2021), <https://freedomhouse.org/country/cameroon/freedom-world/2021>.

4 *World Report 2020: Cameroon Events of 2019*, **HRW** (2020), <https://www.hrw.org/world-report/2020/country-chapters/cameroon#>, [Hereinafter, HRW Report: Cameroon].

5 *Operational Data Portal Refugee Situations: Cameroon*, **UNHCR** (last visited September 12, 2021), <https://data2.unhcr.org/en/country/cmr>.

6 *Cameroon: Boko Haram Attacks Escalate in Far North*, **HRW** (April 5, 2021), <https://www.hrw.org/news/2021/04/05/cameroon-boko-haram-attacks-escalate-far-north>.

7 *At least six Cameroonian soldiers killed in raid by Islamist insurgents*, **Reuters** (July 25, 2021), <https://www.reuters.com/world/africa/least-six-cameroonian-soldiers-killed-raid-by-islamist-insurgents-2021-07-24/>.

8 *HRW Report: Cameroon*, supra note 4; *Cameroon: Witness testimony and satellite images reveal the scale of devastation in Anglophone regions*, **Amnesty International** (July 28, 2021), <https://www.amnesty.org/en/latest/press-release/2021/07/cameroon-satellite-images-reveal-devastation-in-anglophone-regions/>.

9 *Operational Data Portal Refugee Situations: Cameroon*, supra note 5.

10 *Press briefing notes on Cameroon*, **OHCHR** (October 27, 2020), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26428&LangID=E>.

11 *Cameroon: Witness testimony and satellite images reveal the scale of devastation in Anglophone regions*, supra note 8.

12 *Cameroon: New Abuses by Both Sides*, **HRW** (August 2, 2021), <https://www.hrw.org/news/2021/08/02/cameroon-new-abuses-both-sides>.



(Photo: Reuters)

### Cameroon violates civil and political rights

Aside from these bloody conflicts, the government violates the basic civil and political rights of its citizens, using excessive force against peaceful demonstrators and arresting government opposition leaders and critics.<sup>13</sup> In April 2019, the European Parliament adopted a resolution on Cameroon stating that it “deeply regrets the repressive climate in Cameroon facing opposition parties and supporters, civil society and citizen movements...” and specifically referred to detention of peaceful protesters.<sup>14</sup> In June 2020, after nearly a year of silence, the government admitted to the death in custody of journalist Samuel Wazizi who is believed to have been tortured.<sup>15</sup>

### Voting Record **NEGATIVE**

Cameroon is currently a member of the Human Rights Council. In that capacity, it has failed to support resolutions speaking out for human rights victims in Iran, Myanmar and Syria. It also supported counterproductive resolutions that undermined individual human rights or addressed issues beyond the competency of the Council. UN Watch gave it a score of “Very Destructive” based on its 2020 voting record at the UNHRC.<sup>16</sup>

At the General Assembly, Cameroon failed to support resolutions that spoke out for human rights victims in Iran, Syria and Crimea. Cameroon also supported counterproductive resolutions that undermined individual human rights by elevating vague and undefined rights such as the “right to development” and the “right to peace” above universally recognized individual human rights, shielded human rights abusers through a resolution denying the right to sanction such regimes and failed to support a resolution on the responsibility to prevent genocide.

13 *Id.*

14 *European Parliament Resolution on Cameroon, Europa* (April 16, 2019), [https://www.europarl.europa.eu/doceo/document/B-8-2019-0249\\_EN.html](https://www.europarl.europa.eu/doceo/document/B-8-2019-0249_EN.html).

15 *Freedom in the World 2021: Cameroon*, supra note 3.

16 *UNHRC Scorecard: Assessing the 2020 performance of UN Human Rights Council members based on their voting record on key resolutions*, UN Watch (June 2021), <https://unwatch.org/wp-content/uploads/2021/06/UN-Watch-Scorecard-June-2021.pdf>, [Hereinafter, UNHRC Scorecard 2020].

# Eritrea

## Human Rights Violations<sup>17</sup>

Unlawful and arbitrary killings; forced disappearances; torture; arbitrary detention; harsh and life-threatening prison conditions; political prisoners; lack of judicial independence; arbitrary or unlawful interference with privacy; severe restrictions on freedom of expression and the press; substantial interference with the rights to peaceful assembly and freedom of association; severe restrictions on religious freedom; restrictions on freedom of movement; lack of free and fair elections; human trafficking; criminalization of consensual same-sex conduct; child labor.

### Eritrea is ruled by authoritarian president

President Isaias Afewerki is an authoritarian who has ruled Eritrea for more than twenty years. New elections have not been scheduled and the government has not implemented the civil rights guarantees of its 1997 constitution.<sup>18</sup>

### Eritrea commits violations in armed conflict

Despite its July 2018 peace agreement with Ethiopia, the country continues to severely violate the human rights of its citizens, including through forced and indefinite conscription to the armed forces with salaries that don't cover the cost of living.<sup>19</sup> Although legally conscription is from age 18, children have been caught up in roundups. Conscripts are subject to inhumane punishment, including torture.<sup>20</sup>

Eritrean troops are accused of serious violations against civilians in connection with the conflict in Ethiopia's Tigray region, including arbitrary arrests, extrajudicial killings, enforced disappearances, rape and torture. In March 2021, the EU sanctioned Eritrea over these violations.<sup>21</sup> In August, the U.S. imposed Magnitzky Act sanctions on Eritrean defense chief Filipos Woldeyohannes.<sup>22</sup>

### Eritrea suppresses dissent

The Eritrean government also subjects its citizens, including opposition politicians and journalists critical of the government, to arbitrary detentions for extended periods without due process and in poor conditions. One government critic, former finance minister Berhane Abrehe has been held incommunicado since September 2018.<sup>23</sup> Often such prisoners are returned to their families dead.

There is no freedom of expression in Eritrea. According to the Committee to Protect Journalists, Eritrea is the most censored country in Sub-Saharan Africa with the highest number of incarcerated journalists.<sup>24</sup>

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17 2020 Country Reports on Human Rights Practices: Eritrea, **U.S. Dep't of State, Bureau of Democracy, H.R. and Lab.** (March 30, 2021), <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/eritrea/>.

18 *World Report 2020: Eritrea Events of 2019*, **HRW** (2020), <https://www.hrw.org/world-report/2020/country-chapters/eritrea>, [Hereinafter, HRW Report Eritrea].

19 *Id.*

20 *Id.*

21 EU slaps sanctions on Eritrea over human rights abuses, **Reuters** (March 22, 2021), <https://www.reuters.com/article/eritrea-politics-eu-sanctions-idAFL8N2LK3PW>.

22 *U.S. Sanctions Eritrean Military Leader Over Human Rights Abuses in Ethiopia War*, **NPR** (August 23, 2021), <https://www.npr.org/2021/08/23/1030344084/u-s-sanctions-eritrean-military-leader-over-human-rights-abuses-in-ethiopia-war>.

23 *HRW Report Eritrea*, supra note 18.

24 *10 Most Censored Countries*, **CPJ** (September 10, 2019), <https://cpj.org/reports/2019/09/10-most-censored-eritrea-north-korea-turkmenistan-journalist/>. See also Paul Bischoff, *Internet Censorship 2021: A Global Map of Internet Restrictions*, **comparitech** (August 3, 2021), [https://www.comparitech.com/blog/vpn-privacy/internet-censorship-map/#Online\\_censorship\\_in\\_North\\_America](https://www.comparitech.com/blog/vpn-privacy/internet-censorship-map/#Online_censorship_in_North_America) (Eritrea is only African country to “continually block access to social media sites”).



Eritrean citizens in Switzerland protesting a recent UN report that accused Eritrean leaders of committing crimes against humanity. (Photo: Salvatore Di Nolfi/European Pressphoto Agency)

## Voting Record **NEGATIVE**

Eritrea is currently a member of the Human Rights Council. In that capacity, it has voted against resolutions speaking out for human rights victims in Iran, Syria, Belarus and Venezuela and supported counterproductive resolutions that undermined individual human rights or addressed issues beyond the competency of the Council. UN Watch gave it a score of “Very Destructive” based on its 2020 voting record at the UNHRC.<sup>25</sup> Furthermore, Eritrea denies access to the UN Special Rapporteur for human rights in Eritrea and all other UN human rights monitors.<sup>26</sup>

At the General Assembly, Eritrea voted against resolutions that spoke out for victims of human rights in Iran and Crimea and failed to support resolutions on behalf of human rights victims in Syria, Myanmar and Georgia. Eritrea also supported counterproductive resolutions that undermined individual human rights by elevating vague and undefined rights such as the “right to development” and the “right to peace” above universally recognized individual human rights, shielded human rights abusers through a resolution denying the right to sanction such regimes and opposed a resolution on the responsibility to prevent genocide.

25 UNHRC Scorecard 2020, supra note 16.

26 Standing Invitations, OHCHR (last visited September 13, 2021), <https://spinternet.ohchr.org/StandingInvitations.aspx>.

# Kazakhstan

## Human Rights Violations<sup>27</sup>

Unlawful or arbitrary killings; torture; political prisoners; lack of independence of the judiciary; restrictions on freedom of expression and the press; interference with the rights to peaceful assembly and freedom of association.

### Ex-President Nursultan Nazarbayev retains power by making himself President for life

Although President Nursultan Nazarbayev, who ruled the country for nearly 30 years, stepped down in 2019, he has retained power by making himself president for life of the Kazakhstan Security Council and giving that body significant constitutional powers.<sup>28</sup> Furthermore, the elections for the current President Tokayev were not free and fair.

### Kazakhstan severely restricts freedom of expression and freedom of the press

Journalists are subjected to harassment, including criminal prosecutions under various laws. Freedom of association is likewise restricted. NGOs face many obstacles in registering and are subjected to harassment, along with civil society activists who face intimidation, harassment and arbitrary detention.<sup>29</sup> Peaceful protesters are targeted with detentions and fines. In February 2020, more than 70 people protesting government repression were

detained by police.<sup>30</sup> In June 2020, authorities dispersed a demonstration, claiming the area needed to be disinfected for COVID-19.<sup>31</sup>

In June 2020, government critic Alnur Ilyashev was sentenced to three years of restricted freedom and a five-year ban on activism for social media posts criticizing the government response to COVID-19.<sup>32</sup> Between March and July 2020, police filed six defamation lawsuits against activist Elena Semenova who reported on torture of inmates.<sup>33</sup>

### Excessive force and torture against detainees are widespread

In February 2020, activist Dulat Agadil died in detention under suspicious circumstances.<sup>34</sup> In October 2020, Azamat Orazaly, accused of stealing livestock, died shortly after being detained.<sup>35</sup> According to recently published letters by Kazakh inmates, the torture is systematic. One inmate wrote “five officers handcuffed me and dragged me into a specially adapted torture chamber to drown me in a water container. I was tortured there until I passed out.”<sup>36</sup> Another wrote that he was beaten all over and strangled with tape.<sup>37</sup>

27 2020 Country Reports on Human Rights Practices: Kazakhstan, U.S. Dep’t of State, Bureau of Democracy, H.R. and Lab. (March 30, 2021), <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/kazakhstan/>.

28 Freedom in the World 2021: Kazakhstan, Freedom House (2021), <https://freedomhouse.org/country/kazakhstan/freedom-world/2021>.

29 Id.; see also Kazakhstan, Front Line Defenders (last visited September 13, 2021), <https://www.frontlinedefenders.org/en/location/kazakhstan>.

30 Kazakhstan: Dozens detained in a crackdown on peaceful protest, Amnesty International (February 22, 2020), <https://www.amnesty.org/en/latest/news/2020/02/kazakhstan-dozens-detained-in-a-crackdown-on-peaceful-protest/>.

31 Amnesty International Report 2020/21: Kazakhstan, Amnesty International (2021), <https://www.amnesty.org/en/location/europe-and-central-asia/kazakhstan/report-kazakhstan/>. [Hereinafter, Amnesty Report Kazakhstan].

32 Id.

33 World Report 2020: Kazakhstan Events of 2019, HRW (2020), <https://www.hrw.org/world-report/2021/country-chapters/kazakhstan>.

34 Freedom in the World 2021: Kazakhstan, Freedom House (2021), <https://freedomhouse.org/country/kazakhstan/freedom-world/2021>.

35 Amnesty Report Kazakhstan, supra note 31.

36 Ayan Kalmurat, Aya Renaud, ‘They Would Hang Me By The Arms’: Hundreds of Letters From Kazakh Prisons Describe Alleged Torture, Radio Free Europe (July 22, 2021), <https://www.rferl.org/a/kazakhstan-prison-torture-letters/31372148.html>.

37 Id.



Kazakh opposition activist Zhanbolat Mamay and supporters of his party demonstrating in Almaty were encircled by ranks of police and prevented from leaving the area for up to 10 hours, despite subzero temperatures. (Photo: Kazakhstan International Bureau for Human Rights)

## Voting Record **NEGATIVE**

Kazakhstan served on the Human Rights Council from 2013 to 2015. In that capacity, it voted against resolutions speaking out for human rights victims in Iran and Belarus and failed to support resolutions on behalf of human rights victims in Syria. It also supported counterproductive resolutions that undermined individual human rights or addressed issues beyond the competency of the Council.

At the General Assembly, Kazakhstan voted against resolutions that spoke out for victims of human rights in Iran and Crimea and failed to support resolutions on behalf of human rights victims in Syria, Myanmar and Georgia. Kazakhstan

also supported counterproductive resolutions that undermined individual human rights by elevating vague and undefined rights such as the “right to development” and the “right to peace” above universally recognized individual human rights, shielded human rights abusers through a resolution denying the right to sanction such regimes and failed to support a resolution on the responsibility to prevent genocide.

# Qatar

## Human Rights Violations<sup>38</sup>

Restrictions on freedom of expression; restrictions on peaceful assembly and freedom of association; restrictions on migrant workers' freedom of movement; lack of free and fair elections; lack of investigation and accountability for violence against women; criminalization of consensual same-sex conduct; forced labor.

### Authoritarian Qatar violates rights of migrant workers

Qatar is ruled by a hereditary emir who holds all legislative and executive authority. There are no political parties and elections are held only for an advisory council.<sup>39</sup>

Qatar has been heavily criticized for its treatment of migrant workers, who comprise 95% of its labor force.<sup>40</sup> While the country has adopted some laws to increase protections for migrant workers, employers continue to have abusive power over migrants. For example, employers can cancel a worker's residency permit. Furthermore, Human Rights Watch reports that "passport confiscations, high recruitment fees, and deceptive recruitment practices remain largely unpunished."<sup>41</sup> Also, it is still a crime for a migrant worker to leave an employer without permission.

In August this year, Amnesty International published a report criticizing the Qatari government for failing to adequately investigate the deaths of migrant workers. According to the report, thousands

of migrant workers have died in Qatar over the last decade due to unsafe working conditions.<sup>42</sup>

### Qatar violates women's rights

Women are subject to restrictive guardianship laws, which limit their ability to engage in certain activities, such as signing contracts or leaving the country without permission from their male guardians. Furthermore, women cannot marry without permission from their guardians and women suffer discrimination in matters involving marriage, divorce, child custody and inheritance.<sup>43</sup> Research published by Human Rights Watch in March 2021 found that "the rules have taken a heavy toll on [women's] ability to lead independent lives" and have affected their mental health.<sup>44</sup>

### Qatar supports terrorist groups

Qatar also has a history of supporting terrorist groups. For example, recently it has been accused of providing hundreds of millions of dollars to an al-Qaeda affiliate in Syria through a secret money-laundering operation.<sup>45</sup> Over the years, it has funneled \$1.1 billion dollars to Hamas.<sup>46</sup> According to a U.S. lawsuit, Qatari funds illegally transferred to the Hamas and Palestinian Islamic Jihad terror groups under the guise of charitable donations, funded terror attacks that killed Americans.<sup>47</sup> Qatar also provides refuge to terrorist leaders from the Taliban, Muslim Brotherhood and Hamas.<sup>48</sup>

38 2020 Country Reports on Human Rights Practices: Qatar, **U.S. Dep't of State, Bureau of Democracy, H.R. and Lab.** (March 30, 2021), <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/qatar/>.

39 *Freedom in the World 2021: Qatar*, **Freedom House** (2021), <https://freedomhouse.org/country/qatar/freedom-world/2021>.

40 *World Report 2020: Qatar Events of 2019*, **HRW** (2020), <https://www.hrw.org/world-report/2021/country-chapters/qatar>, [Hereinafter, HRW Report Qatar].

41 *Id.*

42 *Qatar: Failure to investigate migrant worker deaths leaves families in despair*, **Amnesty International** (August 25, 2021), <https://www.amnesty.org/en/latest/news/2021/08/qatar-failure-to-investigate-migrant-worker-deaths-leaves-families-in-despair/>.

43 *HRW Report Qatar*, supra note 40.

44 *Qatar: Male Guardianship Severely Curtails Women's Rights*, **HRW** (March 29, 2021), <https://www.hrw.org/news/2021/03/29/qatar-male-guardianship-severely-curtailed-womens-rights>.

45 *Qatar 'funneled millions of dollars to Nusra Front terrorists in Syria'*, **The Times** (June 4, 2021), <https://www.thetimes.co.uk/article/qatar-funnelled-millions-of-dollars-to-nusra-front-terrorists-in-syria-x5rnbsr3l>.

46 Jordan Cope, *No Deal Until Qatar Stops Financing Terrorism*, **Newsweek** (December 8, 2020), <https://www.newsweek.com/no-deal-until-qatar-stops-financing-terrorism-opinion-1552937>.

47 *New lawsuit filed in New York accuses top Qatar banks of funding terror in Israel*, **Al Arabiya** (December 16, 2020), <https://english.alarabiya.net/News/middle-east/2020/12/16/Palestinian-Israeli-conflict-New-lawsuit-filed-in-New-York-accuses-Qatar-banks-charity-finance-terror-in-Israel>.

48 *Qatar 'funneled millions of dollars to Nusra Front terrorists in Syria'*, supra note 45.



Anti-Qatar banners in protests outside the UN headquarters in New York on Sept. 19, 2017. (Egypt Today)

## Voting Record **MIXED**

Qatar most recently served on the Human Rights Council from 2015 to 2020. In that capacity, it failed to support resolutions speaking out for human rights victims in Eritrea, Belarus and Burundi and opposed a resolution on behalf of human rights victims in Venezuela. It also supported counterproductive resolutions that undermined individual human rights or addressed issues beyond the competency of the Council. UN Watch gave it a score of “Destructive” based on its 2020 voting record at the UNHRC.<sup>49</sup>

It received a mixed score because at the General Assembly it supported resolutions speaking out for human rights victims in Syria and Myanmar, although it abstained on resolutions on behalf of victims in Iran, Crimea and Georgia. Also, despite its support for some counterproductive thematic resolutions at the UNGA, it voted in favor of a resolution on the responsibility to prevent genocide.

49 UNHRC Scorecard 2020, supra note 16.

# Somalia

## Human Rights Violations<sup>50</sup>

Unlawful or arbitrary killings, including by government forces; torture and cruel, inhuman or degrading treatment by the government; arbitrary arrest; political prisoners; lack of independence of the judiciary; killings of civilians; enforced disappearances; child soldiers; serious restrictions on freedom of expression and the press; lack of free and fair elections; corruption; lack of investigations and accountability for violence against women; sectarian violence; criminalization of consensual same-sex conduct; child labor, including forced labor and commercial sexual exploitation.

## Somalia is beset by internal conflict

Such conflict includes clan rivalry, a separatist government in Somaliland and terrorist attacks by the militant group Al-Shabab.<sup>51</sup> According to the UN, 557 civilians were killed in Somalia in 2020 in suicide bombings, assassinations and other attacks.<sup>52</sup> Non-state actors committed terrorist attacks on government and civilian targets, while government security services used indiscriminate lethal force against civilians. Both Al-Shabab and national forces recruited children.<sup>53</sup>

## Somalia does not have free elections

The current Somali President, Mohammed Hussein Roble was chosen by parliament in 2017. Freedom House reports that Somalia has not held direct legislative elections since 1969, with members being elected by state assemblies and clan elders.<sup>54</sup> New parliamentary elections were scheduled for December 2020 with the presidential election set for February 2021. However, due to disputes about the process, the elections were postponed indefinitely.<sup>55</sup> Corruption is also widespread.<sup>56</sup>

## Somalia does not protect freedom of the press

Journalists routinely face harassment, arbitrary detention, fines, and violence from all sides.<sup>57</sup> According to the Committee to Protect Journalists, 70 journalists have been killed in Somalia since 1992.<sup>58</sup> Two journalists were shot to death in 2020.<sup>59</sup> In Somaliland, the government severely restricts freedom of expression.

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- 50 *2020 Country Reports on Human Rights Practices: Somalia*, **U.S. Dep't of State, Bureau of Democracy, H.R. and Lab.** (March 30, 2021), <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/somalia/>.
- 51 *World Report 2020: Somalia Events of 2019*, **HRW** (2020), <https://www.hrw.org/world-report/2021/country-chapters/somalia>, [Hereinafter, HRW Report Somalia].
- 52 *UN Country Results Report Somalia 2020*, **UN** (March 2021), [https://somalia.un.org/sites/default/files/2021-04/UN%20CONTRY\\_RESULTS%20REPORT%20\\_2020.pdf](https://somalia.un.org/sites/default/files/2021-04/UN%20CONTRY_RESULTS%20REPORT%20_2020.pdf).
- 53 *HRW Report Somalia*, supra note 51.
- 54 *Freedom in the World 2021: Somalia*, **Freedom House** (2021), <https://freedomhouse.org/country/somalia/freedom-world/2021>.
- 55 *Id.*
- 56 *Id.*
- 57 *Amnesty International Report 2020/21: Somalia*, **Amnesty International** (2021), <https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/somalia/report-somalia/>. [Hereinafter, Amnesty Report Somalia].
- 58 *70 Journalists Killed in Somalia*, **CJP** (last visited September 9, 2021), [https://cpj.org/data/killed/africa/somalia/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&cc\\_fips%5B%5D=SO&start\\_year=1992&end\\_year=2021&group\\_by=location](https://cpj.org/data/killed/africa/somalia/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&cc_fips%5B%5D=SO&start_year=1992&end_year=2021&group_by=location).
- 59 *Amnesty Report Somalia*, supra note 57.



Ahmed, 15, with his weapon in Somalia's capital in April, fights for Somalia's government and said he was sent to Uganda for training at the age of 12. (Photo: Ed Ou/Reportage by Getty Images for The New York Times)

### **Somalia fails to protect women from conflict-related sexual violence**

Women and girls suffer from conflict-related sexual violence. The parliaments in both Somalia and Somaliland introduced legislation concerning sexual crimes containing provisions that breached international law.<sup>60</sup> For example, the Somaliland Rape and Fornication Bill, allows for child and forced marriage and criminalizes “false” reporting of rape.<sup>61</sup>

### **Voting Record** NEGATIVE

Somalia is currently a member of the Human Rights Council. In that capacity, it has failed to support resolutions speaking out for human rights victims in Iran and Belarus, and failed to support resolutions on behalf of human rights victims in Burundi, Eritrea, Nicaragua and Venezuela. It also supported counterproductive resolutions that undermined individual human rights or addressed issues beyond the competency of the Council. UN Watch gave Somalia a score of “Destructive” based on its 2020 voting record at the UNHRC.<sup>62</sup>

Somalia was absent for all of the 2020 votes at the General Assembly. Somalia's negative voting record is based on its 2019 UNGA votes where it failed to support resolutions speaking out for human rights victims in Iran, Crimea and Georgia. Somalia also supported counterproductive resolutions that undermined individual human rights by elevating vague and undefined rights such as the “right to development” above universally recognized individual human rights and shielded human rights abusers through a resolution denying the right to sanction such regimes.

60 *Id.*

61 *HRW Report Somalia*, supra note 51.

62 *UNHRC Scorecard 2020*, supra note 16.



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