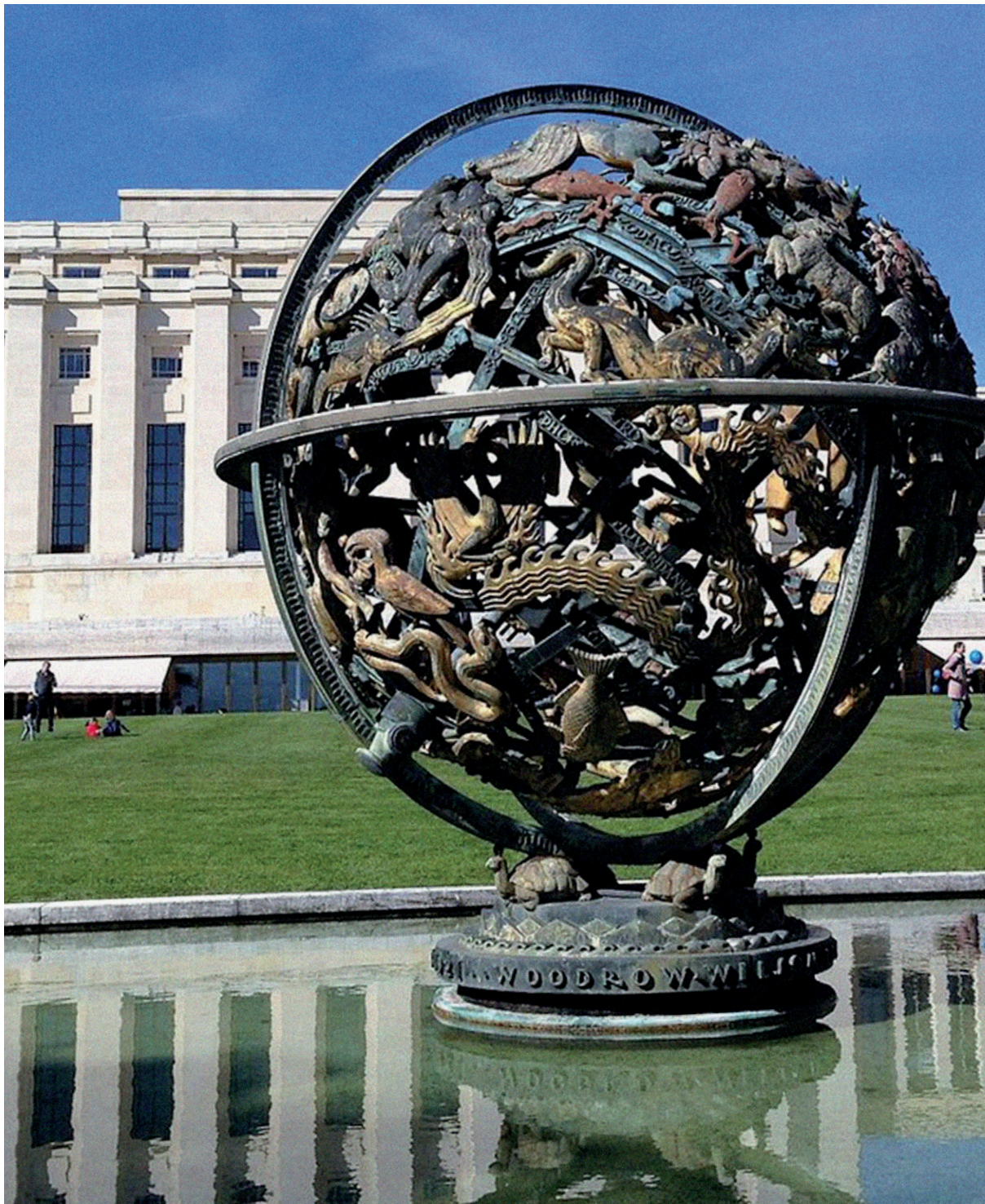




# WHO GUARDS THE GUARDIANS?

EVALUATION OF UNHRC CANDIDATES FOR 2024-2026





#### **ABOUT THE COVER**

Photo of Chinese president Xi Jinping shaking hands with Russia's Vladimir Putin at the Kremlin Palace following their second day of talks on March 21, 2023, taken by Mikhail Tereshchenko of the Associated Press, <https://www.theguardian.com/world/2023/mar/21/putin-welcomes-chinas-controversial-proposals-for-peace-in-ukraine>.

#### **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).

#### **ACKNOWLEDGMENTS**

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# Evaluation of UNHRC Candidates

This report evaluates the candidate countries seeking election to the UN Human Rights Council for the 2024-2026 term, in the vote expected to be held at the General Assembly in mid-October 2023. 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 two of the five regional slates undermines the very premise and rationale for holding elections. Nevertheless, this report emphasizes to UN member states that they have the legal right, and moral obligation, to refrain from voting for Unqualified candidates, even if those happen to be running on closed slates.

Instead, as detailed in the report, during the ballot member states can actually defeat unopposed candidates, 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 redressing the shortcomings identified in this report.

**The report finds as follows:**

## UNQUALIFIED

Five out of seventeen candidates have poor records and fail to qualify:

**Russia, China, Cuba, Burundi, Kuwait**

## QUESTIONABLE

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

**Dominican Republic, Indonesia, Ivory Coast, Malawi, Peru**

## QUALIFIED

Only seven out of seventeen candidate countries are qualified to be Council members:

**Albania, Brazil, Bulgaria, France, Ghana, Japan, Netherlands**



## AFRICAN GROUP

CLOSED SLATE: 4 CANDIDATES FOR 4 SEATS

Replacing: Ivory Coast, Gabon, Malawi, Senegal

COUNTRY	FH RATING	ECONOMIST RATIONG	RSF RATING	UN VOTING RECORD	MEMBERSHIP SUITABILITY
<b>Burundi</b>	Not Free	Authoritarian	Difficult	Negative	<b>Unqualified</b>
<b>Ghana</b>	Free	Flawed Democracy	Problematic	Mixed	<b>Qualified</b>
<b>Ivory Coast</b>	Partly Free	Hybrid Regime	Problematic	Mixed	<b>Questionable</b>
<b>Malawi</b>	Partly Free	Hybrid Regime	Problematic	Mixed	<b>Questionable</b>

## ASIAN GROUP

CLOSED SLATE: 4 CANDIDATES FOR 4 SEATS

Replacing: China, Nepal, Pakistan, Uzbekistan

COUNTRY	FH RATING	ECONOMIST RATIONG	RSF RATING	UN VOTING RECORD	MEMBERSHIP SUITABILITY
<b>China</b>	Not Free	Authoritarian	Very Serious	Negative	<b>Unqualified</b>
<b>Indonesia</b>	Partly Free	Flawed Democracy	Difficult	Negative	<b>Questionable</b>
<b>Japan</b>	Free	Full Democracy	Problematic	Positive	<b>Qualified</b>
<b>Kuwait</b>	Partly Free	Authoritarian	Very Serious	Mixed	<b>Unqualified</b>

FH = Freedom House

RSF = Reporters Sans Frontières Press Freedom Index



# LATIN AMERICAN AND CARIBBEAN GROUP

OPEN SLATE: 4 CANDIDATES FOR 3 SEATS

Replacing: Bolivia, Cuba, Mexico

COUNTRY	FH RATING	ECONOMIST RATIONG	RSF RATING	UN VOTING RECORD	MEMBERSHIP SUITABILITY
<b>Brazil</b>	Free	Flawed Democracy	Problematic	Mixed	<b>Qualified</b>
<b>Cuba</b>	Not Free	Authoritarian	Very Serious	Negative	<b>Unqualified</b>
<b>Dominican Republic</b>	Partly Free	Flawed Democracy	Satisfactory	Mixed	<b>Questionable</b>
<b>Peru</b>	Partly Free	Hybrid Regime	Difficult	Mixed	<b>Questionable</b>

# WESTERN EUROPEAN AND OTHERS GROUP

CLOSED SLATE: 2 CANDIDATES FOR 2 SEATS

Replacing: France, United Kingdom

COUNTRY	FH RATING	ECONOMIST RATIONG	RSF RATING	UN VOTING RECORD	MEMBERSHIP SUITABILITY
<b>France</b>	Free	Full Democracy	Satisfactory	Positive	<b>Qualified</b>
<b>The Netherlands</b>	Free	Full Democracy	Good	Positive	<b>Qualified</b>

# EASTERN EUROPEAN GROUP

OPEN SLATE: 3 CANDIDATES FOR 2 SEATS

Replacing: Czech Republic, Ukraine

COUNTRY	FH RATING	ECONOMIST RATIONG	RSF RATING	UN VOTING RECORD	MEMBERSHIP SUITABILITY
<b>Albania</b>	Partly Free	Flawed Democracy	Problematic	Positive	<b>Qualified</b>
<b>Bulgaria</b>	Free	Flawed Democracy	Problematic	Positive	<b>Qualified</b>
<b>Russia</b>	Not Free	Authoritarian	Very Serious	Negative	<b>Unqualified</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 two 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 (2022)*, 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 (2023)*, 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 (2023)*, 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.

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1 *Joint Statement by the Netherlands on behalf of 47 countries, Human Rights Council* (June 23, 2017), available at [www.unwatch.org/joint-statement-improving-unhrc-membership/](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/77/228)	Condemns Iran for widespread use of force against non-violent protesters, executions, and abuses against women.	Yes
Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastapol, Ukraine (A/RES/77/229)	Condemns Russia's occupation of Crimea and its human rights abuses therein.	Yes
Situation of human rights in the Syrian Arab Republic (A/RES/77/230)	Condemns widespread and systematic gross violations of human rights by the Syrian regime.	Yes
Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia (A/RES/77/293)	Criticizes forced displacement of ethnic Georgians from their homes in connection with the 2008 conflict, calls for their return.	Yes
Suspension of the rights of membership of the Russian Federation in the Human Rights Council (A/RES/ES-11/3)	Expels Russia from the Human Rights Council.	Yes
Principles of the Charter of the United Nations underlying a comprehensive, just and lasting peace in Ukraine (A/RES/ES-11/6)	Condemns Russia for war in Ukraine.	Yes
Promotion of a democratic and equitable international order (A/RES/77/215)	Cuban-sponsored text undermines concept of individual human rights by promoting new collective rights that have no clear definition, such as "the right to international solidarity."	No
Human rights and unilateral coercive measures (A/RES/77/214)	NAM-sponsored text that shields human rights abusers by denying the right to sanction such regimes. Submitted by China, Russia, and Cuba.	No
Promotion of peace as a vital requirement for the full enjoyment of all human rights by all (A/RES/77/216)	Co-sponsored by Cuba, China, North Korea, Russia, Venezuela, and others, this resolution empowers regimes to violate human rights under the pretext of peace, implying that the absence of peace could justify violating human rights. No Western democracy supported the resolution.	No
The responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity (A/RES/75/277)	Endorses 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 2023 election, the UN General Assembly's 193 member states will be asked to fill 15 of the 47 Human Rights Council seats.

We call upon member states to refrain from voting in favor of **Russia, China, Cuba, Burundi, and Kuwait**. 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 **Dominican Republic, Indonesia, Ivory Coast, Malawi, and Peru** 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 three of the five regional groups this year. Closed slates are typically the product of backroom deals fixing an equal number of candidates and available seats. The result deprives UN member states of the opportunity to exercise the responsibilities given to them by the 2006 UNGA resolution creating the Council.

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

## Procedure for Opposing Unqualified Candidates on Closed Slates

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

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

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:  
**Russia, China, Cuba, Burundi, and Kuwait.**

# Russia

## Human Rights Violations

**Russia commits serious human rights violations, including:**<sup>2</sup> aggression against Ukraine; extrajudicial killings; enforced disappearances by or on behalf of government authorities; pervasive torture by government law enforcement officers that sometimes resulted in death; harsh and life-threatening conditions in prisons; arbitrary arrest and detention; political and religious prisoners and detainees; transnational repression against individuals located outside the country; severe arbitrary interference with privacy; providing support to an armed group that recruited or used child soldiers; severe suppression of free expression and media; severe restrictions on internet freedom; severe suppression of the freedoms of peaceful assembly and association; severe restrictions of religious freedom; refoulement of refugees; inability of citizens to change their government peacefully through free and fair elections; severe limits on participation in the political process; widespread government corruption; serious government restrictions on domestic and international human rights organizations; lack of investigation of and accountability for gender-based violence and violence against women; crimes involving violence or threats of violence targeting members of ethnic and religious minority groups; trafficking in persons; crimes involving violence or threats of violence targeting LGBT persons; crimes involving violence or threats of violence targeting persons with disabilities; and the worst forms of child labor.

Russia's war of aggression against Ukraine, launched in February 2022, is ongoing. As of mid-July, the UN Office of the High Commissioner for Human Rights ("OHCHR") reported over 25,000 civilian casualties in Ukraine, including more

than 9,000 killed and more than 16,000 injured.<sup>3</sup> The numbers are likely considerably higher. At the time of the invasion, Russia was a member of the UNHRC, but in April 2022, the UN General Assembly voted to expel Russia from the Council. Reelecting Russia to the Council now, while its war on Ukraine is still ongoing, would be counterproductive for human rights and would send a message that the UN is not serious about holding Russia accountable for its crimes in Ukraine.

Russia also illegally occupies Crimea and parts of Georgia and has committed war crimes in Syria, according to a UN report.<sup>4</sup>

Even aside from these egregious international law violations, Russia is not qualified for Human Rights Council membership. Vladimir Putin, who has served as the President of Russia since 1999, crushes all dissent through political assassinations, assassination attempts, and criminal prosecutions and convictions of opposition leaders, making it impossible to have free and fair elections. Moreover, Putin effectively controls the security forces, the judiciary, the legislature, and the media. Government corruption is also widespread.<sup>5</sup>

The two main opposition leaders—Alexei Navalny and Vladimir Kara-Murza—are currently serving lengthy prison terms following convictions in unfair trials on trumped-up charges. Alexei Navalny was arrested in 2021 after returning from Germany where he had been treated for poisoning. Russian internal security agents were implicated in that poisoning attack. After an initial conviction for parole violations, fraud, and contempt of court, in August this year, Navalny was sentenced to 19-years in prison for extremism.<sup>6</sup> Vladimir Kara-Murza was convicted of treason in April this year—one year after being arrested—for having publicly denounced Russia's war in Ukraine. He was sentenced to 25

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2 2022 Country Reports on Human Rights Practices: Russia, **U.S. State Department** (March 20, 2023), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/russia/>.

3 Ukraine: Civilian casualties from 1 to 16 July 2023, **OHCHR** (July 17, 2023), <https://www.ohchr.org/en/news/2023/07/ukraine-civilian-casualties-1-16-july-2023>.

4 UN Commission of Inquiry on Syria: Unprecedented levels of displacement and dire conditions for civilians in the Syrian Arab Republic, **OHCHR** (March 2, 2020), <https://www.ohchr.org/en/press-releases/2020/03/un-commission-inquiry-syria-unprecedented-levels-displacement-and-dire?LangID=E&NewsID=25638>.

5 Freedom in the World 2023: Russia, **Freedom House** (March 2023), <https://freedomhouse.org/country/russia/freedom-world/2023>.

6 Kremlin critic Alexey Navalny slams Russia's 'corrupt' elite for bringing Putin to power, **CNN** (August 11, 2023), <https://edition.cnn.com/2023/08/11/europe/navalny-criticize-russia-elites-intl-hnk/index.html>.





years in prison. He had survived two past poisoning attempts attributed to Russian agents.<sup>7</sup>

Since invading Ukraine, Russia heightened its crackdown on civil society and the media, including through new laws criminalizing “fake war news,” resulting in tens of arrests and the closure of most independent media outlets. Many human rights defenders also fled the country out of concerns for their safety.<sup>8</sup> In the first six months of 2023 alone, at least 43 people were charged with treason. Thirty-one-year-old Wall Street Journal reporter and U.S. citizen Evan Gershkovich was arrested in March 2023 on espionage charges which could lead to a 20-year sentence in a penal colony.<sup>9</sup>

Religious minorities in Russia and Russian occupied parts of Ukraine face persecution and harassment, including use of vague legislation to oppress religious communities and imprison members for

peaceful activities, arrests and torture of religious leaders, and attacks on religious buildings.<sup>10</sup>

Violence against women is widespread in Russia. Twenty percent of women have suffered physical abuse by a partner and 14,000 women die of domestic violence each year. In 2017, Russia’s parliament decriminalized domestic violence that does not cause “significant injury,” *i.e.*, hospitalization.<sup>11</sup>

In addition, Russia is notorious for its terrible record when it comes to protecting the LGBT community. In recent months, the Russian parliament has been pushing legislation that prohibits sex-change surgery. Putin has also signed a law banning “LGBT propaganda, pedophilia and gender reassignment” and authorized creation of an institute to study LGBT people as part of the country’s federal psychiatric unit.<sup>12</sup>

7 *Top Kremlin critic convicted of treason, gets 25 years*, **AP** (April 18, 2023), <https://apnews.com/article/russia-kara-murza-sentence-b9d389feeb468ca3d19171d0440faa7d>.

8 *Russia: UN experts condemn civil society shutdown*, **OHCHR** (July 13, 2022), <https://www.ohchr.org/en/press-releases/2022/07/russia-un-experts-condemn-civil-society-shutdown>.

9 *Russia: Gershkovich’s arbitrary detention is an attack against independent journalism, say UN experts*, **OHCHR** (July 17, 2023), <https://www.ohchr.org/en/press-releases/2023/07/russia-gershkovichs-arbitrary-detention-attack-against-independent>.

10 *USCIRF Releases New Reports on Russia’s Religious Freedom Violations*, **USCIRF** (July 5, 2023), <https://www.uscifr.gov/news-room/releases-statements/uscifr-releases-new-reports-russias-religious-freedom-violations>.

11 *Russia’s Leaders Won’t Deal with a Domestic Violence Epidemic. These Women Stepped Up Instead*, **Time** (March 3, 2021), <https://time.com/5942127/russia-domestic-violence-women/>.

12 *Why is Russia ramping up attacks on LGBT rights during the Ukraine invasion?* **Euronews** (June 29, 2023), <https://www.euronews.com/2023/06/29/why-is-russia-ramping-up-its-attacks-on-lgbt-rights-during-the-ukraine-invasion>.



## Voting Record **NEGATIVE**

As noted above, Russia was expelled from the Council in April 2022, mid-way through its last term due to its aggression in Ukraine. While on the Council, it opposed resolutions speaking out for human rights victims in Iran, Nicaragua, and Burundi. It also supported counterproductive resolutions that undermined individual human rights or addressed issues beyond the competency of the Council.

At the General Assembly, Russia opposed resolutions that spoke out for human rights victims in Iran and Syria. Russia also supported counterproductive resolutions that undermined individual human rights by elevating vague and undefined rights such as 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.



Protesters clash with riot police during a rally in support of jailed opposition leader Alexey Navalny in downtown Moscow, Jan. 23, 2021. Kirill Kudryavtsev/AFP via Getty Images



Police officers detain protesters at the mobilization protest in Moscow Photograph: Olga Maltseva/AFP/Getty Images



# China

## Human Rights Violations

**China commits serious human rights violations, including:**<sup>13</sup> arbitrary or unlawful killings by the government; forced disappearances by the government; torture by the government; harsh and life-threatening prison and detention conditions; arbitrary arrest and detention by the government including of more than one million Uyghurs and members of other predominantly Muslim minority groups in extrajudicial internment camps, prisons, and an additional unknown number subjected to daytime-only “re-education” training; political prisoners; transnational repression against individuals in other countries; the lack of an independent judiciary and Communist Party control over the judicial and legal system; arbitrary interference with privacy including pervasive and intrusive technical surveillance and monitoring; punishment of family members for offenses allegedly committed by an individual; serious restrictions on free expression and media; serious restrictions on internet freedom, including site blocking; substantial interference with the freedoms of peaceful assembly and association; severe restrictions and suppression of religious freedom; substantial restrictions on freedom of movement; refoulement of asylum seekers to North Korea; the inability of citizens to change their government peacefully through free and fair elections; serious restrictions on political participation; serious government corruption; serious government restrictions on or harassment of domestic and international human rights organizations; forced sterilization and coerced abortions; violence targeting members of national, racial, and ethnic minority groups; trafficking in persons,

including forced labor; severe restrictions on labor rights; and child labor.

China is a repressive authoritarian regime in which the Chinese Communist Party (“CCP”) controls virtually all aspects of life including the media, online speech, religious practice, businesses, and civil society. Freedom House reports that civil society in China “has been largely decimated” due to government crackdowns.<sup>14</sup>

In a break with tradition, President Xi Jinping of China was just awarded a third five-year term in office by China’s National People’s Congress. The constitutional provision mandating a two-term limit was deleted in 2018 under Xi’s leadership paving the way for Xi to become president for life. Since taking power, Xi has solidified his position by filling the top ranks of the Communist party with his supporters.<sup>15</sup>

China commits multiple egregious human rights violations throughout its territory. Freedom of expression is nonexistent with government control over the media and sophisticated censorship. The government conducts invasive surveillance which inhibits communications both on and offline. Dissent is not tolerated. Pro-democracy activists and government critics are almost all either in prison, under house arrest, or in exile. Since the judiciary is controlled by the CCP, it is impossible for critics and activists to receive a fair trial.<sup>16</sup>

Many religious groups in China are designated as illegal and subjected to harsh persecution, including torture and arbitrary detention. These include Tibetan Buddhists, Uyghur Muslims, Falun Gong practitioners, and Christian house churches.<sup>17</sup> China under Xi Jinping has also been restricting the activity of LGBT support groups causing them to

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13 2022 Country Reports on Human Rights Practices: China, **U.S. State Department** (March 20, 2023), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/china/>.

14 *Freedom in the World 2022: China*, **Freedom House** (March 2023), <https://freedomhouse.org/country/china/freedom-world/2023>.

15 *Xi awarded third term as China’s president, extending rule*, **AP** (March 10, 2023), <https://apnews.com/article/xi-jinping-china-president-vote-5e6230d8c881dc17b11a781e832accd1>.

16 *Freedom in the World 2022: China*.

17 *Id.*



Demonstrators at a rally in Hong Kong in October 2019. (Mark Schiefelbein/AP)

close.<sup>18</sup> In June, the biggest LGBT center in China—Beijing LGBT Center—closed after 15 years.<sup>19</sup>

Since 2017, the Chinese government has forcibly detained more than one million Uyghur Muslims in so-called reeducation camps in Xinjiang. On August 31, 2022, then-High Commissioner for Human Rights Michelle Bachelet, published a report concluding that China’s arbitrary detentions of Uyghurs “may constitute international crimes, in particular crimes against humanity.” The report also found credible allegations of torture, including forced medical treatment, and sexual and gender-based violence.<sup>20</sup>

Uyghur women have also been subjected to forced sterilization and Uyghur children have been separated from their parents and forced to attend

state-run boarding schools.<sup>21</sup> Kalbinur Sidik, a former teacher at one of the camps, recently testified that she witnessed prison authorities administering unknown medicine to the women prisoners aged 18 to 48 causing them to stop menstruating and that she herself was forced to undergo sterilization surgery.<sup>22</sup>

In February this year, three UN human rights experts criticized China’s policy of mass assimilation of one million Tibetan children forced to attend Chinese boarding schools.<sup>23</sup> Tibetan leader-in-exile Penpa Tsering told the U.S. Congress in March that Tibet and Tibetans are dying “a slow death” under Chinese rule, as the government is set on eradicating “Tibetan language, religion and culture.”<sup>24</sup> Since September 2020, China has been applying similar

18 *Why the Communist Party fears gay rights*, **The Economist** (May 25, 2023), <https://www.economist.com/china/2023/05/25/why-the-communist-party-fears-gay-rights>.

19 *For China’s LGBTQ community, safe spaces are becoming harder to find*, **NBC News** (June 13, 2023), <https://www.nbcnews.com/news/world/china-beijing-lgbt-center-rcna85528>.

20 *China responsible for ‘serious human rights violations’ in Xinjiang province: UN human rights report*, **UN News** (August 31, 2022), <https://news.un.org/en/story/2022/08/1125932>.

21 *China’s repression of Uyghurs in Xinjiang*, **CFR** (September 22, 2022), <https://www.cfr.org/background/china-xinjiang-uyghurs-muslims-repression-genocide-human-rights>.

22 *Witnessing China’s Re-education Camps with Kalbinur Sidik*, **Geneva Summit for Human Rights and Democracy** (May 2023), <https://genevasummit.org/speech/china-4-kalbinur-s/>.

23 *China: UN experts alarmed by separation of 1 million Tibetan children from families and forced assimilation at residential schools*, **OHCHR** (February 6, 2023), <https://www.ohchr.org/en/press-releases/2023/02/china-un-experts-alarmed-separation-1-million-tibetan-children-families-and>.

24 *Tibet dying a ‘slow death’ under Chinese rule, says exiled leader*, **Al Jazeera** (March 29, 2023), <https://www.aljazeera.com/news/2023/3/29/tibet-dying-a-slow-death-under-chinese-rule-says-exiled-leader>.



policies for school children in the ethnic Mongolian region.<sup>25</sup>

In Hong Kong, China has harshly cracked down on the pro-democracy movement since it implemented the 2020 National Security Law. Over 230 people have been arrested under that law for threatening national security, including the most prominent pro-democracy figures.<sup>26</sup> Independent political parties, news outlets, and NGOs have closed. The 75-year-old founder of the liberal Apple Daily newspaper, Jimmy Lai, is the most high-profile activist to have been arrested.<sup>27</sup> In addition, the Hong Kong electoral system has been reformed giving China control over the selection of the Hong Kong authorities.<sup>28</sup>

## Voting Record **NEGATIVE**

China is currently a member of the Human Rights Council. In that capacity, it opposed resolutions speaking out for human rights victims in Iran, Syria, Belarus, Burundi, Nicaragua, and Venezuela, among others. It also supported counterproductive resolutions that undermined individual human rights or addressed issues beyond the competency of the Council.

At the General Assembly, China voted against resolutions that spoke out for victims of human rights in Iran, Syria, and Crimea and failed to support resolutions on behalf of human rights victims in Georgia and Ukraine. China also supported counterproductive resolutions that undermined individual human rights by elevating vague and undefined rights such as 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.



A Tibetan nun cries as she attends a protest held to mark the 60th anniversary of the Tibetan uprising against Chinese rule, in New Delhi, India, March 10, 2019. Photo by Adnan Abidi/Reuters

25 *Cultural assimilation of Mongolians in China: ‘We could be the next Uyghurs,’* **France 24** (September 3, 2021), <https://observers.france24.com/en/asia-pacific/20210903-china-inner-mongolia-cultural-assimilation>.

26 *Hong Kong rejects US report criticizing crackdown on freedoms,* **Reuters** (April 1, 2023), <https://www.reuters.com/world/hong-kong-rejects-us-report-criticising-crackdown-freedoms-2023-04-01/>.

27 *Jimmy Lai: editors from around the world call for release of Hong Kong media mogul,* **The Guardian** (May 16, 2023), <https://www.theguardian.com/world/2023/may/16/jimmy-lai-editors-from-around-the-world-call-for-release-of-hong-kong-media-mogul>.

28 *Freedom in the World 2022: Hong Kong,* **Freedom House** (March 2023), <https://freedomhouse.org/country/hong-kong/freedom-world/2023>.



# Cuba

## Human Rights Violations

**Cuba commits serious human rights violations, including:**<sup>29</sup> unlawful or arbitrary killings, including extrajudicial killings, by the government; torture and cruel, inhuman, and degrading treatment of political dissidents, detainees, and prisoners by security forces; harsh and life-threatening prison conditions; arbitrary arrests and detentions; political prisoners; transnational repression against individuals in another country; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious restrictions on freedom of expression and media; serious restrictions on internet freedom; substantial interference with the rights of peaceful assembly and freedom of association; severe restrictions on religious freedom; restrictions on freedom of movement and residence within the country and on the right to leave the country; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; lack of investigation of and accountability for gender-based violence, including femicide; trafficking in persons, including forced labor; and outlawing of independent trade unions.

Cuba is an authoritarian, undemocratic, one-party communist state. Despite a new constitution and gradual transition of power to the new president, Miguel Díaz-Canel, elected in 2019, the Cuban regime continues to quash all dissent, prohibit independent media, and severely restrict basic civil liberties.<sup>30</sup> Although Cuba maintains a façade of democratic elections, in reality, candidates are

preselected by the Communist Party of Cuba. Even the November 2022 municipal assemblies' elections had only one opposition candidate on the ballot out of more than 26,000 nominated and no campaigning was allowed.<sup>31</sup>

In June this year, the Inter-American Commission on Human Rights found that the Cuban regime was responsible for the July 2012 death of leading dissident Oswaldo Payá, killed after Cuban regime agents crashed into his car.<sup>32</sup>

Reporters without Borders ranks Cuba 172 out of 180 countries for press freedom, noting that Cuba has the worst press freedom rating of any country in Latin America.<sup>33</sup> The media and the internet in Cuba are under tight state control and monitoring. Independent journalists, bloggers, dissidents, and artists are routinely harassed and threatened. They are subjected to arbitrary arrest, threats of imprisonment, public assaults, raids on homes, and confiscation and destruction of equipment.<sup>34</sup> Two members of the dissident San Isidro Movement (MSI)—Luis Manuel Otero Alcántara and Maykel Castillo Pérez—were arrested in 2021 and charged with crimes for their activism.<sup>35</sup> In May 2022, the Cuban government passed an amendment to the penal code that effectively banned foreign funding for independent journalists.<sup>36</sup>

The right of Cubans to freedom of assembly is severely restricted. Peaceful assemblies are often violently dispersed by government agents. In July 2021, thousands of Cubans protested in 50 cities over the worst economic crisis in decades. The Cuban authorities violently arrested more than 1,000 of the protesters, charging them with various crimes. Close to 500 people have since been convicted and

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29 2022 Country Reports on Human Rights Practices: Cuba, **U.S. State Department** (March 20, 2023), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/cuba/>.

30 *Freedom in the World 2022: Cuba*, **Freedom House** (March 2023), <https://freedomhouse.org/country/cuba/freedom-world/2023>.

31 *Id.*

32 *Human rights body finds Cuba responsible for 2012 deaths of dissidents*, **Reuters** (June 13, 2023), <https://www.reuters.com/world/americas/human-rights-body-finds-cuban-govt-responsible-2012-deaths-dissidents-2023-06-13/>.

33 *Press Freedom Index: Cuba*, **RSF** (2023), <https://rsf.org/en/country/cuba>.

34 *Id.*; *Freedom in the World 2022: Cuba*.

35 *Freedom in the World 2022: Cuba*.

36 *CPJ condemns Cuba's new penal code as a threat to independent media*, **CPJ** (May 16, 2022), <https://cpj.org/2022/05/cpj-condemns-cubas-new-penal-code-as-a-threat-to-independent-media/>.



Riot police walk the streets after a demonstration against the government in Arroyo Naranjo municipality, Havana, last July. Photograph: Yamil Lage/AFP/Getty Images

sentenced.<sup>37</sup> According to U.S. government data, since October 2021, more than 140,000 Cubans have moved to the U.S. in search of a better life.<sup>38</sup>

Cuban journalist Abraham Jiménez Enoa, whose work had been published by the Washington Post, New York Times, BBC World, and others, was forced to flee to Spain following his coverage of the 2021 protests. He was told that he could either leave immediately or stay forever and face imprisonment and the persecution of his family. Enoa said that once he began speaking out against the regime “my daily life became one of house arrest, kidnappings, interrogations, jail, threats of imprisonment, interception of my private communications, constant surveillance, reprisals against my family and friends who were also taken to jail and expelled from their jobs.”<sup>39</sup>

Human trafficking is a serious human rights problem in Cuba. Last year, it was revealed that

the Cuban regime was running a state-sponsored human trafficking scheme using medical professionals sent abroad to more than 150 countries as propaganda tools, while applying coercive and retaliatory practices to prevent them from deserting.<sup>40</sup>

Cuban traffickers also force women into prostitution. In July 2023, three Cuban nationals were sentenced for sex trafficking and related crimes for bringing Cuban women to the U.S. to work in Texas Strip clubs.<sup>41</sup> A similar Cuban trafficking ring was uncovered last year in Florida.<sup>42</sup> According to the latest U.S. Human Trafficking Report, Cuba has the lowest possible ranking—Tier 3—meaning that it does not fully comply with minimum standards for the elimination of trafficking and is not making a significant effort to do so. The report stated that Cuban sex traffickers exploit victims, including women, children, and members of the LGBT community, for sexual tourism in Cuba and abroad.<sup>43</sup>

37 *Cuba faced the biggest protests since the revolution. One year on, the government's grip is tighter than ever*, CNN (July 14, 2022), <https://edition.cnn.com/2022/07/11/americas/cuba-protest-anniversary-intl-latam/index.html>.

38 *Cuba says US responsible for 2021 protests, biggest in decades*, Reuters (July 11, 2023), <https://www.reuters.com/world/americas/cuba-says-us-responsible-2021-protests-biggest-decades-2023-07-10/>.

39 *The Hidden Island: The Life of Cubans Under Dictatorships with Abraham Jimenez Enoa*, Geneva Summit for Human Rights and Democracy (May 2023), <https://genevasummit.org/speech/the-hidden-island-the-life-of-cubans-under-dictatorships/>.

40 *HRF Report: Human Trafficking in Cuba's Medical Missions*, Human Rights Foundation (August 22, 2022), <https://hrf.org/hrf-report-human-trafficking-in-cubas-medical-missions/>.

41 *Three Cuban Nationals Sentenced for Sex Trafficking and Related Crimes in Texas Strip Clubs*, U.S. Department of State (July 13, 2023), <https://www.justice.gov/opa/pr/three-cuban-nationals-sentenced-sex-trafficking-and-related-crimes-texas-strip-clubs>.

42 *Human traffickers for 8 Cuban migrants into prostitution, police say*, Local10.com (October 25, 2022), <https://www.local10.com/news/local/2022/10/25/human-traffickers-force-8-cuban-migrants-into-prostitution-police-say/>.

43 *2023 Trafficking in Persons Report: Cuba*, U.S. Office to Monitor and Combat Trafficking in Persons (June 15, 2023), <https://www.state.gov/reports/2023-trafficking-in-persons-report/cuba>.



## Voting Record **NEGATIVE**

Cuba is currently a member of the Human Rights Council. In that capacity, it opposed resolutions speaking out for human rights victims in Iran, Syria, Belarus, Burundi, Nicaragua, and Venezuela, among others. It also supported counterproductive resolutions that undermined individual human rights or addressed issues beyond the competency of the Council.

At the General Assembly, Cuba voted against resolutions that spoke out for victims of human rights in Iran, Syria, Crimea, and Georgia and failed to support resolutions on behalf of human rights victims in Ukraine. Cuba also supported counterproductive resolutions that undermined individual human rights by elevating vague and undefined rights such as 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.



Yamil Lage/AFP/Getty Images



# Burundi

## Human Rights Violations

**Burundi commits serious human rights violations, including:**<sup>44</sup> unlawful or arbitrary killings, including extrajudicial killings; forced disappearance; torture and cruel, inhuman, or degrading treatment or punishment by or on behalf of the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; punishment of family members for offenses allegedly committed by an individual; serious restrictions on freedom of expression and media; substantial interference with the freedoms of peaceful assembly and association; serious and unreasonable restrictions on political participation; serious government corruption; serious government restrictions on or harassment of domestic and international human rights organizations; lack of investigation of and accountability for gender-based violence; crimes involving violence or threats of violence targeting LGBT persons; the

existence or use of laws criminalizing consensual same-sex sexual conduct between adults; and significant restrictions on workers' freedom of association.

Burundi is an authoritarian country whose politics are controlled by the ruling CNDD-FDD party.<sup>45</sup> Current President Évariste Ndayishimiye was pre-selected to replace the outgoing Pierre Nkurunziza and won the May 2020 election by 71.5% of the vote. However, the election was marred by a campaign of repression involving the country's intelligence services, police and the ruling party's youth wing known as Imbonerakure. The president's power was recently consolidated by a 2018 referendum that extends presidential term limits and allows for future changes to the ethnic power-sharing system in the country.<sup>46</sup>

Opposition activity is repressed with threats of violence, arrests, and assassinations.<sup>47</sup> Exiled dissident Ketty Nivyabandi, who was forced to flee Burundi after leading a peaceful protest, said in 2019 that "challenging the regime in Burundi is equivalent to a death sentence."<sup>48</sup> In March 2019,



44 2022 Country Reports on Human Rights Practices: Burundi, **U.S. State Department of State** (March 20, 2023), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/burundi>.

45 *Freedom in the World 2022: Burundi*, **Freedom House** (March 2023), <https://freedomhouse.org/country/burundi/freedom-world/2023>.

46 *Id.*

47 *Id.*

48 *Refugee from Burundi's regime with Ketty Nivyabandi*, **Geneva Summit for Human Rights and Democracy** (March 25, 2019), <https://genevasummit.org/speech/ketty-nivyabandi-speaks-at-2019-geneva-summit/>.



Burundi's security guards patrol in Bujumbra, Burundi, May 17, 2018. A spate of recent attacks on security forces and the ruling party's youth league has reportedly left dozens of people dead.

Burundian authorities had detained schoolgirls for defacing a picture of the president.<sup>49</sup>

After President Ndayishimiye took office in June 2020, chair of the UN Commission of Inquiry on Burundi Doudou Diene commented that “not only have grave human rights violations continued to occur, but in some respects the situation has deteriorated.”<sup>50</sup> In September 2022, the UN human rights expert on Burundi, Fortuné Gaétan Zongo, criticized Burundi's general lack of accountability for human rights violators and restrictions on civic space.<sup>51</sup>

Every year the Human Rights Council adopts a resolution condemning the government of Burundi for, among other things, extrajudicial killings, enforced disappearances, arbitrary arrests, torture, sexual and gender-based violence, and restrictions on the freedoms of expression, peaceful assembly, and association.<sup>52</sup> Burundi's last term on the UNHRC ended in 2018. Towards the end of that term, the government of Burundi had decided to cease cooperation with OHCHR. It declared three members of the Commission of Inquiry on Burundi *persona non grata* in retaliation for their report and then closed the UN human rights office in Burundi.

## Voting Record **NEGATIVE**

Burundi last served on the Human Rights Council from 2016 to 2018. In that capacity, it opposed resolutions speaking out for human rights victims in Iran, Syria, and Belarus. It also supported counterproductive resolutions that undermined individual human rights or addressed issues beyond the competency of the Council.

At the General Assembly, Burundi opposed a resolution that spoke out for victims of human rights in Georgia and failed to support resolutions on behalf of human rights victims in Iran, Syria, and Ukraine. Burundi also supported counterproductive resolutions that undermined individual human rights by elevating vague and undefined rights such as 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.

49 *Burundi authorities detain schoolgirls accused of scribbling over president's picture*, **Reuters** (March 21, 2019), <https://www.reuters.com/article/us-burundi-rights-idUSKCN1R216Q>.

50 *Torture, killings, lawlessness, still blight Burundi's rights record*, **UN News** (September 16, 2021), <https://news.un.org/en/story/2021/09/1100092>.

51 *Burundi must engage in 'credible and inclusive' move towards democratic rule*, **UN News** (September 16, 2022), <https://news.un.org/en/story/2022/09/1126851>.

52 *Situation of human rights in Burundi*, UN Doc. A/HRC/RES/51/28 (October 7, 2022).

# Kuwait

## Human Rights Violations

**Kuwait commits serious human rights violations, including:**<sup>53</sup> torture or cruel, inhuman, or degrading treatment or punishment by government agents; arbitrary arrest; political prisoners and detainees; serious restrictions on free expression and media; serious restrictions on internet freedom; substantial interference with the freedoms of peaceful assembly and association; restrictions on freedom of movement including the right to leave the country; serious government corruption; government harassment of domestic human rights organizations; lack of investigation of and accountability for gender-based violence; trafficking in persons; crimes involving violence or threats of violence targeting LGBT persons; and the existence and use of laws criminalizing consensual same-sex sexual conduct between adults.

Kuwait is a constitutional emirate ruled by the Sabah family with the executive holding extensive powers. Although the elected parliament does have influence and has challenged the government, all prime ministers and most senior ministers have been members of the ruling family. Moreover, the emir, together with the Constitutional Court, which is not fully independent, can dissolve parliament if it suits his political agenda. He has done so when members of parliament clashed with his senior ministers. Government corruption is pervasive.<sup>54</sup>

Other constraints on citizens' political participation include the ban on political parties and lack of transparency in elections. Moreover, some 70%

of Kuwait's residents are not citizens and have no right to vote. This includes some 100,000 stateless people whose claim to Kuwaiti nationality has not been resolved.<sup>55</sup>

Reporters without Borders ranks Kuwait 154 out of 180 for media freedom—very serious situation. While there is some independent media, the government exerts strong control over information and has closed media outlets that criticized the government, like *Al-Watan*.<sup>56</sup> Kuwait also has restrictive laws that punish publication of material on or offline that insults Islam, criticizes the emir, or calls to overthrow the government.<sup>57</sup> Freedom House reports that, in June 2022, 90 news sites had their licenses withdrawn and 73 media outlets were referred to state prosecutors for various alleged legal violations.<sup>58</sup>

Although Kuwait recently pardoned the main opposition leader in exile, Musallam al-Barrak, and more than 30 other dissidents, many saw this as a mere fig leaf while the main obstacles to participating in government persist—lack of political parties and restrictive voting rights.<sup>59</sup> Furthermore, the Kuwaiti government continues to retaliate against its critics. In March 2021, opposition lawmaker Bader al-Dahoum was expelled from parliament over an old conviction for insulting the emir.<sup>60</sup> In July 2021, the government arrested political activist and businessman Jamal al-Sayer for insulting the emir.<sup>61</sup>

In June 2022, Twitter user Salman al-Khalidi was given a five-year sentence for insulting Saudi Arabia and spreading false news.<sup>62</sup> Also, in April

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53 2022 Country Reports on Human Rights Practices: Kuwait, **U.S. State Department** (March 20, 2023), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/kuwait/>.

54 *Freedom in the World 2022: Kuwait*, **Freedom House** (March 2023), <https://freedomhouse.org/country/kuwait/freedom-world/2023>.

55 *Id.*

56 *Press Freedom Index: Kuwait*, **RSF** (2023), <https://rsf.org/en/country/kuwait>.

57 *Freedom in the World 2022: Kuwait*.

58 *Id.*

59 *Kuwait's pardoned dissidents return to a country in crisis*, **AP** (March 2, 2022), <https://apnews.com/article/business-middle-east-persian-gulf-tensions-kuwait-kuwait-city-5ae042cd17dbce4b1c9aac6ab999413b>.

60 *Kuwait court expels harsh government critic from parliament*, **AP** (March 14, 2021), <https://apnews.com/article/legislature-dubai-cabinets-united-arab-emirates-persian-gulf-tensions-99a109be4ea0e1a13d39cda9a3c10cfa>.

61 *Kuwait arrests political critic for 'insulting the emir'*, **DW** (July 8, 2021), <https://www.dw.com/en/kuwait-arrests-political-critic-for-insulting-the-emir/a-58197458>.

62 *Freedom in the World 2022: Kuwait*.





Sheikh Ahmad Nawaf Al-Ahmad Al-Sabah, Prime Minister of Kuwait, addresses the 77th Session of the United Nations General Assembly at U.N. Headquarters in New York City, U.S., September 22, 2022

this year some 500 people were fined for retweeting so-called illegal posts.<sup>63</sup>

Kuwaiti personal status laws discriminate against women and women are not fully protected against domestic violence. Despite a 2020 law that offers certain protections to victims of domestic violence, domestic abuse and spousal rape are not specifically prohibited by the law. Also, the law does not address gender-based violence outside the immediate household.<sup>64</sup>

## Voting Record **MIXED**

Kuwait last served on the Human Rights Council from 2012 to 2014. In that capacity, it failed to support resolutions on behalf of human rights victims in Iran, North Korea, and Belarus. It also supported counterproductive resolutions that undermined individual human rights or addressed issues beyond the competency of the Council.

Kuwait received a mixed score because at the General Assembly it supported resolutions speaking out for human rights victims in Syria, Crimea, and Ukraine, although it abstained on resolutions on behalf of victims in Iran 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.

<sup>63</sup> *Arabic press review: 500 in Kuwait convicted over 'unlawful' retweets*, **Middle East Eye** (April 12, 2023), <https://www.middleeasteye.net/news/kuwait-convicted-unlawful-retweets-arabic-press-review>.

<sup>64</sup> *Freedom in the World 2022: Kuwait*.



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