

MAKING A DIFFERENCE FOR WOMEN AND GIRLS?

East and Horn of Africa countries and
women's and girls' rights at the UN
Human Rights Council

FEMINIST



DEFENDDEFENDERS

East and Horn of Africa Human Rights Defenders Project

Making a Difference for Women and Girls? East and Horn of Africa countries and women's and girls' rights at the UN Human Rights Council

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Acronyms

ACHPR	African Commission on Human and Peoples' Rights
AU	African Union
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CED	Convention for the Protection of All Persons from Enforced Disappearance
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEFM	Child, early and forced marriage
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CRPD	Convention on the Rights of Persons with Disabilities
CRSV	Conflict-related sexual violence
CSW	United Nations Commission on the Status of Women
DAWG	Discrimination against women and girls
ECOSOC	United Nations Economic and Social Council
EU	European Union
FGM	Female genital mutilation
GBV	Gender-based violence
GRULAC	Group of Latin American and Caribbean States
HRC	United Nations Human Rights Council
HRC27 (etc.)	27th session of the UN Human Rights Council (HRC27, HRC28, HRC29, etc.)
HRD	Human rights defender
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
IE	Independent Expert
LGBT+	Lesbian, gay, bisexual, trans persons, and other sexual minorities
NGO	Non-governmental organisation
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIC	Organization of Islamic Cooperation
OP-CEDAW	Optional Protocol to the CEDAW Convention
PMMM	Preventable maternal mortality and morbidity
SDG	Sustainable Development Goal
SGBV	Sexual and gender-based violence
SOGI	Sexual orientation and gender identity
SR	Special Rapporteur
SRH	Sexual and reproductive health
SRHR	Sexual and reproductive health and rights
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UPR	Universal Periodic Review
VAWG	Violence against women and girls
VDPA	Vienna Declaration and Programme of Action
WG	Working Group
WHRD	Woman human rights defender
WEOG	Western and Other States Group



Foreword

Throughout the world, women and girls face violence, discrimination, and denial of their fundamental rights, including freedoms of expression, peaceful assembly, and association, and the rights to participation in public affairs, bodily integrity, health care, education and work – to mention but a few. Girls continue to be subjected to harmful practices, such as female genital mutilation (FGM) and child, early and forced marriage (CEFM). Societal attitudes, gender stereotypes, and patriarchal practices result in ongoing oppression of women and girls and, for a large number of them, multiple and intersecting forms of violence and discrimination. Some of these issues are particularly acute in the East and Horn of Africa sub-region.

National, regional, and international efforts, including the adoption of legislation banning gender-based violence (GBV) and discrimination, FGM and child marriage, States' domestication of legally binding instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the establishment of national mechanisms for gender equality, are commendable. However, they have not yet brought about the change women and girls need to fully enjoy their rights. Many abuses occur in the private sphere and are committed by private persons, including in the family context and within communities. Sustained action is needed to address these abuses.

Beyond domestic and regional efforts, what happens at the United Nations (UN) level? What do East and Horn of Africa States do to advance women's and girls' rights, in particular when they sit on the UN Human Rights Council (HRC) or participate in the Universal Periodic Review (UPR) process? Do they support initiatives for the promotion and protection of women's and girls' rights? Could they do more? These are some of the questions this report aims to address.

"Making a Difference for Women and Girls?" looks at States' behaviour at the HRC, the UN's principal human rights body. Being a member of the HRC is an opportunity to advance human rights protections both at home (by leveraging membership for domestic progress) and internationally (by contributing to policymaking at the UN level). But it also comes with increased responsibility and scrutiny. Beyond membership, States can demonstrate their commitment to the rights of women and girls by supporting initiatives such as resolutions, opposing regressive amendments and attacks, and making women's rights one of their human rights policy priorities.

A number of specialist organisations, some of which are close partners and friends of DefendDefenders and the Pan-African Human Rights Defenders Network (AfricanDefenders), work exclusively on women's and girls' rights, sexual and reproductive health and rights (SRHR), or other gender issues, including a specific focus on women human rights defenders (WHRDs). However, citizens, journalists, and generalist human



rights organisations from the East and Horn of Africa are largely unaware of the international record of their governments, when it comes to these topics.

This report, which examines East and Horn of Africa countries' record with regard to women's rights at the UN, is the first of its kind. By making this knowledge available to civil society colleagues, partners, observers, and the general public, we hope to contribute to strengthening civil society and citizen engagement with governments of the sub-region, enhancing scrutiny of their behaviour on the international scene, and furthering efforts towards the realisation of women's and girls' rights.

DefendDefenders has a long history of supporting women, especially WHRDs. In 2018, we released a report, "To Them We're Not Even Human,"¹ which examines the important role played by marginalised human rights defenders (HRDs) in Uganda, Kenya, and Tanzania. While all HRDs in the East and Horn of Africa sub-region face significant challenges in their work, women HRDs face specific vulnerabilities linked to pervasive patriarchal norms and traditional gender roles and stereotypes ingrained into their respective societies. This report brings insight into tailored interventions for women HRDs. In addition, DefendDefenders has just developed a comprehensive gender strategy, and we will continue to mainstream gender in all our programmes, including advocacy and research.

Yours in Solidarity,



Hassan Shire
Executive Director, DefendDefenders
Chairperson, AfricanDefenders



¹ DefendDefenders, "'To Them We're Not Even Human': Marginalised Human Rights Defenders in Uganda, Kenya, and Tanzania," 3 December 2018, <https://defenddefenders.org/to-them-were-not-even-human-marginalised-human-rights-defenders-in-uganda-kenya-and-tanzania/> (accessed 7 May 2020).

About DefendDefenders

Established in 2005, DefendDefenders (East and Horn of Africa Human Rights Defenders Project) seeks to strengthen the work of human rights defenders (HRDs) throughout the sub-region by reducing their vulnerability to the risk of persecution by enhancing their capacity to effectively defend human rights. DefendDefenders focuses its work on Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia (with Somaliland), South Sudan, Sudan, Tanzania, and Uganda.

DefendDefenders serves as the secretariat of the East and Horn of Africa Human Rights Defenders Network, which represents hundreds of members consisting of individual HRDs, human rights organisations, and national coalitions that envision a sub-region in which the human rights of every citizen as stipulated in the Universal Declaration of Human Rights are respected and upheld.

DefendDefenders also serves as the secretariat of AfricanDefenders (the Pan-African Human Rights Defenders Network). AfricanDefenders aims to coordinate activities in the areas of protection, capacity building, and advocacy across the African continent, supporting the five sub-regional networks: the North Africa Human Rights Defenders Network (hosted by the Cairo Institute for Human Rights Studies in Tunis, Tunisia), the West African Human Rights Defenders Network (Lomé, Togo), the Southern Africa Human Rights Defenders Network (hosted by the International Commission of Jurists in Johannesburg, South Africa), the Central Africa Human Rights Defenders Network (Douala, Cameroon), and the East and Horn of Africa Human Rights Defenders Network (hosted by DefendDefenders in Kampala, Uganda).



Executive Summary

This report examines to what extent, and how, States from the East and Horn of Africa contribute to the advancement of women's and girls' rights at the UN Human Rights Council. By looking at States' pledges and commitments, their voting record and overall voting patterns on resolutions and amendments, whether States co-sponsor (i.e., endorse) resolutions, their behaviour during negotiations, as well as their behaviour during the UPR process, the report seeks to answer questions about their role at the Council, evolutions over time, and prospects for progress. It provides national and regional partners and stakeholders with information on how governments behave on the international scene, and what more they could do.

The report covers resolutions on violence against women and girls, discrimination against women and girls, gender equality, harmful practices, girls' education, health, sexual orientation and gender identity (SOGI), and other resolutions that have gender dimensions or implications. It includes an overview of international standards on women's and girls' rights and related State obligations (section III). The report is based on desk-based research and interviews with key stakeholders (section II).

In the East and Horn of Africa, the CEDAW Convention and the Maputo Protocol to the African Charter on Human and Peoples' Rights are not unanimously ratified. Only a minority of States have accepted the individual communication and inquiry procedure under the Optional Protocol to CEDAW. HRC-level pledges and commitments States have made on women's and girls' rights are modest, despite States' commitments at the African level, for instance through the African Charter on Human and Peoples' Rights, which contains provisions on women's rights (section IV.1.).

Voting patterns on resolutions and amendments (sections IV.2. and IV.3.) are ambivalent. While Rwanda consistently supports progressive resolutions on violence against women and girls, discrimination against women and girls, and even SOGI, a number of other States, including Burundi, Eritrea and Somalia, frequently support hostile amendments and oppose SOGI resolutions. Other States of the sub-region, including Kenya and Ethiopia, frequently use the option of abstaining on amendments proposed by other States.

East and Horn of Africa States can also play a positive and constructive role, especially as members of the African Group, regarding resolutions on harmful practices such as FGM. Unfortunately, they have also supported cultural-relativist initiatives, such as "protection of the family" resolutions. During negotiations, their overall level of engagement is low (section IV.4.). Most States tend to remain largely outside the processes, as well as brawls between other groups of States. Some States of the sub-region are completely silent during the negotiation phase. Regarding the UPR (section IV.5.), there is room for progress regarding women's and girls' rights, both in terms of replies to recommendations received and recommendations offered to other States.

Overall, patterns are ambivalent, and a number of evolutions have been observed over time. A range of factors, including domestic policy and societal changes, regional group positions, the influence of other States, Council dynamics, and personal dynamics, play a role in shaping States' behaviour.

The report formulates a series of recommendations with a view to pushing States of East and Horn of Africa to contribute more systematically and positively to the advancement of the rights of women and girls at the Council.

I. Introduction

Equality and non-discrimination are core human rights principles. They embody the universality of human rights: all human beings are equal, and all deserve equal treatment and respect for their dignity. However, as DefendDefenders' Executive Director highlights in his Foreword, despite decades of sustained efforts to tackle gender inequality, and despite tangible progress in many places, women and girls continue to face violence, discrimination, and violations of their human rights.

The struggle for gender equality and the elimination of violations and abuses perpetrated against women and girls has been one of the main focus areas for human rights policy at the international, regional, and national levels. All States have adapted their national legislations, policies, and practices regarding women's rights. In multilateral fora, gender equality has been one of the most effective entry points to strengthen human rights protections, hold governments to account, and push them to engage in domestic human rights reform.

This was not self-evident. As section III highlights, human rights used to be conceptualised in ways that did not encapsulate all violations of women's and girls' rights. Normative, methodological, and policy developments have paved the way for stronger protections, going beyond the public sphere/private sphere divide and addressing violations women and girls face in their families and communities. These developments have also allowed human rights advocates, practitioners, and policymakers to challenge those who use "culture," "religion" or "tradition" as justifications for violations of women's rights.

This report examines what happens at the UN Human Rights Council and to what extent East and Horn of Africa States advance women's rights. It looks at the behaviour of these States at the HRC, regarding the rights of women, from a comprehensive perspective (see Methodology, section II). It started from a question (How do States behave at the HRC, and

to what extent do they contribute to advancing women's rights?) and willingness, on the part of DefendDefenders, to dedicate more attention to the human rights of women and girls and integrate gender throughout its work.

More precisely, this report seeks to address questions about East and Horn of Africa States and their role at the HRC: Do they lead or support initiatives on women's rights? Do they play a positive, neutral, or negative role? Could they do more? Can differences be observed depending on the issues considered? Are there differences between countries? Have there been evolutions over time?

The scope of the report is women's and girls' rights *writ large*: it covers resolutions related to violence against women and girls, discrimination against women and girls, gender equality, harmful practices (CEFM, FGM), girls' education, health, SOGI, and resolutions on issues that have gender dimensions or impacts (either positive or debilitating) on women and girls (see Annex 1 for a full list).

Our objectives include: (i) documenting to what extent and how the 11 countries that are part of DefendDefenders' mandate contribute to the advancement of women's rights at the UN; (ii) providing national and regional partners and stakeholders with information on how governments behave on the international scene; (iii) holding governments to account regarding their obligations towards women and girls; and (iv) pushing them to fully commit to respect, protect, and realise women's rights – in short: make a difference for women and girls.



II. Methodology

This report relies on desk-based research and interviews with key stakeholders. Data on the behaviour of the 11 States of the East and Horn of Africa sub-region at the HRC, including their voting record and broader voting patterns (votes on resolutions, amendments, and procedural ploys), oral statements they deliver, co-sponsorship of resolutions and amendments, ratification status, and recommendations they receive and formulate in the context of the UPR, was collected using a number of sources of information and online tools. These include HRC session reports, the HRC Extranet, the UN Treaty Collection, and the UPR Info database and statistics. Desk research was conducted in March-April 2020.

“Resolution” refers to a document, adopted by the HRC, outlining a collective position on a particular topic. In itself, an HRC resolution is not legally binding, although it can reference binding instruments, standards, and resolutions (for instance, international treaties and UN Security Council (UNSC) resolutions) and thus contribute to standard-setting. However, HRC resolutions are endowed with moral and political authority as resolutions adopted by the UN’s main human rights body. “Amendment” refers to a proposed change to a resolution that is presented for adoption. Changes can include modification of language elements, deletion of terms, deletion or addition of paragraphs, changes in the title, etc. With regard to the HRC voting process, “procedural ploy” refers to an attempt at removing or delaying consideration of a specific item (resolution, amendment, or part thereof) from the Council’s agenda (i.e., in the framework of this report, motions to adjourn or “no-action motions”). A State that “co-sponsors” a resolution or an amendment officially endorses it. It sends a political signal to other States and adds weight to the resolution or amendment considered. States that are members of the HRC can choose to vote “Yes,” vote “No,” abstain, or refuse to vote (by failing

to choose any of the first three options or leaving the plenary chamber). Non-member (observer) States do not have a right to vote on resolutions and amendments, but they can co-sponsor them and participate in negotiations.

Information on States’ positions and behaviour during negotiations on resolutions was collected through interviews, which were conducted via Skype/phone due to the Covid-19 situation, in April 2020. Interviewees include State representatives (diplomats, mostly at the level of counsellor) involved in negotiations of the resolutions considered in this report and human rights advocates. A total of 16 interviews were conducted with diplomats from three different regional groups (the African Group, Western and Other States Group (WEOG), and Group of Latin American and Caribbean States (GRULAC)) and non-governmental organisation (NGO) representatives.

Claims not otherwise sourced are credited to the interviews conducted by DefendDefenders, making every effort to verify information with several sources. The names and personally identifiable data of all sources have been omitted. Anonymity was guaranteed in order to create space for free and frank dialogue. All interviewees were informed about the objectives of the research and use of the information gathered. None received any form of financial compensation.

While attempting to be as comprehensive, objective, transparent, and accurate as possible, the report has a number of limitations. First, it is not an exhaustive review of all UN documents pertaining to women’s rights. At the HRC level, other initiatives could have been included, for instance, resolutions on the right to health, specific forms of violence (such as trafficking in persons or the sale of children, child prostitution and child pornography), and HIV/AIDS, or even country-specific resolutions.²

² A number of country-specific resolutions contain elements on women’s and girls’ rights. At the start of 2020, five of the 11 countries of the East and Horn of Africa are on the HRC’s agenda (with resolutions on Burundi, Eritrea, Somalia, South Sudan, and Sudan). The Commission on Human Rights (CoHR) in South Sudan has a clear SGBV component, and resolutions on South Sudan contain significant elements on women’s rights. The Commission of Inquiry (CoI) on Burundi has also dedicated work to violations of women’s rights. Other resolutions and reports on countries of the sub-region contain elements pertaining to women and girls.

Oral revisions (which often led to amendments being withdrawn by their authors) are not examined – but relevant information is available on the HRC Extranet. Second, the report focuses on the Human Rights Council. It does not include resolutions adopted by the UN General Assembly (UNGA³) or the UNSC (e.g., UNSC resolutions on women, peace and security⁴). It does not cover the Commission on the Status of Women (CSW⁵), work by treaty bodies like the Committee on the Elimination of Discrimination against Women (CEDAW Committee), or specific reports by UN experts such as special procedure mandate-holders or the Special Representative of the Secretary-General on Sexual Violence in Conflict. One bias, which appeared while conducting interviews, is that States may behave differently in Geneva and in New York: when it comes to women's rights, some adopt more progressive positions in Geneva. In New York (at the UNGA's Third Committee), States sometimes attempt to weaken resolutions which they supported in Geneva (at the HRC). More research is needed on this phenomenon, although it might be marginal.

This report is not an examination of the domestic record of countries on women's rights, and its conclusions do not apply to States' domestic record. However, DefendDefenders hopes to contribute to the advancement of women's and girls' rights at all levels, including by making knowledge on States' international behaviour available (thus enabling citizens and civil society organisations to scrutinise their governments).

Lastly, it should be clear to the reader that the various human rights violations and abuses facing women and girls are separated merely for the sake of analysis. DefendDefenders is aware that in practice, all issues are intertwined. Violence, discrimination, harmful practices, violations committed on the basis of SOGI, attempts to justify violations by invoking "tradition," and violations of women's and girls' right to sexual and reproductive health (SRH) are interrelated and mutually reinforcing.

Research for this report was conducted between mid-March and late April 2020. Detailed information is available in the Annex and on the report's webpage, which contains a PDF version of the report as well as Annex 4, which is too large to be included in the final written report. Annex 4 contains data on UPR recommendations on topics considered in the framework of this report received by 11 States of the sub-region, as well as States' replies.

The report begins with an overview of standards on women's and girls' rights and State obligations (section III). Section IV presents findings and analysis. Conclusions and recommendations appear in sections V and VI, respectively.

We would like to express our heartfelt gratitude to all persons who offered their testimonies, insights, and analyses.

3 The UNGA has adopted a range of resolutions on violence against women and girls, including on specific aspects such as trafficking, crimes committed in the name of "honour," violence against women migrant workers, traditional or customary practices affecting the health of women and girls, or domestic violence. See UN Women, "Work of the General Assembly on violence against women," <https://www.un.org/womenwatch/daw/vaw/reports.htm> (accessed 20 April 2020).

4 Including UNSC resolution 1325 (2000) and following resolutions on women, peace and security.

5 CSW is an intergovernmental body established by the UN's Economic and Social Council (ECOSOC) and dedicated to the promotion of gender equality and the empowerment of women.



III. Women's rights are human rights: overview of standards and State obligations

"All human beings are born free and equal in dignity and rights," stresses the Universal Declaration of Human Rights (UDHR). The principles of equality and non-discrimination are at the very core of human rights. They apply to a broad range of areas and issues, including sex and gender. A booklet edited by OHCHR opens with an overview of the problem: "Attaining equality between women and men and eliminating all forms of discrimination against women are fundamental human rights and United Nations values. [...] Achieving equality between women and men requires a comprehensive understanding of the ways in which women experience discrimination and are denied equality so as to develop appropriate strategies to eliminate such discrimination."⁶

In the last few decades, a number of international and regional instruments were adopted with a view to achieving gender equality in law and in practice. They include the UN Charter, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the CEDAW Convention, and, among others, the African Charter on Human and Peoples' Rights and its Protocol on the Rights of Women in Africa ("Maputo Protocol"). Global commitments supplement and strengthen these instruments. The Vienna Declaration and Programme of Action (VDPA), the Beijing Declaration and Platform for Action, and the Sustainable Development Goals (SDGs), including SDG 5 ("Achieve gender equality and empower all women and girls"⁷), are worth mentioning.

Human rights bodies and mechanisms are specifically tasked with monitoring and advising on the promotion and protection of women's rights, as well as setting standards and developing norms. They include UN Women, CSW, and mechanisms set up by the HRC, such as the Special Rapporteur (SR) on violence against women, its causes and

consequences, the Working Group (WG) on discrimination against women and girls, and the SR on trafficking in persons, especially women and children. The CEDAW Committee, which monitors the implementation of the CEDAW Convention, and regional bodies such as the African Commission on Human and Peoples' Rights' (ACHPR) Special Rapporteur on Women's Rights in Africa should also be mentioned.

States have amended their national legislations, policies and practices to reflect international standards and aspirations to gender equality. Key branches of law they have amended include Constitutions, family law, civil law, labour law, nationality law, criminal law, electoral law, and health and social security law. Many countries have also adopted specific anti-discrimination legislation, laws on gender equality, laws punishing violence against women and laws on sexual harassment, put forward gender policies, and set up mechanisms such as specific gender ministries or units.

This report is not the place to discuss these developments or gender equality standards in detail, but the following paragraphs provide an overview of the rights that are protected and State obligations regarding violence against women and girls, discrimination against women and girls, health, education, and other issues that have gender dimensions or implications.

1. HUMAN RIGHTS AND THE REALISATION OF WOMEN'S RIGHTS

As OHCHR highlights, in the past, human rights were "conceptualized in a way that did not take account of women's lives and the fact that women routinely faced violence, discrimination and oppression." However, "the human rights framework has grown and adjusted to encapsulate the gender-specific dimensions

⁶ Office of the UN High Commissioner for Human Rights, "Women's Rights are Human Rights," Geneva and New York: United Nations Publication, 2014, ISBN: 978-92-1-1-154206-6, p. 1.

⁷ United Nations, Sustainable Development Goals Knowledge Platform, "Sustainable Development Goal 5," <https://sustainabledevelopment.un.org/sdg5> (accessed 20 April 2020).

of human rights violations in order to better protect women. Effectively ensuring women's human rights requires a comprehensive understanding of the underlying societal structures and power relations that define and influence women's ability to enjoy their human rights."⁸

It also requires going beyond the public sphere/private sphere divide, as much of the violence and discrimination women and girls face takes place in the private sphere, including the family context. The problem with the initial understanding and practice of human rights is that abuses occurring in the private sphere, without direct intervention or acquiescence of State agents, were not considered to be "human rights" issues but rather private (civil or criminal) matters. Thus, the State could not be held accountable and victims and survivors lacked adequate remedies.

It is now recognised that "the obligations of States to protect and fulfil human rights clearly encompass the duty to protect women from violations committed by third parties, including in the private sphere, and to take positive steps to fulfil their human rights. [...] States have obligations to address acts committed by private actors."⁹ These obligations fall within the concept of "due diligence": States have a duty to exercise due diligence to prevent violations and abuses and, when they occur, to investigate them, prosecute and punish perpetrators, and provide victims and survivors with redress (including justice, guarantees of non-recurrence, and full rehabilitation and support). In short, "States have both negative and positive obligations – to refrain from violating human rights and to protect as well as fulfil human rights, including by protecting rights holders against acts committed by private persons or entities."¹⁰

These obligations encompass taking positive measures, such as quotas and temporary special measures to address structural gender inequality in specific fields such as political life or employment. The CEDAW Convention and

the jurisprudence of the CEDAW Committee have made it clear. They have made it equally clear that "culture," "religion," or "tradition" cannot serve as excuses to deny women and girls their universal human rights. States cannot invoke cultural, religious, customary or traditional norms to justify violations or fail to take action to realise women's rights. They must address gender stereotypes, attitudes, and practices that deny women and girls their human rights.

2. VIOLENCE AGAINST WOMEN AND GIRLS

In its Article 1, the UN Declaration on the Elimination of Violence against Women¹¹ defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." Article 2 provides a number of examples of GBV committed in the family or within the general community or perpetrated or condoned by the State.

GBV is an umbrella term that is used to "distinguish common violence from violence that is directed against individuals or groups of individuals on the basis of their sex, gender identity or socially ascribed gender roles."¹² It encompasses a wide range of forms of violence, including physical, sexual, and psychological violence, as well as socio-economic violence and harmful practices. Sexual violence (i.e., acts of a sexual nature perpetrated without a person's consent)¹³ with gendered motivations, aspects or impact is referred to as sexual and gender-based violence (SGBV).

Physical violence, SGBV, and emotional and psychological violence include, but are not limited to: physical assault, torture, ill-treatment, mutilations, femicide or gender-motivated killings, trafficking in women and girls, slavery, domestic violence/intimate

8 Office of the UN High Commissioner for Human Rights, "Women's Rights are Human Rights," *op. cit.*, p. 25.

9 *Ibid.*, pp. 26-27.

10 *Ibid.*, p. 27.

11 United Nations General Assembly, "Resolution adopted by the General Assembly: 48/104. Declaration on the Elimination of Violence against Women," Doc. A/RES/48/104, 23 February 1994.

12 Office of the UN High Commissioner for Human Rights, "Manual on Human Rights Monitoring; Chapter 28: Monitoring and Protecting the Human Rights of Women," Geneva: United Nations, 2011, Ref. HR/P/PT/7/Rev.1, p. 29.

13 *Ibid.*, pp. 30-31.



partner violence, bullying (including cyber-harassment), sexual abuse and harassment (including in the work place), rape (including marital rape), violence within State institutions, conflict-related sexual violence (CRSV), forced pregnancy, forced abortion, forced sterilisation, so-called “honour killings,” sex-selective abortions, female infanticide, dowry-related murders, violence against gender non-conforming persons, and family decisions excluding women and girls from education, health, family, marriage, labour, or other decisions.¹⁴ Harmful practices such as FGM and CEFM are examined in a separate sub-section below.

3. DISCRIMINATION AGAINST WOMEN AND GIRLS

Non-discrimination and equality before the law are cross-cutting rights. Equality between women and men and between girls and boys is one of the central principles of international human rights law. It extends to civil, political, economic, social and cultural rights. The main instruments explicitly prohibit discrimination on the basis of sex. Women and men enjoy equal rights and equal protection of the law.

Discrimination can take on many forms and occur in the public and private spheres. All areas of life are virtually concerned: political and public life, employment, pension/retirement, health, including sexual and reproductive health, family, criminal law, civil law, contracts, nationality, etc. Discrimination can be direct or *de jure* (when a law or policy explicitly restricts, prefers or distinguishes between women and men or institutes differentiated treatment that is not justified by objective, reasonable grounds) or indirect or *de facto* (when laws, policies or programmes appear to be gender-neutral but result in unequal treatment of women or has an unequal effect). Today, it is also undisputed that there are multiple and intersecting forms of discrimination, i.e., that several grounds of discrimination can interact concurrently. This is the accumulation of discrimination on

more than one ground (sex, gender, age, race, ethnicity, disability, socioeconomic status, religion, etc.).¹⁵

While sex refers to biological data and differences, gender refers to “socially constructed identities, attributes or roles for women and men.” Social and cultural meanings ascribed to biological facts can result in “hierarchical relationships between women and men, and in the distribution of power and rights favouring men and disadvantaging women.”¹⁶ Gender stereotyping is “ascribing to an individual woman [...] specific attributes, characteristics or roles by reason only of her [...] membership of the social group of women.” It is wrongful when it results in a violation of human rights, for instance, “failure to criminalize marital rape based on a societal perception of women as the sexual property of men.”¹⁷ Gender non-conforming persons are persons who “do not conform to gender norms in, for example, their behaviour, dress or activities.”¹⁸

However, gender constructions are “dynamic and fluid; they change over time and can be different in different cultures.”¹⁹ This is crucial, as political and legal interventions can bring about positive change, i.e., changes in stereotypes, societal attitudes, and practices. Legal reform, policies and campaigns can challenge traditionally held concepts of sex and gender (and those who claim to define or speak on behalf of “culture” or “tradition”) and ultimately result in stronger protections for women and girls.

4. HARMFUL PRACTICES, HEALTH, AND GIRLS’ EDUCATION

Harmful practices are violations of women’s and girls’ rights that occur in the private sphere – often in the family or community context. According to OHCHR, they are “persistent behaviours, attitudes and

¹⁴ *Ibid.*, pp. 20-21; 28-37. See also Office of the UN High Commissioner for Human Rights, “Women’s Rights are Human Rights,” *op. cit.*, pp. 73-85.

¹⁵ Office of the UN High Commissioner for Human Rights, “Women’s Rights are Human Rights,” *op. cit.*, pp. 30-33; 37-39, and Office of the UN High Commissioner for Human Rights, “Manual on Human Rights Monitoring; Chapter 28,” *op. cit.*, pp. 13-15.

¹⁶ Office of the UN High Commissioner for Human Rights, “Women’s Rights are Human Rights,” *op. cit.*, pp. 35-36.

¹⁷ Office of the UN High Commissioner for Human Rights, “Manual on Human Rights Monitoring; Chapter 28,” *op. cit.*, p. 18.

¹⁸ Human Rights Council, “Situation of women human rights defenders: Report of the Special Rapporteur on the situation of human rights defenders,” UN Doc. A/HRC/40/60, 10 January 2019, para. 61. The Special Rapporteur added that gender non-conforming persons “can be subjected to threats and attacks for their gender non-conformity.”

¹⁹ Office of the UN High Commissioner for Human Rights, “Women’s Rights are Human Rights,” *op. cit.*, p. 36.

practices that are based on discrimination and justified by invoking socio-cultural or religious customs, values and practices.” They are often manifested in the form of GBV and affect women and girls disproportionately. Harmful practices include FGM, other forms of mutilation (like facial scarring), CEFM, corporal punishment of children, practices and taboos associated with menstruation, pregnancy and childbirth, accusations of witchcraft (often targeting older women), force-feeding of girls, virginity testing, crimes perpetrated in the name of so-called “honour,” dowry-related violence, and violence against widows.²⁰

FGM remains an acute problem in some sub-regions of Africa, including the Horn of Africa. African States, individually and as a group, have taken initiatives to eliminate the practice, which denies girls their rights and threatens their health.

Similarly, violations of the rights to health and education disproportionately affect women and girls. They are the object of specific paragraphs below, as health-related issues and girls’ education are the object of specific resolutions at the HRC. Initiatives on preventable maternal mortality and morbidity (PMMM) are also discussed. While the promotion of universal and equal access to primary education enjoys consensus at the international level, some aspects of SRHR and PMMM have given rise to disagreement, insofar as the “sexual rights” of women, adolescents and girls and “comprehensive sexuality education” are involved.²¹ These aspects are discussed in the relevant sub-sections below.

The basic human rights reasoning is that women and girls must not be excluded from decision-making about their lives and that they must be able to make their own informed choices and fully enjoy their rights, including to be educated, to have access to health care, including sexual and reproductive goods, services and information, to marry (or not), and to have children (or not). Violations occur when family or community decisions deny or limit women’s and girls’ autonomy or require third-party authorisation for enjoyment of these

rights.

5. SOCIETAL ISSUES AND WOMEN’S AND GIRLS’ RIGHTS

Some of the sub-sections below discuss issues that have gender dimensions under the “societal issues” heading. These refer to attempts at denying women and girls their rights on the basis of “culture,” “religion,” or “traditional values.” In short, for the purposes of this report, the “societal issues” category refers to challenges to the universality of human rights that have a gender dimension or a debilitating impact on women’s and girls’ rights. In international arenas such as the HRC, a number of States have deployed relativist (or anti-universalist) arguments when advancing initiatives. Some of these initiatives have been successful; many have failed. Multilateral dynamics have also changed over time. These initiatives are analysed together as they all resulted in denying women and girls their rights or attempting to weaken protections. The relevant sub-sections below present an overview of what is at stake in terms of women’s and girls’ human rights. A few words are needed here, however.

One initiative, on SOGI, is identified as “progressive” insofar as it has advanced international protection from violence and discrimination. HRC resolutions on SOGI have addressed violence and discrimination against all persons on grounds of sexual orientation and gender identity, which includes women and girls not conforming to social norms and all women in their diversity (which includes trans women and anyone self-identifying as a woman, as well as gender non-conforming persons and women challenging heteronormativity, violent masculinities, and the rigid definition of gender identity, sexualities and gender relations). While resolutions on SOGI have been adopted with increasingly broad margins, a number of States have presented amendments that are characterised as “hostile” below, because they aimed at or resulted in weakening human rights protections or challenging the universality of human rights.

²⁰ See Office of the UN High Commissioner for Human Rights, “Manual on Human Rights Monitoring; Chapter 28,” *op. cit.*, p. 24.

²¹ For standards and jurisprudence on SRHR, see Office of the UN High Commissioner for Human Rights, “Women’s Rights are Human Rights,” *op. cit.*, pp. 50-61, and Office of the UN High Commissioner for Human Rights, “Manual on Human Rights Monitoring; Chapter 28,” *op. cit.*, pp. 47-51. For SRHR in conflict, see Center for Reproductive Rights, “Ensuring Sexual and Reproductive Health and Rights of Women and Girls Affected by Conflict,” 2017, https://reproductiverights.org/sites/default/files/documents/ga_bp_conflictnrcrisis_2017_07_25.pdf (accessed 31 March 2020).



Three initiatives, namely on “protection of the family,” “traditional values,” and “defamation of religions”²² are characterised as “regressive” as they rest on harmful assumptions or foundations or have resulted in attempting to weaken human rights protections, not least because they justify violations or overlook human rights issues affecting women and girls. For instance, resolutions on “protection of the family” have failed to mention the diversity of family forms (including single-parent families and families with same-sex parents), harmful practices and abuses of women’s and girls’ rights occurring within the family (including sexual abuse, incest, FGM, or child marriage), and the fact that it is individual family members – not families – that are rights holders. Resolutions on “traditional values” and “defamation of religions” are fundamentally problematic as they advance cultural or religious justifications to human rights violations and fail to acknowledge that some cultural and religious norms or practices can be detrimental to human rights, with a disproportionate impact on women’s rights. These resolutions and amendments are examined in more detail in section IV.

Other Sexual Minorities (LGBT+), or the rights of marginalised groups.²³

Sub-sections 2 to 6 above (and the corresponding sub-sections in section IV below) are categories of analysis. As highlighted in the Methodology section, the “violence,” “discrimination,” “societal issues” and other categories are used for the sake of clarity and analysis. They made research and data collection easier, and they make analysis easier, in particular because specific resolutions on violence against women and girls (sometimes referred to as “VAWG”), discrimination against women and girls (sometimes “DAWG”), and other issues exist as separate items.

In practice and in terms of promoting and protecting women’s rights, these issues are intertwined. They all stem from States’ failure to respect, protect and fulfil women’s human rights, and their failure to fully acknowledge equality between women and men and between girls and boys.

6. OTHER ISSUES

A number of additional resolutions are examined. They are included in this report because of their gender dimensions. For instance, a number of resolutions on HRDs contain elements on the specific threats and risks facing WHRDs. Many of these, including violence and discrimination, are intersecting: WHRDs are targeted because of their status as HRDs *and* because of their status as women (and possibly other dimensions of their identity). WHRDs are exposed to multiple and intersecting risks, violations and abuses, and this is even more true for WHRDs working on specific issues, such as SGBV, SRHR, the rights of Lesbian, Gay, Bisexual, Trans Persons, and

²² See Annex 1 for a list of resolutions.

²³ For more analysis on WHRDs, see Human Rights Council, “Situation of women human rights defenders,” *op. cit.* As stressed by the Special Rapporteur, “women defenders often face additional and different risks and obstacles that are gendered, intersectional and shaped by entrenched gender stereotypes and deeply held ideas and norms about who women are and how women should be” (para. 6). See also the African Commission on Human and Peoples’ Rights’ “Report of the Study on the Situation of Women Human Rights Defenders in Africa” adopted at the Commission’s 56th Ordinary Session (21 April to 7 May 2015), available at: <https://www.achpr.org/presspublic/publication?id=19>, in particular paras 13-14; 63: “Many women human rights defenders in Africa are struggling to overcome patriarchy and heteronormativity by working on issues of gender discrimination, health, reproduction and sexuality. WHRDs continue to fight against the discriminating social, cultural and religious stereotypes, which expose them to a number of risks in the course of their activities. The environment in which WHRDs operate is characterized in many countries by increasing and incessant arbitrary arrests and detention, including judicial harassment, threats, intimidation, summary and extrajudicial executions, torture, and inhumane and degrading treatment because of their activities. [...] Women human rights defenders draw more hostility than their male colleagues because they challenge cultural, religious or discriminatory social norms and work to increase respect for the role of women in society. Their work is considered contrary to the stereotypes and dominant social and cultural constructs. The hostility and repression they face can take a specifically gendered form, manifested through verbal abuse, sexual harassment and rape.”

IV. Findings and analysis

The following sub-sections examine how States of the East and Horn of Africa sub-region contribute to the advancement of women's and girls' rights at the HRC. Sub-section 1 examines levels of ratification of key legal instruments (CEDAW and the Optional Protocol to the CEDAW Convention, OP-CEDAW) and reservations, as well as voluntary pledges and commitments States made when they ran for HRC membership. The following sub-sections focus on States' behaviour regarding HRC resolutions (sub-section 2), regarding amendments to draft resolutions (sub-section 3), during debates and negotiations (sub-section 4), and during the UPR process, looking both at the recommendations States received (and replies they formulated) and recommendations they offered to other States (sub-section 5).

1. INTERNATIONAL OBLIGATIONS AND COMMITMENTS OF EAST AND HORN OF AFRICA STATES

(A) THE CEDAW CONVENTION: RATIFICATIONS AND RESERVATIONS

At the international level, the main legally binding instrument for the promotion and protection of women's rights, the elimination of discrimination against women and girls, and gender equality is the CEDAW Convention. In essence, the Convention articulates the nature and meaning of sex-based discrimination and lays out State obligations to eliminate it and achieve substantive gender equality. The Convention imposes obligations to address not only discriminatory laws (direct discrimination), but also indirect discrimination and discriminatory customs and practices by private persons. Means of eliminating discrimination include positive and negative acts. Parties to the CEDAW Convention have an obligation to: (i) Eliminate violations of women's rights

committed by State agents, private persons, groups or entities; (ii) Take measures to modify social and cultural patterns of conduct based on the idea of inferiority or superiority of sexes or on stereotyped roles for women and men; (iii) Take temporary special measures to end discrimination against women; and (iv) Eliminate discrimination in specific areas (political and public life, education, employment, health care, land, property and housing, nationality laws, marriage and family life).²⁴

Observers often point to the fact that the CEDAW Convention is one of the most widely ratified human rights instruments, but that many States have entered reservations that limit its binding character. Some of these reservations have been denounced as invalid insofar as they are incompatible with the object and purpose of the Convention.²⁵

Refusing to ratify the CEDAW Convention or ratifying it with reservations that are incompatible with its object and purpose amount to denying women the broad human rights protections set out in the Convention, which aim at achieving full gender equality.

At the time of research, 189 out of 197 UN member States and entities recognised by the UN (96%) had ratified CEDAW. However, in the East and Horn of Africa, two out of 11 States, Somalia and Sudan, had failed to ratify the Convention. In late 2019, Sudan's transitional government announced its intention to ratify international human rights instruments to which Sudan is not yet a party, including CEDAW. If it took such a step, it would leave Somalia as one of the only States outside the Convention.

114 States have ratified OP-CEDAW, which recognises the competence of the CEDAW Committee to receive communications submitted on behalf of individuals or groups

²⁴ Office of the UN High Commissioner for Human Rights, "Women's Rights are Human Rights," *op. cit.*, pp. 5-7, and Office of the UN High Commissioner for Human Rights, "Manual on Human Rights Monitoring; Chapter 28," *op. cit.*, pp. 9-12.

²⁵ On reservations, see the rule laid out in the Vienna Convention on the Law of Treaties (23 May 1969), Article 19(c).



and to launch an inquiry into grave or systematic violations by a State Party. In the East and Horn of Africa, only Rwanda, South Sudan, and Tanzania have done so. Burundi has signed OP-CEDAW but failed to ratify it. Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, and Uganda have neither signed nor ratified the instrument.

However, overall, the CEDAW Convention is among the instruments that have been ratified the most by East and Horn of Africa States. Indeed, a number

	HAS RATIFIED CEDAW	HAS RATIFIED OP-CEDAW
Burundi	YES	NO
Djibouti	YES	NO
Eritrea	YES	NO
Ethiopia	YES	NO
Kenya	YES	NO
Rwanda	YES	YES
Somalia	NO	NO
South Sudan	YES	YES
Sudan	NO	NO
Tanzania	YES	YES
Uganda	YES	NO

Table 1: CEDAW ratifications (as of 5 April 2020)

of States have failed to ratify or to accede to:

- The CEDAW Convention, as mentioned (Somalia, Sudan);
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (Sudan, Tanzania);
- The ICCPR (South Sudan);
- The ICESCR (South Sudan);
- The Convention for the Protection of All Persons from Enforced Disappearance (CED) (Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia, South Sudan, Sudan, Tanzania, Uganda);
- The International Convention on the Elimination of All Forms of Racial Discrimination (CERD) (South Sudan);
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICMW) (Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, Tanzania);
- The Convention on the Rights of Persons with Disabilities (CRPD) (Eritrea, South Sudan); and
- A large number of Optional Protocols to

these instruments.

The 11 States have accepted a very small number of individual communication and inquiry procedures under these instruments and their optional protocols.²⁶

No State from the sub-region that is a party to CEDAW has formulated any substantive reservation. This is a positive signal, which stands in stark contrast with the practice of many States, particularly from the Gulf and the Middle East, which have entered a large number of reservations to key provisions of the Convention. Many of these reservations are invalid and have been objected to by other parties.²⁷

(B) PLEDGES AND COMMITMENTS FOR HRC MEMBERSHIP

Examining voluntary pledges and commitments formulated when running for membership in the HRC²⁸ can provide useful insights into the extent to which a State takes its obligations seriously. Such voluntary pledges and commitments often include sections or paragraphs regarding women's rights and what the candidate State

²⁶ Burundi: CAT and CRPD; Djibouti: CCPR, CAT, and CRPD; Eritrea: none; Ethiopia: only CAT; Kenya: only CAT; Rwanda: CAT, CEDAW, and CRPD; Somalia: CCPR and CAT; South Sudan: CAT and CEDAW; Sudan: only CRPD; Tanzania: CEDAW and CRPD; Uganda: CCPR, CAT, and CRPD.

²⁷ Only Ethiopia formulated one reservation, regarding Article 29(1) of the Convention ("Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. [...]"). For information on the CEDAW Convention, including on reservations and objections, see United Nations Treaty Collection, "Chapter IV: Human Rights; Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979," https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtidsg_no=IV-8&chapter=4&lang=en, Status as at: 29-03-2020 05:01:52 EDT (accessed 29 March 2020).

²⁸ See DefendDefenders, "Headlong Rush: Burundi's Behaviour as a Member of the UN Human Rights Council," 25 July 2018, <https://defenddefenders.org/headlong-rush-burundis-behaviour-as-a-member-of-the-un-human-rights-council/> (accessed 2 April 2020), p. 17.

intends to do in this field. Actions mentioned can include ratifying instruments such as CEDAW, OP-CEDAW or regional instruments, adopting a comprehensive anti-discrimination law, repealing or amending legislation that is incompatible with obligations under the CEDAW, cooperating with the SR on violence against women, committing to special measures in favour of women (such as quotas for women representation in Parliament), or adopting a national gender policy.

Nine out of 11 States from the sub-region have been members of the HRC at least once.²⁹ Pursuant to the HRC's founding resolution, UN General Assembly resolution 60/251, when they ran for Council membership, Djibouti (2006 and 2009), Eritrea (2018), Ethiopia (2012), Kenya (2009 and 2012), South Sudan (2013), and Sudan (2019)³⁰ made voluntary pledges and commitments public. In these, all States mentioned national achievements pertaining to women's rights, including ratification of CEDAW (except Sudan), the adoption of national laws (on fighting trafficking in persons, FGM, anti-discrimination), and other steps such as the establishment of a Ministry of Gender and National Gender and Equality Commission (Kenya), quotas for women representation in public positions (South Sudan), or the establishment of national mechanisms (e.g., in Sudan: Unit for Combating Violence against Women and Children and National Committee for Combating trafficking in Persons).

However, the pledges candidates made were very modest in terms of women's rights. No State pledged to ratify the OP-CEDAW or the Maputo Protocol.³¹ No State pledged to invite special procedures such as the SR on violence against women or the WG on discrimination against women and girls. Eritrea simply pledged to "develop a framework to map [its] timely submissions" and submit its next periodic report to the CEDAW Committee – but this is an obligation under the Convention. To its credit, Sudan made the only pledge that could be characterised as substantive: making "efforts to join the conventions that it has not yet signed." The transitional government later

announced its intention to ratify CEDAW.

2. UN HUMAN RIGHTS COUNCIL RESOLUTIONS

HRC resolutions on women's rights form the bulk of its thematic work on gender equality. Since its creation, in 2006, the Council has adopted several dozen resolutions on a range of human rights issues affecting women and girls. They include resolutions on VAWG, DAWG, human trafficking, FGM, CEFM, PMMM, SOGI, or the right to education. Some of these resolutions are annual.³² The paragraphs below present an analysis of what positions States take with regard to these resolutions, including patterns of co-sponsorship. Many resolutions were adopted by consensus (i.e., without any State requesting a vote), including all resolutions on (a) VAWG, (b) DAWG, and (c) harmful practices/health/girls' education to date. Therefore, the analysis also relies on votes on amendments to, and States' behaviour during negotiations on, these resolutions (sub-sections 3 and 4 below).

(A) VIOLENCE AGAINST WOMEN AND GIRLS

All 13 HRC resolutions on VAWG to date were adopted by consensus. Over time, they have added language on dimensions of the fight against VAWG, including in the public and private spheres, intersecting forms of violence, due diligence obligations, the need for States to publicly condemn violence at the highest levels, the need for law- and policymakers to integrate gender analysis, the need to involve men and boys in the fight against VAWG, access to justice, and other issues. Some resolutions renewed the mandate of the SR or convened panel or annual full-day discussions. The last resolutions include language on sexual and reproductive health, women's right to have control over their sexuality, comprehensive sexuality education, violations facing girls, harmful attitudes, customs, practices, stereotypes and unequal power relations allowing perpetuation of VAWG, marital rape, intimate partner violence, and WHRDs, among other issues.

²⁹ See Annex 5. Only South Sudan and Tanzania have never served as Council members.

³⁰ Burundi (2015), Rwanda (2016), Somalia (2018), and Uganda (2010) did not formulate any voluntary pledges and commitments when they ran for Council membership.

³¹ At the time of writing, only three States of the sub-region (Djibouti, Rwanda, and Tanzania) had ratified the Protocol. See <https://maputoprotocol.com/the-countries-that-have-ratified-it> (accessed 30 March 2020).

³² They are usually considered during June-July sessions of the Council. In particular, annual resolutions on VAWG and DAWG are presented for adoption every year in June-July. Annex 1 features a list of all resolutions studied in the context of this report.



Recent resolutions focus on specific topics, such as VAWG in the field of work, VAWG in digital contexts, engaging men and boys in preventing and responding to VAWG, and violence against indigenous women and girls.

However, a number of “hostile” amendments were presented (and ultimately, rejected) in the last few years (see sub-section 3 below). Overall, East and Horn of Africa States have been modestly involved in initiatives on VAWG. None have led on the issue (the main sponsor of VAWG resolutions is Canada). Most States of the sub-region have co-sponsored between zero and four (out of 13) resolutions. Only Djibouti (eight resolutions) and Rwanda (nine resolutions) stand out as steady supporters of initiatives on fighting violence against women and girls. In particular, Rwanda has sponsored the last eight annual resolutions. Djibouti’s engagement is less recent. Eritrea and Sudan have never co-sponsored any resolution on VAWG. South Sudan and Tanzania have co-sponsored only one; Ethiopia and Uganda, two each; and Burundi, Kenya and Somalia, three each.

Other African States have shown consistent commitment to VAWG resolutions. They include Angola, Botswana, Burkina Faso, Ghana, South Africa, Tunisia, Togo, and Zambia (see Annex 3). It is likely that an increasingly tense atmosphere of negotiations and a rising number of amendments have led States of the sub-region to remain more neutral and “stay outside the brawl” (see analysis in sub-section 4 below).

(B) DISCRIMINATION AGAINST WOMEN AND GIRLS

All HRC resolutions on DAWG (11 to date) were also adopted by consensus. Some renewed the mandate of the Working Group. They included language on the main issues relating to DAWG and gender equality, including in the public and private spheres, the participation of women in all spheres of life, laws, policies, customs and traditions impeding their rights, the need for States to adopt gender-responsive policies, the role of the media and civil society in addressing gender stereotypes, multiple and intersecting

forms of discrimination, State obligations, remedies, etc. The last resolutions include language on women’s access to health care, sexual and reproductive health, comprehensive sexuality education, discrimination against girls, and WHRDs, among other topics.

DAWG resolutions have faced hostile amendments (see sub-section 3). For most annual resolutions, the main sponsors are Mexico and Colombia. South Africa authored one resolution, in 2019.³³ No East and Horn of Africa State exercises a leadership role with regard to DAWG, but Rwanda has been the firmest supporter of these resolutions. It has co-sponsored nine out of 11 resolutions. For other States, the maximum number of resolutions co-sponsored is three (Djibouti, Kenya, Somalia). Eritrea, South Sudan, and Sudan have co-sponsored none; Tanzania and Uganda, one each; and Burundi and Ethiopia, two each.

Nevertheless, most States of the sub-region stopped co-sponsoring DAWG resolutions several years ago. This might indicate greater reluctance to appear as openly supporting language (especially with the addition of “girls” to “women”) with which a number of States (including powerful States such as Russia, Egypt, and the Gulf States) are uncomfortable (see also sub-section 4 below). However, other African States have demonstrated a principled commitment to DAWG resolutions. Consistent African co-sponsors include Angola, Botswana, and South Africa (see Annex 3).

(C) HARMFUL PRACTICES, HEALTH, AND GIRLS’ EDUCATION

International consensus is perhaps most obvious when looking at resolutions on harmful practices, such as FGM and CEFM, and girls’ education. Regarding resolutions on FGM, the African Group (which brings together all members of the African Union (AU) that are UN members) is the main sponsor. This means that the African Group, with the consent of all African States, drafts, presents, and leads the negotiations on resolutions. This deserves praise, as FGM in all its forms is a harmful practice and a form of torture that gravely infringes on girls’ rights, including their right to health and to bodily integrity and autonomy.

³³ HRC resolution 40/5 on elimination of discrimination against women and girls in sport includes progressive language on bodily integrity and bodily autonomy of women and girls, among other elements.

By sponsoring resolutions addressing this issue, as members of the African Group, the 11 countries of the East and Horn of Africa demonstrate their commitment to eliminate this harmful practice, which cannot be justified by any cultural, religious or traditional norm.

Regarding CEFM, Ethiopia was a member of the “core group” of States leading on the resolutions as main sponsors (together with Sierra Leone, Zambia, and a number of States from other continents). It sponsored three out of four resolutions on the issue. It only failed to do so with the last one, HRC resolution 41/8 – probably because the resolution contains language on “the right to sexual and reproductive health.” Rwanda has co-sponsored all four resolutions, and Djibouti two. Other States have co-sponsored either zero (Burundi, Tanzania) or one resolution (Eritrea, Kenya, Somalia, South Sudan, Sudan, Uganda).

Resolutions on PMMM have been more challenging, due to the presence of language on “sexual and reproductive health.” Burkina Faso, Colombia, Estonia, and New Zealand are the main sponsors (“core group”). Out of the six resolutions on PMMM adopted to date, Djibouti and Rwanda have co-sponsored four, and Burundi and Somalia three each. Uganda co-sponsored the first two (HRC resolutions 15/17 and 18/2), then stopped doing so. Other States have co-sponsored either zero (Eritrea, Ethiopia, Sudan) or one resolution on PMMM (Kenya, South Sudan, Tanzania). However, no State of the sub-region has co-sponsored any resolution on PMMM since the 27th regular session of the Council (HRC27, September 2014). This is a worrying pattern. This may be due to the fact that the issue has become more confrontational because of the abovementioned elements.

With regard to resolutions on the right to education/girls’ education and the rights of the child, States from the East and Horn of Africa are not much involved. Only Rwanda has co-sponsored resolutions on girls’ education.³⁴ Rwanda has also co-sponsored four (out of seven) resolutions on the rights of the child.³⁵ Djibouti and Kenya have co-sponsored two each. Other States have co-sponsored either

zero (Eritrea, Ethiopia, South Sudan, Sudan, Tanzania) or one resolution (Burundi, Somalia, Uganda). In the sub-region, no State other than Rwanda has co-sponsored resolutions on the rights of the child after HRC19 (March 2012).

(D) SOCIETAL ISSUES

As mentioned above, resolutions falling in the “societal issues” category have given rise to disagreement. None have been adopted by consensus. All have been the object of tense negotiations, votes, and amendments (see subsection 3, paragraph (d)). Amendments have also been, and continue to be, presented by various groups of States that oppose initiatives on SOGI on the one hand, and “traditional” issues on the other hand.

GRULAC States³⁶ have been the main sponsors of resolutions on SOGI. Four have been adopted to date, namely HRC resolutions 17/19, 27/32, 32/2, and 41/18. The first two requested OHCHR reports on violence and discrimination on grounds of sexual orientation and gender identity. HRC resolution 32/2 established a mandate of IE on SOGI, and HRC resolution 41/18 extended the IE’s mandate. No country from the East and Horn of Africa ever co-sponsored a resolution on SOGI. Only Rwanda voted in favour of the initiative, namely the last resolution, 41/18 (July 2019). Other States that were members of the HRC at the time (Eritrea, Somalia) voted against. Three years earlier, on resolution 32/2, all three East and Horn of Africa States that were HRC members (Burundi, Ethiopia, Kenya) voted against. On the first two resolutions, HRC resolutions 17/19 and 27/32, all East and Horn of Africa States that were HRC members (Djibouti and Uganda, and Ethiopia and Kenya respectively) voted “No.”

While a number of advocates salute the fact that Rwanda broke the sub-region’s “negative consensus” on SOGI (it joined 26 States in voting “Yes,” including South Africa and Tunisia on the continent), this overall voting pattern shows the challenge of defending the rights of LGBT+ persons in the sub-region. This is regrettable, as the initiative put forward by GRULAC States is both modest and based on human rights standards. It does not seek to promote same-

³⁴ They have nonetheless been co-sponsored by a large number of States from other regional groups. The main sponsor is the United Arab Emirates.

³⁵ The main sponsors are the European Union (EU) and GRULAC States.

³⁶ The last resolution on SOGI (41/18) was presented by a core group consisting of Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico, and Uruguay. South Africa was the main sponsor of the first SOGI resolution (resolution 17/19).



sex marriage or impose new obligations on States, but merely aims at ensuring protection from violence and discrimination. “SOGI” includes the rights not only of lesbian and gay persons, but also of intersex and trans persons, which includes trans women, who suffer multiple and intersecting forms of violence and discrimination. However, the last voting result (on 41/18: 27 in favour, 12 against, 7 abstentions, or 27Y, 12N, 7A) shows that global dynamics are evolving. More and more States acknowledge the violence and discrimination LGBT+ persons face and seek to address them as human rights issues.

On the other three initiatives on societal issues, namely issues framed in terms of “tradition” – protection of the family, traditional values, and defamation of religions – East and Horn of Africa States consistently support the main sponsors (respectively Egypt and a group of Arab and African States (on “protection of the family”), Russia (on “traditional values”), and the Organization of Islamic Cooperation (OIC) (on “defamation of religions”)). Uganda is a member of the core group on protection of the family, and the African Group as a whole co-sponsored three out of four resolutions on protection of the family. Therefore, all East and Horn of Africa States have co-sponsored at least three out of the four resolutions. Regarding votes, all States of the sub-region voted “Yes” to the four resolutions to date (Burundi, Ethiopia, Kenya, and Rwanda on 35/13; Burundi, Ethiopia, and Kenya on 32/23; Ethiopia and Kenya on 29/22; and Ethiopia and Kenya on 26/11).

As indicated above, these three sets of resolutions are problematic from a human rights perspective, and some (on “defamation of religions”) have been characterised as human rights incompatible by experts and scholars.³⁷ Resolutions on protection of the family fail to mention the diversity of family forms, harmful practices and abuses occurring within the family, and the fact that it is individual family members (not families *per se*) that are rights holders. Resolutions on “traditional values” and “defamation of religions” are fundamentally problematic as they advance cultural or religious justifications to human

rights violations and fail to acknowledge that some cultural and religious norms or practices can be detrimental to human rights, with a disproportionate impact on women’s rights.

Voting patterns show several things. First, despite its human rights flaws, the “framing” of family resolutions makes it difficult for States to oppose them. This is undoubtedly attributable to the ability of one of the main sponsors (Egypt) to influence the agenda of the HRC and gather support for its initiatives, some of which are designed to “occupy the space,” dilute standards, and weaken protections. Second, for States of the sub-region, given socio-political narratives on the importance of the family and family values, failing to support an initiative entitled “protection of the family” was probably unthinkable. Third, the African Group as a whole endorsed the initiative by co-sponsoring successive resolutions. Interviews conducted by DefendDefenders confirm that States of the East and Horn of Africa supported resolutions on “protection of the family” rather enthusiastically.³⁸

The two resolutions on “traditional values” put forward by Russia attracted less support: only Burundi, Djibouti, and Ethiopia co-sponsored them. Other States of the sub-region refrained from doing so. Djibouti and Uganda (on 16/3) and Djibouti (which was the only HRC member from the East and Horn of Africa then) (on 12/21) voted in favour of the two resolutions. The initiative has not been presented to the Council since HRC16 (March 2011).

Lastly, resolutions on “defamation of religions” (which started at the time of the HRC’s predecessor, the Commission on Human Rights) are fatally flawed from a human rights perspective. Only members of the OIC sponsored them, which means, for the East and Horn of Africa, Djibouti, Somalia, Sudan, and Uganda. Others refrained from showing support. Djibouti, which was the only HRC member from the sub-region in the Council’s early years, voted in favour of all four resolutions (4/9, 7/19, 10/22, and 13/16). The initiative was abandoned in light of the criticisms over its human rights incompatible

³⁷ International Mechanisms for Promoting Freedom of Expression, “Joint Declaration on Defamation of Religions, and Anti-Terrorism and Anti-Extremism Legislation,” 10 December 2008, available at <https://www.osce.org/fom/35639?download=true>. See also Universal Rights Group, “Combating Global Religious Intolerance: The Implementation of Human Rights Council Resolution 16/18,” December 2014, <https://www.universal-rights.org/urg-policy-reports/combating-global-religious-intolerance-the-implementation-of-human-rights-council-resolution-1618/> (accessed 8 April 2020).

³⁸ DefendDefenders interviews with diplomats and human rights advocates at the HRC, April 2020. See also sub-section 4 below.

character and narrow adoption margins.³⁹

(E) OTHER RESOLUTIONS

It is worth mentioning additional resolutions that are included in this report because of their gender dimensions. While some were adopted by consensus, others were more conflictual. This is the case for two resolutions on HRDs,⁴⁰ resolutions 31/32 and 34/5, which contained gender-sensitive elements on WHRDs. In the sub-region, only Djibouti co-sponsored these resolutions. Resolution 31/32 was adopted by vote (33Y, 6N, 8A), with Burundi voting against, Ethiopia voting in favour, and Kenya abstaining. Regarding the other resolutions considered

in this paragraph, only Rwanda co-sponsored one: HRC resolution 41/14 on equal pay. This resolution, and other resolutions considered in this category (HRC resolution 32/17 (addressing the impact of multiple and intersecting forms of discrimination and violence) and HRC resolution 23/2 (the role of freedom of opinion and expression in women's empowerment)), were adopted without any issue. States of the sub-region joined consensus.

The table above presents States' votes on amendments (and procedural plays) to resolutions on categories (a), (b) and (c), namely VAWG, DAWG, and harmful practices, health and girls' education respectively.

³⁹ HRC resolution 16/18 marked a historical compromise, streamlining efforts to combat intolerance, discrimination, incitement to violence and violence against persons based on religion or belief, while recognising that it is individuals (not religions as such) who are protected under international human rights law. For an analysis of HRC resolution 16/18, the Rabat Plan of Action and the "Istanbul Process," see FIDH, "5th Session of the Istanbul Process OIC General Secretariat, Jeddah, Saudi Arabia, 34 June 2015: Written Submission," June 2015, <https://www.fidh.org/en/region/north-africa-middle-east/saudi-arabia/5th-session-of-the-istanbul-process-jeddah-3-4-june-2015> (accessed 8 April 2020).

⁴⁰ Norway is the traditional main sponsor of HRD resolutions.

	(A) VIOLENCE AGAINST WOMEN AND GIRLS	(B) DISCRIMINATION AGAINST WOMEN AND GIRLS	(C) HARMFUL PRACTICES, HEALTH, GIRLS' EDUCATION
Burundi	<u>Amendments (hostile):</u> Yes (5/7), Abst (2/7)	<u>Amendments (hostile):</u> Yes (4/7), Abst (3/7)	<u>Amendments (hostile):</u> - PMMM: Yes (6/6)
Djibouti	<i>Never had to vote on any amendment</i>	<u>Amendments (hostile):</u> Yes (1/1)	<u>Procedural play (adjourn):</u> Yes (1/1)
Eritrea	<u>Amendments (hostile):</u> Yes (3/3)	<u>Amendments (hostile):</u> Yes (3/3)	<u>Amendments (hostile):</u> - CEFM: Yes (4/4)
Ethiopia	<u>Amendments (hostile):</u> Yes (6/11), Abst (5/11) <u>Procedural plays (retain paras.):</u> Abst (2/2)	<u>Amendments (hostile):</u> Yes (2/7), Abst (5/7)	<u>Amendments (hostile):</u> - PMMM: Yes (4/6), Abst (2/6) - Rights of the child: Abst (1/1)
Kenya	<u>Amendments (hostile):</u> Yes (5/11), Abst (3/11), No (3/11) <u>Procedural plays (retain paras.):</u> Yes (2/2)	<u>Amendments (hostile):</u> Yes (5/7), Abst (2/7)	<u>Amendments (hostile):</u> - PMMM: Yes (6/6) - Rights of the child: Abst (1/1)
Rwanda	<u>Amendments (hostile):</u> No (6/6)	<u>Amendments (hostile):</u> No (6/7), Did not vote (1/7)	<u>Amendments (hostile):</u> - CEFM: No (4/4) - PMMM: No (1/1)
Somalia	<u>Amendments (hostile):</u> Yes (3/3)	<u>Amendments (hostile):</u> Yes (3/3)	<u>Amendments (hostile):</u> - CEFM: Yes (4/4)
South Sudan	<i>Has never been a member of the HRC</i>		
Sudan	<i>Has not had to vote yet</i>		
Tanzania	<i>Has never been a member of the HRC</i>		
Uganda	<i>Has not had to vote yet</i>	<u>Amendments (hostile):</u> Yes (1/1)	<u>Amendments (hostile):</u> - Rights of the child: Abst (1/1) <u>Procedural play (adjourn):</u> Yes (1/1)

Table 2: voting record (categories (a), (b), and (c))



3. AMENDMENTS TO COUNCIL RESOLUTIONS

The situation is more complex when it comes to amendments. Often, amendments⁴¹ are presented, voted upon, and very often, rejected, before the associated resolutions are adopted without any State calling for a vote, i.e. by consensus.

(A) VIOLENCE AGAINST WOMEN AND GIRLS

This has been the case for resolutions on VAWG. In total, 14 amendments have been presented against the last five resolutions on the issue, namely HRC resolutions 41/17, 38/5, 35/10, 32/19, and 29/14. All amendments were rejected by vote, often with broad margins.

Regarding amendments that aimed to delete key violence- and sexual and reproductive health-related terms from the resolutions,⁴² the voting patterns are as follows. Burundi, Eritrea, Kenya, and Somalia have supported hostile amendments. Rwanda has opposed them. Ethiopia has abstained on a few of these amendments and supported others. Regarding an amendment that sought to remove “WHRDs” from resolution 35/10,⁴³ Burundi voted “Yes,” Ethiopia and Kenya abstained, and Rwanda voted “No.” Previously (regarding a similar amendment to 32/19), Burundi had abstained.⁴⁴

Earlier amendments (in 2015) triggered differing votes: on amendments L.26 to L.29 to resolution 29/14 (which aimed to delete mentions of “marital rape,” “intimate partner violence,” and UNESCO guidance on sexuality education), Ethiopia mostly voted “Yes” and Kenya mostly “No.” However, on two procedural ploys that aimed to remove paragraphs mentioning abuses occurring in the family, Ethiopia abstained and Kenya voted “Yes.”

This indicates a pattern of unease, on the part of a number of States, with language on SRH and abuses occurring in the family sphere. Only Rwanda has been unequivocal in its support to substantive protections for all women and girls. According to several diplomats interviewed for this research, Ethiopia’s foreign service is more wary than its neighbours about creating precedents that may one day be used against Ethiopia-supported resolutions – hence its cautious approach to procedural ploys.⁴⁵

Nevertheless, it is disappointing to witness that a number of States in the sub-region refuse to recognise that all women, irrespective of their marital status, deserve equal protection. The expression “intimate partner violence” aims to protect all women (married or unmarried) from violence committed by their partners. Equally, marital rape is covered by the definition of SGBV. All States should clearly commit to protect women from sexual violence, including in the family sphere.

(B) DISCRIMINATION AGAINST WOMEN AND GIRLS

11 amendments to five resolutions on DAWG have been presented to date (see full list and explanation in the Annex). They include, among others, amendments aiming to delete references to “[evidence-based] comprehensive sexuality education,”⁴⁶ remove “girls” from “women and girls” (including in the title of the mandate of the WG on discrimination against women and girls)⁴⁷, delete “intimate partner violence,”⁴⁸ and delete “WHRDs.”⁴⁹ Eritrea and Somalia systematically vote in favour of these hostile amendments. During its term, Rwanda quasi-systematically voted against such amendments (on one occasion, it did not vote). Burundi initially abstained (during its first year of membership), then systematically supported hostile amendments. Other States, namely Ethiopia and Kenya, either voted “Yes”

⁴¹ They are characterised as “hostile” when they run counter to the spirit and purpose of the resolution considered or aim to weaken human rights protections or dilute standards or State obligations. See Annex 2.

⁴² These include “intimate partner violence,” “girls” (which sponsors of the amendments wanted to remove from “women and girls”), “sexual and reproductive health,” and “(evidence-based) comprehensive sexuality education” (Amendments L.38, L.43 and L.44 to resolution 41/17; Amendment L.32 to resolution 38/5; Amendment L.40 to resolution 35/10; Amendment L.37 to resolution 32/19).

⁴³ Amendment L.39 to resolution 35/10.

⁴⁴ Amendment L.42 to resolution 32/19.

⁴⁵ DefendDefenders interviews with diplomats at the HRC, April 2020. See also sub-section 4 below. Regarding “no-action motions,” see sub-section 3, paragraph (d) below.

⁴⁶ Amendments L.37 to resolution 41/6; L.24 to resolution 38/1; and L.42 to resolution 35/18.

⁴⁷ Amendment L.46 to resolution 41/6.

⁴⁸ Amendment L.35 to resolution 38/1.

⁴⁹ Amendment L.41 to resolution 35/18. Some of the amendments regarding WHRDs may in fact have been seeking to target language on HRDs in general, not gender-specific language on WHRDs. WHRD elements were part of broader paragraphs which sponsors of the amendments sought to delete.

or abstained on these amendments. These differing voting records indicate discomfort with some of the concepts, in line with what was mentioned in the preceding paragraphs.

(C) HARMFUL PRACTICES, HEALTH, AND GIRLS' EDUCATION

Unfortunately, the last few years have witnessed a rise in confrontation at the HRC, with a group of States (led by Egypt, Russia, Saudi Arabia, and the OIC) presenting amendments to resolutions that used to be adopted without any opposition. Resolutions on VAWG and DAWG are noteworthy examples. Resolutions on CEFM and PMMM also exemplify this trend. The last resolution on CEFM (HRC resolution 41/8 of July 2019) was attacked with no less than four amendments. These sought to delete references to “sexual and reproductive health,” “intimate partner violence,” or “the autonomy of [women and girls]” from the resolution.⁵⁰ According to interviewees, at HRC41, the main sponsors of the CEFM resolution consulted with the main sponsors of the VAWG and DAWG resolutions, and all decided to keep similar elements in their respective resolutions. This tactic attracted a range of amendments to these three resolutions.⁵¹ These amendments failed. Three countries of the sub-region were members at the time. On the one hand, Eritrea and Somalia supported the amendments; on the other hand, Rwanda opposed them.

HRC resolution 33/18 on PMMM was also the object of attacks in the form of adverse amendments. These sought, among other elements, to delete references to treaty body General Comments, replace “sexual and reproductive health and rights” with “sexual and reproductive health and reproductive rights” (thereby refusing to recognise “sexual rights”), and remove a reference to women’s “bodily autonomy.” The amendments were adopted. Burundi and Kenya voted in favour of all five amendments. Ethiopia voted in favour of three, abstained on one, and voted against one.

No amendments were ever presented against

resolutions on FGM and girls’ education. Oral amendments were presented only once regarding a resolution on the rights of the child (see Annex 2).

Drawing a general conclusion from these voting patterns is challenging. Once again, Rwanda offers the most progressive voting record: it opposes regressive amendments. Other States are uncomfortable with language on the right to sexual and reproductive health, sexual rights (as part of SRHR), intimate partner violence, and “girls.” Unfortunately, as outlined in section III, this position amounts to denying women and girls some of their rights.

(D) SOCIETAL ISSUES

Although they address key human rights issues (protecting everyone from violence and discrimination), from a political perspective, resolutions on SOGI have been among the most challenging. The last three SOGI resolutions (HRC resolutions 41/18, 32/2, and 27/32) attracted 28 hostile amendments and five procedural ploys in total. These and the first SOGI resolution (HRC resolution 17/19) were all adopted by vote, with increasingly broad margins (see Annex 2). At HRC27 (September 2014), Ethiopia and Kenya voted in favour of all seven amendments presented against resolution 27/32. These amendments sought to, among other elements, delete language on the specificity of SOGI and replace it with other categories of discrimination, delete a mention of concern at acts of violence and discrimination committed against individuals, and delete a mention of OHCHR’s work on SOGI. These amendments were defeated.

At HRC32 (June 2016), 11 hostile amendments and five procedural ploys were presented. Burundi and Kenya voted in favour of all 11 amendments. Ethiopia abstained on ten of these amendments and did not vote on the last one. Some of the amendments were eventually adopted. The key ones, running counter to the spirit and purpose of the resolution (including the creation of a mandate of IE on SOGI), were rejected.⁵²

⁵⁰ For a more detailed explanation of the amendments (L.39, L.40, L.42, and L.45), see the Annex.

⁵¹ DefendDefenders interviews with diplomats and human rights advocates at the HRC, April 2020.

⁵² For an analysis and overview of the voting process, see analyses by ILGA and ARC International: Allied Rainbow Communities International and International Lesbian, Gay, Bisexual, Trans and Intersex Association, “Compilation of the Adoption of the 2016 SOGI Resolution,” 30 June 2016, https://ilga.org/downloads/SOGI_Resolution_Vote_compilation.pdf, and ARC International, <http://arc-international.net/global-advocacy/human-rights-council/32nd-session-of-the-%20human-rights-council/appointing-an-independent-expert-on-sexual-orientation-and-gender-identity-an-analysis-of-process-results-%20and-implications/iii-understanding-the-sogi-resolution-2016/> (both accessed 31 March 2020).



At HRC41 (June-July 2019), Eritrea and Somalia voted in favour of all ten amendments against the renewal of the IE's mandate (resolution 41/18). Rwanda voted against six of these amendments and abstained on four. The Council rejected all amendments and adopted the resolution itself with an unprecedented margin, renewing the IE's mandate.

Regarding the procedural ploys (against resolution 32/2), Burundi voted in favour of a "no-action motion" (motion to adjourn the debate – which amounts to a "nuclear weapon" and a threat to the institutional integrity of the HRC⁵³) on the resolution. Ethiopia and Kenya abstained. Burundi and Kenya also voted against retaining the title and key operative paragraphs of the resolution. Burundi abstained on retaining additional paragraphs, but Kenya voted against retaining these paragraphs, thus demonstrating staunch opposition to the SOGI initiative. Ethiopia abstained or refrained from voting on these paragraphs. The Council rejected these procedural ploys.

With regard to other "societal" resolutions, as mentioned in sub-section 2, East and Horn of Africa States consistently support them. States of the sub-region, except Rwanda in 2017,⁵⁴ consistently oppose progressive amendments presented with a view to bringing the resolutions into line with international standards.⁵⁵ When they were HRC members, Ethiopia and Kenya voted against all amendments to resolutions on "protection of the family" and in favour of two procedural motions to remove progressive amendments from the agenda. When it was a member, Burundi voted against all amendments to "protection of the family" resolutions. No amendments to resolutions on "traditional values" and "defamation of religions" were ever presented.

It is clear that countries of the sub-region (except Rwanda) are opposed to resolutions on SOGI. When they had the opportunity to do so, all except Rwanda voted against the initiative. Most of them voted in favour of hostile amendments, and some voted in favour of procedural ploys such as no-action motions – the most aggressive form of opposition to an initiative at the HRC.

Conversely, countries of the sub-region supported cultural-relativist initiatives (on "protection of the family," "traditional values," and "defamation of religions") that sought to weaken human rights standards, deny the universality of human rights, and justify violations on the basis of "tradition" or "religion." The fact that the core group on protection of the family has not presented any resolution since HRC35 might be encouraging. Indeed, over the years, more and more States have supported amendments aiming to recognise that various forms of the family exist, and the core group might be afraid that a similar amendment will pass the next time it is presented. Including this and other human rights elements into the resolution would go a long way towards ensuring that it is in line with human rights standards and protections for women's and girls' rights.

(E) OTHER RESOLUTIONS

It is worth mentioning that amendments were presented against HRC resolutions 31/32 and 34/5 on human rights defenders. Amendments L.56 and L.60 to resolution 31/32 sought to delete, among other terms, "women human rights defenders" from the resolution. Amendment L.45 to resolution 34/5 sought to delete a mention of HRDs and WHRDs. They were all rejected. Burundi voted "Yes" to all three amendments. Ethiopia and Kenya abstained on all. Rwanda, which was a member during HRC34, voted "No" to amendment L.45.

53 When a State presents a no-action motion, it takes the position that a resolution (or part of it) is so irrelevant or threatening that it does not even deserve to be discussed by the Council. No-action motions are the most severe procedural ploys that can be deployed by States opposing initiatives. They are seldom used precisely because of the risk of precedent they create. States have been cautious with no-action motions, as taking this path regarding resolutions they oppose may lead to retaliatory motions against resolutions they support. This is why most States prefer to present amendments and/or call for a vote on resolutions they oppose, rather than moving to adjourn the debate.

54 On amendments L.45, L.47, and L.48 to resolution 35/13, Rwanda abstained.

55 Amendment L.37 to resolution 26/11 aimed to recognise that various forms of the family exist. It was removed from the HRC's agenda through a no-action motion.

Amendments L.37, L.38, and L.40 to resolution 29/22 aimed, among other elements, to recognise that various forms of the family exist and to replace "protection of the family" with "protection of the family and its members." L.37 was removed from the HRC's agenda through a no-action motion. Other amendments were rejected.

Amendments L.82, L.83, L.84, and L.89 to resolution 32/23 aimed, among other elements, to recognise that various forms of the family exist and to highlight the State obligation to protect family members from abuse, including by other family members. They were all rejected.

Amendments L.45, L.47, and L.48 to resolution 35/13 aimed, *inter alia*, to recognise that various forms of the family exist and to reflect the diversity of family forms. They were rejected.

This may not indicate more than the Burundian government's opposition to language on HRDs and civic space and its attempt to gather support from sponsors of these amendments (China, Egypt, Russia and others).⁵⁶ For others, abstention is a safe choice to avoid directly opposing other groups of States. Rwanda's

"No" vote to a hostile amendment should be commended.

The table below presents States' votes on resolutions, amendments, and procedural ploys in relation to initiatives on categories (d) and (e), namely societal issues and miscellaneous, respectively.

56

See DefendDefenders, "Headlong Rush," *op. cit.*

	(D) SOCIETAL ISSUES	(E) MISCELLANEOUS
Burundi	<u>Resolutions:</u> - SOGI: No (1/1) - Protection of the family: Yes (2/2) <u>Amendments (hostile):</u> - SOGI: Yes (11/11) <u>Amendments (progressive):</u> - Protection of the family: No (7/7) <u>Procedural ploys:</u> - No-action motions (SOGI): Yes (1/1) - Retain titles/paras. (SOGI): Abst (2/4), No (2/4)	<u>Resolutions:</u> - HRDs: No (1/1) <u>Amendments (hostile):</u> Yes (3/3)
Djibouti	<u>Resolutions:</u> - Traditional values: Yes (2/2) - Defamation of religions: Yes (4/4) <i>Never had to vote on amendments</i>	<i>Never had to vote on resolutions or amendments</i>
Eritrea	<u>Resolutions:</u> - SOGI: No (1/1) <u>Amendments (hostile):</u> - SOGI: Yes (10/10)	<i>Has not had to vote on resolutions or amendments yet</i>
Ethiopia	<u>Resolutions:</u> - SOGI: No (2/2) - Protection of the family: Yes (4/4) <u>Amendments (hostile):</u> - SOGI: Yes (7/18), Abst (10/18), Did not vote (1/18) <u>Amendments (progressive):</u> - Protection of the family: No (9/9) <u>Procedural ploys:</u> - No-action motions (SOGI): Abst (1/1) - Votes on titles/paras. (SOGI): Abst (3/4), Did not vote (1/4) - No-action motions on amendments (Family): Yes (2/2)	<u>Resolutions:</u> - HRDs: Yes (1/1) <u>Amendments (hostile):</u> Abst (3/3)



Kenya	<u>Resolutions:</u> - SOGI: No (2/2) - Protection of the family: Yes (4/4)	<u>Resolutions:</u> - HRDs: Abst (1/1)
	<u>Amendments (hostile):</u> - SOGI: Yes (18/18)	<u>Amendments (hostile):</u> Abst (3/3)
	<u>Amendments (progressive):</u> - Protection of the family: No (9/9)	
	<u>Procedural ploys:</u> - No-action motions (SOGI): Abst (1/1) - Votes on titles/paras. (SOGI): No (4/4) - No-action motions on amendments (Family): Yes (2/2)	
Rwanda	<u>Resolutions:</u> - SOGI: Yes (1/1) - Protection of the family: Yes (1/1)	<i>Never had to vote on resolutions</i>
	<u>Amendments (hostile):</u> - SOGI: Abst (4/10), No (6/10)	<u>Amendments (hostile):</u> No (1/1)
	<u>Amendments (progressive):</u> - Protection of the family: Abst (3/3)	
Somalia	<u>Resolutions:</u> - SOGI: No (1/1)	<i>Has not had to vote yet</i>
	<u>Amendments (hostile):</u> - SOGI: Yes (10/10)	
South Sudan	<i>Has never been a member of the HRC</i>	
Sudan	<i>Has not had to vote yet</i>	
Tanzania	<i>Has never been a member of the HRC</i>	
Uganda	<u>Resolutions:</u> - SOGI: No (1/1) - Traditional values: Yes (1/1)	<i>Has not had to vote yet</i>
	<i>Never had to vote on amendments</i>	

Table 3: voting record (categories (d) and (e))

4. STATES' POSITIONS: STATEMENTS AND BEHAVIOUR DURING NEGOTIATIONS

This sub-section relies primarily on interviews conducted with diplomats and human rights advocates involved in work on women's rights at the HRC. In particular, DefendDefenders collected information on political dynamics and the behaviour of East and Horn of Africa States during negotiations on women's rights and related issues. Findings point to several patterns.

(A) STATEMENTS IN THE HRC'S PLENARY CHAMBER

Firstly, member and observer States of the

Council deliver statements during plenary debates on women's rights. These include interactive dialogues with special procedure mandate-holders (the SR on violence against women, the WG on discrimination against women and girls, the SR on trafficking in persons, etc.), panel discussions, and "annual days," like the annual full-day of discussion on the human rights of women.

The overall level of engagement of East and Horn of Africa States is modest. Only a few States from the sub-region usually take the floor to deliver a statement. Since 2014, those that spoke most often are Djibouti, Rwanda, and Sudan (at almost every debate). Eritrea and Ethiopia spoke regularly. In most of their statements, States outline national steps and achievements regarding women's rights. These

include changes in legislation (in particular criminalisation of GBV, FGM and CEFM), national action plans, anti-SGBV strategies, support mechanisms for victims of trafficking, quotas and other temporary special measures, and sensitisation/awareness-raising campaigns on harmful practices and gender equality. Djibouti has a strong focus on combatting trafficking. Eritrea often highlights the role of women in its liberation struggle (independence war against Ethiopia). Sudan frequently presents its national initiatives on affirmative action and the participation of women in peace processes, especially in Darfur.

Most statements are limited in scope and ambition. States that take the floor often thank special procedure mandate-holders. They usually do not dedicate time to discussing standards and State obligations regarding women's rights. Responding to the SR on violence against women after its country visit, in 2016, Sudan denounced what it referred to as "falsifications, hasty assessments, and unjust generalizations on the situation of women in Sudan" – a negative signal after accepting to receive the SR. In a 2019 statement, Ethiopia focused on recent domestic developments: the appointment of a gender-balanced cabinet, a first woman President of the Republic, and a first woman Chief Justice.

The influence of Egypt and Gulf States has been particularly marked since the beginning of membership terms (2019-2021) for Eritrea and Somalia. It has been reported that Egypt, in particular, shared talking points with a number of States and deployed its diplomatic outreach capacity to push them to take the floor during debates, including for explanations of votes.⁵⁷ Somalia, in particular, started delivering explanations of votes and statements when it took a seat on the HRC, in 2019. For instance, it delivered statements in relation to resolutions 41/17 (on VAWG), 41/6 (on DAWG), and 41/8 (on CEFM), disassociating itself from consensus on key paragraphs.⁵⁸ Members of the OIC (Djibouti, Somalia, Sudan, and Uganda) often join general comments made by other OIC members in relation to resolutions, at the time

of their adoption, indicating disagreement with key terms on sexual and reproductive health.

(B) BEHAVIOUR DURING NEGOTIATIONS

Negotiations on resolutions happen both ahead of HRC sessions (when initial work, such as choosing a specific focus for the next resolution on a topic and reaching out to State delegations and other stakeholders, takes place) and during sessions, with bilateral discussions and usually several rounds of negotiations (called "informal negotiations" or simply "informals"). Additional rounds of meetings (bilateral and/or through regional or political groups) usually serve to resolve differences and reach compromises on problematic elements. When compromise is not possible, States that are unsatisfied with the text of a resolution may table amendments with the HRC Secretariat and/or, in the plenary chamber, when resolutions are considered for adoption, break consensus and call for a vote.

Here again, it appears that the overall level of engagement of East and Horn of Africa States is low. Most remain largely silent during negotiation processes, both bilaterally and in informals. Some States do not attend informals, either because of lack of capacity (for small permanent missions) or because they choose to stay outside the process. However, some play a more active role. During informals on VAWG and DAWG, Rwanda regularly takes the floor to articulate its support for resolutions. When other States speak (which is uncommon), according to DefendDefenders' interviewees, their interventions are mostly not constructive. This is clearly the case for Burundi, Eritrea, and Somalia, which support interventions aiming to weaken the texts or introduce cultural-relativist elements.⁵⁹ As one State interviewee noted, "Rwanda is the only country [of the sub-region] that consistently engages bilaterally and during informals to voice general support" for resolutions. Others are "silent" or "completely silent."⁶⁰

In terms of bilateral engagement, most States of the sub-region also stay in the background. Several of the diplomats interviewed for this

⁵⁷ DefendDefenders interviews with diplomats and human rights advocates at the HRC, April 2020.

⁵⁸ When a State "disassociates itself" from consensus, it signals that it does not accept language included in a resolution but refrains from calling for a vote on the resolution itself. Disassociations often follow votes on amendments to the resolution. In 2019, in relation to the resolutions mentioned, a number of OIC member States did the same. By doing so, they indicated their disagreement with key violence- and sexual and reproductive health-related language.

⁵⁹ DefendDefenders interviews with diplomats and human rights advocates at the HRC, April 2020.

⁶⁰ *Ibid.*



report, and almost all civil society interviewees, mentioned that some States either lack the human-resource capacity or are reluctant to engage. One diplomat interviewed for this report noted that “they prefer to stay under the radar.” Others pointed to lack of human resource capacity, for most African States. One diplomat interviewed indicated that most African permanent missions have “one expert, who then relies on [African] group meetings to understand the resolutions [...] and collect information.” However, several diplomats regretted the fact that Burundi, Eritrea and Somalia, in particular, do not reach out to sponsors and supporters of resolutions during the negotiation phase but end up voting in favour of hostile amendments. They express their position only when voting takes place, which does not contribute to building a climate of dialogue and trust. (It is expected of States opposing an initiative to voice their opposition to sponsors of the initiative prior to the voting process.)

Regarding civil society, it was reported to DefendDefenders that meetings with some State delegations (Burundi, Eritrea, South Sudan) simply do not happen. With other States, bilateral meetings happen on a more or less frequent basis. When encouraging them to co-sponsor a resolution is not possible, human rights advocates push them to at least refrain from supporting hostile amendments. Positive evolutions have been noted, however. Ethiopia and Sudan are now more open to discussing issues that used to be problematic, including SRH and language on “multiple and intersecting” forms of discrimination.⁶¹ As one civil society interviewee noted, “it is now easier to approach Ethiopia and have frank discussions with them.” It was also stressed that despite its size (60 million inhabitants) and role in the sub-region, Tanzania remains silent in Geneva, staying outside negotiation processes. One interviewee noted that “Tanzania is absent.” Hopes were expressed for Sudan, as the country has embarked on a reform and democratisation process and joined the HRC’s membership. One interviewee stressed that UN agencies, and in particular the UN Population Fund (UNFPA), could help “bridge the gap” on

controversial issues and bring stakeholders together.

It is important to note, however, that States of the sub-region tend to frame issues as health, rather than human rights, issues.⁶² This may explain why African States are more involved in negotiations of resolutions on health-related issues and harmful practices (including FGM and CEFM) than in negotiations on violence or discrimination against women and girls, which have been more and more adversarial, in particular between GRULAC and WEOG States on the one hand and OIC members and Russia on the other hand.⁶³ Several interviewees indicated that many African States tend to avoid confrontation and remain outside brawls between groups of States.

As is obvious from voting patterns (see Annex 2), the main contentious language elements are “sexual rights,” “comprehensive sexuality education,” and “girls” (and adolescents). Interviewees also cited “marital rape,” “intimate partner violence,” and elements relating to access to abortion as difficult issues.⁶⁴ They unanimously cited SOGI and the rights of LGBT+ persons as the most difficult issues in negotiations with States of the sub-region. In 2019, even Rwanda’s position remained unclear until its positive vote on HRC resolution 41/18. While most States of the sub-region accept “sexual and reproductive health,” phrasings such as “the right to sexual and reproductive health” are problematic. This confirms remarks regarding the framing of issues – most States of the sub-region prefer to regard issues as health issues rather than human rights issues, as the latter implies the idea that there are rights holders and State obligations, as well as the idea that the State can be held to account for violations.

Confirming findings in the preceding sub-sections, interviewees cited resolutions and language on health and education (including FGM, CEFM, and girls’ education) as the least controversial for States of the sub-region. Indeed, these are issues enjoying consensus and relatively smooth adoption processes. FGM is an African Group-led initiative, which means

⁶¹ DefendDefenders interviews with human rights advocates at the HRC, April 2020. Several interviewees also raised the fact that Ethiopia had been more progressive at the World Health Assembly, partnering for initiatives on SRHR.

⁶² DefendDefenders interviews with diplomats and human rights advocates at the HRC, April 2020.

⁶³ *Ibid.*

⁶⁴ *Ibid.* See also Annex 2.

that all African States support it. Some of them are even more involved; for instance, they occasionally organise parallel events (“side events”) on the margins of HRC sessions.

According to civil society interviewees, one way of pushing African States, which often have small delegations in Geneva (and thus a limited number of diplomats and experts working on the technicalities of resolutions), to engage more constructively in negotiations on women’s rights is to organise briefings or approach them ahead of HRC session to discuss the contents of resolutions.⁶⁵ One interviewee pointed that “during the sessions, they have no time to meet. We need to work with delegations ahead of sessions, explaining why specific language elements are important and advocating for States to support their inclusion in relevant resolutions.”

Most interviewees identified South Africa as the most progressive African State on women’s and girls’ rights issues. Angola, Burkina Faso, Botswana, Ghana, Tunisia, Sierra Leone, and Zambia were also cited as supporting progressive initiatives. In the East and Horn of Africa, Rwanda was consistently cited as the most progressive State. This confirms findings with regard to Rwanda’s voting and co-sponsorship record. Interviewees mentioned Egypt as the most antagonistic member of the African Group. They also stressed the negative role played by the “conservative alliance” between Egypt, Russia, and a number of OIC members, including Gulf States.

Interviewees often raised regional group and geopolitical dynamics as being important. More precisely, several interviewees stressed that regarding certain issues, it might be difficult for individual African Group members to take the floor during informals, considering that the atmosphere is often tense and many African States’ attempt to “strike a balance” – they might not openly support initiatives, but they do not support States seeking to weaken the resolutions. Even when they disagree with positions put forward by fellow African Group members, many States refrain from publicly

contradicting them. Issues are rather raised in private meetings of the African Group.

Several interviewees warned about the challenge of identifying clear factors behind evolutions in State positions at the HRC. Domestic changes play a role, but there are many other potential factors: regional group positions, the influence of other groups or powerful members of the African Group and the OIC, reactions to/retaliation for the adoption of other resolutions,⁶⁶ “life cycles” of the HRC, personal dynamics with diplomats in charge of the negotiations, etc. Regarding the latter point, one diplomat interviewed for this report noted that “one person can make a massive difference” and explained that a committed diplomat can make efforts to explain the value of specific language elements to their capital and convince their ministry of supporting that language, including by co-sponsoring resolutions.

Several interviewees raised the example of HRC resolution 40/5 (“Elimination of discrimination against women and girls in sport”) to exemplify group dynamics. Resolution 40/5 is a progressive resolution. It contains unprecedented language on bodily integrity and bodily autonomy of women and girls. Yet, negotiations were relatively smooth. These language elements did not meet opposition from African States, despite the usual reluctance of many of them with regard to language on “bodily autonomy” and “girls.” This can be explained by the fact that the resolution was authored by South Africa, an influential member of the African Group, and that it contained elements on racial discrimination. Even Egypt felt that it was not in a position to oppose it.

Lastly, it is worth noting that a number of States have been more progressive at home, or in other fora, than at the Human Rights Council. This is partly due to judicial independence. Court cases, including cases filed by organisations specialising in SRHR, have led to progressive decisions, for instance in Kenya. But these rulings have not led to changes in Kenya’s human rights policy. It remains to be seen

⁶⁵ DefendDefenders interviews with human rights advocates at the HRC, April 2020.

⁶⁶ The adoption of resolution 32/2 on SOGI, in 2016, may have triggered backlash in the form of amendments to other resolutions or the protection of the family initiative.

Some interviewees also mentioned the fact that thematic resolutions might be suffering a backlash in relation to country-specific initiatives. States feeling scrutinized, including Saudi Arabia and Russia, which have been the objects of joint oral statements in recent Council sessions, may be more “confrontational” in negotiations on thematic resolutions, including on women’s rights, as retaliation. Egypt has consistently opposed progressive initiatives.



whether the fact that Kenya hosted the ICPD25 conference⁶⁷ and sponsored HRC resolution 42/12 on marking the 25th anniversary of the Beijing Declaration and Platform for Action will bring about any change.

Interviewees also pointed out that some States had a relatively good domestic track record regarding PMMM (Uganda), or authorised abortion in a number of specific cases, but that their international behaviour was different – that is, more conservative. Strategic alliances, group positions, and multilateral dynamics need to be taken into account. Several interviewees mentioned the fact that at the HRC, Egypt and the Gulf States engaged in “fear-mongering” about SHRH, propagating the narrative that Western and Latin American States attempt to promote abortion or masturbation. These narratives are often echoed by conservative domestic groups.

5. UPR RECOMMENDATIONS

The analysis of UPR recommendations covers both: (a) replies by States of the East and Horn of Africa sub-region to the recommendations they received in the context of the UPR process (as States under review), and (b) recommendations that they offered to other States (as recommending States).

(A) REPLIES TO THE RECOMMENDATIONS RECEIVED

All States of the sub-region underwent at least two cycles of the UPR. As the third cycle of the UPR started in 2017, some underwent three. According to the NGO UPR Info,⁶⁸ overall, 18.75% of all recommendations formulated within the context of the UPR pertain to women’s rights (that is 12,030 out of 64,164 recommendations). 3.75% are on trafficking and 2.68% on SOGI. To these, it should be added that some recommendations, classified as pertaining to international instruments (i.e., recommendations on signing, ratifying/ acceding to, and/or implementing them), also pertain to women’s rights and gender issues, as far as CEDAW/OP-CEDAW are concerned.

Additionally, recommendations on education can be relevant (as far as girls are concerned). Therefore, a large percentage (more than 25%) of all UPR recommendations formulated to date pertain to women’s rights.

This sub-section examines the replies (yes or no) States provide to recommendations on women’s rights. The analysis covers two UPR cycles per State, i.e. 22 UPR reviews. For some States, the first and second UPR reviews are considered; for others, it is the second and third reviews. Data collection was conducted by reviewing UPR Working Group reports for each State, as well as the replies provided by the governments of the States under review (in the form of *addenda* to the relevant Working Group reports). Given the large size of the data collected, detailed information on recommendations and States’ replies is available on DefendDefenders’ website.⁶⁹ In UPR terminology, a recommendation is said to be either accepted/supported or “noted” (rejected).

Regarding VAWG, States of the sub-region usually accept recommendations offered to them. Kenya and Somalia, in particular, have accepted all recommendations offered to them in this field. They and other States accept all recommendations on addressing SGBV, trafficking in women and girls, sexual exploitation, domestic violence, and the fight against impunity for GBV. The few recommendations which have been “noted” concern violence related to political or military issues (for Burundi: violence by the *Imbonerakure* militia; for Djibouti: violence perpetrated against Afar women; for Eritrea: VAWG in the context of national service; and for South Sudan: accusations of SGBV and CRSV (including the use of rape as a weapon of war) against the government’s forces). Other States reject the expression “marital rape” (Ethiopia, Sudan, and Uganda rejected recommendations on combating marital rape and Tanzania rejected recommendations on marital rape and intimate partner violence).

⁶⁷ From 12-14 November 2019, Kenya, Denmark and UNFPA co-convened the “Nairobi Summit” on ICPD25, a high-level conference to mobilise the political will and financial commitments needed to finally and fully implement the ICPD Programme of Action. The conference marked the 25th anniversary of the International Conference on Population and Development (ICPD). Topics included universal access to SRHR and the fight against GBV and harmful practices. See <https://www.nairobisummiticpd.org/content/about-nairobi-summit> (accessed 17 April 2020).

⁶⁸ UPR Info, “Statistics of Recommendations,” available at: <https://www.upr-info.org/database/statistics/> (accessed 1 April 2020).

⁶⁹ Annex 4. See the report’s webpage: <https://defenddefenders.org/making-a-difference-for-women-and-girls>.

When it comes to DAWG, UPR recommendations are widely accepted. In particular, States of the sub-region usually accept recommendations on modifying their national legislation to bring it into line with standards on DAWG, women representation in public life, adopting a national gender policy, and supporting women's organisations. However, a number of States refuse to accept recommendations on ratifying OP-CEDAW (Djibouti, Eritrea, Kenya, Uganda). Tanzania and Uganda rejected some recommendations on fighting DAWG relating to the family sphere, inheritance and succession. Somalia refused to accept recommendations to ratify CEDAW. Lastly, following a common practice in the context of the UPR (it is used by States in all regional groups), Sudan accepts recommendations to "consider ratifying [CEDAW]" but rejects more directive recommendations on "signing and ratifying" the Convention (emphasis added).

Recommendations on harmful practices are almost universally accepted, including recommendations on combating FGM and CEFM and enhancing girls' access to education. Burundi, Djibouti, Somalia, South Sudan, and Sudan accept all recommendations offered to them in this regard. Other States accept recommendations on combating harmful practices but reject a few others, namely: (i) recommendations that include a reference to abortion (even when phrased as "legal, safe and voluntary termination of pregnancy" or when clearly restricted to the three cases usually authorised in countries restricting access to abortion⁷⁰) – this is the case of Eritrea, Ethiopia, Kenya, Tanzania, and Uganda; and (ii) recommendations containing references to SRHR, SRH services, or sexuality education (Kenya, Tanzania, Uganda). Rwanda rejected a few recommendations on the grounds that it denied that the issues raised existed or disagreed with the phrasing used. Tanzania has openly refused to ban polygamy and to unequivocally set the age of marriage at 18 for both women and men.

States that receive recommendations on SOGI⁷¹ almost unanimously reject them. This is the case for Burundi, Eritrea, Ethiopia, Somalia, South Sudan, Sudan, and Tanzania. Kenya and Uganda, which have received a large number of SOGI-related recommendations, rejected almost all of them. Many of the recommendations offered use a gradual approach and contain minimal, human rights-based asks: prosecuting and punishing perpetrators of attacks against LGBT+ persons, providing access to health care and justice to all without discrimination, guaranteeing protection from physical abuse, and ensuring equality of rights. More ambitious recommendations (on decriminalising same-sex relations between consenting adults) are unanimously rejected. The pattern is clear.

(B) RECOMMENDATIONS OFFERED TO OTHER STATES

DefendDefenders compiled data on the basis of the UPR Info database,⁷² using the "Recommending State" search function. A first remark is that East and Horn of Africa States are not among the most engaged in the UPR process. They have not offered many recommendations to other States. Djibouti and Sudan are the only exceptions. The other nine States participate in the UPR process modestly or very modestly. Some have formulated only a handful of recommendations to States under review so far.⁷³ In total, East and Horn of Africa States have formulated 1,672 recommendations (2.61% of all recommendations) to date. This is only 16% of all recommendations formulated by members of the African Group (which formulated 10,389 recommendations in total). A majority of their recommendations are offered to other African States, but not necessarily to other States of the East and Horn of Africa.

70 When the mother's life or health is at risk, when the foetus will not survive the pregnancy, and when the pregnancy is the result of a criminal act (i.e., in the case of rape or incest).

71 Djibouti and Rwanda have not received any so far.

72 UPR Info, "Database of Recommendations," available at: <https://www.upr-info.org/database/> (accessed 1 April 2020).

73 See Annex. Burundi ranks 139th (84 recommendations formulated, or 0.13% of all recommendations formulated); Djibouti ranks 63rd (347 recommendations formulated, or 0.54% of the total); Eritrea ranks 160th (22 recommendations formulated, or 0.03% of the total); Ethiopia ranks 102nd (186 recommendations formulated, or 0.29% of the total); Kenya ranks 110th (163 recommendations formulated, or 0.25% of the total); Rwanda ranks 96th (217 recommendations formulated, or 0.34% of the total); Somalia ranks 150th (51 recommendations formulated, or 0.08% of the total); South Sudan ranks 143rd (74 recommendations formulated, or 0.12% of the total); Sudan ranks 65th (346 recommendations formulated, or 0.54% of the total); Tanzania ranks 158th (28 recommendations formulated, or 0.04% of the total); and Uganda ranks 113rd (154 recommendations formulated, or 0.24% of the total).



In terms of content, there are strong variations depending on the recommending State. East and Horn of Africa States do not formulate many recommendations on VAWG and DAWG. Djibouti has formulated only 57 recommendations (out of 347) on VAWG and DAWG; Eritrea, only 5 (out of 22); Ethiopia, 21 (out of 186); Kenya, 12 (out of 163); Somalia, 0

(out of 51); South Sudan, 15 (out of 74); Sudan, 47 (out of 346); Tanzania, 0 (out of 28); and Uganda, 34 (out of 154).

Only Burundi, with 20 recommendations out of 84 (24%) on VAWG and DAWG, and Rwanda, with 58 out of 217 (27%), stand out.

	Total number of recommendations formulated	Themes	To African States	(Total)
Burundi	84	1. Violence against women and girls	4	4
		2. Discrimination against women and girls	10	16
		3. Harmful practices, health, girls' education	6	6
		4. SOGI and societal issues	0	0
		5. Other / Misc.	32	58
Djibouti	347	1. Violence against women and girls	10	21
		2. Discrimination against women and girls	19	36
		3. Harmful practices, health, girls' education	14	20
		4. SOGI and societal issues	0	0
		5. Other / Misc.	133	270
Eritrea	22	1. Violence against women and girls	0	0
		2. Discrimination against women and girls	0	5
		3. Harmful practices, health, girls' education	1	1
		4. SOGI and societal issues	0	1
		5. Other / Misc.	0	15
Ethiopia	186	1. Violence against women and girls	4	7
		2. Discrimination against women and girls	3	14
		3. Harmful practices, health, girls' education	16	18
		4. SOGI and societal issues	0	0
		5. Other / Misc.	84	147
Kenya	163	1. Violence against women and girls	1	2
		2. Discrimination against women and girls	6	10
		3. Harmful practices, health, girls' education	4	4
		4. SOGI and societal issues	2	4
		5. Other / Misc.	68	143
Rwanda	217	1. Violence against women and girls	9	15
		2. Discrimination against women and girls	20	43
		3. Harmful practices, health, girls' education	10	12
		4. SOGI and societal issues	0	0
		5. Other / Misc.	78	146

Somalia	51	1. Violence against women and girls	0	1
		2. Discrimination against women and girls	0	0
		3. Harmful practices, health, girls' education	0	1
		4. SOGI and societal issues	0	0
		5. Other / Misc.	22	49
South Sudan	74	1. Violence against women and girls	3	4
		2. Discrimination against women and girls	7	11
		3. Harmful practices, health, girls' education	7	8
		4. SOGI and societal issues	0	0
		5. Other / Misc.	32	51
Sudan	346	1. Violence against women and girls	8	26
		2. Discrimination against women and girls	7	21
		3. Harmful practices, health, girls' education	4	4
		4. SOGI and societal issues	0	0
		5. Other / Misc.	125	295
Tanzania	28	1. Violence against women and girls	0	0
		2. Discrimination against women and girls	0	0
		3. Harmful practices, health, girls' education	0	0
		4. SOGI and societal issues	0	0
		5. Other / Misc.	19	28
Uganda	154	1. Violence against women and girls	9	16
		2. Discrimination against women and girls	11	18
		3. Harmful practices, health, girls' education	5	6
		4. SOGI and societal issues	1	3
		5. Other / Misc.	66	111

Table 4: UPR recommendations offered
(Figures compiled from UPR Info Database, accessed 1 April 2020)

A number of States, including Burundi, Djibouti, Ethiopia, Kenya, Rwanda, South Sudan, Sudan, and Uganda, offer recommendations on eliminating harmful practices (FGM) and girls' education. No State has formulated any recommendation on SOGI, but Kenya and Uganda have offered a few "category 4" (societal issues) recommendations to other States. In practice, recommendations Kenya and Uganda formulated on societal issues were on preserving the family and traditional values.

The vast majority of recommendations formulated by all States fall under the "other/misc." category, which means they are not on women's rights issues. Tanzania has set a negative record by formulating no recommendation whatsoever on women's rights.

Overall, States seem to focus on getting their recommendations accepted (almost all are), but this may not be different from the practice of a large number of States from other regional groups. The percentage of "SMART" (specific, measurable, achievable, relevant, and time-bound) recommendations⁷⁴ remains low. States of the East and Horn of Africa have shown commitment to fighting violence and discrimination against women and girls. However, the devil is in the details. It is regrettable that several States reject recommendations based on their legal obligations, including to combat rape in all its form (which includes marital rape) and to protect all persons from violence and discrimination.

⁷⁴ See UPR Info, "For impact on the ground the UPR needs SMART recommendations," 21 October 2015, <https://www.upr-info.org/en/news/for-impact-on-the-ground-the-upr-needs-smart-recommendations> (accessed 7 April 2020).



V. Conclusion

An in-depth examination of the contributions of East and Horn of Africa States to the advancement of women's and girls' rights at the HRC shows ambivalent patterns. It leaves us in front of a difficult task. Drawing conclusions about the 11 countries covered by DefendDefenders' mandate is challenging. It might even be challenging to draw conclusions about individual countries' record, as most of them make both positive and negative contributions to the advancement of women's rights. Evolutions have also been observed over time.

First, some good news: all East and Horn of Africa States join consensus on and **support important resolutions** on VAWG, DAWG, and issues affecting women and girls, including PMMM, CEFM, and girls' education. As members of the African Group, all 11 States also lead the fight against FGM – an example of principled leadership by African States. Regarding the UPR process, while States are timid in offering recommendations on women's rights to other States, they have accepted an overwhelming majority of the recommendations that they received. This behaviour is constructive and commendable. Implementation should follow at the national level.

However, while some African States (including Burkina Faso, South Africa, and Tunisia) lead or play a significant role in advancing women's rights at the HRC, East and Horn of Africa States usually do not. Only Ethiopia exercised **leadership** (on CEFM resolutions), and only Rwanda has a consistent policy of co-sponsoring resolutions on women's rights.

Over time, African States have tended to **co-sponsor** fewer and fewer resolutions. Factors may include: (i) increasing confrontation in multilateral fora, in particular between Latin American and WEOG States on the one hand, and Russia, Egypt, Gulf States and OIC members on the other hand; (ii) an increasing number of amendments presented against

these resolutions; (iii) pressure and influence, both from the abovementioned States (with Egypt, Saudi Arabia and their allies playing a significant strategic role in the Horn of Africa) and from other States, some of which have increased aid conditionality,⁷⁵ and (iv) the rising influence of conservative civil society groups, which have become more active in reaching out to States at the UN level. Overall, there is now more pressure on smaller States, including East and Horn of Africa States, *not* to co-sponsor resolutions.

Most of the topics considered in this report have become more and more confrontational in UN fora. Countries that are members of the HRC now have to vote on amendments to resolutions on women's rights. It was not the case for countries that were members in the early years of the Council.

Personal dynamics may also play a role – as always in multilateral fora. Some high-profile African Ambassadors, as well as committed African diplomats, were instrumental in pushing some issues on the Council's agenda and getting their country to support or join initiatives. In the 2010s, this was the case for Sierra Leone (with Ambassador Stevens), Botswana (with Ambassador Rabasha Palai), and Somalia (with the late Ambassador Ismail "Bari Bari"). In a number of cases, co-sponsorship of resolutions stopped with diplomats' departure from Geneva.

Second, unfortunately, when one looks at **amendments and negotiation processes**, it appears that not all States of the sub-region make positive contributions to stronger protections for women and girls. Some States, including Burundi, Eritrea, and Somalia, consistently support hostile amendments presented against progressive resolutions. These amendments aim to weaken the resolutions, dilute language on human rights standards or State obligations, overlook a number of human rights issues, or justify

⁷⁵ In particular, the US, as the Trump administration has increased pressure on aid recipient countries and organisations regarding SRHR, including through the 2017 "global gag rule."

violations and abuses on the basis of cultural-relativist arguments.

Nonetheless, East and Horn of Africa States do not play any leading role in presenting amendments. Those who support amendments merely follow sponsors of these amendments (which are often Russia, Egypt, and the Gulf States). Foreign influences (particularly from Saudi Arabia and other Gulf States, for those States that are members of the OIC, and from Western States) could explain both some votes on amendments and, in some cases, a cautious approach – with States attempting to “strike a balance” between different groups of States, including the OIC and other States, which support strong resolutions on women’s rights.

This “in-between” positioning, and a will to maintain an **independent human rights policy**, may also explain a number of abstentions (especially by Kenya and Ethiopia). However, the fact that despite an increasing number of amendments, resolutions on women’s rights continue to be adopted by consensus (after separate votes on amendments) means that States can “hide” behind consensus. They may not be entirely happy with the outcome, but no one dares to call for a vote.

Third, with the exception of Rwanda, States of the sub-region demonstrate hostility to the protection of the rights of all persons irrespective of their **SOGI**. States’ refusal to support, or even to simply abstain on, resolutions on SOGI does not amount to preserving “traditional values.” It amounts to refusing to assert that every human being deserves protection from violence and discrimination. In this regard, many States, including African States, have changed their position from opposition to abstention, or even from abstention to support.⁷⁶ East and Horn of Africa States should reconsider their position and open up the space for debate on SOGI issues.

Fourth, some of the issues raised by DefendDefenders’ interviewees confirm findings about UPR recommendations and votes on amendments, namely that most States of the East and Horn of Africa are uncomfortable with **SRHR**. While some may support language

on “sexual and reproductive health” or “reproductive health and rights,” they refuse to support “*the right to sexual and reproductive health*.” This behaviour is counterproductive. SRHR form a cohesive whole: women and girls need both to be protected from violations related to their sexual and reproductive health and bodily integrity and autonomy and to be able to make informed choices about their sexual and reproductive life, including by having access to goods, information, and services. All States should consider expert advice and analysis in this regard, in particular from treaty bodies and specialist organisations.

Last, most States support progressive resolutions on civic space and HRDs and paying specific attention to the situation and needs of **WHRDs**, including intersecting risks and challenges they face. However, they need to do more to protect and support WHRDs. Efforts should include ensuring that WHRDs (and civil society actors at large) operate in an open civic space and enjoy a safe and enabling environment. This is key for both domestic progress and monitoring States’ behaviour at the international level, including on women’s and girls’ rights.

Being able to air grievances and enjoying an open, democratic space to push for changes in legislation, policies and practices is key to question violent masculinities, challenge societal attitudes, deconstruct stereotypes and gender roles, and ultimately the status quo regarding violations of women’s and girls’ rights.

⁷⁶ See the result of the vote on HRC resolution 41/18. Rwanda, South Africa, and Tunisia voted “Yes.” Angola, Burkina Faso, the Democratic Republic of the Congo, Senegal, and Togo abstained. Cameroon did not cast a vote. Only Egypt, Eritrea, Nigeria, and Somalia voted “No.”



VI. Recommendations

In light of the findings and analysis presented above, DefendDefenders offers the following United Nations- and Human Rights Council-focused recommendations:

TO STATES OF THE EAST AND HORN OF AFRICA:

- For those States that have not done so, ratify the Convention on the Elimination of All Forms of Discrimination Against Women without reservations; and
- For those States that have not done so, ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women.

States should:

- At the United Nations Human Rights Council, fully and actively support resolutions addressing violence against women and girls, discrimination against women and girls, child, early and forced marriage, preventable maternal mortality and morbidity, girls' education, and the rights of the child, as well as all resolutions with a progressive gender dimension (i.e., that recognise the specific and intersecting forms of violence and discrimination facing women and women human rights defenders), including resolutions on civil society space and human rights defenders;
- As members of the African Group, continue to fully and actively support resolutions on eliminating female genital mutilation;
- Reconsider their opposition to resolutions on sexual orientation and gender identity, and in the meantime consider engaging with the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity;
- Support progressive language on sexual and reproductive health and rights, including the right to sexual and reproductive health, girls' rights, and fighting all forms of gender-based violence, including intimate partner violence and marital rape;
- Consider co-sponsoring resolutions on violence against women and girls, discrimination against women and girls, child, early and forced marriage, preventable maternal mortality and morbidity, girls' education, and the rights of the child;
- Oppose any amendment that runs counter to the spirit and purpose of resolutions on violence against women and girls, discrimination against women and girls, child, early and forced marriage, female genital mutilation, preventable maternal mortality and morbidity, girls' education, the rights of the child, civil society space, human rights defenders, sexual orientation and gender identity, and any other resolution with a progressive gender dimension;
- Oppose any amendment seeking to weaken these resolutions, dilute language on human rights standards or State obligations, overlook human rights issues affecting women and girls in the public and private spheres, or justify violations and abuses on the basis of cultural-relativist arguments;
- Pay attention to the human rights implications of initiatives on protection of the family, in particular potential protection gaps, and consider supporting the addition of elements aiming to fill these gaps;
- Fully cooperate with special procedure mandate-holders, including by responding favourably to their visit requests and providing substantive replies to their communications, in particular the Special Rapporteur on violence against women, its causes and consequences; the Working Group on discrimination against women and girls; and the Special Rapporteur on trafficking in persons, especially women and children;

- Swiftly and fully operationalise and implement recommendations on women's rights received in the framework of the Universal Periodic Review, which they have accepted, and consider accepting recommendations that have been so far noted;
- Submit periodic reports on the implementation on the Convention on the Elimination of All Forms of Discrimination Against Women to the Committee on the Elimination of Discrimination Against Women on time, and pay utmost attention to the Committee's concluding observations, recommendations, jurisprudence, and General Comments;
- Mainstream gender in all laws, regulations, policies and programmes, including human rights policy and positions at the United Nations Human Rights Council, including reports, oral statements, negotiation positions, bilateral engagement, voting on resolutions and amendments, cooperation with special procedures, and the Universal Periodic Review process; and mainstream gender-responsive budgeting and programming in all decision-making processes;
- Publicly recognise and support women human rights defenders and defenders of women's and girls' rights; and
- Establish and maintain, in law and in practice, a safe and enabling environment in which human rights defenders, including women human rights defenders, and civil society can operate free from hindrance and insecurity and in which everyone is able to express grievances regarding the situation of women and girls and push for changes in legislation, policies and practices, as well as question societal attitudes, deconstruct stereotypes and gender roles, and ultimately challenge the status quo regarding violations of women's and girls' human rights.

TO OTHER STATES:

- For those States that have not done so, ratify the Convention on the Elimination of All Forms of Discrimination Against Women without reservations;
- For those States that have not done so, ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women;
- Lift any substantive reservation to the Convention on the Elimination of All Forms of Discrimination Against Women;
- States exercising leadership in relation to resolutions on violence against women and girls, discrimination against women and girls, child, early and forced marriage, preventable maternal mortality and morbidity, girls' education, eliminating female genital mutilation, the rights of the child, civil society space, human rights defenders, and sexual orientation and gender identity should continue to do so to further advance women's and girls' rights;
- All States should fully and actively support these resolutions, support progressive language on sexual and reproductive health and rights, consider co-sponsoring these resolutions, oppose any amendment that runs counter to their spirit and purpose, and oppose any amendment seeking to weaken these resolutions, dilute language on human rights standards or State obligations, overlook human rights issues affecting women and girls in the public and private spheres, or justify violations and abuses on the basis of cultural-relativist arguments;
- When presenting a resolution, all States should pay attention to their human rights implications, in particular potential protection gaps, in a gender-sensitive perspective;
- All states should mainstream gender in human rights policy and positions at the United Nations Human Rights Council, including when they receive and formulate recommendations in the context of the Universal Periodic Review process;
- Publicly recognise and support women human rights defenders and defenders of women's and girls' rights; and
- Establish and maintain, in law and in practice, a safe and enabling environment in which human rights defenders, including women human rights defenders, and civil society can operate free from hindrance and insecurity and in which everyone is able to express grievances regarding the situation of women and girls and push for changes in legislation, policies and practices, as well as question societal attitudes, deconstruct stereotypes and gender roles, and ultimately challenge the status quo regarding violations of women's and girls' rights.



TO THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS:

- Through regional and country offices and in-house capacity of the Office, provide specific support on women's rights, including regarding compliance with international standards and implementation of recommendations formulated by United Nations human rights bodies and mechanisms; and
- Continue to raise awareness of, and encourage States of the East and Horn of Africa to fully uphold, the rights of women and girls, including in relation to protection from violence, discrimination, harmful practices, and other violations occurring in the public and private spheres and in relation to other civil, political, economic, social and cultural rights, including health (including sexual and reproductive health and rights) and education.

TO DONORS AND DEVELOPMENT PARTNERS:

- Make opportunities, including capacity-building and funding opportunities, available to women's and girls' rights associations, women human rights defenders, and human rights defenders working on issues affecting women and girls, including the fight against gender-based violence, sexual and gender-based violence, conflict-related sexual violence, discrimination against women and girls, gender equality, sexual and reproductive health and rights, and access to remedies.

TO CIVIL SOCIETY ORGANISATIONS IN THE EAST AND HORN OF AFRICA:

- Adopt a gender strategy and mainstream gender in all Statutes, programmes, and projects;
- Engage governments of the sub-region regarding women's rights, including how they contribute to the advancement of these rights at the international level; and
- Encourage governments of the sub-region to implement the recommendations formulated in the present report.

ANNEX 1: LIST OF RESOLUTIONS CONSIDERED

1. Violence against women and girls (13 resolutions)

- **HRC resolution 41/17:** Accelerating efforts to eliminate all forms of violence against women and girls: preventing and responding to violence against women and girls in the world of work
- **HRC resolution 38/5:** Accelerating efforts to eliminate violence against women and girls: preventing and responding to violence against women and girls in digital contexts
- **HRC resolution 35/10:** Accelerating efforts to eliminate violence against women: engaging men and boys in preventing and responding to violence against all women and girls
- **HRC resolution 32/19:** Accelerating efforts to eliminate violence against women: preventing and responding to violence against women and girls, including indigenous women and girls
- **HRC resolution 29/14:** Accelerating efforts to eliminate all forms of violence against women: eliminating domestic violence
- **HRC resolution 26/15:** Accelerating efforts to eliminate all forms of violence against women: violence against women as a barrier to women's political and economic empowerment
- **HRC resolution 23/25:** Accelerating efforts to eliminate all forms of violence against women: preventing and responding to rape and other forms of sexual violence
- **HRC resolution 20/12:** Accelerating efforts to eliminate all forms of violence against women: remedies for women who have been subjected to violence
- **HRC resolution 17/11:** Accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in protection
- **HRC resolution 16/7:** Mandate of the Special Rapporteur on violence against women, its causes and consequences
- **HRC resolution 14/12:** Accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in prevention
- **HRC resolution 11/2:** Accelerating efforts to eliminate all forms of violence against women
- **HRC resolution 7/24:** Elimination of violence against women

2. Discrimination against women and girls (11 resolutions)

- **HRC resolution 41/6:** Elimination of all forms of discrimination against women and girls
- **HRC resolution 40/5:** Elimination of discrimination against women and girls in sport
- **HRC resolution 38/1:** Elimination of all forms of discrimination against women and girls
- **HRC resolution 35/18:** Elimination of discrimination against women and girls
- **HRC resolution 32/4:** Elimination of discrimination against women
- **HRC resolution 29/4:** Elimination of discrimination against women
- **HRC resolution 26/5:** Elimination of discrimination against women
- **HRC resolution 23/7:** Elimination of discrimination against women
- **HRC resolution 20/6:** Elimination of discrimination against women
- **HRC resolution 15/23:** Elimination of discrimination against women
- **HRC resolution 12/17:** Elimination of discrimination against women

3. Harmful practices, health, and girls' education (24 resolutions)

(a) Child, early and forced marriage (4 resolutions)

- **HRC resolution 41/8:** Consequences of child, early and forced marriage
- **HRC resolution 35/16:** Child, early and forced marriage in humanitarian settings
- **HRC resolution 29/8:** Strengthening efforts to prevent and eliminate child, early and forced marriage
- **HRC resolution 24/23:** Strengthening efforts to prevent and eliminate child, early and forced marriage: challenges, achievements, best practices and implementation gaps

(b) Female genital mutilation (3 resolutions)

- **HRC resolution 38/6:** Elimination of female genital mutilation
- **HRC resolution 32/21:** Elimination of female genital mutilation
- **HRC resolution 27/22:** Intensifying global efforts and sharing good practices to effectively eliminate female genital mutilation

(c) Preventable maternal mortality and morbidity (6 resolutions)

- **HRC resolution 39/10:** Preventable maternal mortality and morbidity and human rights in humanitarian settings
- **HRC resolution 33/18:** Preventable maternal mortality and morbidity and human rights
- **HRC resolution 27/11:** Preventable maternal mortality and morbidity and human rights
- **HRC resolution 21/6:** Preventable maternal mortality and morbidity and human rights
- **HRC resolution 18/2:** Preventable maternal mortality and morbidity and human rights
- **HRC resolution 15/17:** Preventable maternal mortality and morbidity and human rights: follow-up to Council resolution 11/8



(d) Right to education and girls' right to education (4 resolutions)

- **HRC resolution 38/9:** The right to education: follow-up to Human Rights Council resolution 8/4
- **HRC resolution 35/22:** Realizing the equal enjoyment of the right to education by every girl
- **HRC resolution 35/2:** The right to education: follow-up to Human Rights Council resolution 8/4
- **HRC resolution 32/20:** Realizing the equal enjoyment of the right to education by every girl

(e) Rights of the child (7 resolutions)

- **HRC resolution 37/20:** Rights of the child: protection of the rights of the child in humanitarian situations
- **HRC resolution 34/16:** Rights of the child: protection of the rights of the child in the implementation of the 2030 Agenda for Sustainable Development
- **HRC resolution 31/7:** Rights of the child: information and communications technologies and child sexual exploitation
- **HRC resolution 28/19:** Rights of the child: towards better investment in the rights of the child
- **HRC resolution 22/32:** Rights of the child: the right of the child to the enjoyment of the highest attainable standard of health
- **HRC resolution 19/37:** Rights of the child
- **HRC resolution 13/20:** Rights of the child: the fight against sexual violence against children

4. Societal issues (14 resolutions)

(a) SOGI (4 resolutions)

- **HRC resolution 41/18:** Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity
- **HRC resolution 32/2:** Protection against violence and discrimination based on sexual orientation and gender identity
- **HRC resolution 27/32:** Human rights, sexual orientation and gender identity
- **HRC resolution 17/19:** Human rights, sexual orientation and gender identity

(b) Protection of the family (4 resolutions)

- **HRC resolution 35/13:** Protection of the family: role of the family in supporting the protection and promotion of human rights of older persons
- **HRC resolution 32/23:** Protection of the family: role of the family in supporting the protection and promotion of human rights of persons with disabilities
- **HRC resolution 29/22:** Protection of the family: contribution of the family to the realization of the right to an adequate standard of living for its members, particularly through its role in poverty eradication and achieving sustainable development
- **HRC resolution 26/11:** Protection of the family

(c) Traditional values (2 resolutions)

- **HRC resolution 16/3:** Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind
- **HRC resolution 12/21:** Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind

(d) Defamation of religions (4 resolutions)

- **HRC resolution 13/16:** Combating defamation of religions
- **HRC resolution 10/22:** Combating defamation of religions
- **HRC resolution 7/19:** Combating defamation of religions
- **HRC resolution 4/9:** Combating defamation of religions

5. Miscellaneous (5 resolutions)

- **HRC resolution 41/14:** Equal pay
- **HRC resolution 34/5:** Mandate of the Special Rapporteur on the situation of human rights defenders
- **HRC resolution 32/17:** Addressing the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls
- **HRC resolution 31/32:** Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights
- **HRC resolution 23/2:** The role of freedom of opinion and expression in women's empowerment

ANNEX 2: LIST OF VOTES CONSIDERED (ON RESOLUTIONS, AMENDMENTS, AND PROCEDURAL PLOYS)

For each resolution on which a vote was requested or votes on amendments were requested:

- The title of the resolution appears;
- The resolution is categorised as “progressive” or “regressive”;
- The result of the vote on the resolution (if a vote was requested) appears, as well as the votes of East and Horn of Africa States that were members of the HRC at the time;
- Amendments are listed (with their number and main sponsors) and summarised;
- Amendments are categorised as “hostile” or “progressive”; and
- The result of the vote on the amendment (or procedural ploy) appears, as well as the votes of East and Horn of Africa States that were members of the HRC at the time.

Categorisation:

- **HOSTILE AMENDMENT:** Amendment aiming to weaken human rights protections, dilute standards or State obligations, or justify violations.
- **PROGRESSIVE AMENDMENT:** Amendment aiming to strengthen human rights protections.
- **HOSTILE PROCEDURAL PLOY:** Procedural ploy against a text or part thereof, aiming to remove it from the HRC’s consideration (there can be separate votes on specific paragraphs of resolutions (to retain or delete them) or on the title of a resolution (to retain or delete the title)).
- AMENDMENT / PLOY **REJECTED** / **REJECTED** by the HRC.
- AMENDMENT / PLOY **ADOPTED** / **ADOPTED** by the HRC.

Remark:

- Resolutions for which no amendment was presented or on which no vote was requested do not appear here (see Annex 1 for the full list of resolutions considered in this report).

1. Violence against women and girls (14 amendments and 2 procedural ploys in total)

- **HRC resolution 41/17 PROGRESSIVE RESOLUTION**
 - Amendment L.38 (Egypt, Saudi Arabia): Delete “intimate partner [violence]”
HOSTILE REJECTED (14Y, 27N, 5A) (Eritrea YES; Rwanda NO; Somalia YES)
 - Amendment L.43 (Bahrain, Russia): Add “negative” before “gender stereotypes”; Remove “girls” from “women and girls” from several paragraphs; and Delete “the highest standard of sexual and reproductive health” and “full respect for dignity, integrity and bodily autonomy”
HOSTILE REJECTED (10Y, 28N, 8A) (Eritrea YES; Rwanda NO; Somalia YES)
 - Amendment L.44 (Bahrain, Russia, Saudi Arabia): Delete “evidence-based comprehensive sexuality education”
HOSTILE REJECTED (15Y, 25N, 6A) (Eritrea YES; Rwanda NO; Somalia YES)
- **HRC resolution 38/5 PROGRESSIVE RESOLUTION**
 - Amendment L.32 (Egypt, Russia, Saudi Arabia): Delete “comprehensive sexuality education” from “Developing and implementing educational programmes and teaching materials, including comprehensive sexuality education, based on full and accurate information, for all adolescents and youth [...]”
HOSTILE REJECTED (13Y, 25N, 6A) (Burundi YES; Ethiopia YES; Kenya YES; Rwanda NO)
- **HRC resolution 35/10 PROGRESSIVE RESOLUTION**
 - Amendment L.39 (Belarus, China, Egypt, Russia): Remove “women human rights defenders” from a paragraph expressing “particular concern at the systemic and structural discrimination and violence faced by women human rights defenders of all ages”
HOSTILE REJECTED (13Y, 25N, 8A) (Burundi YES; Ethiopia ABST; Kenya ABST; Rwanda NO)
 - Amendment L.40 (Egypt, Russia): Delete “comprehensive sexuality education” from “Developing and implementing educational programmes and teaching materials, including comprehensive sexuality education, based on full and accurate information, for all adolescents and youth [...]”
HOSTILE REJECTED (16Y, 25N, 4A) (Burundi YES; Ethiopia YES; Kenya YES; Rwanda NO)
- **HRC resolution 32/19 PROGRESSIVE RESOLUTION**
 - Amendment L.36 (China, Russia): Remove “and the Security Council, including those on women, peace and security and on children in armed conflict” from “Recalling all relevant resolutions of the Human Rights Council, the Commission on Human Rights, the General Assembly and the Security Council, including those on women, peace and security and on children in armed conflict [...]”
HOSTILE REJECTED (12Y, 22N, 13A) (Burundi ABST; Ethiopia ABST; Kenya YES)
 - Amendment L.37 (Russia): Remove a specific mention of “intimate partner violence” from “all forms of violence against women and girls”; and Stress “domestic violence” (not “intimate partner violence”) in the prevention and elimination of all forms of violence against women and girls; Delete a specific mention of “violence in the private sphere”
HOSTILE REJECTED (15Y, 22N, 9A) (Burundi YES; Ethiopia ABST; Kenya YES)
 - Amendment L.42 (China, Russia): Remove “women human rights defenders” and “indigenous women and girl human rights defenders” from a paragraph expressing “particular concern at the systemic and structural discrimination and violence faced by women human rights defenders of all ages, including indigenous women and girl human rights defenders [...]”
HOSTILE REJECTED (14Y, 23N, 10A) (Burundi ABST; Ethiopia ABST; Kenya ABST)



- Amendment L.43 (Russia): Remove “comprehensive sexuality education” from a paragraph calling upon States to “guarantee women full and equal access to quality education, including comprehensive sexuality education, and training [...]”
HOSTILE REJECTED (10Y, 24N, 12A) (Burundi YES; Ethiopia ABST; Kenya ABST)
- **HRC resolution 29/14 PROGRESSIVE RESOLUTION**
 - Amendment L.26 (Bahrain, Egypt, Iran, Kuwait, Oman, Qatar, Russia, Saudi Arabia, United Arab Emirates): Replace “intimate partner violence” with “spousal and non-spousal violence”
HOSTILE REJECTED (13Y, 24N, 7A) (Ethiopia YES; Kenya NO)
 - Amendment L.27 (Bahrain, Egypt, Iran, Kuwait, Oman, Qatar, Russia, Saudi Arabia, United Arab Emirates): Replace “marital rape, intimate partner violence” with “spousal and non-spousal violence”
HOSTILE REJECTED (13Y, 24N, 7A) (Ethiopia YES; Kenya NO)
 - Amendment L.28 (Bahrain, Egypt, Iran, Kuwait, Oman, Qatar, Russia, Saudi Arabia, United Arab Emirates): Replace “comprehensive sexuality education” with “comprehensive sexual and reproductive health education”; and Delete a reference to the UNESCO International Technical Guidance on Sexuality Education, which defines ‘sexuality education’ as ‘an age- appropriate, culturally relevant approach to teaching about sex and relationships by providing scientifically accurate, realistic and non-judgemental information’
HOSTILE REJECTED (14Y, 21N, 9A) (Ethiopia YES; Kenya YES)
 - Amendment L.29 (Bahrain, Egypt, Iran, Kuwait, Oman, Qatar, Russia, Saudi Arabia, United Arab Emirates): Replace “partner violence and marital rape” with “spousal and non-spousal violence”
HOSTILE REJECTED (12Y, 24N, 8A) (Ethiopia YES; Kenya NO)
 - Vote on retaining paragraph 8(a) (which mentions abuses occurring in the family, including marital rape and partner violence)
HOSTILE PROCEDURAL PLOY PARAGRAPH RETAINED (29Y, 5N, 12A) (Ethiopia ABST; Kenya YES)
 - Vote on retaining paragraph 9(a) (which mentions domestic violence, including partner violence and marital rape)
HOSTILE PROCEDURAL PLOY PARAGRAPH RETAINED (30Y, 3N, 14A) (Ethiopia ABST; Kenya YES)

2. Discrimination against women and girls (11 amendments in total)

- **HRC resolution 41/6 PROGRESSIVE RESOLUTION**
 - Amendment L.37 (Pakistan): Delete “ensuring universal access to evidence-based comprehensive sexuality education”
HOSTILE REJECTED (15Y, 25N, 6A) (Eritrea YES; Rwanda NO; Somalia YES)
 - Amendment L.41 (Egypt): Delete “other rights, including the rights to [freedom of movement]”; and Include “sexual and reproductive health” within “physical and mental health,” not as a stand-alone element
HOSTILE REJECTED (13Y, 27N, 6A) (Eritrea YES; Rwanda NO; Somalia YES)
 - Amendment L.46 (Bahrain, Iraq, Russia): Remove “full enjoyment” and “in accordance with applicable international human rights standards” and remove “girls” from “[women and girls] right to have control over and decide freely and responsibly on matters relating to their sexuality, including sexual and reproductive health”; Replace “effective and meaningful participation of women and girls in all fields” with “effective and meaningful engagement of women and girls [...]”; and Refuse to rename the Working Group on the issue of discrimination against women in law and in practice “Working Group on discrimination against women and girls” and refuse that the Working Group “mainstream across all its work an age dimension [...] and [...] examine the specific forms of discrimination that girls face”
HOSTILE REJECTED (11Y, 26N, 9A) (Eritrea YES; Rwanda NO; Somalia YES)
- **HRC resolution 38/1 PROGRESSIVE RESOLUTION**
 - Amendment L.24 (Egypt, Russia, Saudi Arabia): Delete “ensuring universal access to evidence-based comprehensive sexuality education” from a paragraph
HOSTILE REJECTED (12Y, 24N, 7A) (Burundi YES; Ethiopia YES; Kenya YES; Rwanda NO)
 - Amendment L.35 (Egypt, Russia, Saudi Arabia): Delete “intimate partner violence”
HOSTILE REJECTED (11Y, 24N, 7A) (Burundi YES; Ethiopia ABST; Kenya ABST; Rwanda DID NOT VOTE)
- **HRC resolution 35/18 PROGRESSIVE RESOLUTION**
 - Amendment L.41 (Belarus, China, Egypt, Russia): Delete “women human rights defenders” and replace it with “women engaged in the promotion and protection of universally recognized human rights and fundamental freedoms”
HOSTILE REJECTED (14Y, 26N, 6A) (Burundi YES; Ethiopia ABST; Kenya YES; Rwanda NO)
 - Amendment L.42 (Egypt, Russia): Delete “evidence-based, comprehensive sexuality education”
HOSTILE REJECTED (17Y, 25N, 3A) (Burundi YES; Ethiopia YES; Kenya YES; Rwanda NO)
- **HRC resolution 32/4 PROGRESSIVE RESOLUTION**
 - Amendment L.67 (China, Russia): Delete a reference to resolutions on the elimination of discrimination against women adopted by the Security Council
HOSTILE REJECTED (16Y, 20N, 11A) (Burundi ABST; Ethiopia ABST; Kenya YES)
 - Amendment L.69 (China, Russia): Delete “human rights-based approach” from a paragraph on promoting “a human rights-based approach to women’s health [...]”
HOSTILE REJECTED (16Y, 21N, 9A) (Burundi ABST; Ethiopia ABST; Kenya YES)
 - Amendment L.70 (China, Russia): Replace “human rights defenders” with “those engaged in promotion and protection of human rights” and emphasise that they need to cooperate with Governments
HOSTILE REJECTED (14Y, 23N, 9A) (Burundi ABST; Ethiopia ABST; Kenya ABST)

- **HRC resolution 15/23 PROGRESSIVE RESOLUTION**

- Amendment (Saudi Arabia): Amend paragraph 1 (“Reaffirms the obligation of States to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise”)
HOSTILE REJECTED (18Y, 22N, 11A) (Djibouti YES; Uganda YES)

3. Harmful practices, health, and girls’ education (11 amendments and 1 procedural ploy in total)

(a) Child, early and forced marriage

- **HRC resolution 41/8 PROGRESSIVE RESOLUTION**

- Amendment L.39 (Egypt, Iraq): Replace “the right to sexual and reproductive health” with “sexual and reproductive health”
HOSTILE REJECTED (13Y, 26N, 7A) (Eritrea YES; Rwanda NO; Somalia YES)
- Amendment L.40 (Bahrain, Saudi Arabia): Add a qualifier (“with appropriate direction and guidance from parents and legal guardians [...]”) to a paragraph that includes “[providing] adolescent girls and boys and young women and men [...], consistent with their evolving capacities, with information on sexual and reproductive health [...]”
HOSTILE REJECTED (18Y, 23N, 5A) (Eritrea YES; Rwanda NO; Somalia YES)
- Amendment L.42 (Egypt, Iraq, Saudi Arabia): Delete “intimate partner [violence]” from two paragraphs; and Restrict the scope of a paragraph that urges States to “respect, protect and fulfil the human rights of women and girls, including those subjected to child, early and forced marriage” (replace with “women and girls, including those subjected to child, early and forced marriage”)
HOSTILE REJECTED (14Y, 25N, 7A) (Eritrea YES; Rwanda NO; Somalia YES)
- Amendment L.45 (Bahrain, Russia): (among other proposals) Delete “the autonomy of [women and girls]” from a paragraph; and Replace “women and girls” with “women and, where appropriate, girls” in one paragraph
HOSTILE REJECTED (10Y, 26N, 10A) (Eritrea YES; Rwanda NO; Somalia YES)

(b) Female genital mutilation PROGRESSIVE RESOLUTIONS

- No amendment to any resolution

(c) Preventable maternal mortality and morbidity

- **HRC resolution 39/10 PROGRESSIVE RESOLUTION**

- Amendment L.31 (Egypt, Russia): Delete two references to “comprehensive sexuality education” and “evidence-based comprehensive sexuality education”
HOSTILE REJECTED (14Y, 27N, 4A) (Burundi YES; Ethiopia YES; Kenya YES; Rwanda NO)

- **HRC resolution 33/18 PROGRESSIVE RESOLUTION**

- Amendment L.38 (Russia): Delete a reference to General Comments adopted by the Committee on Economic, Social and Cultural Rights (on the right to sexual and reproductive health) and the Committee on the Rights of Persons with Disabilities (on women and girls with disabilities)
HOSTILE ADOPTED (20Y, 18N, 7A) (Burundi YES; Ethiopia YES; Kenya YES)
- Amendment L.42 (Russia): Refuse to recognise “sexual and reproductive health and rights” and instead refer to “sexual and reproductive health and reproductive rights [in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome of their review conferences]”
HOSTILE ADOPTED (23Y, 13N, 10A) (Burundi YES; Ethiopia ABST; Kenya YES)
- Amendment L.46 (Russia): Remove “including their bodies” from “women’s equal right to decide autonomously in matters regarding their own lives and health, including their bodies” and remove “relating to third-party authorization for health information and services” from “repealing discriminatory laws relating to third-party authorization for health information and service”
HOSTILE ADOPTED (22Y, 17N, 5A) (Burundi YES; Ethiopia YES; Kenya YES)
- Amendment L.49 (Russia): Delete a paragraph mentioning the General Comment adopted by the Committee on Economic, Social and Cultural Rights (on the right to sexual and reproductive health)
HOSTILE ADOPTED (22Y, 16N, 6A) (Burundi YES; Ethiopia YES; Kenya YES)
- Amendment L.51 (Russia): Modify the title of a panel discussion to be convened: remove “the linkages between Sustainable Development Goals relating to preventable maternal mortality and morbidity and sexual and reproductive health and rights” from the title
HOSTILE ADOPTED (24Y, 15N, 5A) (Burundi YES; Ethiopia NO; Kenya YES)

- **HRC resolution 15/17 PROGRESSIVE RESOLUTION**

- Motion to adjourn the vote (this was a motion to adjourn until the afternoon only)
REJECTED (14Y, 32N, 0A) (Djibouti YES; Uganda YES)

(d) Right to education and girls’ right to education PROGRESSIVE RESOLUTIONS

- No amendment to any resolution

(e) Rights of the child

- **HRC resolution 22/32 PROGRESSIVE RESOLUTION**

- Oral amendments (Mauritania): Add “including in all matters and decisions related to health” to the “responsibilities, rights and duties of parents [or legal guardians] to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of their rights”; and Add a paragraph referring to “the sovereign right” of States to implement measures with “full respect for religious and ethical values [...]”
HOSTILE REJECTED (10Y, 27N, 10A) (Ethiopia ABST; Kenya ABST; Uganda ABST)



4. Societal issues (37 amendments (among which 9 progressive) and 7 procedural ploys in total)

(a) SOGI

- HRC resolution 41/18 PROGRESSIVE RESOLUTION

Vote on the resolution itself: 27Y, 12N, 7A (Eritrea NO; Rwanda YES; Somalia NO)

- Amendment L.27 (OIC except Albania and Tunisia): Replace the title of the resolution (“Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity”) with “Protection against violence and discrimination on any basis, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,” i.e. effectively strip the text of the specificity of “sexual orientation and gender identity” language, delete this language, and replace it with other categories of discrimination

HOSTILE REJECTED (13Y, 26N, 5A) (Eritrea YES; Rwanda NO; Somalia YES)

- Amendment L.28 (OIC except Albania and Tunisia): Delete references to previous HRC resolutions on sexual orientation and gender identity (17/19, 27/32, and 32/2) and replace these with a vague reference to “all [HRC] resolutions relevant to protection against violence and discrimination on any basis [...]” (i.e., other categories of discrimination)

HOSTILE REJECTED (14Y, 25N, 5A) (Eritrea YES; Rwanda NO; Somalia YES)

- Amendment L.29 (OIC except Albania and Tunisia): Add a preambular paragraph (“Stressing the need to maintain joint ownership of the international human rights agenda and to consider human rights issues in an objective and non-confrontational manner”) that is built on the idea that no issue can move forward until it enjoys “joint ownership” (i.e., complete consensus)

HOSTILE REJECTED (18Y, 22N, 5A) (Eritrea YES; Rwanda ABST; Somalia YES)

- Amendment L.30 (OIC except Albania and Tunisia): Add a preambular paragraph (“Undertaking to support the broad and balanced agenda of the Human Rights Council and to strengthen the mechanisms addressing issues of importance, including fighting racism, racial discrimination, xenophobia and related intolerance, in all their forms”) that dilutes the focus of the resolution: fighting violence and discrimination on grounds of sexual orientation and gender identity

HOSTILE REJECTED (16Y, 26N, 6A) (Eritrea YES; Rwanda ABST; Somalia YES)

- Amendment L.31 (OIC except Albania and Tunisia): Add a preambular paragraph diluting the focus of the resolution by attempting to reframe the debate and make the resolution appear as part of developed countries’ agenda (“Deploing the use of external pressure and coercive measures against States, particularly developing countries, including through the use and threat of use of economic sanctions and/or application of conditionality on official development assistance, with the aim of influencing relevant domestic debates and decision-making processes at the national level”)

HOSTILE REJECTED (15Y, 24N, 5A) (Eritrea YES; Rwanda NO; Somalia YES)

- Amendment L.32 (OIC except Albania and Tunisia): Add a preambular paragraph attacking the focus of the resolution (“Concerned by any attempt to undermine the international human rights system by seeking to impose concepts or notions pertaining to social matters, including private individual conduct, that fall outside the internationally agreed human rights legal framework, and taking into account the fact that such attempts constitute an expression of disregard for the universality of human rights”)

HOSTILE REJECTED (15Y, 24N, 5A) (Eritrea YES; Rwanda NO; Somalia YES)

- Amendment L.33 (OIC except Albania and Tunisia): Add a preambular paragraph that seeks to dilute States’ obligation to respect universal human rights by using a cultural relativist argument (“Underlining that the present resolution should be implemented while ensuring respect for the sovereign right of each country and its national laws, development priorities and the various religious and ethical values and cultural backgrounds of its people, and should also be in full conformity with universally recognized international human rights”)

HOSTILE REJECTED (17Y, 22N, 6A) (Eritrea YES; Rwanda ABST; Somalia YES)

- Amendment L.34 (OIC except Albania and Tunisia): Delete a mention of the work of the Independent Expert on sexual orientation and gender identity and replace it with a vague reference to “[deploring] acts of violence and discrimination [...] committed against individuals because of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”)

HOSTILE REJECTED (14Y, 25N, 5A) (Eritrea YES; Rwanda NO; Somalia YES)

- Amendment L.35 (OIC except Albania and Tunisia): Delete four operative paragraphs (paragraphs 2 (extending the mandate of the Independent Expert), 3 (requesting the Secretary-General and UN High Commissioner for Human Rights to continue to provide the Expert with the necessary resources), 4 (calling upon States to cooperate with the Expert), and 5 (requesting the Expert to continue to report annually to the HRC and the General Assembly)) and replace them with a request that the High Commissioner present a report to the HRC on “the protection of all individuals against violence and discrimination committed against them because of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, with a focus on major challenges and best practices in this regard”

HOSTILE REJECTED (15Y, 26N, 4A) (Eritrea YES; Rwanda NO; Somalia YES)

- Amendment L.36 (OIC except Albania and Tunisia): Add a preambular paragraph that seeks to dilute States’ obligation to respect universal human rights by using a cultural relativist argument (“Reiterating the importance of respecting regional, cultural and religious value systems as well as particularities when considering human rights issues, and underlining the fundamental importance of respecting relevant domestic debates at the national level on these matters”)

HOSTILE REJECTED (17Y, 22N, 6A) (Eritrea YES; Rwanda ABST; Somalia YES)

- HRC resolution 32/2 PROGRESSIVE RESOLUTION

Vote on the resolution itself: 23Y, 18N, 6A (Burundi NO; Ethiopia NO; Kenya NO)

- No-action motion (Motion to adjourn the debate)

HOSTILE PROCEDURAL PLOY REJECTED (15Y, 22N, 9A) (Burundi YES; Ethiopia ABST; Kenya ABST)

- Amendment L.71 (OIC except Albania): Replace the title of the resolution (“Protection against violence and

discrimination based on sexual orientation and gender identity”) with “Protection against violence and discrimination due to any basis such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,” i.e., effectively delete language on the specificity of sexual orientation and gender identity and replace it with other categories of discrimination

HOSTILE REJECTED (17Y, 18N, 9A) (Burundi YES; Ethiopia ABST; Kenya YES)

- Amendment L.72 (OIC except Albania): Delete references to previous HRC resolutions on sexual orientation and gender identity (17/19 and 27/32) and replace these references with a vague reference to “all [HRC] resolutions relevant to protection against violence and discrimination on any basis [...]” (i.e., other categories of discrimination)

HOSTILE REJECTED (17Y, 18N, 9A) (Burundi YES; Ethiopia ABST; Kenya YES)

- Amendment L.73 (OIC except Albania): Add a new preambular paragraph (“Stressing the need to maintain joint ownership of the international human rights agenda and to consider human rights issues in an objective and non-confrontational manner”) that is built on the idea that no issue can move forward until it enjoys “joint ownership” (i.e., complete consensus)

HOSTILE ADOPTED (24Y, 17N, 4A) (Burundi YES; Ethiopia ABST; Kenya YES)

- Amendment L.74 (OIC except Albania): Add a new preambular paragraph (“Undertaking to support its broad and balanced agenda, and to strengthen the mechanisms addressing issues of importance, including fighting racism, racial discrimination, xenophobia and related intolerance in all their forms”) that dilutes the focus of the resolution: fighting violence and discrimination on grounds of sexual orientation and gender identity

HOSTILE ADOPTED (23Y, 17N, 5A) (Burundi YES; Ethiopia ABST; Kenya YES)

- Amendment L.75 (OIC except Albania): Add a new preambular paragraph that seeks to dilute States’ obligation to respect universal human rights by using a cultural relativist argument (“Reiterating the importance of respecting regional, cultural and religious value systems as well as particularities in considering human rights issues”)

HOSTILE ADOPTED (20Y, 18N, 6A) (Burundi YES; Ethiopia ABST; Kenya YES)

- Amendment L.76 (OIC except Albania): Add a new preambular paragraph that seeks to dilute States’ obligation to respect universal human rights by using a cultural relativist argument (“Underlining the fundamental importance of respecting relevant domestic debates at the national level on matters associated with historical, cultural, social and religious sensitivities”)

HOSTILE ADOPTED (21Y, 17N, 7A) (Burundi YES; Ethiopia ABST; Kenya YES)

- Amendment L.77 (OIC except Albania): Add a new preambular paragraph diluting the focus of the resolution by attempting to reframe the debate and make the resolution appear as part of developed countries’ agenda (“Deploing the use of external pressures and coercive measures against States, particularly developing countries, including through the use and threat of use of economic sanctions and/or application of conditionality on official development assistance, with the aim of influencing the relevant domestic debates and decision-making processes at the national level”)

HOSTILE ADOPTED (23Y, 18N, 4A) (Burundi YES; Ethiopia ABST; Kenya YES)

- Amendment L.78 (OIC except Albania): Add a new preambular paragraph attacking the focus of the resolution (“Concerned by any attempt to undermine the international human rights system by seeking to impose concepts or notions pertaining to social matters, including private individual conduct, that fall outside the internationally agreed human rights legal framework, and taking into account that such attempts constitute an expression of disregard for the universality of human rights”)

HOSTILE ADOPTED (18Y, 17N, 9A) (Burundi YES; Ethiopia ABST; Kenya YES)

- Amendment L.79 (OIC except Albania): Add a new preambular paragraph that seeks to dilute States’ obligation to respect universal human rights by using a cultural relativist argument (“Underlining that the present resolution should be implemented while ensuring respect for the sovereign right of each country as well as its national laws, development priorities, the various religious and ethical values and cultural backgrounds of its people, and should also be in full conformity with universally recognized international human rights”)

HOSTILE ADOPTED (22Y, 17N, 5A) (Burundi YES; Ethiopia ABST; Kenya YES)

- Amendment L.80 (OIC except Albania): Replace “Strongly deplores acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation or gender identity” with “Deplores acts of violence and discrimination, in all regions of the world, committed against individuals because of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,” i.e., delete language on the specificity of sexual orientation and gender identity and replace it with other categories of discrimination

HOSTILE REJECTED (17Y, 19N, 8A) (Burundi YES; Ethiopia ABST; Kenya YES)

- Amendment L.81 (OIC except Albania): Delete six operative paragraphs (3 (establishing the mandate of the Independent Expert on sexual orientation and gender identity), 4 (requesting the Expert to report annually to the HRC and the General Assembly), 5 (calling upon States to cooperate with the Expert), 6 (encouraging other stakeholders to cooperate), 7 (requesting the Secretary-General and UN High Commissioner for Human Rights to provide the Expert with the necessary resources), and 8 (deciding to remain seized of the issue)) and replace them with a request that the High Commissioner present a report to the HRC on “the protection of all individuals against violence and discrimination committed because of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status with a focus on major challenges and best practices in this regard”

HOSTILE REJECTED (17Y, 19N, 8A) (Burundi YES; Ethiopia DID NOT VOTE; Kenya YES)

- Vote on the title of the resolution (Vote on retaining the title): Keep the mention of sexual orientation and gender identity, which is the focus of the resolution

TITLE RETAINED (22Y, 15N, 8A) (Burundi NO; Ethiopia ABST; Kenya NO)

- Vote on preambular paragraph 4 (Vote on retaining the paragraph): Retain references to previous HRC resolutions on sexual orientation and gender identity (17/19 and 27/32)

PARAGRAPH RETAINED (21Y, 14N, 9A) (Burundi ABST; Ethiopia ABST; Kenya NO)

- Vote on operative paragraph 2 (Vote on retaining the paragraph): Retain “Strongly deplores acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation or



gender identity”

PARAGRAPH RETAINED (23Y, 14N, 8A) (Burundi ABST; Ethiopia ABST; Kenya NO)

- Vote on operative paragraphs 3-7 (Vote on retaining paragraphs 3 to 7): Retain paragraphs establishing the mandate of the Independent Expert, requesting the Expert to report to the HRC and the General Assembly, calling upon States and encouraging other stakeholders to cooperate, and requesting the Secretary-General and High Commissioner to provide the Expert with the necessary resources

PARAGRAPHS RETAINED (21Y, 17N, 7A) (Burundi NO; Ethiopia DID NOT VOTE; Kenya NO)

- **HRC resolution 27/32 PROGRESSIVE RESOLUTION**

Vote on the resolution itself: 25Y, 14N, 7A (Ethiopia NO; Kenya NO)

- Amendment L.45 (Congo, Djibouti, Egypt, Malaysia, Nigeria, South Sudan, Uganda, United Arab Emirates): Replace the title of the resolution with “Human rights and combating acts of violence and discrimination committed against individuals because of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,” i.e., effectively delete language on the specificity of sexual orientation and gender identity and replace it with other categories of discrimination
HOSTILE REJECTED (16Y, 21N, 7A) (Ethiopia YES; Kenya YES)
- Amendment L.46 (Congo, Djibouti, Egypt, Malaysia, Nigeria, South Sudan, Uganda, United Arab Emirates): Delete a reference to the first HRC resolution on sexual orientation and gender identity (17/19) and replace it with a vague reference to “all relevant Human Rights Council and General Assembly resolutions on combating all forms of discrimination and violence” exercised on other grounds
HOSTILE REJECTED (16Y, 21N, 7A) (Ethiopia YES; Kenya YES)
- Amendment L.47 (Congo, Djibouti, Egypt, Malaysia, Nigeria, South Sudan, Uganda, United Arab Emirates): Delete a mention of grave concern at acts of violence and discrimination committed against individuals because of their sexual orientation and gender identity and replace it with a vague reference to “acts of violence and discrimination [...] committed against individuals because of their race, colour, sex, language religion, political or other opinion, national or social origin, property, birth or other status” (i.e., other categories of discrimination)
HOSTILE REJECTED (17Y, 21N, 6A) (Ethiopia YES; Kenya YES)
- Amendment L.48 (Congo, Djibouti, Egypt, Malaysia, Nigeria, South Sudan, Uganda, United Arab Emirates): Delete a mention of “positive developments [...] in the fight against violence and discrimination based on sexual orientation and gender identity” and replace it with a vague reference to “positive developments [...] in the fight against violence and discrimination based on race, colour, sex language, religion, political or other opinion, national or social origin, property, birth or other status” (i.e., other categories of discrimination)
HOSTILE REJECTED (17Y, 21N, 6A) (Ethiopia YES; Kenya YES)
- Amendment L.49 (Congo, Djibouti, Egypt, Malaysia, Nigeria, South Sudan, Uganda, United Arab Emirates): Add a preambular paragraph that seeks to dilute States’ obligation to respect universal human rights by using a cultural relativist argument (“Reaffirming the sovereign right of each country, consistent with national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people, and in conformity with universally recognized international human rights”)
HOSTILE REJECTED (16Y, 21N, 7A) (Ethiopia YES; Kenya YES)
- Amendment L.50 (Congo, Djibouti, Egypt, Malaysia, Nigeria, South Sudan, Uganda, United Arab Emirates): Delete a paragraph mentioning a report of the UN High Commissioner on “Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity” and a panel discussion, and replace it with a mention of the work done by UN bodies on the fight against violence and discrimination based on other grounds
HOSTILE REJECTED (16Y, 22N, 6A) (Ethiopia YES; Kenya YES)
- Amendment L.51 (Congo, Djibouti, Egypt, Malaysia, Nigeria, South Sudan, Uganda, United Arab Emirates): Delete a paragraph requesting the High Commissioner to update the abovementioned report and replace it with a request that the High Commissioner simply prepare a report on discrimination and acts of violence on other grounds
HOSTILE REJECTED (16Y, 22N, 6A) (Ethiopia YES; Kenya YES)

- **HRC resolution 17/19 PROGRESSIVE RESOLUTION**

Vote on the resolution itself: 23Y, 19N, 3A (Djibouti NO; Uganda NO)

(b) Protection of the family

- **HRC resolution 35/13 REGRESSIVE RESOLUTION**

Vote on the resolution itself: 30Y, 12N, 5A (Burundi YES; Ethiopia YES; Kenya YES; Rwanda YES)

- Amendment L.45 (Albania, Australia, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, UK, USA, Uruguay): Add a paragraph recognising that various forms of the family exist (i.e., that “non-traditional” families exist, including single parent families and families with same-sex parents)
PROGRESSIVE REJECTED (19Y, 22N, 5A) (Burundi NO; Ethiopia NO; Kenya NO; Rwanda ABST)
- Amendment L.47 (Denmark, Finland, Iceland, Netherlands, Norway, Sweden, Switzerland, UK): Change the title of the resolution as follows: “Protection of the family: the role of families in supporting the protection and promotion of human rights of older persons” (i.e., reflect the diversity of family forms in the title)
PROGRESSIVE REJECTED (17Y, 23N, 6A) (Burundi NO; Ethiopia NO; Kenya NO; Rwanda ABST)
- Amendment L.48 (Denmark, Finland, Iceland, Netherlands, Norway, Sweden, Switzerland, UK, Uruguay): Enlarge the scope of a panel to be convened by the HRC to include the “role of families” in supporting the protection and promotion of the human rights of older persons (as opposed to simply “the role of the family [in supporting ...]”), i.e., reflect the diversity of family forms
PROGRESSIVE REJECTED (17Y, 23N, 6A) (Burundi NO; Ethiopia NO; Kenya NO; Rwanda ABST)

- **HRC resolution 32/23 REGRESSIVE RESOLUTION**

Vote on the resolution itself: 32Y, 12N, 3A (Burundi YES; Ethiopia YES; Kenya YES)

- Amendment L.82 (Austria, Belgium, Bulgaria, Chile, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Luxembourg, Malta, Netherlands, Norway, Romania,* Slovenia, Spain, Sweden, Switzerland, UK, USA, Uruguay): Add a paragraph recognising that various forms of the family exist (i.e., that “non-traditional” families exist, including single parent families and families with same-sex parents)
PROGRESSIVE REJECTED (16Y, 25N, 4A) (Burundi NO; Ethiopia NO; Kenya NO)
- Amendment L.83 (Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Luxembourg, Netherlands, Norway, Romania, Slovenia, Spain, Sweden, Switzerland, UK, USA): Replace “the family unit” with “families,” i.e., reflect the diversity of family forms and avoid using a narrow definition of the family
PROGRESSIVE REJECTED (13Y, 27N, 5A) (Burundi NO; Ethiopia NO; Kenya NO)
- Amendment L.84 (Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Luxembourg, Malta, Netherlands, Norway, Romania, Slovenia, Spain, Sweden, Switzerland, UK, USA): Replace “Highlights the role of families in supporting its members [...]” with “Highlights the role of families in supporting the human rights of its members,” therefore highlight that members of families have human rights within the family context, and Add a reference, in another paragraph, to State obligations “with regard to the protection of the family and its members” (not just “with regard to the protection of the family”), therefore highlight the State obligation to protect family members from abuse, including by other family members
PROGRESSIVE REJECTED (14Y, 27N, 4A) (Burundi NO; Ethiopia NO; Kenya NO)
- Amendment L.89 (Belgium, Norway, Switzerland): Change the title of the resolution as follows: “Protection of the family: the role of families in supporting the protection and promotion of the human rights of their members with disabilities” (i.e., reflect the diversity of family forms in the title)
PROGRESSIVE REJECTED (14Y, 27N, 4A) (Burundi NO; Ethiopia NO; Kenya NO)

- **HRC resolution 29/22 REGRESSIVE RESOLUTION**

Vote on the resolution itself: 29Y, 14N, 4A (Ethiopia YES; Kenya YES)

- No-action motion (Motion to adjourn the debate) regarding Amendment L.37 (Brazil, South Africa, Uruguay), which aimed at adding a paragraph recognising that various forms of the family exist (i.e., that “non-traditional” families exist, including single parent families and families with same-sex parents)
HOSTILE PROCEDURAL PLOY ADOPTED (22Y, 21N, 3A) (Ethiopia YES; Kenya YES)
- Amendment L.38 (Albania, Ireland, Norway): Delete a mention of the family as playing “a crucial role in the preservation of cultural identity, traditions, morals, heritage and the values system of society”
PROGRESSIVE REJECTED (18Y, 23N, 5A) (Ethiopia NO; Kenya NO)
- Amendment L.40 (Albania, Ireland, Norway): Replace “the family, as the natural and fundamental group unit of society” with “the family and its members” and “protection of the family” with “protection of the family and its members” in two different paragraphs, so as to highlight that it is members of families who are entitled to protection, not the family as a group
PROGRESSIVE REJECTED (19Y, 23N, 4A) (Ethiopia NO; Kenya NO)

- **HRC resolution 26/11 REGRESSIVE RESOLUTION**

Vote on the resolution itself: 26Y, 14N, 6A (Ethiopia YES; Kenya YES)

- No-action motion (Motion to adjourn the debate) regarding Amendment L.37 (Argentina, Austria, Chile, Colombia, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Lithuania, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, UK, USA, Uruguay), which aimed to enlarge the scope of a panel to be convened by the HRC to recognise that “various forms of the family exist,” i.e., reflect the diversity of family forms
HOSTILE PROCEDURAL PLOY ADOPTED (22Y, 20N, 4A) (Ethiopia YES; Kenya YES)

(c) Traditional values

- **HRC resolution 16/3 REGRESSIVE RESOLUTION**

Vote on the resolution itself: 24Y, 14N, 7A (Djibouti YES; Uganda YES)

- **HRC resolution 12/21 REGRESSIVE RESOLUTION**

Vote on the resolution itself: 26Y, 15N, 6A (Djibouti YES)

(d) Defamation of religions

- **HRC resolution 13/16 REGRESSIVE RESOLUTION**

Vote on the resolution itself: 20Y, 17N, 8A (Djibouti YES)

- **HRC resolution 10/22 REGRESSIVE RESOLUTION**

Vote on the resolution itself: 23Y, 11N, 13A (Djibouti YES)

- **HRC resolution 7/19 REGRESSIVE RESOLUTION**

Vote on the resolution itself: 21Y, 10N, 14A (Djibouti YES)

- **HRC resolution 4/9 REGRESSIVE RESOLUTION**

Vote on the resolution itself: 24Y, 14N, 9A (Djibouti YES)



5. Miscellaneous (3 amendments in total)

- HRC resolution 34/5 PROGRESSIVE RESOLUTION

- Amendment L.45 (Russia): Replace a mention of “all human rights defenders, including women human rights defenders” with “those engaged in the promotion and protection of universally recognized human rights and fundamental freedoms, including of the rights of women,” i.e. effectively delete “women human rights defenders”
HOSTILE REJECTED (11Y, 29N, 6A) (Burundi YES; Ethiopia ABST; Kenya ABST; Rwanda NO)

- HRC resolution 31/32 PROGRESSIVE RESOLUTION

Vote on the resolution itself: 33Y, 6N, 8A (Burundi NO; Ethiopia YES; Kenya ABST)

- Amendment L.56 (China, Cuba, Egypt, Pakistan, Russia): Delete a mention, in operative paragraph 4, of “[the important] and legitimate role of human rights defenders, including women human rights defenders,” i.e. effectively delete, among other terms, “women human rights defenders”
HOSTILE REJECTED (13Y, 21N, 12A) (Burundi YES; Ethiopia ABST; Kenya ABST)
- Amendment L.60 (China, Cuba, Egypt, Pakistan, Russia): Delete “systemic and structural” from “systemic and structural discrimination and violence” faced by women human rights defenders, and replace “women human rights defenders of all ages” with “women of all ages engaged in the promotion and protection of human rights,” i.e. effectively delete “women human rights defenders”

- **HOSTILE REJECTED (11Y, 21N, 14A) (Burundi YES; Ethiopia ABST; Kenya ABST)**

ANNEX 3: CO-SPONSORSHIP OF RESOLUTIONS AND AMENDMENTS

For each State, the number of resolutions sponsored/co-sponsored appears on each row.

	BURUNDI	DJIBOUTI	ERITREA	ETHIOPIA	KENYA	RWANDA	SOMALIA	SOUTH SUDAN	SUDAN	TANZANIA	UGANDA
1. Violence against women and girls											
<u>Resolutions:</u> 41/17, 38/5, 35/10, 32/19, 29/14, 26/15, 23/25, 20/12, 17/11, 16/7, 14/12, 11/2, 7/24	3	8	0	2	4	9	4	1	0	1	2
2. Discrimination against women and girls											
<u>Resolutions:</u> 41/6, 40/5, 38/1, 35/18, 32/4, 29/4, 26/5, 23/7, 20/6, 15/23, 12/17	2	3	0	2	3	9	3	0	0	1	1
3. Harmful practices, health, and girls' education											
(a) Child, early & forced marriage <u>Resolutions:</u> 41/8, 35/16, 29/8, 24/23	0	2	1	3 ^{NB}	1	4	1	1	1	0	1
(b) Female genital mutilation* <u>Resolutions:</u> 38/6, 32/21, 27/22	3	3	3	3	3	3	3	3	3	3	3
(c) Preventable maternal mortality & morbidity <u>Resolutions:</u> 39/10, 33/18, 27/11, 21/6, 18/2, 15/17	3	4	0	0	1	4	3	1	0	1	2
(d) Right to education and girls' education <u>Resolutions:</u> 38/9, 35/22, 35/2, 32/20	0	0	0	0	0	2	0	0	0	0	0
(e) Rights of the child <u>Resolutions:</u> 37/20, 34/16, 31/7, 28/19, 22/32, 19/37, 13/20	1	2	0	0	2	4	1	0	0	0	1
4. Societal issues											
(a) SOGI** <u>Resolutions:</u> 41/18, 32/2, 27/32, 17/19	0	0	0	0	0	0	0	0	0	0	0
(b) Protection of the family*** <u>Resolutions:</u> 35/13, 32/23, 29/22, 26/11	3	3	3	3	4	3	3	3	3	3	4 ^P
(c) Traditional values <u>Resolutions:</u> 16/3, 12/21	2	2	0	2	0	0	0	0	0	0	0
(d) Defamation of religions**** <u>Resolutions:</u> 13/16, 10/22, 7/19, 4/9	0	4	0	0	0	0	4	0	4	0	4
5. Miscellaneous <u>Resolutions:</u> 41/14, 34/5, 32/17, 31/32, 23/2	0	2	0	0	0	1	0	0	0	0	0

^{NB} One of the main sponsors.

* Resolutions on FGM are sponsored by the African Group of States as a whole, i.e. by all African States.

** Amendments to 41/18 and 32/2 were sponsored by the OIC, i.e. including African States that are members of the OIC (Djibouti, Somalia, Sudan, and Uganda). Therefore, Djibouti, Somalia, Sudan, and Uganda sponsored 28 amendments to SOGI resolutions. Besides, South Sudan co-sponsored seven.

*** Three out of four resolutions were sponsored by the African Group of States as a whole, i.e. also by all African States.

^P As a member of the core group, Uganda also sponsored one procedural ploy (against a progressive amendment).

**** Resolutions sponsored by the OIC.



Remarks:

- African Group: all African States that are members of the United Nations.
- Group of Arab States: League of Arab States. Djibouti, Sudan, and Somalia are members.
- OIC: Organization of Islamic Cooperation. Djibouti, Somalia, Sudan, and Uganda are OIC members.

Co-sponsorship record:

(East and Horn of Africa States appear in bold; other African States are mentioned)

1. Violence against women and girls (13 resolutions)

- 41/17: **Rwanda** (+ Botswana, Burkina Faso, Ghana, Mauritius, South Africa, Tunisia)
- 38/5: **Rwanda** (+ Benin, Botswana, Malawi, Mali, South Africa, Zambia, Tunisia)
- 35/10: **Rwanda** (+ Angola, Benin, Botswana, Cameroon, Ghana, Madagascar, Mali, Namibia, Sierra Leone, South Africa, Tunisia, Zambia)
- 32/19: **Djibouti, Rwanda** (+ Angola, Botswana, Burkina Faso, CAR, Côte d'Ivoire, Ghana, Mauritius, Niger, Senegal, Sierra Leone, Tunisia, Zambia)
- 29/14: **Djibouti, Rwanda** (+ Angola, Benin, Burkina Faso, Cameroon, Cape Verde, Chad, Congo, Côte d'Ivoire, DRC, Liberia, Madagascar, Mali, Namibia, Sierra Leone, Togo, Tunisia)
- 26/15: **Burundi, Djibouti, Rwanda, Somalia, South Sudan, Uganda** (+ Algeria, Angola, Benin, Burkina Faso, Chad, Comoros, Congo, Côte d'Ivoire, Ghana, Mali, Mauritius, Mozambique, Namibia, Nigeria, Senegal, Sierra Leone, Swaziland, Togo)
- 23/25: **Djibouti, Ethiopia, Rwanda, Somalia** (+ Angola, Benin, Botswana, Burkina Faso, Congo, Côte d'Ivoire, Mozambique, Nigeria, Sierra Leone, Togo)
- 20/12: **Djibouti, Ethiopia, Kenya, Rwanda, Somalia** (+ Benin, Burkina Faso, Chad, Congo, Côte d'Ivoire, Ghana, Madagascar, Mauritius, Morocco)
- 17/11: **Djibouti, Kenya, Somalia** (+ Benin, Burkina Faso, Chad, Congo, Côte d'Ivoire, Ghana, Madagascar, Mauritius, Morocco)
- 16/7: **Burundi, Djibouti, Kenya, Tanzania, Uganda** (+ Benin, Botswana, Burkina Faso, Cape Verde, Congo, Côte d'Ivoire, Gabon, Ghana, Madagascar, Mauritius, Morocco, Zambia)
- 14/12: **Burundi, Djibouti, Kenya, Rwanda** (+ Burkina Faso, Cameroon, Congo, Côte d'Ivoire, Madagascar, Mauritius, Morocco)
- 11/2: **Kenya, Rwanda** (+ Burkina Faso, Congo, Morocco, Senegal, South Africa)
- 7/24: **None** (+ Angola, Burkina Faso, Cameroon, Côte d'Ivoire, DRC, Senegal)

2. Discrimination against women and girls (11 resolutions)

- 41/6: **Rwanda** (+ Botswana, Ghana, Tunisia)
- 40/5: **Burundi** (+ Algeria, Eswatini, Mozambique, Namibia, South Africa (main sponsor), Zambia, Zimbabwe)
- 38/1: **Rwanda** (+ Botswana)
- 35/18: **Rwanda** (+ Angola, Benin, Botswana, Sierra Leone, South Africa)
- 32/4: **Rwanda** (+ Angola, Botswana, Burkina Faso, Cape Verde)
- 29/4: **Rwanda** (+ Burkina Faso, Namibia, Togo, Tunisia)
- 26/5: **Ethiopia, Rwanda** (+ Botswana, Comoros, Nigeria)
- 23/7: **Djibouti, Ethiopia, Rwanda, Somalia** (+ Angola, Benin, Burkina Faso, Côte d'Ivoire, Morocco, Namibia, Sierra Leone, Togo)
- 20/6: **Kenya, Somalia, Uganda** (+ Angola, Botswana, Burkina Faso, Congo, Côte d'Ivoire, Equatorial Guinea, Morocco, Namibia, Tunisia)
- 15/23: **Burundi, Djibouti, Kenya, Rwanda, Somalia, Tanzania** (+ Benin, Burkina Faso, Cameroon, Congo, Mauritania, Zambia)
- 12/17: **Djibouti, Kenya, Rwanda** (+ Angola, Benin, Burkina Faso, Cameroon, Congo, Senegal)

3.

(a) CEFM (4 resolutions)

- 41/8: **Rwanda** (+ Angola, Ghana, Malawi, Sierra Leone (one of the main sponsors), South Africa, Tunisia, Zambia (one of the main sponsors))
- 35/16: **Ethiopia (one of the main sponsors), Rwanda, Sudan** (+ Angola, Botswana, Chad, Congo, Ghana, Guinea, Lesotho, Liberia, Madagascar, Malawi, Mozambique, Sierra Leone (one of the main sponsors), Swaziland, Togo, Tunisia, Zambia (one of the main sponsors))
- 29/8: **Djibouti, Ethiopia (one of the main sponsors), Rwanda** (+ Angola, Botswana, Burkina Faso, Cape Verde, Chad, Côte d'Ivoire, DRC, Egypt, Ghana, Liberia, Madagascar, Mali, Niger, Namibia, Sierra Leone (one of the main sponsors), Togo, Tunisia, Zambia (one of the main sponsors))
- 24/23: **Djibouti, Eritrea, Ethiopia (one of the main sponsors), Kenya, Rwanda, Somalia, South Sudan, Uganda** (+ Algeria, Angola, Benin, Botswana, Burkina Faso, Chad, Congo, Côte d'Ivoire, DRC, Egypt, Equatorial Guinea, Ghana, Guinea, Madagascar, Morocco, Mozambique, Namibia, Senegal, Sierra Leone (one of the main sponsors), Togo, Tunisia, Zambia)

(b) FGM (3 resolutions)

- 38/6: **African Group (main sponsor)**
- 32/21: **African Group (main sponsor)**
- 27/22: **African Group (main sponsor)**

(c) PMMM (6 resolutions)

- 39/10: **None** (+ Burkina Faso (one of the main sponsors), Benin, DRC, Madagascar, Tunisia)
- 33/18: **None** (+ Burkina Faso (one of the main sponsors), Cape Verde)



- **27/11: Burundi, Djibouti, Rwanda, Somalia** (+ Angola, Benin, Botswana, Burkina Faso (one of the main sponsors), Cameroon, CAR, Chad, Congo, Côte d'Ivoire, Equatorial Guinea, Mali, Mauritius, Morocco, Nigeria, Togo, Tunisia)
- **21/6: Burundi, Djibouti, Rwanda, Somalia, South Sudan** (+ Algeria, Angola, Benin, Botswana, Burkina Faso (one of the main sponsors), Cameroon, CAR, Chad, Congo, Côte d'Ivoire, DRC, Equatorial Guinea, Ghana, Guinea, Morocco, Namibia, Nigeria, Senegal, Togo, Tunisia)
- **18/2: Burundi, Djibouti, Rwanda, Uganda** (+ Algeria, Benin, Botswana, Burkina Faso (one of the main sponsors), Chad, Congo, Côte d'Ivoire, Ghana, Mauritius, Morocco, Nigeria, Senegal, South Africa, Togo, Tunisia)
- **15/17: Djibouti, Kenya, Rwanda, Somalia, Tanzania, Uganda** (+ Algeria, Angola, Burkina Faso (one of the main sponsors), Cameroon, Chad, Congo, Côte d'Ivoire, Ghana, Mauritius, Morocco, Senegal, Tunisia, Zambia, Zimbabwe)

(d) Education and girls' education (4 resolutions)

- **38/9: None** (+ Algeria, Angola, Benin, Botswana, Madagascar, Morocco, Tunisia)
- **35/22: Rwanda** (+ Angola, Benin, Group of Arab States, Mali, Sierra Leone)
- **35/2: None** (+ Algeria, Angola, Benin, Botswana, Egypt, Sierra Leone)
- **32/20: Rwanda** (Angola, Botswana, Burkina Faso, Cape Verde, Egypt, Group of Arab States, Libya, Morocco, Namibia, Nigeria, Tunisia)

(e) Rights of the child (7 resolutions)

- **37/20: None** (+ Algeria, Angola, Benin, Botswana, Egypt, Senegal, Sierra Leone)
- **34/16: Rwanda** (+ Algeria, Angola, Botswana, Cape Verde, Sierra Leone, Tunisia)
- **31/7: Rwanda** (+ Algeria, Angola, Benin, Botswana, Egypt, Ghana, Namibia, Sierra Leone)
- **28/19: Rwanda** (+ Angola, Benin, Congo, Côte d'Ivoire)
- **22/32: None** (+ Angola, Burkina Faso, Cameroon, Congo, Madagascar, South Africa)
- **19/37: Burundi, Djibouti, Kenya, Rwanda, Somalia, Uganda** (+ Burkina Faso, Cameroon, Congo, DRC, Egypt, Madagascar, Mauritania, Morocco, Nigeria, Senegal, Tunisia)
- **13/20: Djibouti, Kenya** (+ Algeria, Burkina Faso, Morocco, Senegal, Togo)

4.

(a) SOGI (4 resolutions)

- **41/18: None** (+ South Africa)
- *Amendments: OIC except Albania and Tunisia*
- **32/2: None**
- *Amendments: OIC except Albania*
- **27/32: None**
- *Amendments to 27/32: Djibouti, South Sudan, Sudan, Uganda* (+ Congo, Egypt, Nigeria, OIC)
- **17/19: None** (+ South Africa (main sponsor))

(b) Protection of the family (4 resolutions)

- **35/13: African Group, Burundi, Eritrea, Kenya, Uganda** (+ Benin, Botswana, Congo, Côte d'Ivoire (one of the main sponsors), Egypt (one of the main sponsors), Ghana, Morocco (one of the main sponsors), Nigeria, Sierra Leone, Togo, Tunisia (one of the main sponsors), Zimbabwe)
 - **32/23: Kenya, Uganda (one of the main sponsors)** (+ Angola, Botswana, Congo, Côte d'Ivoire (one of the main sponsors), Egypt (one of the main sponsors), Mauritania (one of the main sponsors), Morocco (one of the main sponsors), Namibia, OIC (except Albania), Tunisia (one of the main sponsors), Zambia, Zimbabwe)
 - **29/22: African Group (except South Africa)** (+ Group of Arab States, Côte d'Ivoire (one of the main sponsors), Egypt (one of the main sponsors), Mauritania (one of the main sponsors), Morocco (one of the main sponsors), OIC (except Albania and Pakistan), Tunisia (one of the main sponsors))
- (NB: Some African States sponsored the resolution once (in a national capacity), twice (in a national capacity and as a member of the African Group), thrice (in a national capacity, as a member of the African Group, and as a member of the Arab Group) or even four times (in a national capacity, as a member of the African Group, as a member of the Arab Group, and as a member of the OIC). This is an exceptional situation.)
- *No-action motion on amendment L.37 to 29/22: Uganda* (+ Côte d'Ivoire, Egypt, Mauritania, Morocco, Tunisia)
 - **26/11: African Group, Sudan, Uganda** (+ Angola, Benin, Botswana, Burkina Faso, Côte d'Ivoire (one of the main sponsors), Egypt (one of the main sponsors), Mauritania (one of the main sponsors), Morocco, Namibia (one of the main sponsors), Nigeria, Sierra Leone (one of the main sponsors), Tunisia (one of the main sponsors), Zimbabwe)

(c) Traditional values (2 resolutions)

- **16/3: Burundi, Djibouti, Ethiopia** (+ Algeria, Angola, Botswana, Burkina Faso, Chad, Egypt, Gabon, Madagascar, Mauritania, Morocco, Namibia, Nigeria, OIC, Zambia, Zimbabwe)
- **12/21: Burundi, Djibouti, Ethiopia** (+ Algeria, Cameroon, Chad, Egypt, Gabon, Madagascar, Morocco, Nigeria, Tunisia, Zambia)

(d) Defamation of religions (4 resolutions)

- **13/16: None** (+ OIC except Cameroon)
- **10/22: None** (+ OIC)
- **7/19: None** (+ OIC)
- **4/9: None** (+ OIC)

5. Misc. (6 resolutions)

- **41/14: Rwanda** (+ Botswana, Gambia, South Africa (one of the main sponsors))
- **34/5: Djibouti** (+ Angola, Benin, Congo, Côte d'Ivoire, Ghana, Guinea, Mali, Mozambique, Sierra Leone, Togo, Tunisia, Zambia)



- 32/17: **None** (+ Angola, Botswana, Cape Verde, Tunisia)
- 31/32: **Djibouti** (+ Ghana, Guinea, Morocco, Tunisia)
- 23/2: **None** (+ Angola, Arab Group, Burkina Faso, Egypt (one of the main sponsors), Senegal, Sierra Leone (one of the main sponsors), Togo)

ANNEX 4: UPR RECOMMENDATIONS RECEIVED (AND REPLIES)

Data available on DefendDefenders' website, at:

<https://defenddefenders.org/making-a-difference-for-women-and-girls>

ANNEX 5: MEMBERSHIP IN THE UN HUMAN RIGHTS COUNCIL, EAST AND HORN OF AFRICA STATES (2006-2020)

YEAR	STATES MEMBERS OF THE COUNCIL	NUMBER OF TERMS	STATES
2020	- Eritrea (until 2021) - Somalia (until 2021) - Sudan (until 2022)	0 terms	- South Sudan - Tanzania
2019	- Eritrea - Rwanda - Somalia	1 term	- Burundi - Eritrea (current member, 2019-2021) - Rwanda - Somalia (current member, 2019-2021) - Sudan (current member, 2020-2022) - Uganda
2018	- Burundi - Ethiopia - Kenya - Rwanda	2 terms	- Djibouti - Ethiopia - Kenya
2017	- Burundi - Ethiopia - Kenya - Rwanda		
2016	- Burundi - Ethiopia - Kenya		
2015	- Ethiopia - Kenya		
2014	- Ethiopia - Kenya		
2013	- Ethiopia - Kenya - Uganda		
2011-2012	- Djibouti - Uganda		
2010-2011	- Djibouti - Uganda		
2009-2010	- Djibouti		
2008-2009	- Djibouti		
2007-2008	- Djibouti		
2006-2007	- Djibouti		

NB: South Sudan and Tanzania have never served as Council members.

DefendDefenders (East and Horn of Africa Human Rights Defenders Project) seeks to strengthen the work of human rights defenders throughout the sub-region by reducing their vulnerability to risks of persecution and by enhancing their capacity to effectively defend human rights.

DefendDefenders serves as the secretariat of the East and Horn of Africa Human Rights Defenders Network, which represents hundreds of members consisting of individual HRDs, human rights organisations, and national coalitions that envision a sub-region in which the human rights of every citizen as stipulated in the Universal Declaration of Human Rights are respected and upheld.



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