

# The Human Rights Diplomacy of Regional and Political Groups within the UN Human Rights Council\*

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## Abstract

*The article provides a comprehensive picture of the human rights diplomacy of the five most important groups of states (sub-Saharan African states, Asian states, Muslim states, the EU, and Latin American and Caribbean states) in the UN Human Rights Council (UN HRC). This paper intends to debunk the myth that the UN HRC has become a platform for the “clash of civilizations”. An analysis of bloc behavior proves that the dividing lines are not between civilizations, but within each group, between governments aiming at establishing a strong global human rights regime and those, seeking to undermine it.*

**Keywords:** UN Human Rights Council, human rights diplomacy, clash of civilizations, regional and political groups, UN HRC.

*“The ideal subject of totalitarian rule is not the convinced Nazi or the convinced Communist, but people for who the distinction between fact and fiction and the distinction between true and false no longer exist.” (Hannah Arendt, German-American philosopher and political theorist)<sup>1</sup>*

## 1. On Human Rights Diplomacy

Human rights diplomacy has gone through substantial changes since the end of the Cold War, not just in its acceptance, but also its means and participants. Despite the permanent tension that exists between the principle of sovereignty and respect for human rights, human rights issues have become an integral part of a state’s foreign policy. The obvious consequence of the collapse of the Berlin Wall was the replacement of the East-West confrontation by conflicts in North-South relations. The political changes at the end of the 80s made the differences between the European approach to human rights and that of the US more visible.

\* The opinions expressed herein are strictly personal and do not necessarily reflect the position of the Hungarian MFAT.

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1 Hannah Arendt, *The Origins of Totalitarianism*, Harcourt, San Diego, 1951, p. 474.

Although states remained the most important players in shaping the human rights diplomacy of the international community, in the post-Cold War period new actors appeared, such as civil society and the business community. The role of international organizations has increased since the 90s, as for many states they proved to be much more suitable forums, for both political and economic reasons, to highlight human rights concerns in third countries. The establishment of the position of the UN High Commissioner for Human Rights brought new quality to the international fight against human rights violations. Human rights NGOs have become one of the most important sources of information regarding the human rights situation in the world, while big multinational companies are more and more involved in human rights debates, by realizing their corporate social responsibility in this field. The use of the different means of human rights diplomacy, starting with diplomatic steps, through economic sanctions to the use of military measures very much depends not only on the human rights problems of a given state, but on *realpolitik* considerations, such as the size, and the economic and military power of the given country, not forgetting bilateral diplomatic and trade relations as well.

The last few decades have brought several completely new challenges for mankind, such as the impacts of climate change, environmental degradation, and biodiversity loss, and the development and use of digital technologies, artificial intelligence, and the phenomenon of transnational crime, targeted killings by drones, mass migration, the growing power of multinational corporations, and global inequality. The World Wide Web and social media platforms such as Facebook, Twitter, and YouTube have substantially changed the lives of billions of people around the world, resulting in a more democratic information age, but also allowing dictators and cynical governments to manipulate more people with their massive misinformation campaigns. Addressing the above mentioned new human rights challenges of our globalized age is vital for international human rights diplomacy to remain relevant in the future.

Despite all the controversies surrounding human rights diplomacy, it has become an important reference point in international relations, having a strong legitimizing power. Not surprisingly, according to research based on data collected during the period between 1976 and 2002, regimes with negative human rights records are signing and ratifying international human rights treaties at similar rates to pro-human-rights governments, exploiting the low-cost legitimizing power of ratification in the absence of an effective implementation and monitoring system.<sup>2</sup> Consequently, the international community should focus on reinforcing these mechanisms to make human rights diplomacy more efficient. The importance of the moral and legitimizing power of human rights is also well demonstrated by the fact that many governments are trying to manipulate international human rights diplomacy, by allowing their

2 Emilie M. Hafner-Burton *et al.*, 'International Human Rights Law and the Politics of legitimation', *International Sociology*, Vol. 23, Issue 1, 2008, p. 115.

public to hear criticisms of them only from rival powers and not from neutral or friendly states or organizations.<sup>3</sup> As noted by Pease:

“Human rights and humanitarian diplomacy is not about reaching some Western European social ideal about the relationship of the state to its citizens, but rather constructing a home where everyone can comfortably live while preserving human dignity and respecting cultural differences.”<sup>4</sup>

## 2. About the Most Important Regional and Political Groups within the UN Human Rights Council

This article intends to introduce the main priorities and characteristics of the human rights diplomacy of those regional/cultural/political groups, which are the major actors within the most important intergovernmental human rights body of the UN, namely the HRC. The five groups (the EU, Latin American and Caribbean states, sub-Saharan African states, Asian states, and Muslim states) chosen as the subject of this exploration are not identical to the regional groups working within the UN system [Western European and Others Group (WEOG), Group of Latin America and Caribbean (GRULAC), African Group, Asia-Pacific Group, Eastern-European Group (EEG)] as certain groups, such as the EEG, cannot be considered as a separate entity in this context. In addition, while the states belonging to the Organization of Islamic Cooperation (OIC) share many common elements in their human rights diplomacy, they can be found in three UN regional groups. As a result, sub-Saharan states are considered a separate grouping, while North African states are discussed as part of the group of Muslim states. The EU also forms a particular entity considering its active and sophisticated internal and external human rights diplomacy, even though its members belong to three regional groups within the UN system. Besides the group of Sub-Saharan African states, the Asian-Pacific Group is where certain overlapping with the Muslim states could not be avoided, as Asian Muslim states have certain features in their human rights diplomacy linking them to other Asian states, while others are similar to other Muslim states.

The most appropriate forum to demonstrate the main features of the human rights politics of the five regions selected is the politically most important universal human rights body of our days, the UN Human Rights Council (HRC), which, in 2006, replaced the Commission on Human Rights (CHR) established in 1946. The three 2017 sessions of the HRC are studied in detail; this was the last full year before the preparation of this study started – as part of a doctoral thesis – and therefore all details were readily available. It was also the last year before the COVID-19 pandemic, that the US was still a member of the HRC. In 2018,

3 Jamie J. Gruffydd-Jones, ‘Citizens and condemnation: Strategic uses of international human rights pressure in authoritarian states’, *Comparative Political Studies*, Vol. 52, Issue 4, 2019, p. 589.

4 Kelly-Kate Pease, *Human Rights and Humanitarian Diplomacy*, Manchester University Press, Manchester, 2016, p. 180.

upon the decision of President Donald Trump, the US delegation resigned from the Council. (It was one of the first decisions by the Biden Administration to re-join the HRC.) Several people may raise the question whether the sections dealing with the 2017-year sessions of the HRC will become obsolete in the short term. It is important to know that about 80% of the HRC resolutions are the same every year and even the content does not change much, so ‘unfortunately’ the vast majority of the findings for 2017 will not lose their relevance by 2022. However, given the importance of certain developments during the last few years of the HRC, at the end of the article I summarize the new trends appeared during the COVID-19 Pandemic, and compare the voting results of 2017 with the ones of 2021/22 regarding a few important resolutions.

The sequence of the five groups is based on their size, starting with the smallest, the EU (27 in 2017), followed by the Latin American and Caribbean states (33), sub-Saharan African states (46), Asian states (55), and ending with the largest group, the Muslim states (57). This order also follows a logic in the sense that a grouping based on religious belief is aligned with the four geographical regional groups.

### 3. The EU

The EU has developed a highly sophisticated coordination system at the multilateral human rights forums, where it acts as a unified block, voting together in most cases. However, it may at the same time strengthen the group dynamics in relation to other regional groups, which are in many instances under the influence of states with radical human rights agendas, not allowing smaller, more moderate states to follow their own path. The new members of the EU, mostly from Central and Eastern Europe, belong to the EEG, which serves only technical/electoral purposes. They cannot attend WEOG meetings, which are the main venues of trans-Atlantic human rights policy discussion and cooperation. This collaboration is, however, essential for the success of the EU in the HRC or in the UNGA. Practice has shown that the most sensitive political problems should be solved in Brussels and not in Geneva or in New York. There is no point in pushing for their solution during EU coordination meetings at UN headquarters. Moreover, there are too many EU priorities to be implemented at multilateral human rights forums, like the Third Committee or the HRC sessions. The US, which is a more efficient lobbyist in this field, usually has two to three priorities per session. The EU Delegation (EUDEL) should consult more often and with substantially smaller UN member states than with the large, powerful countries, as they are more likely to become allies in many issues.

The strength of EU external human rights policy lies in its multilayered and multifaceted character. The EU has a wide range of tools at its disposal to influence other states. There is a need to achieve more coherence in coordinating and calibrating these tools to find the best solutions in a given human rights situation, involving the local heads of missions (HOMs) to obtain the optimal outcome. Finally, I should mention the looming effects of BREXIT on the external

human rights diplomacy of the EU, as some of the most professional human rights diplomats with an extensive diplomatic network left the EU, seriously diminishing its lobbying force. Regarding the substantial work of the EU, it may have more profound effects on country-specific situations than on thematic issues. The special relationship of the UK with several countries in Africa and Asia was a great asset for the EU; its leverage will be missed in the future during sensitive negotiations or human rights crises. As a result of Brexit, a stronger US-UK cooperation can be predicted, and we cannot exclude the involvement of London in JUSCANZ (Japan, US, Canada, Australia and New Zealand), which would become an even more effective informal information-sharing group. Continued strong cooperation with the UK is needed to minimize the backlash for EU human rights diplomacy. An important consequence of Brexit will be that one of the most vocal internal critics of the EU will disappear from the picture, which may have both positive (smoother EU coordination meetings) and negative effects (diminishing state contribution to the work of EUDEL, including certain controlling elements).

### *3.1. The Operation of the EU in the HRC under its Current Treaty Framework*

The establishment of the EEAS certainly marked a different chapter in the representation of the EU on the UN HRC. The EEAS was considered a strange animal by most of the delegations outside the EU. In 2011, the EUDEL human rights team contained five experts, which was certainly not sufficient to run the show in the HRC, so EUDEL still had to rely on the rotating presidency to carry out its work. In the first few years, many states still considered the EU member states as their key partners and not the EEAS officers, so during this transition period the rotating EU Presidency had an important role to play.

As mentioned above, the entry into force did not automatically change the status of the EU at the UN. In the HRC, the EU enjoys observer status. This means that the EU is not in the position to submit resolutions or to participate actively in their adoption. It can only speak as an observer, after the HRC members. Therefore, the rotating presidency speaks on behalf of the EU in plenary debates and introduces resolutions. The EEAS can only speak on behalf of the EU during the interactive debates with mandate holders, where there is no distinction between members and observers. The other challenge of the representation of the EU in Geneva was that the staff members of the EEAS were recruited from three sources, which required the successful linking of different working methods and working cultures. The fourth challenge was that the EU had to build up its profile and credibility and had to gain the confidence of EU member states and that of third countries. The last challenge was the communication of the human rights policy of the EU. The importance of that was recognized by the appointment of a media officer to EUDEL in mid-2011.

The presence of a permanent EEAS team helped to establish a professional diplomatic leadership during the HRC sessions, but several member states felt it also had a negative effect on the creativity of the EU, as the new ideas and energy

brought by each rotating presidency was now missing from the system.<sup>5</sup> However, the very effective burden-sharing system established among member states helps to use the creative energy of the almost 200 human rights diplomats of EU member states present during the HRC sessions. Every human rights resolution on the agenda of the Council is followed by either EUDEL or an EU Member State, which represents the position of the EU during the negotiations and keeps the other delegations in the loop. This is complemented with an organized outreach system in Geneva where EU member states help EUDEL to transmit the EU's messages to the UN missions of HRC member states and observers. The most important political messages are forwarded by *démarches* to the capitals, mostly by the local EUDELS, but also by EU Member States that have special relations with the country concerned. Experience has shown that the US can be an extremely useful partner in lobbying and that good personal relations can make this cooperation very successful, like it was the case during the review of the HRC's work, or regarding country situations, as was the case with the special session on Libya in 2011. The latter case was the first occasion that the HRC recommended to the UNGA to suspend the membership of an HRC member as a consequence of gross and systematic human rights violations.

As a logical reaction to the decreased voting force of the EU within the HRC, the number of *cross-regional alliances* initiated by the EU has increased. By 2018, a large part of the resolutions was run by cross-regional Core Groups. For example, those initiatives where at least one EU member was part of the main sponsoring cross-regional Core Group during the thirty-seventh session of the HRC in March 2018 included the one (i) on the right to privacy (Austria, Germany); (ii) on adequate housing (Germany, Finland); (iii) on the role of good governance (Poland); (iv) on human rights and the environment (Slovenia); (v) on persons belonging to national or ethnic, religious and linguistic minorities (Austria, Slovenia); (vi) on the right to work (Greece, Romania); (vii) on cultural rights (Cyprus, Greece, Ireland, Italy, Poland); (viii) on the promotion of human rights through sport (Cyprus, Greece); (ix) on the implementation of the 2030 Agenda for Sustainable Development (Denmark, Luxembourg, Portugal); (x) on the human rights situation in the Syrian Arab Republic (France, Germany, Italy, UK); (xi) on the human rights situation in the Islamic Republic of Iran (Sweden); (xii) on the situation of human rights in South Sudan (UK); and (xiii) on the world drug problem (Greece, Portugal).<sup>6</sup>

### 3.2. *The Human Rights Diplomacy of the EU in Light of the Main Sessions of the HRC in 2017*

It is worth analyzing in detail the three HRC sessions of the year 2017 (being the last full year before the US decided to withdraw from the Council in June 2018) with respect to the resolutions run by the EU or the EU Member States. It gives

5 Hanna Tuulia Tuominen, *The role of the European Union at the United Nations Human Rights Council*, Academic Dissertation, Lund University, 2016, p. 74.

6 Universal Rights Group, Report on the 37th Session of the Human Rights Council, 27 March 2018, at [www.universal-rights.org/blog/report-37th-session-human-rights-council/](http://www.universal-rights.org/blog/report-37th-session-human-rights-council/).

also a clear indication that by now, EU Member States are running most of their traditional resolutions by a cross-regional core group, garnering stronger support from among the UN membership.

The EU like in the previous years sponsored four resolutions during the March session (34th session). Two country initiatives were submitted: the “Situation of human rights in the Democratic People’s Republic of Korea” (sponsored together with Japan) and the “Situation of human rights in Myanmar”. The two traditional thematic resolutions were the ones on the “Freedom of religion or belief” and on the “Rights of the Child: protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development” (sponsored together with the GRULAC). All four resolutions were adopted by consensus, without a vote, which should be considered a success for the EU.

It is interesting to note that besides the four EU sponsored resolutions, EU Member States were participated in 11 core groups submitting resolutions to the 34th session of the HRC, but there were only two EU Member States (Denmark and Portugal) running a resolution alone and not by a core group.<sup>7</sup> In this context, we should keep it in mind that two of the resolutions (“Mandate of the special rapporteur on minority issues” – Austria; “Regional arrangements for the promotion and protection of human rights” – Belgium) submitted during this session on behalf of a core group were previously run by a single EU Member State.

During this session, there were four splits within the EU Member States, which were members of the HRC in 2017. Concerning the “Human rights in the Occupied Syrian Golan”, which was finally adopted by 26 votes to 3, with 18 abstentions, the UK voted against the resolution, together with the US and Togo, while the other EU Member States abstained. The EU also failed to achieve a consensual position regarding “Ensuring accountability and justice for all violations of international law in the OPT, including East Jerusalem”, which was supported by Slovenia, while the other EU member states abstained. *The EU was also divided* on the resolution on “Israeli settlements”, as Belgium, Germany, the Netherlands, Portugal, and Slovenia supported it, while Croatia, Hungary, Latvia and the UK abstained during the vote.<sup>8</sup> In conclusion, it may be established that *issues in the Middle East remained the weakest point of EU human rights policy*, as three of the four splits within the EU which occurred during this session were related to resolutions dealing with this region. The resolution on the “Elaboration of International Complementary Standards to the International Convention on the Elimination of all Forms of Racial Discrimination”, presented by the African Group was adopted by 31 to 4, with 12 abstentions.<sup>9</sup> This resolution even led to a three-way split within the EU, as Germany and the UK voted against the

7 Universal Rights Group, Report on the 34th Session of the Human Rights Council, pp. 12-15, at [www.universal-rights.org/urg-human-rights-council-reports/report-34th-session-human-rights-council/](http://www.universal-rights.org/urg-human-rights-council-reports/report-34th-session-human-rights-council/).

8 Report of the Human Rights Council on its 34th Session, A/HRC/34/2, 14 June 2017, pp. 124-127.

9 *Id.* pp. 133-134.

resolution, while Portugal supported it; the other EU HRC members abstained. The majority position of the EU regarding this issue was that the international community should focus on the implementation of the ICERD, as there is no evidence that the Convention is not addressing all contemporary forms of racism, therefore, there is no need for complementary standards at this stage. It did not exclude however, the option of non-legally binding instruments.

The EU like in the previous years sponsored one resolution during the June session (35th session). The traditional EU resolution on the situation of human rights in Belarus was adopted by 18 to 8, with 21 abstentions, which was a little better result than last year (3 more yes votes and 1 less no votes).<sup>10</sup> It was China, which asked for a vote as Russia was not a member of the Council. The resolution had 42 co-sponsors, including the 28 EU Member States.

EU Member States participated in 12 core groups submitting resolutions to the 35th session of the HRC, but similarly to the March session there were only two EU Member States (Sweden and Portugal) running a resolution alone and not by a core group.<sup>11</sup> In this context, we should keep it in mind that three of the resolutions (“Mandate of the special rapporteur on the independence of judges and lawyers”, the “Independence and impartiality of the judiciary, jurors and assessors”, and the “Independence of lawyers” – Hungary, “Internally displaced persons” – Austria) submitted during this session on behalf of a core group were previously run by a single EU Member State.

During this session the EU could not achieve a common position concerning three resolutions. The resolution on the “Right to peace”, submitted by Cuba was adopted by 32 to 11, with 4 abstentions. Portugal abstained, while the other EU Member States voted against the resolution. The EU expressed its position in its explanation of vote, that *there is a lack of legal basis in international law for the existence of the right to peace*.<sup>12</sup> The resolution on the “Enhancement of international cooperation in the field of human rights”, submitted by Venezuela on behalf of NAM, was adopted by 32 to 3, with 12 abstentions. From the EU, Hungary voted against the resolution (together with the US and the Republic of Korea) while the other EU Member States abstained. The EU was of the view in its explanation of vote that *the promotion and protection of human rights cannot rely only on the enhancement of international cooperation*; the EU stressed the primary responsibility of states in this regard.<sup>13</sup> The third resolution on the “Protection of the family: role of the family in supporting the protection and promotion of human rights of older persons” was adopted by 30 to 12, with 5 abstentions.<sup>14</sup> The EU Member States voted against the resolution, with the exception of

10 Report of the Human Rights Council on its thirty-fifth session, A/HRC/35/2, 14 June 2017, pp. 59-60.

11 Universal Rights Group, Report on the 35th Session of the Human Rights Council, 2017, pp. 9-12, at [www.universal-rights.org/urg-human-rights-council-reports/report-35th-session-human-rights-council/](http://www.universal-rights.org/urg-human-rights-council-reports/report-35th-session-human-rights-council/).

12 Report of the Human Rights Council on its thirty-fifth session, A/HRC/35/2, 14 June 2017, pp. 27-28.

13 Id. p. 30.

14 Id. pp. 33-35.

Hungary, which abstained during the vote. Before the final vote, the EU introduced an amendment, which would have recognized that in different cultural, political and social systems, various forms of the family exist. This amendment did not receive sufficient support within the Council (19 to 22, with 5 abstentions), therefore the EU could not support this initiative, emphasizing that the resolution put the emphasis on the protection of the family, rather than on the international law obligations of states regarding the protection and promotion of the human rights of individual family members.

During the 36th session of the HRC there were two initiatives on behalf of the EU. (i) Estonia presented a resolution on behalf of the EU on the “Renewal of the mandate of the Commission of Inquiry on Burundi”, which was finally adopted by 22 to 11 with 14 abstentions.<sup>15</sup> (ii) The second initiative put forward by the EU was a short decision in order to extend the mandate of the independent international fact-finding mission on Myanmar.<sup>16</sup> It was the first time that a mandate had been extended by a procedural decision and not by a resolution. The decision was adopted without a vote.

Besides the two EU led initiatives, EU Member States participated in 10 core groups submitting resolutions to the 36th session of the HRC, but there was only one EU Member State (Austria) running a resolution alone and not by a core group.<sup>17</sup> In this context, we should keep in mind that three of the resolutions (“Enforced or involuntary disappearances” – France, “Conscientious objection to military service” – Croatia, “Cooperation with the UN, its representatives and mechanisms in the field of human rights” – Hungary) submitted during this session on behalf of a core group were previously run by a single EU Member State.

The most controversial initiative of the session was submitted by the African Union (AU) entitled “From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia, and related intolerance.”<sup>18</sup> The major difference between the positions of the AU and the EU was that the African states were not willing to delete a reference to the commencement of the negotiations of a new additional protocol on the criminalization of acts of racist and xenophobic nature. The EU asked for a vote and the African resolution was adopted by 32 to 5, with 10 abstentions. The delicate nature of the issue was well demonstrated by the fact that even the EU states were divided and while Germany and the UK rejected the resolution, the other EU Member States of the HRC abstained.

15 Report of the Human Rights Council on its thirty-sixth session, A/HRC/36/2, 2018, pp. 48-49.

16 Id. pp. 49-50.

17 Universal Rights Group, Report on the 36th Session of the Human Rights Council, pp. 12-16, at [www.universal-rights.org/urg-human-rights-council-reports/report-36th-session-human-rights-council/](http://www.universal-rights.org/urg-human-rights-council-reports/report-36th-session-human-rights-council/).

18 Id. pp. 159-160.

#### 4. Latin American and Caribbean States

The particular situation of this region, containing 33 members of the Group of Latin American and Caribbean States (GRULAC) was aptly described by Ted Simon:

“The Latin American has no tribe to fall back on, as the African does, no reliable judiciary to defend his rights as the European does, no social ideal or sacred constitution as the North American does, no pervasive mythology to soften life as it does in Asia, and not even an ideology to subscribe to, as does the Russian or Chinese. Without wealth, what is there left to him but his manhood, to be flaunted and defended at every occasion?”<sup>19</sup>

In line with Simon’s assessment, in the absence of strong traditions, external validation is necessary for any reform project to be successful in the region. The clear orientation of Latin America towards modernity is therefore unsurprising. In his well-known book, entitled ‘Latin America. A New Interpretation’, Whitehead describes the region as a “mausoleum of modernities.”<sup>20</sup>

##### 4.1. *The Human Rights Diplomacy of the GRULAC in Light of the Main Sessions of the HRC in 2017*

During the 34th session of the UN HRC (held between 27 February and 24 March 2017) there were five resolutions on the human rights situation in the Middle East (“Human rights in Syrian Golan”, “Human Rights in the OPT”, “Accountability in the OPT”, “Self-determination”, and “Israeli settlements”). The Latin American states followed a unanimous voting pattern, as six of the eight Council members supported all five resolutions, while Panama and Paraguay abstained. *EU Member States voted the same way*, except for the resolution on human rights in the Syrian Golan, where part of the EU voted against, and others abstained.<sup>21</sup>

The situation was a bit different in the case of the resolution on “Iran”, which was supported only by El Salvador, Panama, and Paraguay, while Bolivia, Cuba, and Venezuela voted against it. Brazil and Ecuador abstained. Similarly, the Latin American states were divided on the issue of the resolution on “Syria”, which was supported by Brazil, El Salvador, Panama, and Paraguay, while Bolivia, Cuba, and Venezuela voted against it. Ecuador abstained.<sup>22</sup>

*There were three resolutions that are traditionally voted on according to a North-South division line.* The first on “Foreign debt” was tabled by Cuba and supported by the whole GRULAC except Brazil, who voted against the resolution. The second on “Human rights and unilateral coercive measures” was tabled by

19 See at [www.azquotes.com/quote/736878](http://www.azquotes.com/quote/736878).

20 Laurence Whitehead, *Latin America. A New Interpretation*, Palgrave Macmillan, Basingstoke, 2010, p. 4.

21 Report of the Human Rights Council on its 34th Session, A/HRC/34/2, 14 June 2018, pp. 124-127.

22 *Id.* p. 58.

Venezuela on behalf of NAM and was supported by the whole group. The third on “Illicit funds” was tabled by Egypt, Libya, and Tunisia on behalf of the African Group and where Panama and Paraguay abstained, the others supported the resolution.<sup>23</sup>

During the 35th session of the UN HRC (6-23 June 2017) the resolution on “Syria” was adopted by 27 to 8, with 12 abstentions. The Latin American states were quite divided concerning this initiative, as Bolivia, Cuba, and Venezuela voted against it, while Brazil, El Salvador, Panama, and Paraguay supported it. Ecuador abstained.<sup>24</sup>

It was not surprising that GRULAC members were also divided concerning the resolution on “Belarus”, which was finally adopted with a vote of 18 to 8, with 21 abstentions. It was not supported by Bolivia, Cuba, and Venezuela. Brazil, Panama, and Paraguay voted yes on the resolution. Ecuador and El Salvador abstained.<sup>25</sup> Regarding the other Eastern European country initiative, namely the resolution on “Ukraine”, which was adopted with a vote of 22 to 6, with 19 abstentions, GRULAC was also divided. Ecuador and Panama supported it. Bolivia, Cuba, and Venezuela voted against it.<sup>26</sup>

During this session, most of the controversial thematic resolutions were strongly influenced by North-South political differences, and the GRULAC members of the Council, almost unanimously, supported all of them (“International solidarity”, “Right to peace”, “International cooperation”, “Protection of family”, and “Contribution of development”). The two exceptions were the resolution on the “Protection of family”, where Brazil and Panama abstained, and the resolution on the “Contribution of development”, where Panama abstained, and Paraguay was absent. The role of Latin American states was quite remarkable. The first two were submitted by Cuba, and the third by Venezuela. Besides these two resolutions, Cuba was the main sponsor of the resolution on the Social Forum, which was adopted by consensus.<sup>27</sup>

During the 36th session of the UN HRC (11-29 September 2017), GRULAC members of the Council were divided on three of the four country-specific resolutions adopted by the HRC by a vote. As far as the resolution on “Syria” is concerned, as usual Bolivia, Cuba, and Venezuela voted against the resolution, while Brazil, El Salvador, Panama, and Paraguay supported the initiative. Only Ecuador abstained.<sup>28</sup>

The Council renewed the mandate of the “Commission of Inquiry on Burundi” for one year by a voted (22 to 11, with 14 abstentions) resolution submitted by the EU.<sup>29</sup> The resolution was not supported by Bolivia, Cuba, and

23 Id. pp. 39-46.

24 Report of the Human Rights Council on its 35th Session, A/HRC/35/2, 14 June 2018, pp. 58-59.

25 Id. pp. 59-60.

26 Id. p. 79.

27 Universal Rights Group, Report on the 35th Session of the Human Rights Council, p. 9, at [www.universal-rights.org/urg-human-rights-council-reports/report-35th-session-human-rights-council/](http://www.universal-rights.org/urg-human-rights-council-reports/report-35th-session-human-rights-council/).

28 Report of the Human Rights Council on its 36th Session, A/HRC/36/2, 2018, pp. 48-49.

29 Id. pp. 47-48.

Venezuela, while Brazil, El Salvador, Panama, and Paraguay supported it. Ecuador abstained.

Tunisia, on behalf of the African Group, submitted a competing resolution on the “Mission by the Office of the UN High Commissioner for Human Rights” to improve the human rights situation and accountability in Burundi (23 to 14, with 9 abstentions) which was supported by most of the Latin American states; only Panama and Paraguay abstained.<sup>30</sup>

GRULAC members of the Council voted in a quite coherent way concerning most of the sensitive thematic resolutions (“Mercenaries”; “Democracy and equitable international order”; “Right to development”; “Rights of peasants”; “Composition of the staff of the OHCHR”; “Unilateral coercive measures”; “From rhetoric to reality”). They supported all of these resolutions. Panama was missing from the room for the vote on the “Right to development” and on “Unilateral coercive measures”.<sup>31</sup> The resolutions on “Mercenaries”, on the “Composition of the Staff of the OHCHR”, and on “Democracy and equitable international order” were submitted by Cuba. The resolution on the “Right to development” and on “Unilateral coercive measures” was tabled by Venezuela on behalf of NAM. The resolution on the “Right of peasants” was tabled by Bolivia, Cuba, Ecuador, and South Africa. Consequently, *GRULAC states played a determining role regarding all sensitive thematic resolutions*, except for the last one, entitled “From rhetoric to reality”, which was an initiative by the African Group.

GRULAC members of the HRC were divided during the vote on the resolution on “Reprisals”, which was critical of the support of those who want to cooperate with the UN. The resolution, which was adopted by 28 to 0, with 19 abstentions, was supported by most GRULAC states; however, Bolivia, Cuba, and Paraguay were among those 19 states that abstained.<sup>32</sup> However, before this final vote, there were 19 hostile amendments; three of them were adopted by the Council. Venezuela was one of the key players in this attack against the resolution, besides Russia, Egypt, China, and India.

GRULAC states were not as divided as other regional groups – like the Asia-Pacific or the African Group – in the case of the resolution on the “Death penalty”, tabled by a Core Group containing Costa Rica and Mexico, alongside other countries. Only Cuba abstained during the vote on the resolution, which was finally adopted by 27 to 13, with 7 abstentions.<sup>33</sup>

## 5. Sub-Saharan African States

The social and political concerns of Africans are shaped mainly by the legacy of colonialism and the memory of the instability in the post-colonial era. Together, these concerns are also shaped by the severe socio-economic challenges the continent faces, including huge international debt, the highest number of

30 Id. pp. 14-15.

31 Id. p. 35.

32 Id. pp. 54-63.

33 Id. pp. 38-42.

refugees in the world, and widespread famine. In this context, many Africans still consider human rights as a Western-inspired imperialist notion. The fact that Western powers supported African dictators in the past raised suspicions about the intentions of the West. The inability of the international community to stop the genocide in Rwanda further discredited human rights in the region.

Cultural nationalists argue against the applicability of a human rights doctrine that is based on the notion of the individual, a notion which does not exist in Africa, where the worth of the individual can be found only in the context of the community. Therefore, Africans traditionally prioritize duties and obligations over rights. Another common understanding of why human rights are inapplicable in Africa is the well-known argument that human rights in the West developed over a long period of struggle for democracy and that Africa has yet to go through this stage.

Despite this resistance to human rights, the emerging African human rights system clearly indicates the political will of more and more African countries to establish a solid foundation guaranteeing the rights and fundamental freedoms of the peoples on the continent. However, besides the lack of necessary financial preconditions for a sufficient regional protection system, the lack of political will frequently results in a poor implementation of the highly sophisticated African human rights instruments. The public frustration caused by this deficiency means that civil society often turns towards UN mechanisms as a real solution.

### *5.1. The Human Rights Diplomacy of Sub-Saharan African States in Light of the Main Sessions of the HRC in 2017*

During the 34th session of the UN HRC a strong resolution was adopted on “South Sudan” without a vote, which extended and strengthened the mandate of the UN Commission on Human Rights on South Sudan to “determine and report the facts”, and make all information and evidence about alleged human rights violations available to all transitional mechanisms, including the Hybrid Court for South Sudan, should one be established in cooperation with the AU.<sup>34</sup> The report by the Commission affirmed that there was a deliberate targeting of civilian populations by the government based on the victims’ ethnic identity.

The HRC adopted a resolution without a vote on the “Technical assistance and capacity-building for Mali in the field of human rights”, which welcomed the close cooperation between the Independent Expert, the implementation of the Peace Agreement, and legal reform, and it also renewed the Mandate of the Independent Expert.<sup>35</sup>

During the interactive dialogue with the Commission of Inquiry on Burundi, the Chair of the Commission underlined that they had decided to focus their investigation on those human rights violations which may amount to crimes against humanity. The Commission regretted that Burundi was not willing to

34 Report of the Human Rights Council on its Thirty-Fourth Session, 27 February to 24 March 2017, UN Doc. A/HRC/34/2, 14 June 2018, p. 60.

35 Id. p. 141.

cooperate with them and that there was almost complete impunity for the serious human rights violations in the country.

It is also interesting to *analyze the voting behavior of the 11 sub-Saharan members of the Council regarding country situations*. The sub-Saharan countries typically ally with their North African Muslim neighbors and support the resolutions condemning Israel. While this was the case with most of the sub-Saharan members, there was one remarkable exception, namely Togo, which was the only member of the HRC (other than the US) to vote against all five resolutions. However, this is not surprising in light of the close cooperation between the Togolese government and Israel in the last few years. Israeli Prime Minister Benjamin Netanyahu met Togolese President Faure Gnassingbé twice in 2017. It was very indicative of their relationship that the Togolese President wrote the following in the guestbook during his visit: “I dream of Israel’s return to Africa and Africa’s return to Israel.”<sup>36</sup> The Togolese Minister of Foreign Affairs Robert Dussey’s opinion is also very telling in this regard: “The African continent is booming and Israel holds the solution for African development.”<sup>37</sup> Besides establishing strong political and economic ties with Israel, the Togolese government, despite the questions about the legitimacy of the president and the serious human rights violations, still receives a significant amount of development aid from the US (over USD 13 million in 2016).<sup>38</sup>

It was also notable that, regarding resolutions involving the Middle East, Botswana abstained in the case of one, Congo in the case of two, and Rwanda in the case of four, indicating a small shift in the Middle East policy of sub-Saharan African states.<sup>39</sup> The fact that the members of the African Group did not condemn Israel en bloc was not in line with their historical heritage established in the early post-Colonial period when the sub-Saharan countries used to unanimously support all the initiatives condemning Israel in solidarity with their North African partners.

As far as voting on the “Human rights situation in Iran” is concerned, there were significant discrepancies among the positions of the different sub-Saharan HRC members. While Botswana and Rwanda supported the US-led resolution, Burundi and Kenya voted against it and Congo, Côte d’Ivoire, Ethiopia, Nigeria, Ghana, and Togo abstained.<sup>40</sup> The situation was quite similar to the resolution on “Syria”, where Botswana, Côte d’Ivoire, Ghana, Rwanda, and Togo supported the resolution while Burundi voted against it, and the others abstained.<sup>41</sup> The sub-Saharan HRC members were even divided regarding the resolution on the “Cooperation with Georgia”, where Botswana, Ghana, and Togo supported the

36 Simon Hooper, “Togo: How a repressive West African state built close ties with Israel”, *Middle East Eye*, 22 December 2017, at [www.middleeasteye.net/news/togo-how-repressive-west-african-state-built-close-ties-israel-1894664807](http://www.middleeasteye.net/news/togo-how-repressive-west-african-state-built-close-ties-israel-1894664807).

37 Id.

38 Id.

39 Report of the Human Rights Council on its Thirty-Fourth Session, 27 February to 24 March 2017, UN Doc. A/HRC/34/2, 14 June 2018, pp. 124-127.

40 Id. pp. 58-59.

41 Id. p. 60.

resolution submitted by the country concerned, and Burundi, in line with its firm policy opposing all country resolutions, voted against it. The other sub-Saharan African states abstained.<sup>42</sup>

The African Group submitted its three customary resolutions on racism, namely on the “Mandate of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action”; the “Mandate of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance”; and the “Elaboration of International Complementary Standards to the ICERD”. It submitted a new one on the establishment of a “Forum for People of African Descent”. The latter, together with the resolution on the Special Rapporteur’s mandate, was adopted without a vote, while the other two were voted on. From a legal standpoint, the most interesting vote was on the resolution of the ICERD, which resulted in a three-way split within the EU.<sup>43</sup>

A fifth resolution submitted by the African Group was on the “Negative Impact of Non-Repatriation of Funds of Illicit Origin on the Enjoyment of Human Rights and the Importance of Improving International Cooperation”. The US voted against this resolution, and 16 other countries abstained. The West’s major point of contention was that the resolution focused on non-repatriation of illicit funds to countries of origin rather than focusing on the obligation of states to prevent this illegal activity. Furthermore, they were not convinced about the link between the repatriation of illicit funds and the right to development. They did not consider that problem a human rights issue.<sup>44</sup>

During the 35th session, the Council adopted a resolution on the “Human rights situation in Eritrea” without a vote. The resolution was submitted by Djibouti and Somalia, and it reflected the recommendations of the Special Rapporteur and encouraged the establishment of an OHCHR presence in the country.

One of the most chaotic procedures surrounded the adoption of the resolution on the DRC. The essence of the problem was that, despite all efforts during the review of the HRC in 2011, the Council still lacks a sufficient toolkit to address the situations of individual countries. The African Group emphasized that the Council should engage constructively with the DRC by providing technical assistance and capacity-building. The EU, on the other hand, highlighted the need for a proper balance between international support and the DRC’s obligation to address the serious human rights violations in certain parts of the country.<sup>45</sup> This disagreement led to the tabling of two resolutions, one by the EU and another by the AU. After lengthy and last-minute negotiations, the EU agreed to merge the two resolutions. The result was a resolution that looked more like a technical assistance resolution but included an accountability mechanism, which is more typical for resolutions of human rights situations that

42 Id. p. 140.

43 Id. pp. 132-134.

44 Id. p. 49.

45 Id. p. 80.

require the Council's attention. Finally, the resolution on the "Technical Assistance to the DRC and Accountability Concerning the Events in the Kasai Regions" led by the African Group was adopted by the Council without a vote.<sup>46</sup>

During the interactive dialogue with the "Commission of Inquiry on Burundi", the Chair of the Commission regretted that there was no cooperation from the side of the government and that, unfortunately, the human rights crises had not seemed to improve over the previous two years.<sup>47</sup>

Like in the case of the thirty-fourth session of the Council, the voting behavior of the 11 sub-Saharan African members of the Council regarding country situations was far from uniform. On the resolution on "Syria", Burundi voted negatively, as usual, while Botswana, Côte d'Ivoire, Ghana, Rwanda, and Togo supported the text, and Congo, Ethiopia, Kenya, Nigeria, and South Africa abstained.<sup>48</sup> African states were seemingly more cautious regarding the two East European country situations. Regarding the EU initiative on "Belarus", only Ghana supported the resolution, Burundi voted no, and all others abstained.<sup>49</sup> Given the hostilities between Ukraine and Russia, and thus the more politically charged nature of the resolution on "Ukraine", Côte d'Ivoire and Rwanda joined Ghana in support of it, while the rest of the African Group voted as they had for the "Belarus" resolution.<sup>50</sup>

Since most of the controversial thematic resolutions were strongly influenced by North-South political differences during this session, the African members of the Council voted unanimously on all of them (international solidarity, right to peace, international cooperation, protection of the family, and contribution of development).

During the 36th session the Council voted to renew the mandate of the Commission of Inquiry on Burundi for one year, a resolution submitted by the EU.<sup>51</sup> Although there were neither comments by Burundi nor by the African Group on the EU resolution, the African Group started parallel negotiations with Burundi and, as a result, Tunisia (on behalf of the African Group) submitted a competing resolution on "Technical assistance and capacity-building to Burundi".<sup>52</sup> The resolution of the African Group was largely based on the EU draft, but it replaced the renewal of the Commission of Inquiry with a request to send an expert team to reinforce the OHCHR office in Bujumbura, by making suggestions for technical assistance and by collecting and preserving information. However, the African Group did not agree to grant this new mechanism the same

46 Id.

47 Universal Rights Group, Report on the 35th Session of the Human Rights Council, p. 5, at [www.universal-rights.org/urg-human-rights-council-reports/report-35th-session-human-rights-council/](http://www.universal-rights.org/urg-human-rights-council-reports/report-35th-session-human-rights-council/).

48 Report of the Human Rights Council on its 35th Session, A/HRC/35/2, 14 June 2018, p. 50.

49 Id. pp. 50-51.

50 Id. p. 65.

51 It was interesting to note that among the sub-Saharan African States only Burundi, Congo, Ghana, and South Africa rejected the EU-led resolution, while Côte d'Ivoire, Ethiopia, Kenya, Nigeria, and Togo abstained, and Botswana supported the text.

52 Report of the Human Rights Council on its Thirty-sixth Session, 11-29 September 2017, UN Doc. A/HRC/36/2, 14 June 2018.

investigative power and independence as the Commission of Inquiry had under the original resolution. It is significant to note that Botswana and Rwanda did not join the African Group in submitting the draft, nor when the EU asked for a vote regarding the text, which was adopted by 23 to 14, with 9 abstentions. Botswana abstained, and Rwanda did not participate in the voting.<sup>53</sup> As a result of the adoption of two competing resolutions on “Burundi” in 2018, there were a total of six debates on Burundi in the HRC in this session.

The HRC adopted a strong resolution on the “Technical Assistance and Capacity-Building in the Field of Human Rights in the CAR” without a vote.<sup>54</sup> The resolution was submitted by the African Group and the CAR, and the President of the CAR, speaking to the HRC on 27 September 2017, confirmed his country’s commitment to fight impunity and to work towards justice.

The African Group presented a resolution on the “Technical Assistance and Capacity-Building to Improve Human Rights in Sudan”, which renewed the Mandate of the Independent Expert for one year. The resolution, which was adopted without a vote, focused on the positive developments in the country, and it was mainly the result of bilateral negotiations between the US and Sudan with the aim, which was finally achieved, of preventing the transfer of the role of the Independent Expert to an OHCHR Office.<sup>55</sup>

Similar to the previous sessions of the Council, the voting behavior of the members of the African Group was not uniform when it came to the human rights situation in “Syria”. While Burundi voted against the resolution, as usual, five African states (namely Botswana, Côte d’Ivoire, Ghana, Togo, and Rwanda) supported it. The other sub-Saharan African states (Congo, Ethiopia, Kenya, Nigeria, and South Africa) abstained.

The African Group submitted four thematic resolutions during the session. One of the resolutions, adopted without a vote, renewed the Mandate of the Working Group of Experts on People of African Descent. Another one established a new Intergovernmental Working Group to elaborate the content of an international regulatory framework on the regulation, monitoring, and oversight of the activities of private military and security companies. The latter was also adopted without a vote as the EU, despite its concerns, finally joined the consensus. South Africa expressed its gratitude for this gesture exercised by the EU. The most controversial initiative by the AU was entitled “From Rhetoric to Reality: A Global Call for Concrete Action against Racism, Racial Discrimination, Xenophobia, and Related Intolerance.” The major difference between the positions of the AU and the EU on this resolution was that the African states were not willing to delete a reference to the negotiations’ commencement of an additional protocol on criminalizing acts of racist and xenophobic nature. The EU eventually asked for a vote and the African resolution was adopted by a vote of 32 to 5, with 10 countries abstaining. The delicate nature of the issue was demonstrated by the fact that even the EU Member States were divided, and

53 Id. pp. 14-15.

54 Id. p. 161.

55 Id. p. 167.

while Germany and the UK rejected the resolution, the other EU Council members abstained. The fourth initiative brought forward by the AU was on the renewal of the Mandate of the Special Rapporteur on the Implications for Human Rights of the Environmentally Sound Management and Disposal of Hazardous Substances and Wastes. This resolution was adopted without a vote although the EU was not supportive of a reference to the Declaration on the Right to Development in the text.<sup>56</sup>

In respect of most of the sensitive thematic resolutions, the African members of the Council voted in a coherent way. However, it is interesting to note that, regarding the Cuban resolution on the “Composition of the Staff of the OHCHR”, Togo abstained as it did on the resolution on “Human Rights and Unilateral Coercive Measures”. It was not the first time that the position of Togo was completely different from the rest of the group, as in the case concerning the Middle East resolutions earlier that year. The African states were strongly divided during the vote on the resolution on “Reprisals”, which was critical for the support of those who want to cooperate with the UN.<sup>57</sup> While Botswana, Congo, Côte d’Ivoire, Ghana, and Rwanda supported this initiative, the other African states abstained. The African states were even more divided in the case of the “Death penalty” resolution, where Congo, Ghana, Rwanda, South Africa, Togo, and Côte d’Ivoire supported the initiative; Botswana, Burundi, and Ethiopia rejected it; and Kenya and Nigeria abstained.<sup>58</sup>

## 6. Asia-Pacific States

The fact that except for Thailand, China, and Japan, all countries of the region were colonies in some period of their history, resulted in a strong adherence to the principles of sovereignty and non-interference. This phenomenon, combined with nationalism and the decision by most states to choose economic modernization without Westernization, has deeply shaped the human rights diplomacy of Asia. After careful examination of the three dominant religions of the region, it seems that the teachings of Confucianism, Buddhism, and Hinduism are also reconcilable with the notion of human rights.

The promotion of so-called Asian values in the 90s was a reaction to Western pressure to comply with international human rights standards and served to challenge the moral foundations of the West, contributing to the nation-building efforts of the political elite which also used this concept to safeguard its position. Their argument emphasizing the primacy of economic development over the protection and promotion of human rights was seriously undermined during the Asian financial crisis of 1997. Those values promoted under the ‘Asian’ label can also be found in Europe and have an important place in European conservative traditions. It is not a coincidence that in Europe, the concept of human rights and sovereignty developed in parallel, and as a result, the sovereign state was not just

56 Id. p. 37.

57 Id. pp. 47-54.

58 Id. pp. 32-36.

the potential violator, but also a powerful protector of human rights. It also protected the weaker states against their hegemonic neighbors. This did not happen in Asia, where they adopted the European concept of sovereignty without reservation, and without the human rights component.

These developments shaped the human rights diplomacy of most Asian states. This has resulted in the reserved position of most Asian states towards international judicial organs, based on their conservative understanding of the principles of non-interference and national sovereignty. Similar factors contributed to the fact, that presently Asia is the only continent without a regional human rights organization.

### *6.1. The Human Rights Diplomacy of Asian States in Light of the Main Sessions of the HRC in 2017*

During the 34th session of the UN HRC there were five resolutions on the human rights situation in the Middle East (“Human rights in Syrian Golan”; “Human Rights in the OPT”; “Accountability in the OPT”; “Self-determination”, and “Israeli settlements”). All were submitted by Pakistan on behalf of the OIC. The Asian countries usually allied with the OIC’s position and supported these resolutions condemning Israel, which is not surprising as influential members of the Group are also members of the OIC. Only Japan abstained on two occasions (“Human rights in Syrian Golan”; “Accountability in the OPT”), India once (“Accountability in the OPT”), and the Republic of Korea once (“Human rights in Syrian Golan”).<sup>59</sup>

The resolution on the situation of “Human rights in Myanmar” was tabled by the EU and adopted by consensus. With this resolution, the Council decided to dispatch an international fact-finding mission to be appointed by the President of the HRC, as Myanmar did not accept the original solution to entrust this investigative task to the existing Special Rapporteur. The resolution extended the mandate of the Special Rapporteur, welcomed the positive developments that happened since the new government took office in April 2016, but also expressed concerns over several issues, including the situation in the Rakhine State. During the adoption of the resolution, Myanmar, China, India, and Venezuela dissociated from the whole text, while the Philippines dissociated only from the paragraphs regarding the fact-finding mission.<sup>60</sup>

The resolution on the “Situation of human rights in the DPRK” submitted by Japan and the EU was adopted without a vote. Besides Japan, the Republic of Korea and the Maldives also co-sponsored the resolution which strengthened the capacity of the OHCHR and its field office in Seoul, to enhance the current monitoring and documentation efforts to prepare the ground for future accountability processes.<sup>61</sup>

59 Report of the Human Rights Council on its 34th Session, A/HRC/34/2, 14 June 2018, pp. 137-140.

60 Id. p. 64.

61 Id. pp. 65-66.

A short procedural resolution was adopted by consensus on “Promoting reconciliation, accountability, and human rights in Sri Lanka”. The text presented by a Core Group [US, UK, Macedonia (now North Macedonia), and Montenegro] and co-sponsored by Sri Lanka, requested the OHCHR to continue reporting on the implementation of HRC Resolution 30/1 of 2015.<sup>62</sup>

Regarding the voting on the resolution concerning the “Human rights situation in Iran”, submitted by a Core Group [Sweden, US, Macedonia (now North Macedonia) and Moldova] the Asia-Pacific Group was completely divided. Japan, Qatar, the Republic of Korea, Saudi Arabia, and the United Arab Emirates (UAE) supported it. Mongolia and the Philippines abstained. Bangladesh, China, India, Indonesia, Iraq, and Kyrgyzstan voted against the resolution. This voting pattern reflects the complex relationship the Arab world has with Iran.<sup>63</sup>

The situation was quite similar in case of the resolution on “Syria”, submitted by a Core Group (US, France, UK, Germany, Italy, Kuwait, Morocco, Jordan, Saudi Arabia, and Turkey) where Japan, Qatar, the Republic of Korea, Saudi Arabia, and the UAE supported it; Bangladesh, Indonesia, Mongolia, and the Philippines abstained; while China, Iraq, and Kyrgyzstan voted against the resolution.<sup>64</sup>

The Asian HRC members were evenly divided in the case of the resolution on “Cooperation with Georgia”, where only Japan could support the text, enjoying the consent of the concerned country as well. Meanwhile, except for China, all other members of the Asia-Pacific Group abstained. *China following its traditional policy on country situations voted against the resolution.*<sup>65</sup>

The most divisive thematic resolution for the Asia-Pacific Group during this session was the one submitted by Egypt, Saudi Arabia, Jordan, Morocco, and Algeria on the “Effects of terrorism on the enjoyment of all human rights”.<sup>66</sup> The resolution requested the Advisory Committee of the HRC to prepare a report on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms, with a particular focus on economic, social, and cultural rights. The EU could not support the text because it believes that the discussion on the impact of terrorism on the economy is not within the mandate of the HRC. Japan and Korea supported the EU’s position, while Kyrgyzstan and Mongolia abstained. The other members of the Asia-Pacific Group supported the resolution.

Three resolutions are traditionally voted on along a North-South division line. The first on “Foreign debt” tabled by Cuba was supported by the whole Asia-Pacific Group except Japan and Korea, who voted against the resolution. For the second on “Human rights and unilateral coercive measures”, tabled by Venezuela on behalf on NAM, besides the objection of Korea and Japan, the other Asian members of the HRC supported the initiative. The third was on “Illicit funds”

62 Id. p. 18.

63 Id. pp. 64-65.

64 Id. pp. 66-67.

65 Id. pp. 153-154.

66 Id. pp. 43-44.

tabled by Egypt, Libya, and Tunisia on behalf of the African Group. Japan and Korea abstained, while the others supported the resolution.<sup>67</sup>

The resolution run by Norway on the “Mandate of the Special Rapporteur on the situation of human rights defenders” still provokes heated discussions within the HRC, as it concerns the philosophy of the member states regarding civil society. Only Japan, Korea, and the Maldives became co-sponsors of the resolution. The level of tension about the question was well illustrated by the fact that there were five amendments to the resolution tabled by Russia, China, Cuba, and Pakistan. They intended to delete any reference to the term “human rights defenders” and downgrade the reference to the work of the Special Rapporteur. China, India, Qatar, Saudi Arabia, and the UAE supported the amendments, while Indonesia, Iraq, Japan, Kyrgyzstan, Mongolia, and Korea voted against them. The Philippines and Bangladesh abstained.

During the 35th session of the UN HRC the resolution on “Syria” was adopted by 27 to 8, with 12 abstentions. It was not a surprise that China, Iraq, Kyrgyzstan, and the Philippines did not support the initiative submitted by a Core Group, (US, France, UK, Germany, Italy, Kuwait, Morocco, Jordan, Saudi Arabia, and Turkey) while Japan, Qatar, Korea, Saudi Arabia, and the UAE supported it. The other members of the Asia-Pacific Group abstained.<sup>68</sup>

It was also not surprising that the Asia-Pacific Group was divided concerning the resolution on “Belarus”, which was finally adopted with a vote of 18 to 8, with 21 abstentions. Japan and Korea supported the resolution submitted by the EU, while China, India, and the Philippines voted against it. The other members of the group abstained.<sup>69</sup>

It was more interesting that almost the same division existed in case of the resolution on “Ukraine”, which was submitted by Ukraine. China and the Philippines voted against it, while only Iraq, Japan, and the Republic of Korea supported it. The other members of the Asia-Pacific Group abstained. This resolution on technical assistance was adopted with a vote of 22 to 6, with 19 abstentions.<sup>70</sup>

It was not surprising that because most of the controversial thematic resolutions during this session reflected North-South political differences, the Asian members of the Council voted almost unanimously in all of them (“International solidarity”, “Right to peace”, “International cooperation”, “Protection of family”, and “Contribution of development”). It was no coincidence that Japan and the Republic of Korea were the only two states not to support these initiatives. Japan voted against four resolutions and abstained in the case of the one regarding international cooperation. Korea voted against three initiatives and abstained from the ones on “Protection of family” and the “Contribution of development”.

67 Id. pp. 153-154.

68 Report of the Human Rights Council on its 35th Session, A/HRC/35/2, pp. 58-59.

69 Id. pp. 59-60.

70 Id. p. 79.

During the 36th session, the HRC extended the mandate of the independent international fact-finding mission on “Myanmar” without a vote.<sup>71</sup> It was the first time that a mandate was extended by a procedural decision and not by a resolution. During this same session, the Chair of the independent fact-finding mission presented an oral update on the situation in Myanmar. Marzuki Darusman reported mass killings, excessive use of force, torture, ill-treatment, sexual and gender-based violence, and landmine-killings in his verbal update.<sup>72</sup>

The *Asia-Pacific Group* was divided on all the four country-specific resolutions adopted by the Council by a vote. On the resolution on “Syria”, as usual, China, Iraq, and the Philippines voted against, while Japan, Qatar, the Republic of Korea, Saudi Arabia, and the UAE supported it. The other members of the group (Bangladesh, India, Indonesia, Kyrgyzstan, and Mongolia) abstained.<sup>73</sup>

The Council renewed the “Mandate of the Commission of Inquiry on Burundi” for one year by a voted resolution (22 to 11, with 14 abstentions) submitted by the EU.<sup>74</sup> From the Asia-Pacific Group, Japan, Mongolia, and the Republic of Korea supported the renewal of the mandate; China, Saudi Arabia, and the UAE were against it; while the others abstained. Tunisia, on behalf of the African Group submitted a competing resolution on the “Mission by the Office of the UN High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi” (23 to 14, with 9 abstentions). Not surprisingly, this resolution received broader support from the Asia-Pacific Group as Bangladesh, China, India, Iraq, Saudi Arabia, and the UAE supported it, while only the Republic of Korea voted against it. The other members, including Japan, abstained during the vote.

The last country-specific resolution adopted by a vote (45 to 1, with 1 abstentions) during this session was the one on “Technical assistance and capacity-building in the field of human rights in the DRC”. Besides the one “no” vote cast by the US, the Republic of Korea alone abstained from among the HRC members.<sup>75</sup>

The Asian members of the HRC voted in quite a coherent way concerning most of the sensitive thematic resolutions: “Mercenaries”; “Democracy and equitable international order”; “Right to development”; “Right of peasants”; “Composition of the staff of the OHCHR”; “Unilateral coercive measures”; “From rhetoric to reality”. Eleven members of the Asia-Pacific Group supported all of the initiatives; only Japan and the Republic of Korea voted differently. Japan objected to all the resolutions, except for the one entitled “From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia, and related intolerance” and the one on the “Rights of peasants”, where Tokyo abstained. The Korean voting pattern was almost identical with the

71 Id. pp. 49-50.

72 Id.

73 Id. pp. 48-49.

74 Id. pp. 47-48.

75 Id. pp. 168-169.

Japanese one, with the sole exception that Seoul also abstained concerning the resolution on the “Right to development”.<sup>76</sup>

There were two resolutions where the Asia-Pacific Group was even more divided for obvious reasons, as these were not issues based on North-South ideological differences. These were the one on the “Death penalty” and the resolution on “Cooperation with the UN, its representatives, and mechanisms in the field of human rights”.<sup>77</sup> On the first one, tabled by a Core Group including Mongolia from the Asia-Pacific Group, Bangladesh, China, India, Iraq, Japan, Qatar, Saudi Arabia, and the UAE voted against the resolution, while Kyrgyzstan and Mongolia supported it. Indonesia, the Philippines, and the Republic of Korea abstained during the vote (27 to 13, with 7 abstentions). According to Johnson and Zimring, political evolution and not cultural factors led many countries in Asia to follow an abolitionist policy.<sup>78</sup> They rejected the common argument which attributed the refusal to abolish the death penalty to Asian values. In their view, democratic governance and the promotion of human rights have an important role in this process.

## 7. Muslim States

States discussed here are members of the Organization of Islamic Cooperation (OIC). The Muslim world is much more diverse than it is often considered by the general public and it is time to overcome the rigid portrayal of this religion and the region as “hot, bearded camel riders, desert-like, poor, underdeveloped, backward, governed by Muslim fanatics and tyrants, characterized by rich Arabs in London and Arab terrorists blowing up planes.”<sup>79</sup>

It is important to search for proper answers to the question of the compatibility between Islam and the international human rights regime, which is vital for the life of the 1.5 billion believers of the world’s fastest-growing religion. The problem is even more complex because Islam never treated religion and politics as two separate institutions.

Those answers to the challenging question of compatibility which result in the dilution of human rights to legitimize the opposition of the Muslim elite to human rights cannot be supported. Finding a solution is even more pressing due to the “increasing role of Islam in world politics and the increased presence of Muslims in Europe and in North America” which makes interactions between the two civilizations/cultures more intense.<sup>80</sup> This struggle is not just between civilizations; it is also ongoing within the civilizations themselves, for in both

76 Id. pp. 30-42.

77 Id. pp. 54-62.

78 William Schabas, ‘Is Asia the last bastion of capital punishment?’, *Asia Policy*, No. 10, July 2010, pp. 198, 200.

79 Beverly Milton-Edwards, *Contemporary Politics in the Middle East*, Polity Press, Cambridge, 2018, p. 3.

80 Bassam Tibi, ‘Islamic Law/Shari’a, Human Rights, Universal Morality and International Relations’, *Human Rights Quarterly*, Vol. 16, Issue 2, 1994, p. 298.

Islam and Christianity there are forces who oppose, and forces who support the extension of human rights.<sup>81</sup> In Islam, this means that the old traditionalists are usually trying to “Islamize modernity”, while the reformers are trying to modernize Islam. The most pressing human rights problems faced by Muslim societies today are not related to “cultural preferences or religious-cultural authenticity”, but the serious human rights violations committed by their governments, regardless of their cultural or ideological facade.<sup>82</sup>

### *7.1. The Human Rights Diplomacy of Muslim States in Light of the Main Sessions of the HRC in 2017*

During the 34th session of the UN HRC there were five resolutions on the human rights situation in the Middle East (“Human rights in Syrian Golan”; “Human Rights in the OPT”; “Accountability in the OPT”; “Self-determination”; and “Israeli settlements”). All of them were submitted by Pakistan on behalf of the OIC. Both the sub-Saharan and Asian countries in this question usually ally with the OIC position and support these resolutions condemning Israel, which is not surprising, as influential members of these groups are also members of the OIC. There was a remarkable exception, however: Togo. Togo was the only member of the HRC together with the US voting against all five resolutions.<sup>83</sup>

Regarding voting on the resolution on the “Human rights situation in Iran”, submitted by a Core Group (Sweden, US, North Macedonia, and Moldova), the OIC members of the African Group almost unanimously abstained during the vote, except for Egypt, which voted against the resolution. The Asia-Pacific OIC members were more significantly divided, as their voting pattern was shaped by the Sunni-Shiite rivalry and regional security policy considerations. As a result, while Qatar, Saudi Arabia, and the UAE supported the resolution, Bangladesh, Indonesia, Iraq, and Kyrgyzstan voted against the it.<sup>84</sup>

In the case of the resolution on “Syria”, Cote d’Ivoire and Togo supported it, while the other African OIC members abstained. The resolution submitted by a Core Group (US, France, UK, Germany, Italy, Kuwait, Morocco, Jordan, Saudi Arabia, and Turkey) was supported by Qatar, Saudi Arabia, and the UAE among the Asia-Pacific OIC members, while Bangladesh, and Indonesia abstained, and Iraq and Kyrgyzstan voted against.<sup>85</sup> Albania, as usual, voted with the EU and supported the resolution.

The OIC members of the HRC were divided in the case of the resolution on “Cooperation with Georgia”, where Togo and Albania supported the resolution submitted by the country concerned, and the other OIC member states abstained.

The resolution submitted by Egypt, Saudi Arabia, Jordan, Morocco, and Algeria on the “Effects of terrorism on the enjoyment of all human rights” was

81 Sayed Khatab & Gary D. Bouma, *Democracy in Islam*, Routledge, Abindon, 2007, p. 3.

82 Reza Afshari, ‘An essay on Islamic cultural relativism in the discourse of human rights’, *Human Rights Quarterly*, Vol. 16, Issue 2, 1994, p. 249.

83 Report of the Human Rights Council on its 34th Session, A/HRC/34/2, 14 June 2018, pp. 137-140.

84 Id. pp. 64-65.

85 Id. pp. 66-67.

even divisive within the Asia-Pacific Group, but the OIC members of the HRC were relatively unified on that issue as 11 OIC members supported it, with the only abstention by Kyrgyzstan and the negative vote by Albania aligned with the EU's position.

The resolution run by Norway on the “Mandate of the Special Rapporteur on the situation of human rights defenders” always provokes heated discussions within the HRC as it concerns the philosophy of the member states on civil society. Quite a few OIC member states have become co-sponsors of the resolution, such as the Maldives, Albania, Benin, Cote d’Ivoire, Djibouti, Guinea, the State of Palestine, Indonesia, and Togo. The level of tension about the issue in this session was well marked by the fact that there were five amendments to the resolution tabled by Russia, China, Cuba, and Pakistan. They intended to delete any reference to the term “human rights defenders” and to downgrade the reference to the work of the Special Rapporteur. Egypt, Nigeria, Qatar, Saudi Arabia, and the UAE supported the amendments; Bangladesh supported most of the amendments, while Albania, Cote d’Ivoire, Indonesia, Iraq, Kyrgyzstan, Togo, and Tunisia voted against them.<sup>86</sup>

During the 35th session, the resolution on “Syria” was adopted by 27 to 8, with 12 abstentions. It was no surprise that Iraq and Kyrgyzstan did not support the initiative submitted by a Core Group (US, France, UK, Germany, Italy, Kuwait, Morocco, Jordan, Saudi Arabia, and Turkey) while Albania, Qatar, Saudi Arabia, the UAE, Cote d’Ivoire, and Togo supported it. The other members of the OIC abstained.<sup>87</sup>

It was also unsurprising that the OIC member states were a little divided concerning the resolution on “Belarus”, which was finally adopted with a vote of 18 to 8, with 21 abstentions. Albania supported the resolution submitted by the EU, while Egypt voted against it. The other members of the OIC abstained.<sup>88</sup>

It was more interesting that certain divisions existed in the case of the resolution on “Ukraine”, which was submitted by Ukraine. Only Iraq and Albania supported it. The other members of the OIC abstained. This resolution on “Technical assistance” was adopted with a vote of 22 to 6, with 19 abstentions.<sup>89</sup>

It was not surprising that because during this session most of the controversial thematic resolutions were strongly influenced by North-South political differences, the OIC members of the Council voted unanimously in all of them (“International solidarity”; “Right to peace”; “International cooperation”; “Protection of family”; and “Contribution of development”). Only Albania supported the EU line regarding these five resolutions, with three negative votes and two abstentions.<sup>90</sup>

During the 36th session of the UN HRC, the OIC members of the Council were divided on three of the four country-specific resolutions adopted by the

86 Id. pp. 39-42.

87 Report of the Human Rights Council on its 35th Session, A/HRC/35/2, pp. 58-59.

88 Id. pp. 59-60.

89 Id. p. 79.

90 Id. pp. 27-45.

HRC by a vote. On the resolution on “Syria”, Iraq as usual voted against it, while Albania, Qatar, Saudi Arabia, Cote d’Ivoire, Togo, and the UAE supported it. The other members of the OIC Group (Bangladesh, Indonesia, Kyrgyzstan, Nigeria, Egypt, and Tunisia) abstained.<sup>91</sup>

The Council renewed the “Mandate of the Commission of Inquiry on Burundi” for one year by a voted (22 to 11, with 14 abstentions) resolution submitted by the EU.<sup>92</sup> Albania of course, as an EU candidate country supported the initiative, while Egypt, Saudi Arabia, and the UAE were against it. The other OIC members of the HRC abstained.

Tunisia, on behalf of the African Group, submitted a competing resolution on the “Mission by the Office of the UN High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi” (23 to 14, with 9 abstentions). Not surprisingly, this resolution received broader support from the OIC members as Egypt, Cote d’Ivoire, Nigeria, Togo, Tunisia, Bangladesh, Iraq, Saudi Arabia, and the UAE supported it, while only Albania voted against it. The other OIC members abstained.<sup>93</sup>

The OIC members of the Council voted in a quite coherent way concerning most of the sensitive thematic resolutions. (“Mercenaries”; “Democracy and equitable international order”; “Right to development”; “Right of peasants”; “Composition of the staff of the OHCHR”; “Unilateral coercive measures”; “From rhetoric to reality”). Only Albania, in complete harmony with the EU’s position, voted against five of them and abstained regarding the resolutions on the “Right to development” and on the “Right of peasants”. Regarding the Cuban resolution on the “Composition of the staff of the OHCHR”,<sup>94</sup> Togo alone abstained, just like in case of the resolution on “Unilateral coercive measures”.<sup>95</sup>

The OIC members of the HRC were also divided during the vote on the resolution on “Reprisals”, which was critical for the support of those who want to cooperate with the UN. While Albania, Cote d’Ivoire, Tunisia, and Iraq supported this initiative, the other OIC member states abstained (28 to 0, with 19 abstentions). However, before this final vote, there were 19 hostile amendments; three of them were adopted by the Council. Egypt was one of the key players in this attack against the resolution, besides Russia, Venezuela, China, and India.<sup>96</sup>

The OIC states were even more divided in the case of the resolution on the “Death penalty”, tabled by a Core Group containing Benin. It was Egypt who asked for a vote on this initiative. Albania, Togo, Kyrgyzstan, and Cote d’Ivoire supported the initiative, while Bangladesh, Iraq, Qatar, Saudi Arabia, Egypt, and the UAE rejected it. The other members of the OIC abstained.<sup>97</sup>

91 Report of the Human Rights Council on its 36th Session, A/HRC/36/2, pp. 48-49.

92 Id. pp. 47-48.

93 Id. p. 42.

94 Id. pp. 13-14.

95 Id. p. 35.

96 Id. pp. 54-63.

97 Id. pp. 38-42.

## 8. Most Recent Developments in the HRC during the COVID-19 Pandemic

It is worth looking at cases of cross-regional cooperation and divisions among the different regional groups during the first pandemic in the history of mankind which effected every single corner of our Globe. The 43rd session of the HRC was held in two segments, as due to the pandemic it had been suspended on 13 March 2020 and resumed on 15 June. An important initiative of cross-regional cooperation was launched by Switzerland, Norway, Sierra Leona and Uruguay, aimed at highlighting the central role the HRC should play regarding the preventive agenda of the UN. This cross-regional group clearly indicated that they would like to achieve a general consensus within the international community regarding the importance of the preventive mandate of the HRC.<sup>98</sup> There was another important issue during this session where HRC member states managed to reach a consensus, namely on the resolution addressing the human rights violations by law enforcement officers against people of African descent.<sup>99</sup>

During the 45th session of the HRC there were heated debates about the importance of traditional family roles and hierarchies. Russia “attacked” the resolution on the “Rights of the child” with several hostile amendments aimed at strengthening the rights of parents over their children, making their participation “in decision-making conditional upon the permission/direction of parents and other adults”. Most of the proposed amendments were finally withdrawn, and the two remaining ones were rejected by 13 to 27, with 6 abstentions.<sup>100</sup> In the course of this session, the core group which was already mentioned with regard to their statement on the importance of prevention within the mandate of the HRC, managed to submit a resolution on this topic and it was finally adopted by 32 to 3, with 11 abstentions.

During the 46th session of the HRC (22 February – 24 March 2021) there were a few important statements made by groups of states strongly supporting China and attacking the practice of Western states to criticize the internal human rights diplomacy of other governments. It was a clear message addressed to Washington that they do not want to accept the *status quo ante* when the US delegation dominated the agenda and the work of the HRC.<sup>101</sup> China has started to become increasingly active over the last few years of the Council, however the return of the US to the HRC after the Trump Administration made the clashes between the 2 superpowers unavoidable. The Chinese statement – on behalf of a group of states – criticizing the operation of Australian offshore detention centers and the alleged war crimes committed by Australian overseas military personal certainly represents a new phase in the Chinese external human rights

98 Universal Rights Group, Report on the 43rd Session of the Human Rights Council, at [www.universal-rights.org/blog/report-on-the-43rd-session-of-the-human-rights-council/](http://www.universal-rights.org/blog/report-on-the-43rd-session-of-the-human-rights-council/).

99 Id.

100 Universal Rights Group, Report on the 45th Session of the Human Rights Council, at [www.universal-rights.org/urg-human-rights-council-reports/report-on-the-45th-session-of-the-human-rights-council/](http://www.universal-rights.org/urg-human-rights-council-reports/report-on-the-45th-session-of-the-human-rights-council/).

101 Universal Rights Group, Report on the 46th Session of the Human Rights Council, at [www.universal-rights.org/blog/report-on-the-46th-session-of-the-human-rights-council/](http://www.universal-rights.org/blog/report-on-the-46th-session-of-the-human-rights-council/).

diplomacy, making it as visible as their economic and trade diplomacy.<sup>102</sup> A statement with a similar underlying philosophy was delivered by Belarus on behalf of a group of states, including Iran, China, Burundi, Russia, Syria or Venezuela, criticizing the human rights situation of EU member states and the UK. Cuba managed to get 64 states to join a statement, which defended the Chinese “people-centered philosophy” and asked the international community to stop interfering into the internal affairs of China.<sup>103</sup> The response by the US to the above-mentioned attacks arrived during the same session, and in a statement on behalf of 53 states, these governments made it very clear that the human rights violations by a state cannot be considered as an internal affair and those states which committed them must be held accountable.<sup>104</sup> In order to reinforce its position, Washington also joined the statement delivered by Finland on behalf of 31 states on the human rights situation in Egypt,<sup>105</sup> and the statement delivered by Poland on behalf of 44 states on the human rights situation in Russia.<sup>106</sup>

An important feature of the session was that many states – especially with poorer human rights records – criticized the practice of human rights sanctions. The traditional resolution tabled by the Non-Alligned Movement on unilateral coercive measures was adopted by 30 to 15, with 2 abstentions.<sup>107</sup> The resolution certainly neglected the fact that most of the new sanction regimes adopted recently by the international community were so called smart sanctions targeting only the leading figures of a regime, trying to avoid their negative effects on society as a whole. It was also very telling that China tabled a hostile amendment to the resolution on Belarus, which was critical about the sanctions imposed against Minsk, and it was almost adopted by the HRC (12 to 18, with 17 abstentions).<sup>108</sup>

It was the first time that a specific COVID-19 focused resolution was adopted by the HRC on ensuring equitable, affordable, timely and universal access for all countries to vaccines. Although this resolution was adopted by consensus, it made it very clear that the pandemic made the inequalities among states even greater, and this was also reflected in their access to vaccination.

102 Joint Statement Delivered by China on Behalf of a Group of Countries at Item 4 General Debate, 46th Session of the Human Rights Council, 12 March 2021, at [www.china-un.ch/eng/dbdt/t1860569.htm](http://www.china-un.ch/eng/dbdt/t1860569.htm).

103 64 countries voice opposition to unfounded allegations against China on human rights, Xinhua, 1 March 2021, at [www.xinhuanet.com/english/2021-03/13/c\\_139807296.htm](http://www.xinhuanet.com/english/2021-03/13/c_139807296.htm).

104 Joint Statement under Item 8 at the 46th Session of the United Nations Human Rights Council, at <https://geneva.usmission.gov/2021/03/19/joint-statement-under-item-8/>.

105 Joint Statement by Finland on behalf of a group of countries on Egypt, 12 March 2021, at <https://geneva.usmission.gov/2021/03/12/joint-statement-on-human-rights-in-egypt/>.

106 Cross-regional joint statement, 12 March 2021, at <https://geneva.usmission.gov/2021/03/12/joint-statement-on-the-deteriorating-situation-of-human-rights-in-russia/>.

107 The negative impact of unilateral coercive measures on the enjoyment of human rights Human Rights Council resolution No. A/HRC/46/L.4, at <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G21/061/10/PDF/G2106110.pdf?OpenElement>.

108 Universal Rights Group, Report on the 46th Session of the Human Rights Council, at [www.universal-rights.org/blog/report-on-the-46th-session-of-the-human-rights-council/](http://www.universal-rights.org/blog/report-on-the-46th-session-of-the-human-rights-council/).

Finally, it should be mentioned in relation to the developments prompted by the pandemic, that by that session the HRC became the first UN body using digital voting technology.<sup>109</sup>

From the 47th session of the HRC – taking place between 21 June and 13 July 2021 – the interactive debate between member states and the High Commissioner, Michelle Bachelet should be highlighted. During this debate the High Commissioner underlined the importance of respecting civil, political and socio-economic rights during the pandemic, and that vaccines should be considered a public good, and states should guarantee equitable access to them. Madame Bachelet expressed the wish to create a “human rights economy” through measures like progressive taxation, efficient and equitable allocation of resources, fighting corruption, and enhanced international cooperation.<sup>110</sup> An important cross-regional statement was delivered by Denmark on behalf of 46 states, suggesting a “Sustainable Recovery Pledge”, according to which human rights should be put at the heart of efforts to “build back better” following the pandemic through the promotion of democratic principles, ensuring effective civil society participation, fighting inequalities and discrimination, and adopting an environmentally sensitive approach to recovery efforts.

Regarding country situations we can start with the resolution on the “Situation of human rights in Belarus”, which was adopted by 21 to 7 with 19 abstentions. This result is somewhat worse than in 2017 (18 to 8, with 21 abstentions), but still there are supporters from each regional group, not just from Europe (Argentina, Bahamas, Brazil, Fiji, Japan, Malawi, Marshall Islands, Mexico, Republic of Korea, Uruguay). The resolution on “Syria” was adopted by 26 to 6 with 15 abstentions, which is however a somewhat better result than in 2017 (27 to 8, with 12 abstentions). Besides the supporters of the Belarusian resolution, we can find Cote d’Ivoire, Gabon, Libya, Somalia and Togo in the group. Compared with 2017, there were two new country resolutions submitted by the EU, on “Eritrea” and on the “Tigray region of Ethiopia”. The first one was adopted by 21 to 13 with 13 abstentions, with almost the same supporters as in the case of the resolution on “Belarus”. The only difference was that Armenia supported it (and did not abstain), in addition, Malawi abstained (and didn’t support) the resolution on “Eritrea”. The resolution on “Tigray region of Ethiopia” was adopted by 20 to 14 with 13 abstentions, with all African members of the Council either voting against it or abstaining. Finally, the voting result of the last country situation, namely on the “Cooperation with and assistance to Ukraine in the field of human rights” was somewhat worse than 5 years ago (22 to 6 with 19 abstentions), as it was adopted by 19 to 8 with 20 abstentions.<sup>111</sup>

Among the most divisive thematic resolutions we can mention the one on the “Enhancement of international cooperation in the field of human rights”

109 Id.

110 Universal Rights Group, Report on the 47th Session of the Human Rights Council, at [www.universal-rights.org/nyc/uncategorized-nyc/report-on-the-47th-session-of-the-human-rights-council/](http://www.universal-rights.org/nyc/uncategorized-nyc/report-on-the-47th-session-of-the-human-rights-council/).

111 Id.

which was adopted by 30 to 14 with 3 abstentions. The resolution had almost the same number of supporters than 5 years ago, (32 to 3 with 14 abstentions) but the number of “no” votes significantly increased, indicating a growing polarization within the Council. Those who voted “no” were all European states, plus Japan and Korea. The other divisive resolution was the one on “Human rights and international solidarity” which was adopted by 32 to 14 with 1 abstention, which is almost the same result as it was in 2017 (32 to 15, without any abstentions).<sup>112</sup>

The 48th session of the HRC took place between 13 September and 11 October 2021.<sup>113</sup> There are 4 country situations we have to mention in respect of this session. The resolution on the “Situation of human rights in Syria” which was adopted by 23 to 7 with 17 abstentions, indicated a little less support than during the 47th session of the Council. The resolution on “Yemen” submitted by a core group headed by the Netherlands had been defeated by 18 to 21, with 7 abstentions, which was an unprecedented event. It was a success story for the EU in 2017, as the resolution adopted then established a mandate for a Group of Eminent Experts on Yemen. It was renewed in 2018, 2019, and in 2020. The third resolution is on “Burundi”, which was adopted by 21 to 15, with 11 abstentions, which is a somewhat less promising result than the one achieved 5 years ago (22 to 11, with 14 abstentions). The last country initiative did not exist 5 years ago: it was tabled by the EU on the “Situation of human rights in Afghanistan” and was adopted by 28 to 5, with 14 abstentions. The initiative was supported by Argentina, Armenia, Bahamas, Brazil, Cote d’Ivoire, Fiji, India, Japan, Malawi, Mexico, Namibia, the Philippines, the Republic of Korea, Sudan, Togo and Uruguay besides the European members of the HRC.<sup>114</sup>

From among the thematic resolutions, the one entitled “From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance” should be mentioned, which was submitted by the African Group and adopted by 32 to 10, with 5 abstentions, which indicates that more members voted “no” than those who abstained, unlike 5 years ago (32 to 5, with 10 abstentions). The resolution submitted by China on the “Negative impact of the legacies of colonialism on the enjoyment of human rights” was a clear sign of the increasingly active role Beijing intends to play within the Council, trying to counterbalance Washington. There were 3 “hostile” amendments tabled by the UK to the draft (one of them was subsequently withdrawn) and were adopted (16 to 13, with 16 abstentions, and 15 to 13, with 17 abstentions). The amended draft was finally adopted by 27 to 0, with 20 abstentions. This was a clear failure for China, who decided to withdraw its other initiative on “Realizing a better life for everyone”. The traditional divisive resolutions of the session were on “Right to development” (29 to 13, with 5 abstentions) on “The use of mercenaries as a means of violating human rights and

112 Id.

113 Universal Rights Group, Report on the 48th Session of the Human Rights Council, at [www.universal-rights.org/blog/report-on-the-48th-session-of-the-human-rights-council/](http://www.universal-rights.org/blog/report-on-the-48th-session-of-the-human-rights-council/).

114 Id.

impeding the exercise of the right of peoples to self-determination” (29 to 14, with 4 abstentions) and on “The promotion of a democratic and equitable international order” (30 to 14, with 4 abstentions). The results were more or less the same 5 years ago: countries voted along the lines of the North-South division, just like in 2017. The resolution on the question of the “Death penalty” (29 to 12, with 5 abstentions) was supported by members of all regional groups and received more support than 5 years ago (27 to 13, with 7 abstentions).<sup>115</sup>

The last, 49th session of the HRC before I closed this paper took place between 28 February and 1 April 2022.<sup>116</sup> Starting with the traditionally controversial resolutions on the Middle East we can mention the one on the “Right of the Palestinian people to self-determination”. This was adopted by 41 to 3, with 3 abstentions, with a “no” vote by US, UK and Marshall Islands and an abstention by Cameroon, Lithuania, and Honduras. The result was almost the same 5 years ago (43 to 2, with 2 abstentions). The second one was on the “Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and its occupied Syria Golan”, which was adopted by 38 to 4, with 5 abstentions. The voting result was 36 to 2, with 9 abstentions in 2017. The third one was on the “Human rights in the occupied Syrian Golan”, which was adopted by 29 to 15, with 3 abstentions. In 2017 this resolution was adopted by 26 to 3, with 18 abstentions. The fourth one was on the “Human rights situation in the Occupied Palestinian territories”, which was adopted by 31 to 14, with 2 abstentions. In 2017 it was adopted by 41 to 2, with 4 abstentions, which indicates a significant decrease in the support of that initiative by the OIC.<sup>117</sup>

The most important and new country initiative was on the “Situation of human rights in Ukraine stemming from the Russian aggression”. This resolution which was submitted by Ukraine was adopted by 32 to 2, with 13 abstentions. Only Eritrea and Russia voted against the initiative. There was an old, traditional resolution on the “Human rights situation in the Islamic Republic of Iran” on the agenda of the session, which was adopted by 19 to 12, with 16 abstentions. The result of the adoption of that resolution in 2017 was 22 to 12, with 13 abstentions. There was a new resolution compared to 2017, namely the one on the “Protection and promotion of human rights in Nicaragua”, which was submitted by a core group of American states and was adopted by 20 to 7, with 20 abstentions. Latin American members of the HRC were completely divided during the vote, as 4 of them supported the initiative (Argentina, Brazil, Mexico and Paraguay) while 4 were against it (Bolivia, Cuba, Honduras, and Venezuela). The resolution on the “Cooperation with Georgia” was adopted by 19 to 6, with 20 abstentions. Five years ago, the HRC adopted this initiative by 18 to 5, with 24 abstentions. Due to serious human right violations in connection with the presidential elections in Belarus the EU submitted a resolution entitled “Situation of human rights in Belarus in the run-up to the 2020 presidential election and its

115 Id.

116 Universal Rights Group, Report on the 49th Session of the Human Rights Council, at [www.universal-rights.org/blog/report-on-the-49th-session-of-the-human-rights-council/](http://www.universal-rights.org/blog/report-on-the-49th-session-of-the-human-rights-council/).

117 Id.

aftermath". The resolution was adopted by 22 to 6, with 19 abstentions. The last divisive country specific resolution of the session was on "Advancing human rights in South Sudan", which was submitted by a cross-regional core group and was adopted by 19 to 11, with 17 abstentions.<sup>118</sup> Five years ago the resolution on South Sudan was adopted without a vote.

Among the divisive thematic resolutions, we have to mention the traditional one on the "Negative impact of unilateral coercive measures on the enjoyment of human rights", which was tabled by NAM and was adopted by 27 to 14, with 6 abstentions. Five years ago, the result was 32 to 14, without abstentions. The traditional initiative submitted by Cuba on the "Effects of foreign debt" was adopted by 29 to 14, with 4 abstentions. In 2017 this resolution was adopted by 31 to 16, without abstentions. The last resolution to be mentioned in this context is the initiative on "Promoting and protecting economic, social and cultural rights within the context of addressing inequalities in the recovery from COVID-19 pandemic", which was submitted by Bolivia, China, Egypt, Pakistan and South Africa and the HRC adopted it by 31 to 14, with 2 abstentions. This resolution created an almost full North-South divide. Only Honduras, and Marshall Islands rejected the resolution from the South.<sup>119</sup>

## 9. Conclusion

Based on the main findings of this research, we can safely state that *the HRC did not become a platform for the clash of civilizations*. It does not mean, however, that there are no issues sharply dividing the HRC membership and that there are easy solutions to overcome these debates. However, most of these are not civilizational issues, but related to the existing economic, social, and political problems of the Global South, which are abused by several HRC member states to escalate tensions between the North and the South.<sup>120</sup> If we look at the sensitive human rights issues, such as country situations, or the question of civil society, or the prevention of reprisals against those who cooperate with the UN in the field of human rights, we find that *the dividing lines are not among civilizations*. Instead, they are between those countries that consider the protection and promotion of human rights worldwide to be an important political aim, and those that are interested in the weakening of the international human rights monitoring system, to be able to continue their policy of abusing human rights without any serious international consequences. When comparing the voting results of 2017 with 2021/22, we can see that *most of the dividing lines remained the same* and there were no significant differences between the voting patterns of the two periods. However, we can see that polarization has grown among member states, which is illustrated by the increasing proportion of "no" votes instead of abstentions, as reflected in the case of several resolutions.

118 Id.

119 Id.

120 István Lakatos, *Comparative Human Rights Diplomacy*, Palgrave Macmillan (e-book), 2022, p. 362.