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## Human Rights Council

Twelfth session

Agenda item 1

Organizational and procedural matters

## Report of the Human Rights Council on its twelfth session

Vice-President and Rapporteur: Mr. Hisham Badr (Egypt)

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## Part One: Resolutions and decisions

### I. Resolutions adopted by the Council at its twelfth session

12/1.

#### **Open-ended intergovernmental working group on the review of the work and functioning of the Human Rights Council**

*The Human Rights Council,*

*Recalling* the Charter of the United Nations,

*Recalling also* the relevant provisions of the 2005 World Summit Outcome, in which the General Assembly underlined its resolve to strengthen the human rights mechanisms and institutions of the United Nations,

*Recalling further* General Assembly resolution 60/251 of 15 March 2006, in particular paragraph 16, in which the Assembly decided that the Council should review its work and functioning five years after its establishment and report back to the Assembly,

*Recalling* Council resolutions 5/1 and 5/2 of 18 June 2007, as well as General Assembly resolution 62/219 of 22 December 2007, including the annexes and appendices thereto,

1. *Decides* to establish an open-ended intergovernmental working group with the mandate to review the work and functioning of the Council;
2. *Also decides* that the working group will hold two sessions for five working days each, in Geneva, after its fourteenth session;
3. *Requests* the President of the Council to chair the working group;
4. *Also requests* the President to undertake transparent and all-inclusive consultations prior to working group sessions on the modalities of the review, and to keep the Council informed thereof;
5. *Requests* the Secretary-General to present a report to the Council at its fifteenth session on how to improve conference and secretariat services for the Council;
6. *Requests* the working group to report to the Council at its seventeenth session on the progress achieved in the implementation of the present resolution;
7. *Requests* the Secretary-General to provide the working group with all the necessary resources and facilities in order for it to carry out its mandate.

*30th meeting*

*1 October 2009*

[Adopted without a vote. See part II, chap. I.]

12/2.

#### **Cooperation with the United Nations, its representatives and mechanisms in the field of human rights**

*The Human Rights Council,*

*Expressing* its concern at the continued reports of intimidation and reprisals against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights,

*Deeply concerned* at the seriousness of reported reprisals and the fact that victims suffer violations of their human rights, including the rights to life, liberty and security of the person, as well as the right to freedom from torture and cruel, inhuman or degrading treatment,

*Deeply concerned also* at reports of incidents in which individuals have been hampered in their efforts to avail themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms,

*Recalling* all relevant Commission on Human Rights resolutions, the most recent being resolution 2005/9 of 14 April 2005,

*Recalling* Council decision 2/102 of 6 October 2006,

*Welcoming* the reports of the Secretary-General on this question (E/CN.4/2006/30, A/HRC/4/58, A/HRC/7/45 and A/HRC/10/36),

1. *Urges* Governments to prevent and refrain from all acts of intimidation or reprisal against those who:

(a) Seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them;

(b) Avail or have availed themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms, and all those who have provided legal or other assistance to them for this purpose;

(c) Submit or have submitted communications under procedures established by human rights instruments, and all those who have provided legal or other assistance to them for this purpose;

(d) Are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims;

2. *Condemns* all acts of intimidation or reprisal by Governments and non-State actors against individuals and groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights;

3. *Calls upon* States to ensure adequate protection from intimidation or reprisals for individuals and members of groups who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and reaffirms the duty of all States to end impunity for such actions by bringing the perpetrators, including accomplices, to justice in accordance with international standards and by providing an effective remedy for their victims;

4. *Welcomes* the efforts made by States to investigate allegations of intimidation or reprisals and to bring perpetrators to justice, and encourages Governments to support such efforts;

5. *Requests* all representatives and mechanisms of the United Nations in the field of human rights to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals and the hampering of access to the United Nations, its representatives and mechanisms in any way;

6. *Also requests* all representatives and mechanisms of the United Nations to continue to include in their respective reports to the Council or the General Assembly references to credible allegations of intimidation or reprisal and of hampering of access to

the United Nations, its representatives and mechanisms in the field of human rights, as well as an account of action taken by them in this regard;

7. *Requests* the Secretary-General to draw the attention of such representatives and mechanisms to the present resolution;

8. *Invites* the Secretary-General to submit a report to the Council at its fourteenth session and annually thereafter, in accordance with its programme of work, containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against the persons referred to in paragraph 1 above, as well as recommendations on how to address the issues of intimidation and reprisals.

*30th meeting  
1 October 2009*

[Adopted without a vote. See part II, chap. II.]

### **12/3.**

#### **Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers**

*The Human Rights Council,*

*Guided* by articles 7, 8, 9, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 9, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action,

*Recalling* the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors and the Bangalore Principles of Judicial Conduct,

*Convinced* that an independent and impartial judiciary, an independent legal profession and the integrity of the judicial system are essential prerequisites for the protection of human rights and the application of the rule of law and for ensuring a fair trial and that there is no discrimination in the administration of justice,

*Recalling* all previous resolutions and decisions of the Commission on Human Rights, the Council and the General Assembly on the independence and impartiality of the judiciary and on the integrity of the judicial system,

*Acknowledging* the importance of the ability of the Special Rapporteur on the independence of judges and lawyers to cooperate closely, within the framework of his or her mandate, with the Office of the United Nations High Commissioner for Human Rights in the fields of advisory services and technical cooperation, in an effort to guarantee the independence of judges and lawyers,

*Recognizing* the importance of bar associations, professional associations of judges and non-governmental organizations in the defence of the principles of the independence of judges and lawyers,

*Noting with concern* the increasingly frequent attacks on the independence of judges, lawyers and court officials,

*Reaffirming* also Council resolution 8/6 of 18 June 2008 on the mandate of the Special Rapporteur on the independence of judges and lawyers,

1. *Notes with appreciation* the report of the Special Rapporteur on the independence of judges and lawyers (A/HRC/11/41), including on the main recent developments in the area of international justice, and invites all Governments to consider seriously the conclusions and recommendations expressed therein;



2. *Commends* the previous Special Rapporteur for the important work undertaken in the discharge of his mandate;
3. *Notes with interest* the analysis of individual and institutional parameters elaborated by the previous Special Rapporteur in his report for effectively guaranteeing the independence of the judiciary;
4. *Requests* the current Special Rapporteur to elaborate safeguards to ensure and strengthen the independence of lawyers, including public defenders where appropriate, as a guarantee in the protection of human rights and the rule of law;
5. *Encourages* States to promote diversity in the composition of the members of the judiciary and to ensure that the requirements for joining the judiciary and the selection process thereof are non-discriminatory;
6. *Calls upon* all Governments to respect and uphold the independence of judges and lawyers and, to that end, to take effective legislative, law enforcement and other appropriate measures that will enable them to carry out their professional duties without harassment or intimidation of any kind;
7. *Urges* all Governments to cooperate with and assist the Special Rapporteur in the performance of her tasks, to provide all information and to respond to communications transmitted to them by the Special Rapporteur without undue delay;
8. *Calls upon* Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges States to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of her recommendations so as to enable her to fulfil her mandate even more effectively;
9. *Encourages* Governments that face difficulties in guaranteeing the independence of judges and lawyers, or that are determined to take measures to implement this principle further, to consult and to consider the services of the Special Rapporteur, for instance by inviting her to their country if the Government concerned deems it necessary;
10. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

*30th meeting  
1 October 2009*

[Adopted without a vote. See part II, chap. III.]

#### **12/4.**

#### **World Programme for Human Rights Education**

*The Human Rights Council,*

*Reaffirming* the fact that States are duty-bound, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and in other international human rights instruments, to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms,

*Recalling* General Assembly resolutions 43/128 of 8 December 1988, by which the Assembly launched the World Public Information Campaign on Human Rights, 59/113 A of 10 December 2004, 59/113 B of 14 July 2005 and 60/251 of 15 March 2006, in which the Assembly decided, inter alia, that the Council should promote human rights education and learning, and Commission on Human Rights resolution 2005/61 of 20 April 2005 and Subcommission for the Promotion and Protection of Human Rights resolution 2006/19

of 24 August 2006, on the World Programme for Human Rights Education, structured in consecutive phases,

*Recalling also* Council resolutions 6/9 of 28 September 2007 on the development of public information activities in the field of human rights, 6/24 of 28 September 2007, in which the Council extended to December 2009 the first phase of the World Programme focusing on primary and secondary school systems, 9/12 of 24 September 2008, in which the Council established among the human rights voluntary goals the adoption and implementation of programmes of human rights education in all learning institutions, and 10/3 of 25 March 2009, on consultation on the focus of the second phase of the World Programme,

*Recalling further* that the World Programme is structured on an ongoing series of consecutive phases, intended as a comprehensive process, including formal and informal education and training, and that Member States should continue the implementation of human rights education in primary and secondary school systems, while taking the necessary measures to implement the World Programme according to its new focus,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the consultation on the focus of the second phase of the World Programme for Human Rights Education (A/HRC/12/36);

2. *Decides* to focus the second phase of the World Programme on human rights education for higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military personnel at all levels;

3. *Encourages* States that have not yet taken steps to incorporate human rights education in the primary and secondary school system to do so, in accordance with the Plan of Action of the first phase of the World Programme;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare, within existing resources, in cooperation with relevant intergovernmental organizations, in particular the United Nations Educational, Scientific and Cultural Organization (UNESCO) and non-governmental actors, consult States on and submit for consideration to the fifteenth session of the Human Rights Council (September 2010), a plan of action for the second phase of the World Programme (2010-2014), keeping in mind that it shall be properly structured, formulated in realistic terms, with an indication of at least minimum action, and including provisions to support activities undertaken by all actors;

5. *Recommends* that the Secretary-General ensure that an adequate component of United Nations assistance, to be provided at the request of Member States to develop their national systems of promotion and protection of human rights, is available to support human rights education;

6. *Reminds* Member States of the need to prepare and submit their national evaluation reports on the first phase of the World Programme to the United Nations Inter-Agency Coordinating Committee on Human Rights Education in the School System by early 2010;

7. *Requests* the Coordinating Committee to submit a final evaluation report of the implementation of the first phase of the World Programme, based on national evaluation reports, in cooperation with relevant international, regional and non-governmental organizations, to the General Assembly at its sixty-fifth session;

8. *Decides* to consider this issue at its fifteenth session under the same agenda item.

30th meeting  
1 October 2009

[Adopted without a vote. See part II, chap. III.]

**12/5.**

**Protection of the human rights of civilians in armed conflict**

*The Human Rights Council,*

*Recalling* its resolution 9/9 of 24 September 2008 on the protection of the human rights of civilians in armed conflict,

*Taking note with appreciation* of the report of the Office of the United Nations High Commissioner for Human Rights on the outcome of the expert consultation on the protection of the human rights of civilians in armed conflict (A/HRC/11/31),

1. *Invites* the Office of the United Nations High Commissioner for Human Rights to convene, within the parameters set forth in paragraph 8 of Council resolution 9/9, a second expert consultation on the issue of protecting the human rights of civilians in armed conflict, with a view to enabling the completion of the consultations on this issue, and requests the Office of the High Commissioner to prepare a report on the outcome of the consultation, in the form of a summary of discussions, prior to its fourteenth session;

2. *Decides* to continue the consideration of this question at its fourteenth session in conformity with the provisions of resolution 9/9.

30th meeting  
1 October 2009

[Adopted without a vote. See part II, chap. III.]

**12/6.**

**Human rights of migrants: migration and the human rights of the child**

*The Human Rights Council,*

*Reaffirming* the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as to race, colour or national origin, that everyone has a right to a nationality and that childhood is entitled to special care and assistance,

*Recalling* the Convention on the Rights of the Child, according to which in all actions concerning children, the best interests of the child should be a primary consideration,

*Recalling also* the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

*Recalling further* the Convention relating to the Status of Refugees of 1951 and the Protocol thereto of 1967,

*Recalling* the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) and recommendation 190 on the Worst Forms of Child Labour of the International Labour Organization, and their implementation framework, and recognizing that migrant children, especially unaccompanied children, are more vulnerable to the worst forms of child labour,

*Recalling* previous resolutions on the human rights of migrants and on the rights of the child adopted by the Commission on Human Rights, the Council and the General Assembly, the most recent being Council resolutions 7/29 of 28 March 2008, 9/5 of 24

September 2008 and 10/14 of 26 March 2009, and Assembly resolutions 63/184 of 18 December 2008 and 63/241 of 24 December 2008,

*Noting with appreciation* its accomplishment of the Guidelines for the Alternative Care of Children, transmitted to the General Assembly, according to which States should seek to provide appropriate care and protection for vulnerable children, including children of migrant workers, as part of efforts to prevent separation of children from their parents,

*Taking note* of general comment No. 6 of the Committee on the Rights of the Child on the treatment of unaccompanied and separated children,

*Noting with appreciation* the report of the Special Rapporteur on the human rights of migrants (A/HRC/11/7), in which he addresses the protection of children in the context of migration,

*Underlining* the importance of the Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including migrants,

*Recognizing* the increasing participation of children in international migration movements and stressing the need to ensure the protection of children from all forms of abuse, neglect, exploitation and violence,

*Deeply concerned* about the large and growing number of migrants, especially children, attempting to cross international borders without the required travel documents, and recognizing the obligation of States to respect the human rights of all migrants,

*Bearing in mind* that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences and challenges and opportunities of the phenomenon and full respect for the human rights and fundamental freedoms of migrants, with due regard for the specific needs of children in vulnerable situations, such as unaccompanied children, girls, children with disabilities and those who may be in need of international refugee protection,

1. *Calls upon* States to promote and protect effectively the human rights and fundamental freedoms of all migrants, especially those of children, regardless of their status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, and therefore:

(a) Underlines that the international legal framework for the protection of the child applies irrespective of his/her migration status and that of his/her parents or family members, and calls upon States to respect and ensure the protection of the human rights of every child within their jurisdiction, without discrimination of any kind;

(b) Calls upon States to establish or strengthen policies and programmes aimed at addressing the situation of children in the context of migration that have a human rights-based approach and are based on general principles, such as the best interests of the child, non-discrimination, participation and survival and development;

(c) Also calls upon States that have not signed and ratified or acceded to the Convention on the Rights of the Child and the Optional Protocols thereto, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to consider doing so as a matter of priority;

2. *Also calls upon* States of origin to take appropriate measures to promote and protect effectively the rights of children who are left behind in their country of origin by migrating family members, including by:

(a) Development of data on the situation of children left behind in countries of origin in order to better understand the impact of migration processes on their well-being and enjoyment of their human rights;

(b) Undertaking, in cooperation with relevant organizations, information campaigns with a child perspective aimed at clarifying prospects, limitations, potential risks and rights in the event of migration, in order to enable everyone, in particular children and their family members, to make informed decisions and to prevent them from becoming victims of trafficking or falling prey to transnational organized networks of smugglers or organized criminal groups;

(c) Strengthening relevant national institutions to address the particular needs of children left behind in their country of origin;

3. *Further calls upon* States to protect the human rights of children in the context of migration, and therefore:

(a) Calls upon States parties to the United Nations Convention against Transnational Organized Crime and the supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to implement them fully, and calls upon States that have not yet ratified or acceded to them to consider doing so as a matter of priority;

(b) Encourages States to establish institutionalized services and implement programmes to provide age- and gender-sensitive support and protection to migrant children, with due regard for the specific needs of children in vulnerable situations, such as unaccompanied children, girls, children with disabilities and those who may be in need of international refugee protection;

(c) Requests all States to take concrete measures to prevent the violation of the human rights of migrant children while in transit, and to train public officials to detect and treat them respectfully, in a sensitive and age-appropriate manner and in accordance with their international obligations;

(d) Calls upon States to ensure that migrant children, especially those who are unaccompanied and those who are victims of violence, exploitation, persecution and conflict, receive special protection and assistance, in accordance with their international obligations;

(e) Encourages all States to apply a gender perspective when developing migration policies and programmes in order to take the necessary measures to better protect girls against dangers and abuse during migration;

(f) Urges States to ensure that repatriation mechanisms allow for the identification and special protection of children, and that repatriation processes fully respect the rights of the child and take into account, in conformity with their international obligations and commitments, the principles of the best interests of the child and non-refoulement, and family reunification;

4. *Reaffirms* that the arrest, imprisonment or detention of a child should be in conformity with the law and the international obligations of the State, and recalls in this context article 37 of the Convention on the Rights of the Child, which provides that such measures should be taken only as a last resort and for the shortest appropriate period of time, and urges States to protect effectively the rights of children affected by the detention of their parents, guardians or family members because of their migratory status and, in this regard:

(a) Encourages States to consider positively alternatives to detention for children and the family group, when children or their parents are detained on the sole basis of their migratory status, recalling in this context the conclusions and recommendations of human rights mechanisms that the treatment of irregular migration of children as a criminal offence can have a negative impact on the enjoyment of their human rights, and taking into account the necessary balance between the need to protect family unity and the best interests of the child;

(b) Reaffirms emphatically the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations, in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in the event of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

5. *Calls upon* States of destination to protect effectively the human rights of children in the context of migration, without discrimination of any kind and, in this regard:

(a) To ensure for migrant children, regardless of their legal status, the enjoyment of all human rights and, in accordance with their national laws and any relevant international obligations, appropriate access to health care and social services;

(b) To prevent and eliminate discriminatory policies that deny migrant children access to education, regardless of their migratory status;

(c) To ensure that every child preserves his or her identity, including nationality, name and family relations as recognized by law, without unlawful interference, including by ensuring the registration and issuance of birth certificates for every child, irrespective of his or her immigration status and that of his or her parents or family members;

(d) To take all reasonable steps to avoid the difficulties associated with statelessness for migrant children, in line with international obligations;

(e) To deal with applications to enter or leave a State for the purpose of family reunification in a positive, humane and expeditious manner, while ensuring that the submission of such requests entail no adverse consequences for the applicants and for the members of their family;

(f) To consider the possibility of adopting immigration programmes that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious and tolerant environment;

6. *Requests* the Secretary-General to continue his efforts to promote and raise awareness of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of the Child, and to support, as appropriate, the building of greater synergies between the Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, and to strengthen cooperation for the protection of migrant children;

7. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to elaborate and disseminate training and awareness-raising material on the rights of children in the context of migration, and to continue to contribute to national efforts in the development and implementation of policies and programmes that promote and protect their rights and, upon the request of States, to continue to provide assistance in the training of immigration officials;

8. *Also requests* the Office of the High Commissioner to prepare a study on challenges and best practices in the implementation of the international framework for the

protection of the rights of the child in the context of migration, in consultation with relevant stakeholders, including States, regional organizations, civil society organizations and national human rights institutions, and requests that the study be available on the website of the Office prior to the fifteenth session of the Council, and to disseminate it to all relevant international forums.

*30th meeting  
1 October 2009*

[Adopted without a vote. See part II, chap. III.]

## **12/7.**

### **Elimination of discrimination against persons affected by leprosy and their family members**

*The Human Rights Council,*

*Recalling* Council resolution 8/13 of 18 June 2008, in which the Council requested the Human Rights Council Advisory Committee to formulate a draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members,

*Welcoming* the open-ended consultation on the elimination of discrimination against persons affected by leprosy and their family members, organized by the Office of the United Nations High Commissioner for Human Rights on 15 January 2009, and noting with appreciation its report based on the collection of information on the measures that Governments have taken in this regard (A/HRC/10/62),

1. *Expresses* its appreciation to the Advisory Committee for the timely submission of the draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members, contained in the annex to its recommendation 3/1 (see A/HRC/AC/3/2) to the Council;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to collect the views of relevant actors, including Governments, observers of the United Nations, relevant United Nations bodies, specialized agencies and programmes, non-governmental organizations, scientists and medical experts, as well as representatives of persons affected by leprosy and their family members, on the draft set of principles and guidelines, and to make those views available to the Advisory Committee;

3. *Requests* the Advisory Committee to finalize the draft set of principles and guidelines taking into full consideration the views of relevant actors referred to in paragraph 2 above, for submission to the Council by its fifteenth session;

4. *Decides* to remain seized of the matter.

*30th meeting  
1 October 2009*

[Adopted without a vote. See part II, chap. III.]

## **12/8.**

### **Human rights and access to safe drinking water and sanitation**

*The Human Rights Council,*

*Reaffirming* all previous resolutions of the Council on human rights and access to safe drinking water and sanitation, inter alia, resolution 7/22 of 28 March 2008, in which the Council created the mandate of independent expert on human rights obligations related to access to safe drinking water and sanitation,

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

*Recalling also* relevant provisions of declarations and programmes with regard to access to safe drinking water and sanitation adopted by major United Nations conferences and summits, and by the General Assembly at its special sessions and during follow-up meetings, inter alia, the Mar del Plata Action Plan on Water Development and Administration, adopted at the United Nations Water Conference in March 1977, Agenda 21, adopted at the United Nations Conference on Environment and Development in June 1992, and the Habitat Agenda, adopted at the second United Nations Conference on Human Settlements in 1996,

*Taking note with interest* of regional commitments and initiatives promoting the further realization of human rights obligations related to access to safe drinking water and sanitation, including in the Protocol on Water and Health, adopted by the United Nations Economic Commission for Europe in 1999, the European Charter on Water Resources, adopted by the Council of Europe in 2001, the Abuja Declaration, adopted at the first Africa-South America summit in 2006, the message from Beppu, adopted at the first Asian-Pacific Water Summit in 2007, the Delhi Declaration, adopted at the third South Asian Conference on Sanitation in 2008, and the Cairo Declaration, adopted at the fifteenth summit of Heads of State and Government of the Non-Aligned Movement in 2009,

*Bearing in mind* the commitments made by the international community to achieve fully the Millennium Development Goals, and stressing, in that context, the resolve of Heads of State and Government, as expressed in the United Nations Millennium Declaration, to halve, by 2015, the proportion of people unable to reach or afford safe drinking water, and to halve the proportion of people without access to basic sanitation, as agreed in the Johannesburg Plan of Action,

*Deeply concerned* that approximately 884 million people lack access to safe drinking water and that over 2.5 billion do not have access to basic sanitation,

*Reaffirming* the fact that international human rights law instruments, including the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities entail obligations for States parties in relation to access to safe drinking water and sanitation,

*Welcoming* the consultation with the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation on 29 April 2009,

*Recalling* General Assembly resolution 61/192 of 20 December 2006, in which the Assembly declared 2008 the International Year of Sanitation,

1. *Welcomes* the work of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, including the undertaking of country missions;

2. *Acknowledges with appreciation* the independent expert's first annual report (A/HRC/12/24), including her recommendations and the clarifications with regard to the content of human rights obligations in the access to sanitation, proposing, inter alia, the categories of availability, quality, physical accessibility, affordability and acceptability;



3. *Recognizes* that States have an obligation to address and eliminate discrimination with regard to access to sanitation, and urges them to address effectively inequalities in this area;

4. *Calls upon* States:

(a) To create an enabling environment to address the issue of lack of sanitation at all levels, including, where appropriate, by budgeting, legislation, the establishment of regulatory, monitoring and accountability frameworks and mechanisms, the assignment of clear institutional responsibilities and the appropriate inclusion of sanitation in national poverty reduction strategies and development plans;

(b) To collect, at the appropriate level, current, accurate and detailed information about sanitation coverage in the country and the characteristics of unserved and underserved households, and to make this information available to all stakeholders;

(c) To develop, where appropriate, national and/or local plans of action, in cooperation with other stakeholders, in order to address the lack of access to sanitation in a comprehensive way, giving due consideration to wastewater management, including treatment and reuse;

(d) To ensure and promote access to information for, and the full, free and meaningful participation of, local communities in the design, implementation and monitoring of the above mentioned plans of action;

(e) To adopt a gender-sensitive approach to all relevant policymaking in the light of the special sanitation needs of women and girls;

(f) To organize or otherwise support, as appropriate, large-scale public awareness campaigns promoting behaviour change in sanitation and to provide information, in particular on hygiene promotion;

5. *Recognizes* the important contribution of the private sector when addressing the issue of access to sanitation;

6. *Stresses* the important role of international cooperation and technical assistance played by the specialized agencies of the United Nations system, international and development partners as well as donor agencies, and therefore the need that more should be done when mobilizing resources to support effectively the efforts of States to address the lack of access to sanitation, and urges development partners to adopt a human rights-based approach when designing relevant development programmes in support of national initiatives and plans of action;

7. *Requests* the independent expert to continue to report, on an annual basis, to the Council and to submit an annual report to the General Assembly;

8. *Notes with appreciation* the cooperation extended to date to the independent expert by different actors, and calls upon all States to continue to cooperate with the independent expert in the discharge of her mandate and to respond favourably to her requests for information and visits;

9. *Requests* the United Nations High Commissioner for Human Rights to continue to ensure that the independent expert receives the necessary resources to enable her to discharge her mandate fully;

10. *Decides* to continue its consideration of this matter under the same agenda item and in accordance with its programme of work.

30th meeting  
1 October 2009

[Adopted without a vote. See part II, chap. III.]

**12/9.**

**Human rights and international solidarity**

*The Human Rights Council,*

*Reaffirming* all previous resolutions adopted by the Commission on Human Rights and the Council on the issue of the human rights and international solidarity, including Commission resolution 2005/55 of 20 April 2005 and Council resolutions 6/3 of 27 September 2007, 7/5 of 27 March 2008 and 9/2 of 24 September 2008, and taking note of the reports presented by the independent expert on human rights and international solidarity, in particular his latest report (A/HRC/12/27),

*Underlining* the fact that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

*Recalling* that, at the World Conference on Human Rights, held in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

*Reaffirming* the fact that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in order to provide these countries with the appropriate means and facilities to foster their comprehensive development,

*Taking into account* the fact that article 2 of the International Covenant on Economic, Social and Cultural Rights states that each State party to the Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, including particularly the adoption of legislative measures,

*Persuaded* that sustainable development can be promoted by peaceful coexistence, friendly relations and cooperation among States with different social, economic or political systems,

*Reaffirming* the fact that the widening gap between the economically developed and developing countries is unsustainable and that it impedes the realization of human rights in the international community, and makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap,

*Expressing concern* at the fact that the immense benefits resulting from the process of globalization and economic interdependence have not reached all countries, communities and individuals, and at the increasing marginalization from their benefits of several countries, particularly least developed and African countries,

*Expressing its deep concern* at the number and scale of natural disasters, diseases and agricultural pests and their increasing impact in recent years, which have resulted in a massive loss of life and long-term negative social, economic and environmental consequences for vulnerable societies throughout the world, in particular in developing countries,

*Reaffirming* the crucial importance of increasing the resources allocated for official development assistance, recalling the pledge of industrialized countries to allocate 0.7 per cent of their gross national product for official development assistance, and recognizing the need for new and additional resources to finance the development programmes of developing countries,

*Determined* to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

*Asserting* the necessity for establishing new, equitable and global links of partnership and intra-generational solidarity for the perpetuation of humankind,

*Recognizing* that the attention paid to the importance of international solidarity as a vital component of the efforts made by developing countries to realize the right to development of their peoples and to promote the full enjoyment of economic, social and cultural rights by everyone has been insufficient,

*Resolved* to strive to ensure that present generations are fully aware of their responsibilities towards future ones, and that a better world is possible for both present and future generations,

1. *Reaffirms* the recognition set forth in the declaration adopted by the Heads of State and Government at the Millennium Summit of the fundamental value of solidarity to international relations in the twenty-first century, in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with basic principles of equity and social justice, and that those who suffer, or who benefit least, deserve help from those who benefit most;

2. *Expresses its determination* to contribute to the solution of current world problems through increased international cooperation, to create conditions that will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand over a better world to future generations;

3. *Urges* the international community to consider urgently concrete measures to promote and consolidate international assistance to developing countries in their development endeavours and for the promotion of conditions conducive to the full realization of all human rights;

4. *Calls upon* the international community to promote international solidarity and cooperation as an important tool to help to overcome the negative effects of the current economic, financial and climate crisis, particularly in developing countries;

5. *Reaffirms* that the promotion of international cooperation is a duty for States, that it should be implemented without any conditionality and on the basis of mutual respect, in full compliance with the principles and purposes of the Charter of the United Nations, in particular respect for the sovereignty of States, and taking into account national priorities;

6. *Recognizes* that the so-called “third-generation rights” closely interrelated to the fundamental value of solidarity need further progressive development within the United Nations human rights machinery in order to be able to respond to the increasing challenges of international cooperation in this field;

7. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity in their activities, and to cooperate with the independent expert in his mandate, to supply all necessary information requested by him and to give serious consideration to responding favourably to his requests to visit their country, to enable him to fulfil his mandate effectively;

8. *Requests* the independent expert to continue his work in the preparation of a draft declaration on the right of peoples and individuals to international solidarity, and in further developing guidelines, standards, norms and principles with a view to promoting and protecting this right, by addressing, inter alia, existing and emerging obstacles to its realization;

9. *Also requests* the independent expert to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic, social and climate fields and to seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of his mandate;

10. *Requests* the Human Rights Council Advisory Committee to prepare inputs to contribute to the elaboration of the draft declaration on the right of peoples and individuals to international solidarity, and to the further development of guidelines, standards, norms and principles with a view to promoting and protecting this right;

11. *Requests* the independent expert to submit a report on the implementation of the present resolution to the Council at its fifteenth session;

12. *Decides* to continue its examination of this issue at its fifteenth session under the same agenda item.

*30th meeting*

*1 October 2009*

[Adopted by a recorded vote of 33 to 14 (See part II, chap. III.). The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

*Against:*

Belgium, Bosnia and Herzegovina, France, Hungary, Italy, Japan, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.]

**12/10.**

**Follow-up to the seventh special session of the Human Rights Council on the negative impact of the worsening of the world food crisis on the realization of the right to food for all**

*The Human Rights Council,*

*Reaffirming* all previous resolutions and decisions on the right to food adopted in the framework of the United Nations, in particular Council resolutions S-7/1 of 22 May 2008 and 9/6 of 18 September 2008,

*Recalling* the United Nations Millennium Declaration, in particular the first Millennium Development Goal of eradicating hunger and extreme poverty by 2015,

*Noting* the outcome of the High-level Conference on World Food Security: the Challenges of Climate Change and Bioenergy, held in Rome from 3 to 5 June 2008,

*Resolved* to act to ensure that the human rights perspective is taken into account at the national, regional and international levels in measures to address the current world food crisis,

*Welcoming* the panel discussion on the realization of the right to food in the context of the global food crisis, held by the Council on 9 March 2009, which offered an opportunity for persons affected by the crisis to participate and provide input to the discussions,

*Acknowledging* the task force established by the Secretary-General, and supporting the Secretary-General to continue his efforts in this regard,

*Recognizing* the complex character of the current global food crisis, as a combination of several major factors, both structural and conjunctural, also negatively affected by, inter alia, environmental degradation, drought and desertification, global climate change, natural disasters and the lack of the necessary technology, and also that a strong commitment from national Governments and the international community as a whole is required to confront the major threats to food security,

*Concerned* by the fact that the effects of the world food crisis are not over and that they continue to have serious consequences on the most vulnerable people, particularly in developing countries, which have been further aggravated by the world economic and financial crisis,

1. *Acknowledges with appreciation* the report of the Special Rapporteur on the right to food (A/HRC/12/31), and takes note of his recommendations;

2. *Expresses* grave concern at the fact that the current world food crisis seriously undermines the realization of the right to food for all, and especially for one sixth of the world population, mainly in developing and least developed countries, suffering from hunger, malnutrition and food insecurity;

3. *Encourages* States to mainstream the human rights perspective in building and reviewing their national strategies for the realization of the right to adequate food for all, which could include, inter alia, the mapping of the food insecure, the adoption of relevant legislation and policies with a right to food framework, the establishment of mechanisms to ensure accountability so that rights-holders are able to claim their right to food, and the establishment of mechanisms and processes that ensure the participation of rights-holders, particularly the most vulnerable, in the design and monitoring of such legislation and policies;

4. *Also encourages* all States to invest or promote investment in agriculture and rural infrastructure in a manner that empowers the most vulnerable and affected by the current crisis in order to ensure their realization of the right to food;

5. *Calls upon* States, individually and through international cooperation and assistance, relevant multilateral institutions and other relevant stakeholders, to take all necessary measures to ensure the realization of the right to food as an essential human rights objective, and to consider reviewing any policy or measure that could have a negative impact on the realization of the right to food, particularly the right of everyone to be free from hunger, before instituting such a policy or measure;

6. *Stresses* that States have a primary obligation to make their best efforts to meet the vital food needs of their own populations, especially of vulnerable groups and households, such as by enhancing programmes to combat mother-child malnutrition, and to increase local production for this purpose, while the international community should provide, through a coordinated response and upon request, international cooperation in support for national and regional efforts by providing the necessary assistance for

increasing food production, particularly through agricultural development assistance, the transfer of technology, food crop rehabilitation assistance and food aid, with a special focus on the gender-sensitive dimension;

7. *Encourages* all relevant international organizations and agencies to bring a human rights perspective and the need for the realization of the right to food for all to their studies, research, reports and resolutions on the issue of food security;

8. *Requests* the Special Rapporteur to continue to promote the right to food as outlined in his mandate and, as part of it, to continue to follow up on the world food crisis through a continued dialogue with stakeholders at all levels, including with all relevant international organizations and agencies of the United Nations system, in order to contribute to identifying means to implement the right to food;

9. *Also requests* the Special Rapporteur, within the framework of his mandate, to inform the Council on the crisis, the impact of the crisis on the realization of the right to food and progress made and obstacles encountered in relation to the implementation of measures to respond to the world food crisis and of evolving best practices in this regard;

10. *Requests* the United Nations High Commissioner for Human Rights to bring the present resolution to the attention of all relevant international organizations and agencies;

11. *Decides* to remain seized of the implementation of the present resolution.

*30th meeting  
1 October 2009*

[Adopted without a vote. See part II, chap. III.]

## **12/11.**

### **Human rights and transitional justice**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Geneva Conventions of 12 August 1949 and the Protocols Additional thereto of 8 June 1977, other relevant international human rights law and international humanitarian law instruments and the Vienna Declaration and Programme of Action,

*Recalling* Commission on Human Rights resolutions on human rights and transitional justice (2005/70 of 20 April 2005), impunity (2005/81 of 21 April 2005) and the right to the truth (2005/66 of 20 April 2005), General Assembly resolution 60/147 of 16 December 2005 on the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law, and Serious Violations of International Humanitarian Law, as well as Council resolutions 9/10 of 24 September 2008 on human rights and transitional justice and 9/11, also of 24 September 2008, on the right to the truth,

*Recalling also* the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616), including the relevant recommendations contained therein, and the report of the Secretary-General entitled "Uniting our strengths: Enhancing United Nations support for the rule of law" (A/61/636-S/2006/980), which designates the Office of the United Nations High Commissioner for Human Rights as the lead entity within the United Nations system on, inter alia, transitional justice, as well as the report of the Secretary-General on enhancing mediation and its support activities (S/2009/189),

*Recalling further* the set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, annex II) and taking note with appreciation of the updated version of those principles (E/CN.4/2005/102/Add.1), as well as the report of the Special Rapporteur on the independence of judges and lawyers (E/CN.4/2006/52),

*Recalling* Security Council resolution 1325 (2000) on women, peace and security, and reaffirming the important role of women in the prevention and resolution of conflicts and in peacebuilding, and the need to increase their role in decision-making with regard to conflict prevention and resolution,

*Welcoming* the role of the Peacebuilding Commission in this regard, and recalling the necessity for the Commission to intensify its efforts, within its mandate, in cooperation with national and transitional Governments and in consultation with the relevant United Nations entities, to incorporate human rights, when advising on or proposing country-specific peacebuilding strategies for post-conflict situations in cases under consideration, where applicable,

*Recognizing* the role of the International Criminal Court in a multilateral system that aims to end impunity, establish the rule of law, promote and encourage respect for human rights and achieve sustainable peace, in accordance with international law and the purposes and principles of the Charter,

*Welcoming* the activities of the United Nations, including through its field presences, in assisting States to design, establish and implement transitional justice mechanisms and promote the rule of law, as well as its conceptual and analytical work on transitional justice and human rights,

*Welcoming also* the increased integration of a human rights perspective, including through the activities of the Office of the United Nations High Commissioner for Human Rights in cooperation with other relevant parts of the United Nations system, in the United Nations activities related to transitional justice, as well as the importance given to the rule of law and transitional justice by the High Commissioner and her Office, including its Rule of Law and Democracy Unit,

*Stressing* that the full range of civil, cultural, economic, political and social rights should be taken into account in any transitional justice context, in order to promote, inter alia, the rule of law and accountability,

1. *Takes note with appreciation* of the analytical study on human rights and transitional justice (A/HRC/12/18 and Add.1);

2. *Underlines* the importance and urgency of national and international efforts to end human rights violations, restore justice and the rule of law in conflict and post-conflict situations and, where relevant, in the context of transitional processes;

3. *Also underlines* the fact that, when designing a transitional justice strategy, the specific context of each situation must be taken into account with a view to preventing the recurrence of crises, future violations of human rights and to ensure social cohesion, nation-building, ownership and inclusiveness at the national and local levels;

4. *Emphasizes* the importance of a comprehensive approach to transitional justice, incorporating the full range of judicial and non-judicial measures, including, among others, individual prosecutions, reparations, truth-seeking, institutional reform, vetting of public employees and officials, or an appropriately conceived combination thereof, in order to, inter alia, ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, establish independent oversight of the security system and

restore confidence in the institutions of the State and promote the rule of law in accordance with international human rights law;

5. *Underlines* the fact that truth-seeking processes, such as truth and reconciliation commissions, that investigate patterns of past human rights violations and their causes and consequences are important tools that can complement judicial processes and, when established, such mechanisms have to be designed within a specific societal context and to be founded on broad national consultations with the inclusion of victims and civil society, including non-governmental organizations;

6. *Stresses* the need within a sustainable transitional justice strategy to develop national prosecutorial capacities that are based on a clear commitment to combat impunity, to take into account the victim's perspective and to ensure compliance with human rights obligations concerning fair trials;

7. *Reaffirms* the responsibility of States to comply with their relevant obligations to prosecute those responsible for gross violations of human rights and serious violations of international humanitarian law constituting crimes under international law, with a view to ending impunity;

8. *Notes with interest* the conclusion of the Secretary-General that peace agreements endorsed by the United Nations can never promise amnesties for genocide, crimes against humanity, war crimes and gross violations of human rights;

9. *Emphasizes* that a human rights approach should be incorporated into vetting processes that are part of institutional reform aiming at preventing the recurrence of human rights violations;

10. *Also emphasizes* that justice, peace, democracy and development are mutually reinforcing imperatives;

11. *Welcomes* the fact that a growing number of peace agreements contain provisions for transitional justice processes, such as truth-seeking, prosecution initiatives, reparations programmes and institutional reform, and do not provide for blanket amnesties;

12. *Stresses* the importance of a comprehensive process of national consultation, particularly with those affected by human rights violations, in contributing to a holistic transitional justice strategy that takes into account the particular circumstances of every situation and is in conformity with human rights;

13. *Underlines* the importance of giving vulnerable groups, including those marginalized for political, socio-economic or other reasons, a voice in these processes and to ensure that discrimination, the root causes of conflict and violations of all human rights, including economic, social and cultural rights, are addressed;

14. *Recognizes* the important role played in the realization of transitional justice goals and in the reconstruction of the society, as well as in the promotion of the rule of law and accountability, by:

(a) Victims' associations, human rights defenders and other actors of civil society, as well as national human rights institutions created in conformity with the Paris Principles;

(b) Women's organizations in the design, establishment and implementation of transitional justice mechanisms, so as to ensure that women are represented in their structures and that a gender perspective is reflected in their mandates and work;

(c) Free and independent media in informing the public about the human rights dimension in the area of transitional justice mechanisms locally, nationally and internationally;



15. *Emphasizes* the need to provide gender-sensitive human rights training in the context of transitional justice to all relevant national actors, including police, military, intelligence and security services, prosecution staff and members of the judiciary, in dealing with victims of human rights violations, particularly women and girls, in order to ensure gender sensitivity in the restoration of the rule of law and transitional justice processes;

16. *Underlines* the need for the rights of both victims and accused persons to be respected, in accordance with international human rights law, with particular attention paid to those most affected by conflicts and the breakdown of the rule of law, among them women, children, migrants, refugees, persons with disabilities and persons belonging to minorities and indigenous peoples, and to ensure that specific measures are taken for their free participation and protection and for the sustainable return of refugees and internally displaced persons in safety and dignity;

17. *Calls upon* States to assist the United Nations in its ongoing work on the relevant recommendations of the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies and the one entitled “Uniting our strengths: Enhancing United Nations support for the rule of law”, including by incorporating international human rights law, principles and best practices into the development and implementation of transitional justice mechanisms and by cooperating fully with United Nations field presences in the area of human rights and transitional justice and by facilitating the work of relevant special procedures;

18. *Calls upon* the international community and regional organizations to assist countries, who so consent, in the context of transitional justice, to ensure the promotion and protection of human rights and to incorporate best practices into the development and implementation of transitional justice mechanisms;

19. *Recommends* that a human rights and transitional justice perspective be taken into account in peace negotiations, and that those conducting peace negotiations draw upon the relevant human rights and transitional justice expertise available within the United Nations system;

20. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to enhance its leading role within the United Nations, including with regard to conceptual and analytical work regarding transitional justice, and to assist States, with their consent, to design, establish and implement transitional justice mechanisms from a human rights perspective, while stressing the importance of close cooperation between the Office of the High Commissioner and other relevant parts of the United Nations, as well as other international and non-governmental organizations, with regard to incorporating human rights and best practices into the development and implementation of transitional justice mechanisms and to the ongoing process of strengthening the United Nations system in the area of the rule of law and transitional justice;

21. *Also requests* the Office of the High Commissioner to submit to the Council, at its eighteenth session, a report containing an update of the activities undertaken by the Office in the context of transitional justice, including by the human rights components of peace missions, as well as an analysis of the relationship between disarmament, demobilization and reintegration and transitional justice, in consultation with the United Nations Development Programme, the Department of Peacekeeping Operations and other relevant parts of the United Nations system, civil society, States and other stakeholders;

22. *Requests* other parts of the United Nations system to cooperate fully with the Office of the High Commissioner in the area of human rights and transitional justice;

23. *Invites* relevant special procedures of the Council, as appropriate, in the framework of their mandates, to continue to address the relevant aspects of transitional justice in their work;

24. *Decides* to continue its consideration of this matter at its eighteenth session, or at the corresponding session in conformity with its annual programme of work.

30th meeting  
1 October 2009

[Adopted without a vote. See part II, chap. III.]

## 12/12.

### Right to the truth

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Geneva Conventions of 12 August 1949 and the Protocols Additional thereto of 1977, and other relevant instruments of international human rights law and international humanitarian law, as well as the Vienna Declaration and Programme of Action,

*Recognizing* the universality, indivisibility, interdependence and interrelatedness of civil, political, economic, social and cultural rights,

*Recalling* article 32 of Additional Protocol I to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts, which recognizes the right of families to know the fate of their relatives,

*Recalling also* that article 33 of Additional Protocol I provides that the parties to an armed conflict shall search for the persons who have been reported missing, as soon as circumstances permit,

*Recalling further* the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly in its resolution 61/177 of 20 December 2006, in which article 24 (2) sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard, and the preamble that reaffirms the right to freedom to seek, receive and impart information to that end,

*Taking into account* Commission on Human Rights resolution 2005/66 of 20 April 2005, Council decision 2/105 of 27 November 2006 and resolution 9/11 of 18 September 2008 on the right to the truth,

*Taking also into account* Council resolution 10/26 of 27 March 2009 on forensic genetics and human rights, in which the Council recognized the importance of the utilization of forensic genetics to deal with the issue of impunity within the framework of investigations related to gross human rights violations and serious violations of international humanitarian law,

*Acknowledging* the reports of the Office of the United Nations High Commissioner for Human Rights on the right to the truth (E/CN.4/2006/91, A/HRC/5/7) and its significant conclusions related to the right to know the truth about gross violations of human rights and serious violations of international humanitarian law,

*Acknowledging also* the report of the Office of the High Commissioner on the right to the truth (A/HRC/12/19) and its conclusions regarding the importance of the protection of witnesses within the framework of criminal procedures related to gross human rights

violations and serious violations of international humanitarian law, as well as on issues related to the elaboration and management of archive systems to guarantee the effective implementation of the right to the truth,

*Stressing* that adequate steps to identify victims should also be taken in situations not amounting to armed conflict, especially in cases of massive or systematic violations of human rights,

*Recalling* the set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, annex II) and taking note with appreciation of the updated version of those principles (E/CN.4/2005/102/Add.1),

*Noting* that the Special Rapporteur on the independence of judges and lawyers has recognized the right to the truth, its scope and implementation (E/CN.4/2006/52), and also that the Human Rights Committee and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1999/62) have recognized the right of the victims of gross violations of human rights and the right of their relatives to the truth about the events that have taken place, including the identification of the perpetrators of the facts that gave rise to such violations,

*Acknowledging* in cases of gross violations of human rights and serious violations of international humanitarian law the need to study the interrelationship between the right to the truth and the right to access to justice, the right to obtain effective remedy and reparation and other relevant human rights,

*Stressing* the importance for the international community to endeavour to recognize the right of victims of gross violations of human rights and serious violations of international humanitarian law, and their families and society as a whole, to know the truth regarding such violations, to the fullest extent practicable, in particular the identity of the perpetrators, the causes and facts of such violations, and the circumstances under which they occurred,

*Stressing also* that it is important for States to provide appropriate and effective mechanisms for society as a whole and, in particular, for relatives of the victims, to know the truth regarding gross violations of human rights and serious violations of international humanitarian law,

*Recalling* that a specific right to the truth may be characterized differently in some legal systems as the right to know or the right to be informed or freedom of information,

*Emphasizing* that the public and individuals are entitled to have access, to the fullest extent practicable, to information regarding the actions and decision-making processes of their Government, within the framework of each State's domestic legal system,

*Recognizing* the importance of preserving historic memory related to gross human rights violations and serious violations of international humanitarian law through the conservation of archives and other documents related to those violations,

*Convinced* that States should preserve archives and other evidence concerning gross violations of human rights and serious violations of international humanitarian law to facilitate knowledge of such violations, to investigate allegations and to provide victims with access to an effective remedy in accordance with international law,

1. *Recognizes* the importance of respecting and ensuring the right to the truth so as to contribute to ending impunity and to promote and protect human rights;

2. *Welcomes* the establishment in several States of specific judicial mechanisms and other non-judicial mechanisms, such as truth and reconciliation commissions, that complement the justice system, to investigate violations of human rights and of

international humanitarian law, and appreciates the elaboration and publication of the reports and decisions of these bodies;

3. *Encourages* the States concerned to disseminate, implement and monitor implementation of the recommendations of non-judicial mechanisms such as truth and reconciliation commissions, and to provide information regarding compliance with the decisions of judicial mechanisms;

4. *Encourages* other States to consider establishing specific judicial mechanisms and, where appropriate, truth and reconciliation commissions to complement the justice system, in order to investigate and address gross violations of human rights and serious violations of international humanitarian law;

5. *Encourages* States to provide requesting States the necessary and appropriate assistance regarding the right to the truth by means of, among other actions, technical cooperation and exchange of information concerning administrative, legislative and judicial and non-judicial measures, as well as experiences and best practices that have as a purpose the protection, promotion and implementation of this right, including practices regarding the protection of witnesses and the preservation and management of archives;

6. *Also encourages* States to design programmes and other measures to protect witnesses and individuals who cooperate with judicial bodies and mechanisms of a quasi-judicial or non-judicial nature, such as human rights commissions and truth commissions;

7. *Welcomes* the fact that 81 States have signed and 13 States have ratified the International Convention for the Protection of All Persons from Enforced Disappearance, and encourages all States that have not yet signed, ratified or acceded to the Convention to consider doing so, in order to allow its entry into force as soon as possible;

8. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report, to be presented to the Council at its fifteenth session, on the basis of information, including from States, on programmes and other measures for the protection of witnesses implemented within the framework of criminal procedures related to gross violations of human rights and serious violations of international humanitarian law, with a view to determine the need to develop common standards and promote best practices that would serve as guidelines to States in protecting witnesses and others concerned with providing cooperation in trials for gross human rights violations and serious violations of international humanitarian law;

9. *Invites* the Office of the High Commissioner to convene, within existing resources, a seminar, taking into account different experiences on the importance of the creation, organization and management of public systems of archives as a means to guarantee the right to the truth, with a view to study the need for guidelines on this issue, and also requests the Office to report on the outcome of the consultation, in the form of a summary of discussions on the above-mentioned issue, to the Council at its seventeenth session;

10. *Invites* special rapporteurs and other mechanisms of the Council, in the framework of their mandates, to take into account, as appropriate, the issue of the right to the truth;

11. *Decides* to consider this matter at its fifteenth session under the same agenda item, or at the corresponding session in conformity with its annual programme of work.

*30th meeting  
1 October 2009*

[Adopted without a vote. See part II, chap. III.]

**12/13.****Human rights and indigenous peoples**

*The Human Rights Council,*

*Bearing in mind* that the General Assembly, in its resolution 59/174 of 20 December 2004, proclaimed the Second International Decade of the World's Indigenous People,

*Bearing in mind also* General Assembly resolution 60/251 of 15 March 2006 and Council resolutions 5/1 on institution-building of the Council and 5/2 on the code of conduct for special procedures mandate holders of the Council, both of 18 June 2007,

*Recalling* Commission on Human Rights resolutions 2001/57 of 24 April 2001, 2002/65 of 25 April 2002, 2003/56 of 24 April 2003, 2004/62 of 21 April 2004 and 2005/51 of 20 April 2005 on human rights and indigenous issues,

*Recalling also* Council resolutions 6/12 of 28 September 2007, 6/36 of 14 December 2007 and 9/7 of 24 September 2008,

*Recalling further* the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly in its resolution 61/295 of 13 September 2007,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on indigenous issues (A/HRC/10/51), and requests the High Commissioner to present an annual report on the rights of indigenous peoples to the Council, containing information on relevant developments of human rights bodies and mechanisms and activities undertaken by the Office of the High Commissioner at Headquarters and in the field that contribute to the promotion of and respect for, and the full application of, the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow up the effectiveness of the Declaration;

2. *Also welcomes* the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/12/34);

3. *Requests* the Special Rapporteur to report on the implementation of his mandate to the General Assembly at its sixty-fifth session;

4. *Welcomes* the first and second reports of the Expert Mechanism on the Rights of Indigenous Peoples (A/HRC/10/56 and A/HRC/12/32);

5. *Also welcomes* the successful completion of the study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education (A/HRC/12/33), and strongly encourages States to disseminate it broadly and to take it into account when elaborating national plans and strategies;

6. *Requests* the Expert Mechanism, in accordance with its mandate, to carry out a study on indigenous peoples and the right to participate in decision-making, to present a progress report to the Council at its fifteenth session, and a final study to the eighteenth session;

7. *Decides* that the reports of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, the Expert Mechanism on the Rights of Indigenous Peoples and the High Commissioner will be considered by the Council at its annual September session and that the Expert Mechanism should hold its future annual sessions well in advance of that session, if possible in June;

8. *Also decides* to introduce staggered terms for the membership of the Expert Mechanism, considering the need to secure continuity in its functioning;

9. *Requests* the Office of the High Commissioner to prepare a detailed document outlining the practical implications of a change in mandate of the Voluntary Fund, in particular if it is expanded, the current working methods and resources of the Fund, and to present it to the Council at its fifteenth session;

10. *Requests* the Special Rapporteur, the Permanent Forum on Indigenous Issues and the Expert Mechanism to continue to carry out their tasks in a coordinated manner;

11. *Encourages* those States that have not yet ratified or acceded to the Convention concerning Indigenous and Tribal Peoples in Independent Countries of the International Labour Organization (C169) to consider doing so, and to consider supporting the United Nations Declaration on the Rights of Indigenous Peoples;

12. *Decides* to continue consideration of this question at a future session, in conformity with its annual programme of work.

*30th meeting*

*1 October 2009*

[Adopted without a vote. See part II, chap. III.]

#### **12/14.**

#### **Situation of human rights in Honduras since the coup d'état on 28 June 2009**

*The Human Rights Council,*

*Recalling* the Charter of the United Nations and the Universal Declaration of Human Rights,

*Recalling also* General Assembly resolution 60/251 of 15 March 2006,

*Recalling further* Council resolution 5/1 of 18 June 2007,

*Recalling* General Assembly resolution 63/301 of 30 June 2009 on the situation in Honduras,

*Acknowledging* the resolutions and declarations adopted by regional and subregional organizations on the coup d'état that took place in Honduras on 28 June 2009,

*Deeply concerned* at the coup d'état in Honduras,

*Deeply concerned also* at the human rights violations in Honduras reported by several special procedures of the Council and regional human rights bodies of the Organization of American States,

1. *Strongly condemns* the human rights violations occurring as a consequence of the coup d'état of 28 June 2009, and in particular following the return of President José Manuel Zelaya Rosales on 21 September 2009;

2. *Calls for* the immediate end to all human rights violations in Honduras and for the unconditional respect for all human rights and fundamental freedoms, as well as the restoration of democracy and the rule of law;

3. *Calls on* all actors and institutions to refrain from violence and to respect human rights and fundamental freedoms;

4. *Expresses* its support for regional and subregional efforts made to restore the democratic and constitutional order and the rule of law in Honduras;

5. *Requests* the United Nations High Commissioner for Human Rights to present a comprehensive report on the violations of human rights in Honduras since the coup d'état, and to submit a preliminary report thereon to the General Assembly at the main part of its sixty-fourth session and to the Council at its thirteenth session.

30th meeting  
1 October 2009

[Adopted without a vote. See part II, chap. IV.]

12/15.

**Regional arrangements for the promotion and protection of human rights**

*The Human Rights Council,*

*Recalling* General Assembly resolution 32/127 of 16 December 1977 and subsequent Assembly resolutions concerning regional arrangements for the promotion and protection of human rights, the latest being resolution 63/170 of 18 December 2008,

*Recalling also* Commission on Human Rights resolution 1993/51 of 9 March 1993 and subsequent Commission resolutions in this regard, and Council resolution 6/20 of 28 September 2007,

*Bearing in mind* paragraph 5 (h) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Council should work in close cooperation with regional organizations,

*Bearing in mind also* the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, which reiterates, inter alia, the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

*Reaffirming* the fact that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments,

1. *Welcomes* the report of the Secretary-General on the workshop on regional arrangements for the promotion and protection of human rights (A/HRC/11/3), held on 24 and 25 November 2008 in Geneva, including its conclusions and recommendations;
2. *Also welcomes* the progress made by Governments in the establishment of regional and subregional arrangements for the promotion and protection of human rights, and their achievements in all regions of the world;
3. *Further welcomes* the regional efforts made by Member States of the Association of Southeast Asian Nations to advance the promotion and protection of human rights and fundamental freedoms in the Southeast Asian region, as manifested by the establishment of the Association's Intergovernmental Commission on Human Rights;
4. *Requests* the United Nations High Commissioner for Human Rights to hold a workshop on regional arrangements for the promotion and protection of human rights on a regular basis and to convene the next one in the first semester of 2010, within existing resources, to allow further sharing of information and concrete proposals on ways and means to strengthen cooperation between the United Nations and regional arrangements in the field of human rights and the identification of strategies to overcome obstacles to the promotion and protection of human rights at the regional and international levels, with the participation of representatives of the relevant regional and subregional arrangements from different regions, experts and interested States Members of the United Nations, observers, national human rights institutions and representatives of non-governmental organizations;
5. *Also requests* the High Commissioner to present to the Council, at its fifteenth session, a report on the discussions held at the above-mentioned workshop and on the progress towards the implementation of the present resolution.

**12/16.**

**Freedom of opinion and expression**

*The Human Rights Council,*

*Recalling* Council resolution 7/36 of 28 March 2008 and all previous resolutions of the Commission on Human Rights on the right to freedom of opinion and expression,

*Recognizing* that the exercise of the right to freedom of opinion and expression is one of the essential foundations of a democratic society, is enabled by a democratic environment, which offers, inter alia, guarantees for its protection, is essential to full and effective participation in a free and democratic society, and is instrumental to the development and strengthening of effective democratic systems,

*Recognizing also* that the effective exercise of the right to freedom of opinion and expression is an important indicator of the level of protection of other human rights and freedoms, bearing in mind that all human rights are universal, indivisible, interdependent and interrelated,

*Deeply concerned* that violations of the right to freedom of opinion and expression continue to occur, including increased attacks directed against, and killings of, journalists and media workers, and stressing the need to ensure greater protection for all media professionals and for journalistic sources,

*Stressing* the need to ensure that the invocation of national security, including counter-terrorism, is not used unjustifiably or arbitrarily to restrict the right to freedom of opinion and expression,

*Stressing also* the importance of the full respect for the freedom to seek, receive and impart information, including the fundamental importance of access to information, democratic participation, accountability and combating corruption,

*Recognizing* the importance of all forms of the media, including the printed media, radio, television and the Internet, in the exercise, promotion and protection of the right to freedom of opinion and expression,

*Recalling* that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 (3) of the International Covenant on Civil and Political Rights,

*Recalling also* that States should encourage free, responsible and mutually respectful dialogue,

1. *Reaffirms* the rights contained in the International Covenant on Civil and Political Rights, in particular the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice, and the intrinsically linked rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs;

2. *Takes note* of the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/HRC/11/4), as well as his presentation and the interactive dialogue thereon at its eleventh session;

3. *Expresses* its continuing concern that:



(a) Violations of the rights referred to in paragraph 1 above continue to occur, often with impunity, including extrajudicial killing, arbitrary detention, torture, intimidation, persecution and harassment, threats and acts of violence and of discrimination, including gender-based violence and discrimination, increased abuse of legal provisions on defamation and criminal libel as well as on surveillance, search and seizure, and censorship against persons who exercise, seek to promote or defend these rights, including journalists, writers and other media workers, Internet users and human rights defenders;

(b) These above-mentioned violations are facilitated and aggravated by the abuse of states of emergency;

(c) Threats and acts of violence, including killings, attacks and terrorist acts, particularly directed against journalists and other media workers in situations of armed conflict, have increased and are not adequately punished, in particular in those circumstances where public authorities are involved in committing those acts;

(d) High rates of illiteracy continue to exist in the world, especially among women, and reaffirms that full and equal access to education for girls and boys, women and men, is crucial for the full enjoyment of the right to freedom of opinion and expression;

(e) Media concentration is a growing phenomenon in the world and can limit a plurality of views;

4. *Also expresses* its concern that incidents of racial and religious intolerance, discrimination and related violence, as well as of negative racial and religious stereotyping continue to rise around the world, and condemns, in this context, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, consistent with their obligations under international human rights law, to address and combat such incidents;

5. *Calls upon* all States:

(a) To respect and ensure the respect for the rights referred to in paragraph 1 above;

(b) To take all necessary measures to put an end to violations of these rights and to create the conditions to prevent such violations, including by ensuring that relevant national legislation complies with their international human rights obligations and is effectively implemented;

(c) To ensure that victims of violations of the rights referred to in paragraph 1 above have an effective remedy, to investigate effectively threats and acts of violence, including terrorist acts, against journalists, including in situations of armed conflict, and to bring to justice those responsible in order to combat impunity;

(d) To ensure that persons exercising the above-mentioned rights are not discriminated against, particularly in employment, housing, the justice system, social services and education, with particular attention to women;

(e) To facilitate the full, equal and effective participation and free communication of women at all levels of decision-making in their societies and in national, regional and international institutions, including in mechanisms for the prevention, management and resolution of conflicts;

(f) To enable children to exercise their right to express their views freely, including through school curricula that encourage the development of and respect for different opinions, and to have their views taken into account in all matters affecting them,

the views of the child being given due weight in accordance with the age and maturity of the child;

(g) To respect freedom of expression in the media and broadcasting, in particular the editorial independence of the media;

(h) To promote a pluralistic approach to information and multiple points of view by encouraging a diversity of ownership of media and of sources of information, including mass media, through, inter alia, transparent licensing systems and effective regulations on undue concentration of ownership of the media in the private sector;

(i) To create and permit an enabling environment in which training and professional development of the media can be organized in order to promote and protect the right to freedom of opinion and expression and can be carried out without threat of legal, criminal or administrative sanction by the State;

(j) Consistent with their human rights law obligations, to refrain from the use of imprisonment or the imposition of fines for offences relating to the media, which are disproportionate to the gravity of the offence;

(k) To adopt and implement policies and programmes that aim to effectively raise awareness of, and disseminate information and education on, prevention and treatment of HIV/AIDS and other diseases through effective and equal access to information and all appropriate means, including through the media and availability of information and communication technologies, and targeted at specific vulnerable groups;

(l) To adopt and implement laws and policies that provide for a general right of public access to information held by public authorities, which may be restricted only in accordance with article 19 of the International Covenant on Civil and Political Rights;

(m) To facilitate equal participation in, access to and use of information and communications technology, such as the Internet, applying a gender perspective, and to encourage international cooperation aimed at the development of media and information and communication facilities in all countries;

(n) To review their procedures, practices and legislation, as necessary, with a view to ensure the full and effective implementation of all their obligations under international human rights law, including to ensure that any limitations on the right to freedom of opinion and expression are only such as are provided by law and are necessary for the respect of the rights and reputations of others, or for the protection of national security or of public order (*ordre public*) or of public health or morals;

(o) To refrain from using counter-terrorism as a pretext to restrict the right to freedom of opinion and expression in ways that are contrary to their obligations under international law;

(p) While noting that article 19, paragraph 3, of the International Covenant on Civil and Political Rights provides that the exercise of the right to freedom of opinion and expression carries with it special duties and responsibilities, to refrain from imposing restrictions that are not consistent with paragraph 3 of that article, including on:

- (i) Discussion of government policies and political debate; reporting on human rights, government activities and corruption in government; engaging in election campaigns, peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups;

- (ii) The free flow of information and ideas, including practices such as the banning or closing of publications or other media and the abuse of administrative measures and censorship;
- (iii) Access to or use of information and communication technologies, including radio, television and the Internet;

6. *Stresses* that condemning and addressing, in accordance with their obligations under international human rights law, including those regarding equal protection of the law, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence is an important safeguard to ensure the enjoyment of human rights and fundamental freedoms of all, including persons belonging to minorities;

7. *Calls on* all parties to armed conflict to respect international humanitarian law, including their obligations under the Geneva Conventions of 12 August 1949 and, where applicable, the Additional Protocols thereto of 8 June 1977, the provisions of which extend protection to journalists in situations of armed conflict, and to allow, within the framework of applicable rules and procedures, media access and coverage, as appropriate, in situations of international and non-international armed conflict;

8. *Recognizes* the moral and social responsibilities of the media and the importance that the media's elaboration of voluntary codes of professional ethical conduct can play in combating racism, racial discrimination, xenophobia and related intolerance;

9. *Also recognizes* the positive contribution that the exercise of the right to freedom of expression, particularly by the media, including through information and communication technologies such as the Internet, and full respect for the freedom to seek, receive and impart information can make to the fight against racism, racial discrimination, xenophobia and related intolerance and to preventing human rights abuses, but expresses regret at the promotion by certain media of false images and negative stereotypes of vulnerable individuals or groups of individuals, and at the use of information and communication technologies such as the Internet for purposes contrary to respect for human rights, in particular the perpetration of violence against and exploitation and abuse of women and children, and disseminating racist and xenophobic discourse or content;

10. *Reaffirms* the positive role that the exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information can play in strengthening democracy, combating racism, racial discrimination, xenophobia and related intolerance, in line with relevant provisions of international human rights law;

11. *Recognizes* that the open public debate of ideas, as well as interfaith and intercultural dialogue at the local, national, and international levels, can be among the best protections against racism, racial discrimination, xenophobia and related intolerance, and can play a positive role in strengthening democracy and combating national, racial or religious hatred;

12. *Invites* the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, within the framework of his mandate, to carry out his activities in accordance with its resolution 7/36 and all relevant Council resolutions and decisions, in particular his cooperation with other mechanisms and human rights treaty bodies and organizations, including regional organizations and non-governmental organizations;

13. *Appeals* to all States to cooperate fully with and assist the Special Rapporteur in the performance of his tasks, as contained in its resolution 7/36, to provide all necessary information requested by him and to consider favourably his requests for visits and for implementing his recommendations;

14. *Invites once again* the United Nations High Commissioner for Human Rights, the working groups, representatives and special rapporteurs of the Council and human rights treaty bodies to pay attention, within the framework of their mandates, to the situation of persons whose right to freedom of opinion and expression has been violated;

15. *Reminds* States of the possibility of seeking technical assistance if needed, including from the Office of the High Commissioner, to better promote and protect the right to freedom of opinion and expression;

16. *Requests* the Secretary-General to provide the assistance necessary to the Special Rapporteur to fulfil his mandate as contained in its resolution 7/36 effectively, in particular by placing adequate human and material resources at his disposal;

17. *Requests* the Special Rapporteur to submit an annual report to the Council and the General Assembly on the activities relating to his mandate;

18. *Decides* to continue its consideration of the issue of the right to freedom of opinion and expression in accordance with its programme of work.

*31st meeting  
2 October 2009*

[Adopted without a vote. See part II, chap. III.]

## **12/17.**

### **Elimination of discrimination against women**

*The Human Rights Council,*

*Guided by* the Charter of the United Nations, its Purposes and Principles,

*Guided also by* the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination,

*Recalling* the Vienna Declaration and Programme of Action, adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), the Beijing Declaration and Platform for Action, adopted in September 1995 by the Fourth World Conference on Women (A/CONF.177/20/Rev.1, chap. I), and the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

*Bearing in mind* the challenges still faced by all countries throughout the world to overcome inequality between men and women,

*Recalling* the outcome of the twenty-third special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”, the declaration adopted by the Commission on the Status of Women at its forty-ninth session and the outcome document of the Durban Review Conference,

*Recalling also* Commission on Human Rights resolutions 2000/13 of 17 April 2000, 2001/34 of 23 April 2001 and 2003/22 of 22 April 2003, as well as Council resolution 6/30 of 14 December 2007 on integrating the human rights of women throughout the United Nations system,

*Bearing in mind* that international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights prohibit discrimination on the basis of gender and include guarantees to

ensure the equality of women and men, girls and boys, in the enjoyment of their civil, political, economic, social and cultural rights,

*Recognizing* that women face multiple forms of discrimination,

*Reiterating* the need to intensify efforts to eliminate all forms of discrimination against women throughout the world,

*Recognizing* that the full and equal participation of women in all spheres of life is essential for the full and complete economic and social development of a country,

*Mindful* of the fact that the elimination of discrimination against women requires the consideration of women's specific socio-economic context, and recognizing that laws, policies, customs and traditions that restrict women's equal access to participate fully in development processes and public and political life are discriminatory and may contribute to the feminization of poverty,

1. *Reaffirms* the obligation of States to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

2. *Welcomes* the commitments made by the international community to implement fully the Millennium Development Goals and stressing, in that context, the resolve of Heads of State to promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable;

3. *Also welcomes* the efforts made by States around the world to reform their legal systems in order to remove obstacles to women's full and effective enjoyment of their human rights;

4. *Expresses concern* at the fact that, despite the pledge made at the Beijing World Conference on Women and the review by the General Assembly at its twenty-third special session to modify or abolish remaining laws that discriminate against women and girls, many of those laws are still in force and continue to be applied, thereby preventing women and girls from enjoying the full realization of their human rights;

5. *Calls upon* States to fulfil their international obligations and commitments to revoke any remaining laws that discriminate on the basis of sex and remove gender bias in the administration of justice, taking into account that those laws violate their human right to be protected against discrimination;

6. *Recognizes* that women's inequality before the law has resulted in the lack of equal opportunities for women in education, access to health, economic participation, access to labour and disparities in salaries and compensation, public and political participation, access to decision-making processes, inheritance, ownership of land, financial services, including loans, and nationality and legal capacity, among others, as well as increased vulnerability to discrimination and violence, and that all countries face challenges in these areas;

7. *Acknowledges* the work undertaken by the Commission on the Status of Women, the Committee on the Elimination of all Forms of Discrimination against Women, the special rapporteurs of the Council on violence against women, its causes and consequences, and trafficking of persons, including women and children, contemporary forms of slavery, and other relevant United Nations bodies, agencies and mechanisms to eliminate discrimination in law and practice throughout the world;

8. *Emphasizes* the significant role that women play in economic development and in the eradication of poverty, stresses the need to promote equal pay for equal work or work of equal value and for promoting the recognition of the value of women's

unremunerated work, as well as for developing and promoting policies that facilitate the reconciliation of employment and family responsibilities;

9. *Calls on* States to ensure full representation and full equal participation of women in political, social and economic decision-making as an essential condition for gender equality and the empowerment of women and girls as a critical factor in the eradication of poverty;

10. *Welcomes* particularly the work undertaken by the Committee on the Elimination of All Forms of Discrimination against Women on women's equality before the law;

11. *Recognizes* the important role played by the Council in addressing the issue of discrimination against women, in both law and practice;

12. *Welcomes* the convening of a panel on equality before the law during the eleventh session of the Council;

13. *Notes* that, although human rights treaty bodies and special procedures do, to some extent, address discrimination against women within their mandates, their attention to such discrimination is not systematic;

14. *Also notes* the work undertaken by the Office of the United Nations High Commissioner for Human Rights on the issue;

15. *Requests* the High Commissioner to prepare a thematic study on discrimination against women, in law and practice, and on how the issue is addressed throughout the United Nations human rights system, in consultation with States, relevant United Nations bodies and mechanisms and agencies, including the Committee on Elimination of All Forms of Discrimination against Women, the agencies within the United Nations composite entity on gender equality and empowerment of women and all other relevant stakeholders, taking into account the efforts made in this regard, particularly by the Commission on the Status of Women;

16. *Decides* to address the above-requested thematic study at its fifteenth session, and to hold a half-day discussion on the issue in order to consider taking further possible action on discrimination against women at that session.

*31st meeting  
2 October 2009*

[Adopted without a vote. See part II, chap. III.]

## **12/18.**

### **The adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action, particularly with regard to the question of the enjoyment of all human rights, including civil, political, economic, social and cultural rights and the right to development,

*Bearing in mind* paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* all Commission on Human Rights and Council resolutions on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, in particular Commission resolutions 1995/81 of 8 March

1995, 2004/17 of 16 April 2004, 2005/15 of 14 April 2005 and Council resolution 9/1 of 24 September 2008,

*Affirming* that the transboundary and national movement and dumping of toxic and dangerous products and wastes may constitute a serious threat to the enjoyment of all human rights, including civil, political, economic, social and cultural rights and the right to development,

*Reiterating* the fact that all human rights are universal, indivisible, interdependent and interrelated,

*Reaffirming* that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

*Recalling* Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, both of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Strongly condemns* the movement and dumping of toxic and dangerous products and wastes, which have a negative impact on the enjoyment of human rights;

2. *Acknowledges with appreciation* the work undertaken by the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights;

3. *Notes* the report of the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (A/HRC/12/26) on the adverse effects of shipbreaking on the enjoyment of human rights;

4. *Takes note with appreciation* of the report of the Special Rapporteur on his visits to Côte d'Ivoire, from 4 to 8 August 2008, and to the Netherlands, from 26 to 28 November 2008 (A/HRC/12/26/Add.2), and of the recommendations contained therein;

5. *Decides* to hold a panel discussion on the matter at its thirteenth session, with equitable geographic and gender participation of relevant experts and representatives of civil society, with a view to inform the future work of the Special Rapporteur;

6. *Invites* the above-mentioned panel:

(a) To undertake comprehensive discussion on existing problems, new trends and solutions to the national and transboundary movement and dumping of toxic and dangerous products and wastes, which have a negative impact on the enjoyment of human rights, in particular in developing countries;

(b) To examine the impact of the movement and dumping of toxic and dangerous products and wastes in all countries, in particular developing countries, on the enjoyment of all human rights, including civil, political, economic, social and cultural rights and the right to development;

(c) To discuss the current trends, good practices, challenges and possible solutions in this area with regard to human rights, and to consider possible measures to reduce and eradicate the negative impact of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights;

7. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the necessary assistance and support for the panel discussion to be held, within existing resources.

31st meeting  
2 October 2009

[Adopted without a vote. See part II, chap. III.]

**12/19.**

**Draft guiding principles on extreme poverty and human rights**

*The Human Rights Council,*

*Stressing* that respect for all human rights, which are universal, indivisible, interdependent and interrelated, is of crucial importance for all policies and programmes to fight extreme poverty at the local and national levels,

*Taking note* of the draft guiding principles on extreme poverty and human rights, annexed to resolution 2006/9 adopted by the Subcommission for the Promotion and Protection of Human Rights on 24 August 2006,

*Recalling* its resolutions 2/2 of 27 November 2006 and 7/27 of 28 March 2008, as well as its resolution 8/11 of 18 June 2008, in which it extended the mandate of the independent expert on the question of human rights and extreme poverty,

*Noting* the seminar held in Geneva on 27 and 28 January 2009 on the draft guiding principles on extreme poverty and human rights,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the draft guiding principles on extreme poverty and human rights (A/HRC/11/32), revealing a widespread commitment to advancing the project of elaborating guiding principles on extreme poverty and human rights;

2. *Invites* the independent expert on the question of human rights and extreme poverty:

(a) To pursue further work on the draft guiding principles on extreme poverty and human rights with a view to integrate the contributions of Member States and other relevant stakeholders, as well as the results of the consultations undertaken by the Office of the High Commissioner in 2007 and 2008 and the conclusions of the seminar held in Geneva on 27 and 28 January 2009;

(b) To consult Member States further, including through relevant regional organizations, and other relevant stakeholders in the course of this process;

(c) To submit a progress report presenting her recommendations on how to improve the draft guiding principles on extreme poverty and human rights to the Council no later than its fifteenth session, to allow the Council to take a decision on the way forward with a view to a possible adoption of guiding principles on the rights of persons living in extreme poverty by 2012;

3. *Requests* the Office of the High Commissioner to provide the independent expert with the necessary support to allow her to implement this mandate.

31st meeting  
2 October 2009

[Adopted without a vote. See part II, chap. III.]

**12/20.**

**Aung San Suu Kyi and other political prisoners in Myanmar**

*The Human Rights Council,*



1. *Expresses* grave concern at the recent conviction and sentencing of Daw Aung San Suu Kyi, and calls for her immediate and unconditional release;
2. *Calls upon* the Government of Myanmar:
  - (a) To release all political prisoners immediately and unconditionally, enabling them to participate fully in the 2010 elections;
  - (b) To engage in a genuine process of open dialogue and national reconciliation with the full participation of representatives of all political parties and ethnic groups;
  - (c) To create, through the above-mentioned and other national measures, the conditions for inclusive, transparent and credible democratic elections, in accordance with international standards.

*31st meeting*  
*2 October 2009*

[Adopted without a vote. See part II, chap. IV.]

**12/21.**

**Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind**

*The Human Rights Council,*

*Guided* by the purposes and principles set forth in the Charter of the United Nations,

*Reaffirming* the Universal Declaration of Human Rights and that everyone is entitled to the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Guided* by the Vienna Declaration and Programme of Action, which reaffirms, inter alia, the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter, other instruments relating to human rights, and international law, and that the universal nature of these rights is beyond question,

*Reiterating* that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis, and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,

*Recognizing* that all cultures and civilizations in their traditions, customs, religions and beliefs share a common set of values that belong to humankind in its entirety, and that those values have made an important contribution to the development of human rights norms and standards,

1. *Requests* the United Nations High Commissioner for Human Rights to convene, in 2010, a workshop for an exchange of views on how a better understanding of traditional values of humankind underpinning international human rights norms and standards can contribute to the promotion and protection of human rights and fundamental freedoms, with the participation of representatives from all interested States, regional organizations, national human rights institutions and civil society, as well as experts selected with due consideration given to the appropriate representation of different civilizations and legal systems;

2. *Requests* the Office of the High Commissioner to present to the Council a summary of the discussions held at the workshop in conformity with the programme of work of the Council.

*31st meeting  
2 October 2009*

[Adopted by a recorded vote of 26 to 15, with 6 abstentions (See part II, chap. VIII). The voting was as follows:

*In favour:*

Angola, Bahrain, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Zambia;

*Against:*

Belgium, Chile, France, Hungary, Italy, Japan, Mauritius, Mexico, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, United Kingdom of Great Britain and Northern Ireland, United States of America;

*Abstaining:*

Argentina, Bosnia and Herzegovina, Brazil, Ghana, Ukraine, Uruguay.]

**12/22.**

**Human rights and unilateral coercive measures**

*The Human Rights Council,*

*Recalling* the purposes and principles of the Charter of the United Nations,

*Recalling also* all previous resolutions on human rights and unilateral coercive measures adopted by the Commission on Human Rights, the Council and the General Assembly,

*Reaffirming* its resolution 9/4 of 17 September 2008 and General Assembly resolution 63/179 of 18 December 2008,

*Taking note* of the report of the Secretary-General on this issue (A/HRC/12/30),

*Stressing* that unilateral coercive measures and legislation are contrary to international law, international humanitarian law, the Charter and the norms and principles governing peaceful relations among States,

*Recognizing* the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as a universal and inalienable right and an integral part of all human rights,

*Expressing its concern* at the negative impact of unilateral coercive measures on human rights, development, international relations, trade, investment and cooperation,

*Recalling* the final document of the fifteenth summit of the Heads of State and Government of the Non-Aligned Movement, held in Sharm El-Sheikh, Egypt, in July 2009, in which the States Members of the Movement decided to oppose unilateralism and unilaterally-imposed measures by certain States, which can lead to the erosion and violation of the Charter and international law, the use and threat of use of force, and pressure and coercive measures, as a means to achieving their national policy objectives, and to support, in accordance with international law, the claim of affected States, including targeted States, to compensation for damage incurred as a consequence of the implementation of extraterritorial or unilateral coercive measures or laws,

*Recalling also* that the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral measure not in accordance with international law and the Charter and that created obstacles to trade relations among States and impeded the full realization of all human rights, and that also severely threatened the freedom of trade,

*Deeply concerned* that, despite the resolutions adopted on this issue by the General Assembly, the Council, the Commission on Human Rights and at United Nations conferences held in the 1990s and at their five-year reviews, and contrary to norms of international law and the Charter, unilateral coercive measures continue to be promulgated, implemented and enforced by, inter alia, resorting to war and militarism, with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

*Reaffirming* that unilateral coercive measures are a major obstacle to the implementation of the Declaration on the Right to Development,

*Recalling* article 1, paragraph 2, common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which provides that, inter alia, in no case may a people be deprived of its own means of subsistence,

1. *Calls upon* all States to stop adopting or implementing unilateral coercive measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Strongly objects* to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States and, in this context, calls upon all Member States neither to recognize these measures nor to apply them, and to take effective administrative or legislative measures, as appropriate, to counteract the extraterritorial application or effects of unilateral coercive measures;

3. *Condemns* the continued unilateral application and enforcement by certain powers of such measures as tools of political or economic pressure against any country, particularly against developing countries, with a view to preventing these countries from exercising their right to decide, of their own free will, their own political, economic and social systems;

4. *Reiterates* its call upon Member States that have initiated such measures to abide by the principles of international law, the Charter, the declarations of the United Nations and world conferences and relevant resolutions, and to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are parties by putting an immediate end to such measures;

5. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their own economic, social and cultural development;

6. *Also reaffirms* its opposition to any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State, which is incompatible with the Charter;

7. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, and to the relevant principles and provisions contained in the Charter of Economic Rights and Duties of States, proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, no State may use or encourage the use of economic, political or any other type of measure to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

8. *Reaffirms* that essential goods, such as food and medicines, should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;

9. *Underlines* the fact that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development and, in this regard, calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws that run counter to the principles of free trade and hamper the development of developing countries;

10. *Rejects* all attempts to introduce unilateral coercive measures, as well as the increasing trend in this direction, including through the enactment of laws with extraterritorial application, which are not in conformity with international law;

11. *Recognizes* that the Declaration of Principles adopted at the first phase of the World Summit on the Information Society, held in Geneva in December 2003, strongly urges States to avoid and refrain from any unilateral measure in building the information society;

12. *Invites* all special rapporteurs and existing thematic mechanisms of the Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

13. *Decides* to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

14. *Requests* the United Nations High Commissioner for Human Rights, in discharging her functions in relation to the promotion and protection of human rights, to pay due attention and give urgent consideration to the present resolution;

15. *Requests* the Secretary-General to submit to the Council, at its fifteenth session, an analytical report on the impact of unilateral coercive measures on the enjoyment of human rights;

16. *Decides* to examine this question in accordance with its annual programme of work under the same agenda item.

*32nd meeting  
2 October 2009*

[Adopted by a recorded vote of 32 to 14 (See part II, chap. III.). The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay;

*Against:*

Belgium, Bosnia and Herzegovina, France, Hungary, Italy, Japan, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.]

**12/23.**

**The right to development**

*The Human Rights Council,*

*Recalling* the Charter of the United Nations and the core human rights instruments,

*Reaffirming* the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

*Reaffirming also* its resolutions 4/4 of 30 March 2007 and 9/3 of 17 September 2008, and recalling all Commission on Human Rights, Council and General Assembly resolutions on the right to development,

*Emphasizing* the urgent need to make the right to development a reality for everyone,

*Stressing* the primary responsibility of States for the creation of national and international conditions favourable to the realization of the right to development,

*Taking note* of the efforts under way in the framework of the Working Group on the Right to Development, with the support of the high-level task force on the implementation of the right to development, to develop a set of right to development criteria and corresponding operational subcriteria,

1. *Welcomes* the report of the Working Group on the Right to Development (A/HRC/12/28);

2. *Decides:*

(a) To continue to act to ensure that its agenda promotes and advances sustainable development and the achievements of the Millennium Development Goals and, in this regard, to lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms;

(b) To endorse the recommendations of the Working Group, as outlined in paragraphs 44 to 46 of its report, which would ensure that the right to development criteria and corresponding operational subcriteria, to be submitted by the task force to the Working Group at its eleventh session in 2010, together with suggestions for further work, address, in a comprehensive and coherent manner, the essential features of the right to development, as defined in the Declaration on the Right to Development, and including the priority concerns of the international community beyond those enumerated in Millennium Development Goal 8;

(c) That, once considered, revised and endorsed by the Working Group, the above-mentioned criteria and corresponding operational subcriteria should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development;

(d) That, upon completion of the three phases of the 2008-2010 workplan of the high-level task force on the implementation of the right to development, endorsed by the Council in its resolution 9/3, the Working Group will take appropriate steps to ensure respect for and practical application of the above-mentioned standards, which could take various forms, including guidelines on the implementation of the right to development, and

evolve into a basis for consideration of an international legal standard of a binding nature, through a collaborative process of engagement;

(e) To request the Office of the United Nations High Commissioner for Human Rights to continue to take all necessary measures and to allocate adequate resources for the effective implementation of the present resolution, taking into account the needs for the effective implementation of the recommendations of the Working Group referred to in paragraph 2 (b) above;

3. *Also decides* to review the progress of the implementation of the present resolution as a matter of priority at its future sessions.

*32nd meeting  
2 October 2009*

[Adopted by a recorded vote of 33 to 0, with 14 abstentions (see part II, chap. III.). The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

*Abstaining:*

Belgium, Bosnia and Herzegovina, France, Hungary, Italy, Japan, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.]

**12/24.**

**Access to medicine in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

*The Human Rights Council,*

*Reaffirming* the Universal Declaration of Human Rights and recalling the International Covenant on Economic, Social and Cultural Rights,

*Recalling* Commission on Human Rights resolutions 2001/33 of 23 April 2001, 2002/31 and 2002/32 of 22 April 2002, 2003/28 of 22 April 2003, 2004/27 of 16 April 2004 and 2005/24 of 15 April 2005, and that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right that derives from the inherent dignity of the human person,

*Emphasizing* the development goals of the United Nations Millennium Declaration, in particular the four health-related development goals,

*Noting with concern* that, for millions of people throughout the world, the full enjoyment of the right to the highest attainable standard of physical and mental health remains a distant goal and that, in many cases, especially for those living in poverty, this goal is becoming increasingly remote,

*Recalling* the Declaration on the Right to Development, which establishes that States should take, at the national level, all necessary measures for the realization of the right to development and should ensure, inter alia, equality of opportunity for all in their access to basic resources, such as health services,

*Recalling also* its resolution 6/29 of 14 December 2007, in which the Council extended the mandate of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

*Recalling further* Council resolution S-10/1 of 23 February 2009, and reiterating its concern that financial and economic crises are having a negative impact on the ability of States to provide social services, such as health,

*Regretting* the high number of people still without access to medicines, and underscoring that improving access to medicine could save millions of lives every year,

1. *Recognizes* that access to medicine is one of the fundamental elements in achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

2. *Stresses* the responsibility of States to ensure access to all, without discrimination, of medicines, in particular essential medicines, that are affordable, safe, effective and of good quality;

3. *Calls upon* States, at the international level, to take steps, individually and/or through international cooperation, in accordance with applicable international law, including international agreements, to ensure that their actions as members of international organizations take into due account the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and that the application of international agreements is supportive of public health policies that promote broad access to safe, effective and affordable medicines;

4. *Recognizes* that the Doha Ministerial Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health confirms that the Agreement does not and should not prevent States Members of the World Trade Organization from taking measures to protect public health and that the Declaration, while reiterating the commitment to the Agreement, affirms that it can and should be interpreted and implemented in a manner supportive of the rights of States Members of the World Trade Organization to protect public health and, in particular, to promote access to medicines for all; and further recognizes, in this connection, the right of States Members of the World Trade Organization to use, to the full, the provisions of the above-mentioned Agreement, which provide flexibility for this purpose;

5. *Also recognizes* that intellectual property protection is important for the development of new medicines, as well as the concerns about its effects on prices;

6. *Encourages* all States to apply measures and procedures for enforcing intellectual property rights in such a manner as to avoid creating barriers to the legitimate trade of medicines, and to provide for safeguards against the abuse of such measures and procedures;

7. *Invites* the Office of the United Nations High Commissioner for Human Rights to convene an expert consultation, within existing resources, open to the participation of Governments, regional and international organizations, relevant United Nations bodies and civil society organizations, for an exchange of views on human rights considerations relating to the realization of access to medicines as one of the fundamental elements in achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and invites the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to present a summary of the discussions held during the expert consultation to the Council;

8. *Encourages* the Special Rapporteur to integrate, within his existing mandate, the human rights dimensions of access to medicines;

9. *Also encourages* all States to consider including in their national reports, to be submitted to the universal periodic review mechanism, information on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, particularly on measures taken to promote access to medicines;

10. *Decides* to remain seized of this matter.

*32nd meeting*

*2 October 2009*

[Adopted without a vote. See part II, chap. III.]

## **12/25.**

### **Advisory services and technical assistance for Cambodia**

*The Human Rights Council,*

*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms as enshrined in the Charter of the United Nations, as reaffirmed in the Universal Declaration of Human Rights, and in accordance with their respective obligations under the International Covenants on Human Rights and other applicable human rights instruments,

*Recalling* General Assembly resolution 60/251 of 15 March 2006,

*Recalling also* Council resolutions 5/1, on institution-building of the Council, and 5/2 on a code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

*Recalling further* Council resolution 9/15 of 24 September 2008 and other relevant resolutions,

*Bearing in mind* the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (A/HRC/12/41),

*Recognizing* that the tragic history of Cambodia requires special measures to ensure the protection of human rights and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

*Taking note* of the new developments in Cambodia, especially those associated with recent progress and efforts by the Government of Cambodia to promote and protect human rights, especially in the achievements and improvements of social, economic, political and cultural fields over recent years through its relevant national plans, strategies and frameworks,

#### **I. Khmer Rouge Tribunal**

1. *Reaffirms* the importance of the Extraordinary Chambers in the Courts of Cambodia as an independent and impartial body, and believes it will significantly contribute to eradicating impunity and establishing the rule of law by, inter alia, exploiting its potential as a model court of Cambodia;

2. *Welcomes* the progress made with regard to the Extraordinary Chambers in the Courts of Cambodia, including the substantive hearing concerning the accused Kaing



Guek Eav, and supports the positions of the Government of Cambodia and the United Nations to proceed with the tribunal in a fair, efficient and expeditious manner, given the advanced age and frail health of the persons charged and the long overdue justice for the people of Cambodia;

3. *Also welcomes* the assistance of a number of States to the Extraordinary Chambers in the Courts of Cambodia and, noting the revised budget estimate endorsed on 17 July 2008, encourages the Government of Cambodia to work with the United Nations and the States providing assistance to ensure the highest standards of administration of the Extraordinary Chambers, and invites further assistance for the Extraordinary Chambers in a prompt manner in order to ensure its successful functioning;

## **II. Democracy and situation of human rights**

4. *Welcomes:*

(a) The cooperation extended by the Government of Cambodia and the constructive dialogue with the Special Rapporteur during his first mission in Cambodia;

(b) The report of the Special Rapporteur on the situation of human rights in Cambodia (A/HRC/12/40) and the recommendations contained therein;

(c) The efforts and progress made by the Government of Cambodia in promoting legal and judicial reform under the leadership of the Council of Legal and Judicial Reform, including adopting and/or enforcing basic laws, such as the civil procedure code, the criminal procedure code and the civil code, as well as the approval of the criminal code at the Council of Ministers;

(d) The efforts made by the Government of Cambodia in combating corruption, including the completion of the drafting of an anti-corruption law and efforts to bring corrupt officials to justice, as well as its efforts in stopping political appointments to posts in public administration based upon the allocation of political parties;

(e) The efforts made by the Government of Cambodia in combating trafficking in persons, including the enforcement of the law on the suppression of human trafficking and commercial sexual exploitation;

(f) The efforts made by the Government of Cambodia to resolve land issues through the implementation of land reform;

(g) The commitments made by the Government of Cambodia to adhere to and implement its obligations under the international human rights conventions, *inter alia*, the commitment made by Prime Minister Samdech Hun Sen on the occasion of the opening of the eighth informal Asia-Europe Meeting seminar on human rights, held in Siem Reap in September 2007, which included reference to the planned establishment of a national human rights institution;

(h) The efforts made by the Cambodian Human Rights Committee, especially in resolving complaints from people, improving the situation of prisons and intervening in prolonged pretrial detentions;

(i) The efforts made by the Government of Cambodia to adhere to its obligations under international human rights treaties, including the submission of its reports to the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child in February 2009, as well as to the Committee on Economic, Social, and Cultural Rights in May 2009;

(j) The efforts and progress made by the Government of Cambodia in promoting decentralization and deconcentration reform with the aim of achieving democratic

development by strengthening subnational and grass-roots institutions, including the local elections at provincial/municipal and district/*sangkat* levels, held in May 2009, which demonstrated the continued development of the democratic process in Cambodia, while recognizing the need to strengthen further the enforcement capacity of the national election committee;

(k) The approval of the National Disability Law by the National Assembly in May 2009, and the approval of a sub-decree on procedures for the registration of the land of indigenous minority communities and a policy on the development of indigenous minorities by the Council of Ministers in April 2009;

5. *Expresses its concern* about some areas of human rights practices in Cambodia, and urges the Government of Cambodia:

(a) To continue to strengthen its efforts to establish the rule of law, including through the adoption and implementation of essential laws and codes for establishing a democratic society, and its efforts at judicial reform, especially to ensure the independence, impartiality, transparency and effectiveness of the judicial system as a whole;

(b) To enhance its efforts to combat corruption, including by the early enactment of an anti-corruption law and its implementation;

(c) To continue to address, as a matter of priority, *inter alia*, the problem of impunity, and to enhance its efforts to investigate urgently and to prosecute, in accordance with due process of law and its obligations under international human rights treaties, all those who have perpetrated serious crimes, including violations of human rights;

(d) To enhance its efforts to resolve equitably and expeditiously land ownership issues in a fair and open manner, in accordance with the 2001 Land Law, by strengthening the implementation of the law through the development of national guidelines to clarify relevant procedures, as well as by strengthening the capacity and effectiveness of relevant institutions, such as the National Authority for Land-Dispute Resolution and cadastral committees at the national, provincial and district levels;

(e) To promote an environment conducive to the conduct of legitimate political activity and to support the role of non-governmental organizations and media in order to solidify democratic development in Cambodia;

(f) To make further efforts to improve human rights, especially those of women and children, and to make additional efforts, in concert with the international community, to combat key problems, such as human trafficking, issues related to poverty, sexual violence, domestic violence and the sexual exploitation of women and children;

(g) To take all steps to meet its obligations under international human rights treaties and to strengthen further its cooperation with United Nations agencies, including the Office of the United Nations High Commissioner for Human Rights, including through enhanced dialogue and the development of joint activities;

(h) To continue to promote the rights and dignity of all Cambodians by protecting civil and political rights, including freedom of opinion and expression, as well as economic, social and cultural rights, in accordance with the rule of law, through the continuous and enhanced implementation of the Rectangular Strategy and various reform programmes;

### III. Conclusion

6. *Invites* the Secretary-General, agencies of the United Nations system present in Cambodia and the international community, including non-governmental organizations, to continue to work with the Government of Cambodia in improving democracy as well as

ensuring the protection and promotion of the human rights of all people in Cambodia, including by providing assistance in, inter alia, the fields of:

(a) Drafting various laws necessary for protecting and promoting human rights and assisting the establishment of an independent national human rights institution;

(b) Capacity-building to strengthen legal institutions, including by improving the quality of judges, prosecutors, lawyers and court staff;

(c) Capacity-building to strengthen national institutions for criminal investigation and law enforcement, as well as providing the equipment necessary for these ends;

(d) Assisting the assessment of progress in human rights issues;

7. *Encourages* the Government of Cambodia and the international community to provide all necessary assistance to the Extraordinary Chambers in the Courts of Cambodia, which would help ensure the non-return to the policies and practices of the past, as envisioned by the 1991 Agreement on a Comprehensive Political Settlement of the Cambodia Conflict;

8. *Takes note* of the need to continue close consultations between the Government of Cambodia and the Special Rapporteur on the situation of human rights in Cambodia towards the further improvement of the situation of human rights in the country and of the continuous technical cooperation of the Office of the High Commissioner with the Government of Cambodia;

9. *Decides* to extend by one year the mandate of the special procedure on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of his mandate to the Council at its fifteenth session and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;

10. *Requests* the Secretary-General to report to the Council at its fifteenth session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights;

11. *Decides* to continue its consideration of the situation of human rights in Cambodia at its fifteenth session.

*32nd meeting*

*2 October 2009*

[Adopted without a vote. See part II, chap. X.]

## **12/26.**

### **Assistance to Somalia in the field of human rights**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations and the Universal Declaration of Human Rights,

*Acknowledging* that peace and security, development and human rights are the pillars of the United Nations system,

*Reaffirming* the sovereignty and territorial integrity of Somalia,

*Recalling* its previous resolutions on the human rights situations in Somalia, in particular resolution 10/32 of 27 March 2009,

*Recalling also* its resolutions 5/1 and 5/2 of 18 June 2007,

*Emphasizing* that the Peace and Security Council of the African Union, in the communiqué of its 190th meeting, of 22 May 2009, condemned the repeated attacks against the Government and the civilian population in Mogadishu and other parts of Somalia, including by armed groups and foreign elements bent on undermining the peace and reconciliation process,

*Welcoming* the outcome of the pledging conference held in Brussels, on 22 and 23 April 2009, as it constitutes a sign of renewed commitment by the international community to support the long-term stabilization of Somalia and paving the way for its post-conflict reconstruction, as reflected in, inter alia, the declaration of the Council of the European Union on 27 July 2009,

*Welcoming also* the role played by the International Contact Group on Somalia,

*Emphasizing* the need for more coordination within the international community aimed at the socio-economic development and political stabilization of Somalia,

*Reiterating* that humanitarian, human rights and development assistance is of importance to alleviate poverty and to promote a more peaceful, equitable and democratic society in Somalia,

*Convinced* that the dire human rights and humanitarian situation in Somalia demands an urgent and tangible national response with international support that is commensurate with its gravity, and expressing support for the commitment of the Transitional Federal Government to improve the respect of human rights and international humanitarian law by legal provisions, law enforcement and activities to protect the civilian population,

*Welcoming* the commitment made by the Transitional Federal Government to ensure inclusiveness in the political process, as clearly shown by its constant endeavours to reach out to those who have hitherto remained outside the peace process and to work towards a broad-based political process on the premise of respect for human rights and international humanitarian law,

*Welcoming also* the decision taken by the Transitional Federal Government to nominate a human rights focal point with the objective of constituting a national human rights commission focusing on the safeguarding of all human rights in Somalia, the provision in the new Constitution of Puntland to create an independent human rights body; as well as subnational constitutions, such as those in Somaliland and Puntland, which are positive steps to enhance human rights protection in the areas,

*Noting with concern* that the security situation remains extremely fragile, in particular in the central and southern regions of Somalia,

*Expressing* its strongest condemnation against the brutal terrorist attack against the peacekeepers of the African Union Mission to Somalia and the security forces of the Transitional Federal Government on 17 September 2009, and conveying its deepest condolences to the families of the victims and to the Governments of Uganda, Burundi and Somalia as well as to the African Union,

*Noting with concern* the continuing threat of piracy, which adversely affects the delivery of humanitarian supplies and the safe passage of international maritime traffic, and stressing the need to tackle the root causes of piracy through a comprehensive approach for the development and the stabilization of Somalia,

*Seriously alarmed* at the deteriorating situation of refugees and internally displaced persons, as well as human trafficking,

1. *Welcomes* the continued commitment and efforts made by the African Union to support Somali-led efforts towards reconciliation, peace and security in its national territory, as reaffirmed by the Peace and Security Council in the communiqué of its 190th meeting, of 22 May 2009, as well as Assembly resolution of 3 July 2009 (AU/Dec.252/XIII, para. 16), and invites other regional organizations of which Somalia is a Member State, as well as the United Nations and the international community at large to further and concretely engage in order to support the ongoing stabilization efforts;
2. *Expresses* its deep concern at the human rights and humanitarian situation in Somalia and calls for an immediate end to all abuses;
3. *Also expresses* its deep concern at the repeated attacks against journalists, civil society activists and humanitarian workers, and calls on all parties to allow unhindered access of civilians and non-combatants, in particular women and children in need to humanitarian assistance;
4. *Further expresses* its deep concern at the deteriorating human rights and humanitarian conditions, and in particular at reports of indiscriminate attacks against civilians, and other criminal activities by armed groups, such as intimidation, abduction, summary executions and forced recruitment of children, particularly in certain parts of the country;
5. *Expresses* its deep concern at the plight of internally displaced people and refugees and at the vast scale of displacement as a direct consequence of the conflict and of violations of human rights and humanitarian law;
6. *Urges* all parties to refrain from all forms of violence against the civilian population and to actively prevent abuses of human rights, including the rights of persons belonging to social groups and minorities living in Somalia;
7. *Stresses* the need to implement technical assistance and institutional capacity-building programmes inside the country, in accordance with the Transitional Federal Government at the national and regional levels, including those noted in Council resolution 10/32, in order to, inter alia, support Somali-led efforts to identify the most appropriate mechanism for the prevention of and accountability for human rights abuses;
8. *Calls on* the Transitional Federal Government to fulfil its obligations under international human rights and humanitarian law and for the implementation of the relevant provisions of the Transitional Federal Charter relating to human rights;
9. *Welcomes* the work undertaken by the independent expert on the situation of human rights in Somalia and his report;
10. *Decides* to renew the mandate of the independent expert for a period of one year, with a view to maximizing the provision and flow of technical assistance to Somalia in the field of human rights, in order to support the efforts of the Transitional Federal Government and regional authorities to ensure the respect of human rights and strengthen the human rights regime in its work to complete the outstanding task of the transitional mandate, and requests the independent expert to submit a report on the human rights situation in Somalia and on the status of implementation of technical cooperation inside Somalia to the Council at its thirteenth and fifteenth sessions;
11. *Invites* the independent expert to devote, in the fulfilment of his mandate, specific attention to, inter alia, building the effective capacity of the rule of law, the harmonization of laws, appropriate mechanisms to address impunity and the training of Somali security personnel on international human rights standards, also paying close attention to all human rights, including economic, social and cultural rights, the right to

adequate food, the right to the enjoyment of the highest attainable standard of physical and mental health and the right to education;

12. *Requests* mandate holders of relevant thematic special procedures of the Council to cooperate with the independent expert with a view to gather and update reliable information on the human rights situation in Somalia;

13. *Requests* the Secretary-General to provide the independent expert with all the human, technical and financial assistance necessary to carry out his mandate;

14. *Decides* to remain seized of the matter.

32nd meeting  
2 October 2009

[Adopted without a vote. See part II, chap. X.]

**12/27.**

**The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)**

*The Human Rights Council,*

*Recalling* Commission on Human Rights resolutions 1997/33 of 11 April 1997, 1999/49 of 27 April 1999, 2001/51 of 24 April 2001, 2003/29 of 22 April 2003, 2003/47 of 23 April 2003, 2004/26 of 16 April 2004, 2005/23 of 15 April 2005 and 2005/84 of 21 April 2005, the Political Declaration on HIV/AIDS, adopted by the General Assembly on 2 June 2006, and the Declaration of Commitment on HIV/AIDS, adopted by the Assembly at its special session on HIV/AIDS on 27 June 2001, which affirm that the realization of human rights and fundamental freedoms for all is essential to reduce vulnerability to HIV and the impact of AIDS, as is the involvement of people living with HIV,

*Recalling also* the Guidelines on HIV/AIDS and Human Rights (hereinafter referred to as “the Guidelines”), referred to in the above-mentioned resolutions and annexed to Commission on Human Rights resolution 1997/33, which provide guidance to ensuring the respect, protection and fulfilment of human rights in the context of HIV,

*Recalling further* Commission on Human Rights resolutions 2003/29, 2004/26 and 2005/23 and Council decision 2/107 of 27 November 2006, and their acknowledgement that prevention and comprehensive care and support, including treatment and access to medication without discrimination, for those infected and affected by pandemics such as HIV/AIDS, tuberculosis and malaria are inseparable elements of an effective response and must be integrated into a comprehensive approach to respond to such pandemics,

*Recalling* Commission on Human Rights resolutions 2002/31 of 22 April 2002, 2003/28 of 22 April 2003, 2004/27 of 16 April 2004 and 2005/24 of 15 April 2005, in which the Commission reaffirmed the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and also recalling Council resolution 6/29 of 14 December 2007, in which the Council extended the mandate of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

*Taking note with interest* of the reports by the United Nations special procedures that have devoted specific attention, in the context of their mandates, to the critical intersection between the protection of human rights and an effective response to the HIV/AIDS epidemic,

*Noting with grave concern* the fact that, according to estimates by the Joint United Nations Programme on HIV/AIDS and the World Health Organization, at the end of 2007, 33 million people were living with HIV, including 2.7 million people newly infected

with HIV in 2007, and that a disproportionate number of them are presently in sub-Saharan Africa, and also deploring the 25 million lives lost to HIV/AIDS since the epidemic was identified,

*Recalling* the urgent need to scale up efforts significantly towards the goal of universal access to comprehensive prevention programmes, treatment, care and support by 2010, affirmed by Governments in the Political Declaration on HIV/AIDS, adopted by the General Assembly at its High-level Meeting on HIV/AIDS on 2 June 2006, and emphasizing the concern at the increasing instances of multiple or aggravated forms of discrimination, and reiterating that such discrimination affects the enjoyment of human rights and can lead to particular targeting of people living with HIV/AIDS and members of key populations affected by the epidemic, as well as increased vulnerability to HIV, and also recalling the importance that States adopt or strengthen programmes or measures to eradicate multiple or aggravated forms of discrimination, in particular by adopting or improving penal or civil legislation to address these phenomena,

*Expressing* appreciation for the important role played by the engagement of civil society in the response to the HIV/AIDS pandemic,

*Welcoming* the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property, adopted by the World Health Assembly on 24 May 2008,

*Welcoming also* progress in expanding access to HIV treatment, particularly the 35 per cent increase in the number of people receiving antiretroviral therapy from 2007 to 2008, noting, however, that while nearly 3 million people in low- and middle-income countries were estimated to be receiving antiretroviral medicines as of the end of 2007, an estimated 9.7 million in need lacked access to such life-saving medicines, an estimated 1 million end-stage HIV/AIDS patients had no access to treatment for moderate to severe pain, and many people in need failed to receive treatment for tuberculosis and other HIV-related opportunistic infections,

*Noting with particular concern* that, according to the Joint United Nations Programme on HIV/AIDS and the World Health Organization, women and girls are disproportionately affected by the epidemic in that they comprise an increasing proportion of the people infected, particularly in sub-Saharan Africa, where women account for 57 per cent of those infected, and young women aged from 15 to 24 years are three times more likely to be infected than young men of the same age,

*Welcoming* resolution 53/2 of 13 March 2009 of the Commission on the Status of Women and the recognition of the disproportionate impact of HIV and AIDS on women and girls and the need to increase significantly and coordinate political and financial commitment to address gender equality and equity in national HIV and AIDS responses, and recognizing the need to link the AIDS response more closely with the overall response to achieving the Millennium Development Goals, particularly those related to health, and underlining in this regard the interrelated nature of health- and gender-related Millennium Development Goals,

*Emphasizing*, in view of the increasing challenges presented by HIV/AIDS, including apparent trends to enact criminal and other laws that are counterproductive to HIV prevention, treatment, care and support efforts, and the ongoing application of HIV-specific restrictions on the entry, stay and residence of HIV-positive people, the need for intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all in order to reduce vulnerability to HIV, prevent HIV/AIDS-related discrimination and stigma and reduce the impact of AIDS;

*Recognizing* the need for the Joint United Nations Programme on HIV/AIDS to expand significantly and strengthen its work with national Governments and to work with

all groups of civil society to address the gap in access to services for injecting drug users in all settings, including prisons, to develop comprehensive models of appropriate service delivery for injecting drug users, to tackle the issues of stigmatization and discrimination, and to support increased capacity and resources for the provision of a comprehensive package of services for injecting drug users, including harm-reduction programmes in relation to HIV, as elaborated by the World Health Organization, the United Nations Office on Drugs and Crime and the Joint United Nations Programme on HIV/AIDS in the Technical Guide for countries to set targets for universal access to HIV prevention, treatment and care for injecting drug users, in accordance with relevant national circumstances,

*Welcoming* the attention given to HIV/AIDS-related human rights by all the human rights treaty bodies,

*Welcoming also* the positive steps taken to implement previous resolutions, including the enactment of legislation in some countries to promote human rights in the context of HIV/AIDS and to prohibit discrimination against all persons infected or presumed to be infected, living with and affected by HIV/AIDS, and members of all populations vulnerable to and affected by the epidemic, but noting with concern that one third of countries still do not have laws protecting people living with HIV/AIDS from discrimination,

*Welcoming further* the significant role played by the Joint United Nations Programme on HIV/AIDS and its co-sponsor agencies in cooperation with relevant bodies of the United Nations system, including the Office of the United Nations High Commissioner for Human Rights, national and international non-governmental organizations, in particular organizations of people living with HIV/AIDS, in promoting and protecting human rights in the context of HIV/AIDS, including fighting discrimination against people living with HIV/AIDS and in the full range of prevention, treatment, care and support activities,

*Recalling* that HIV-related stigma and discrimination are major obstacles to an effective HIV response and that discrimination on the basis of HIV or AIDS status, actual or presumed, is prohibited by existing international human rights standards and that the term “or other status” in non-discrimination provisions in international human rights texts should be interpreted as covering health status, including HIV/AIDS,

*Taking note* of the report of the Secretary-General on the protection of human rights in the context of HIV and AIDS (A/HRC/10/47), in which the Secretary-General provides an overview of action taken by a number of Governments, specialized agencies and international and non-governmental organizations on the implementation of the Guidelines, and which addresses issues of technical cooperation for the promotion and protection of human rights in the context of HIV,

1. *Calls upon* all States, United Nations programmes and specialized agencies, and international and non-governmental organizations to continue to take all necessary steps to ensure the respect, protection and fulfilment of human rights in the context of HIV/AIDS, as referred to in the Guidelines, as an essential part of efforts to achieve the goal of universal access to HIV prevention, treatment, care and support;

2. *Also calls upon* all States to implement in full the Declaration of Commitment on HIV/AIDS adopted by the General Assembly at its special session on HIV/AIDS, on 27 June 2001, and the Political Declaration on HIV/AIDS, adopted by the Assembly at its High-level Meeting on HIV/AIDS on 2 June 2006;

3. *Invites* States, United Nations organs, programmes and specialized agencies and international and non-governmental organizations to assist developing countries, in



particular least developed countries and those in Africa, in their efforts to prevent the spread of the epidemic and alleviate and control the detrimental impact of HIV/AIDS on the human rights of their people;

4. *Encourages* all countries to eliminate HIV-specific restrictions on entry, stay and residence and ensure that people living with HIV are no longer excluded, detained or deported on the basis of their HIV status;

5. *Recalls* the commitment, as expressed by the General Assembly in its Political Declaration on HIV/AIDS, to intensifying efforts to ensure that a wide range of prevention programmes that take into account local circumstances, ethics and cultural values is available in all countries, particularly the most affected countries, including information, education and communication, in languages most understood by communities and respectful of cultures, aimed at reducing risk-taking behaviours and encouraging responsible sexual behaviour, including abstinence and fidelity, expanded access to essential commodities, including male and female condoms and sterile injecting equipment, harm-reduction efforts related to drug use, expanded access to voluntary and confidential counselling and testing, safe blood supplies, and early and effective treatment of sexually transmitted infections;

6. *Urges* all States to eliminate gender inequalities, gender-based abuse and violence, increase the capacity of women and girls, including those in prison or detention, to protect themselves from the risk of HIV transmission, principally through the provision of health care, and services, including sexual and reproductive health, and the provision of full access to comprehensive information and education, ensure that women can exercise their right to have control over and decide freely and responsibly on matters relating to their sexuality in order to increase their ability to protect themselves from HIV transmission, including their sexual and reproductive health, free of coercion, discrimination and violence, integrate the promotion and protection of reproductive rights, as understood in previous international commitments, such as the Programme of Action adopted by the International Conference on Population and Development in September 1994 and the Beijing Declaration and Programme of Action, adopted by the Fourth World Conference for Women in September 1995, as strong and robust components of their national strategies on HIV/AIDS, and take all necessary measures to improve legal access and protection for women and girls, and to create an enabling environment for the empowerment of women and strengthen their economic independence, and in this context, reiterates the importance of the role of men and boys in achieving gender equality;

7. *Requests* States to develop further and, where necessary, to establish coordinated, participatory, gender-sensitive, transparent and accountable national policies and programmes for the HIV response, and to translate those national policies at the district level into local action, in prisons or detentions, involving, in close cooperation with civil society and in all phases of development and implementation, non-governmental, faith- and community-based organizations, women's organizations, advocacy groups and representatives of people living with HIV and other key populations affected by the epidemic;

8. *Calls upon* States to address as a priority the vulnerabilities faced by children affected by and living with HIV, including those who find themselves trapped in armed conflicts, providing support and rehabilitation to these children and their families, women and older persons, particularly in their role as caregivers, promoting child-oriented HIV/AIDS policies and programmes, including the issue of paediatric HIV services and drugs, and increased protection for children orphaned and affected by HIV/AIDS, and intensifying efforts to develop new treatments for children, and building, where needed, and supporting the social security systems that protect them;

9. *Recalls* the obligations of State parties to the Convention on the Rights of Persons with Disabilities of 2006 to provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other people;

10. *Reaffirms* that the Agreement on Trade-Related Aspects of Intellectual Property Rights of the World Trade Organization does not and should not prevent members from taking measures now and in the future to protect public health and, while reiterating the commitment to that Agreement, that the Agreement can and should be interpreted and implemented in a manner supportive of the right to protect public health and, in particular, to promote access to medicines for all including the production of generic antiretroviral drugs and other essential drugs for AIDS-related infections;

11. *Recalls* the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property of the World Health Assembly, and urges States, relevant international organizations and other relevant stakeholders to support actively its wide implementation, in particular in the context of HIV/AIDS and opportunistic infections;

12. *Encourages* all States to apply measures and procedures to enforce intellectual property rights in a manner that avoids the creation of barriers to legitimate trade of medicines, and to provide for safeguards against the abuse of such measures and procedures;

13. *Urges* all States to consider taking the steps necessary towards the elimination of criminal and other laws that are counterproductive to HIV prevention, treatment, care and support efforts, including laws directly mandating disclosure of HIV status or that violate the human rights of people living with HIV and members of key populations affected by the epidemic, and also urges States to consider the enactment of laws protecting these persons from discrimination in HIV prevention, treatment, care and support efforts;

14. *Invites* the human rights treaty bodies, when considering reports submitted by States parties, to give particular attention to the protection of human rights in the context of HIV/AIDS, and invites States to include appropriate relevant information in the reports they submit to the relevant treaty bodies;

15. *Invites* all special procedures, in particular the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, within their existing mandates, to contribute to the analysis of the human rights dimensions of the HIV/AIDS epidemic, which particularly affects developing countries;

16. *Encourages* all States to consider including appropriate information on human rights in the context of HIV/AIDS in the national report to be submitted to the Council in the framework of the universal periodic review mechanism;

17. *Requests* the Secretary-General to prepare an analytical study based on comments from Governments, United Nations organs, programmes and specialized agencies, particularly the Joint United Nations Programme on HIV/AIDS and its co-sponsor agencies, in cooperation with relevant bodies of the United Nations system, including the Office of the High Commissioner and international and non-governmental organizations, on the steps taken to promote and implement programmes to address HIV/AIDS-related human rights, as referred to in the Guidelines, the Declaration of Commitment on HIV/AIDS of 2001, the Political Declaration on HIV/AIDS of 2006 and the present resolution, in the context of efforts towards the goal of universal access to HIV prevention, treatment, care and support, and to submit, in consultation with interested parties, a progress report to the Council for consideration at its sixteenth session.

32nd meeting  
2 October 2009

[Adopted without a vote. See part II, chap. III.]

## II. Decisions adopted by the Council at its twelfth session

12/101.

### Outcome of the universal periodic review: Central African Republic

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of the Central African Republic on 4 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on the Central African Republic which is constituted of the report of the Working Group on the review of the Central African Republic (A/HRC/12/2), together with the views of the Central African Republic concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI).

14th meeting  
23 September 2009

[Adopted without a vote. See part II, chap. VI.]

12/102.

### Outcome of the universal periodic review: Monaco

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Monaco on 4 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Monaco which is constituted of the report of the Working Group on Monaco (A/HRC/12/3), together with the views of Monaco concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI).

14th meeting  
23 September 2009

[Adopted without a vote. See part II, chap. VI.]

**12/103.**

**Outcome of the universal periodic review: Belize**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Belize on 5 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Belize which is constituted of the report of the Working Group on Belize (A/HRC/12/4), together with the views of Belize concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI and A/HRC/12/4/Add.1).

*14th meeting*

*23 September 2009*

[Adopted without a vote. See part II, chap. VI.]

**12/104.**

**Outcome of the universal periodic review: Republic of the Congo**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of the Republic of the Congo on 6 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on the Republic of the Congo which is constituted of the report of the Working Group on the Republic of the Congo (A/HRC/12/6), together with the views of the Republic of the Congo concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI).

*15th meeting*

*23 September 2009*

[Adopted without a vote. See part II, chap. VI.]

**12/105.**

**Outcome of the universal periodic review: Malta**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Malta on 6 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Malta which is constituted of the report of the Working Group on Malta (A/HRC/12/7), together with the views of Malta concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI and A/HRC/12/7/Add.1/Rev.2).

*15th meeting*

*23 September 2009*

[Adopted without a vote. See part II, chap. VI.]

## **12/106.**

### **Outcome of the universal periodic review: New Zealand**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of New Zealand on 7 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on New Zealand which is constituted of the report of the Working Group on New Zealand (A/HRC/12/8), together with the views of New Zealand concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI and A/HRC/12/8/Add.1, A/HRC/12/8/Add.1/Corr.1).

*16th meeting*

*24 September 2009*

[Adopted without a vote. See part II, chap. VI.]

## **12/107.**

### **Outcome of the universal periodic review: Afghanistan**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Afghanistan on 7 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Afghanistan which is constituted of the report of the Working Group on Afghanistan (A/HRC/12/9), together

with the views of Afghanistan concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI and A/HRC/12/9/Add.1).

*16th meeting*

*24 September 2009*

[Adopted without a vote. See part II, chap. VI.]

**12/108.**

**Outcome of the universal periodic review: Chile**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Chile on 8 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Chile which is constituted of the report of the Working Group on Chile (A/HRC/12/10), together with the views of Chile concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI).

*16th meeting*

*24 September 2009*

[Adopted without a vote. See part II, chap. VI.]

**12/109.**

**Outcome of the universal periodic review: Chad**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Chad on 5 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Chad which is constituted of the report of the Working Group on Chad (A/HRC/12/5), together with the views of Chad concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI).

*17th meeting*

*24 September 2009*

[Adopted without a vote. See part II, chap. VI.]

**12/110.****Outcome of the universal periodic review: Viet Nam**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Viet Nam on 8 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Viet Nam which is constituted of the report of the Working Group on Viet Nam (A/HRC/12/11), together with the views of Viet Nam concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI and A/HRC/12/11/Add.1).

*18th meeting*

*24 September 2009*

[Adopted without a vote. See part II, chap. VI.]

**12/111.****Outcome of the universal periodic review: Uruguay**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Uruguay on 11 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Uruguay which is constituted of the report of the Working Group on Uruguay (A/HRC/12/12), together with the views of Uruguay concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI).

*18th meeting*

*24 September 2009*

[Adopted without a vote. See part II, chap. VI.]

**12/112.****Outcome of the universal periodic review: Yemen**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Yemen on 11 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Yemen which is constituted of the report of the Working Group on Yemen (A/HRC/12/13), together with the views of Yemen concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI and A/HRC/12/13/Add.1).

*18th meeting*

*24 September 2009*

[Adopted without a vote. See part II, chap. VI.]

**12/113.**

**Outcome of the universal periodic review: Vanuatu**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Vanuatu on 12 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Vanuatu which is constituted of the report of the Working Group on Vanuatu (A/HRC/12/14), together with the views of Vanuatu concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI and A/HRC/12/14/Add.1).

*19th meeting*

*25 September 2009*

[Adopted without a vote. See part II, chap. VI.]

**12/114.**

**Outcome of the universal periodic review: the former Yugoslav Republic of Macedonia**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of the former Yugoslav Republic of Macedonia on 12 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on the former Yugoslav Republic of Macedonia which is constituted of the report of the Working Group on the former Yugoslav Republic of Macedonia (A/HRC/12/15), together with the views of the former Yugoslav Republic concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI and A/HRC/12/15/Add.1).



19th meeting  
25 September 2009

[Adopted without a vote. See part II, chap. VI.]

#### 12/115.

##### Outcome of the universal periodic review: Comoros

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Comoros on 13 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Comoros which is constituted of the report of the Working Group on Comoros (A/HRC/12/16), together with the views of Comoros concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI).

19th meeting  
25 September 2009

[Adopted without a vote. See part II, chap. VI.]

#### 12/116.

##### Outcome of the universal periodic review: Slovakia

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in accordance with the President's statement PRST/8/1 on modalities and practices for the universal periodic review process of 9 April 2008;

*Having conducted* the review of Slovakia on 13 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Slovakia which is constituted of the report of the Working Group on Slovakia (A/HRC/12/17), together with the views of Slovakia concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/50, chapter VI and A/HRC/12/17/Add.1).

20th meeting  
25 September 2009

[Adopted without a vote. See part II, chap. VI.]

#### 12/117.

##### Missing persons

At its 30th meeting, on 1 October 2009, the Human Rights Council decided to adopt the following text:

*“The Human Rights Council,*

*Recalling* its resolution 7/28 of 28 March 2008 and all previous resolutions on missing persons adopted by the General Assembly and the Commission on Human Rights,

*Welcoming* the panel discussion on the question of missing persons held at its ninth session,

*Welcoming also* the summary of the panel's deliberations prepared by the Office of the United Nations High Commissioner for Human Rights (A/HRC/10/10),

1. *Takes note* of recommendation 3/2 of the Human Rights Council Advisory Committee on the progress of its work with regard to the study on the best practices in the matter of missing persons, contained in the report of the Advisory Committee on its third session (A/HRC/AC/3/2);

2. *Requests* the Advisory Committee to submit the study to the Council at its fourteenth session."

*30th meeting*  
*1 October 2009*

[Adopted without a vote. See part II, chap. V]

**12/118.**

**United Nations declaration on human rights education and training**

At its 30th meeting, on 1 October 2009, the Human Rights Council decided to adopt the following text:

*"The Human Rights Council,*

*Recalling* Council resolutions 6/10 of 28 September 2007 and 10/28 of 27 March 2009, in which the Council mandated the Advisory Committee to elaborate a draft United Nations declaration on human rights education and training and to submit it to the Council at its thirteenth session,

1. *Welcomes* the various initiatives aiming at furthering the discussions on the draft United Nations declaration on human rights education and training, in particular the holding of a seminar in Marrakech on 16 and 17 July 2009, which provided the Advisory Committee with substantial elements that will help it in the drafting process of the declaration;

2. *Decides* to hold a high-level discussion on the draft declaration during its thirteenth session."

*30th meeting*  
*1 October 2009*

[Adopted without a vote See part II, chap. V]

**12/119.**

**The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights**

At its 31st meeting, on 2 October 2009, the Human Rights Council decided to adopt the following text:

*"The Human Rights Council,*

*Recalling* its resolution 11/5 of 17 June 2009 on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, as well as all relevant resolutions on the issue,

*Decides to:*

(a) Request the Office of the United Nations High Commissioner for Human Rights to assist the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights in the implementation of the activities envisaged in Council resolution 11/5;

(b) Request the Office of the High Commissioner to allocate sufficient budgetary resources for the implementation of the activities envisaged in resolution 11/5, including the organization and holding of regional stakeholder consultations on the draft general guidelines on foreign debt and human rights during the present term of the mandate holder.”

*31st meeting  
2 October 2009*

[Adopted by a recorded vote of 31 to 13, with 2 abstentions (See part II, chap. III). The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay;

*Against:*

Belgium, Bosnia and Herzegovina, France, Hungary, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America;

*Abstaining:*

Mexico, Norway.]

## **Part Two: Summary of proceedings**

### **I. Organizational and procedural matters**

#### **A. Opening and duration of the session**

1. The Human Rights Council held its twelfth session at the United Nations Office at Geneva from 14 September to 2 October 2009. The President of the Council opened the session.
2. At the 31st meeting, on 2 October 2009, the representative of Uruguay made a statement in relation to the peoples of Indonesia and the Philippines affected by the natural catastrophe that had struck those countries, as well as to recent sports events.
3. At the same meeting, the President made a statement extending his sympathy and solidarity to the people affected in that region.
4. In accordance with rule 8 (b) of the rules of procedure of the Council, as contained in part VII of the annex to Council resolution 5/1 of 18 June 2007, the organizational meeting of the twelfth session was held on 28 August 2009.
5. The twelfth session consisted of 32 meetings held over 14 days (see paragraph 24 below).

#### **B. Attendance**

6. The session was attended by representatives of States Members of the Council, observer States of the Council, observers for non-Member States of the United Nations and other observers, as well as observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations (see annex I).
7. At the 3rd meeting, on 15 September 2009, the President, responding to points of order raised by the delegations of Brazil and Argentina, indicated that he had received a letter in the afternoon of the previous day, dated 20 August 2009, indicating that the Permanent Representative of Honduras in Geneva was not the accredited representative of the Government of President Zelaya. The President also stated that he had informed and consulted parties concerned, as well as the Bureau and regional groups, and that appropriate action had been taken on the issue and that his understanding was that there was a consensus within the Council that it would follow the decision of the General Assembly on the recommendations of the report of the Credentials Committee.

#### **C. Agenda and programme of work of the session**

8. At its 3rd meeting, on 15 September 2009, the Council adopted the agenda and programme of work of the twelfth session (see annex II).

#### **D. Organization of work**

9. At the 3rd meeting, on 15 September 2009, the President outlined the modalities for the general debate on the update by the United Nations High Commissioner for Human

Rights of the activities of her Office, which would be three minutes for Member States and two minutes for observer States and other observers.

10. At the 6th meeting, on 16 September, the President outlined the modalities for the interactive dialogue with special procedures mandate holders under agenda item 3, which would be 10 minutes for the presentation by the mandate holder of the main report, with a further 2 minutes to present each additional report; 5 minutes for concerned countries, if any, and States Members of the Council; 3 minutes for statements by observer States of the Council and other observers, including United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations; and 5 minutes for concluding remarks by the mandate holder.

11. At the 7th meeting, on 17 September, the President outlined the modalities for the panel discussion on the matter of the human rights of migrants in detention centres, which would be seven minutes for panellists, three minutes for States Members of the Council and two minutes for observer States and other observers.

12. At the 10th meeting, on 18 September, the President outlined the modalities for the general debate on reports of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Secretary-General and the Joint Inspection Unit, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.

13. At the 11th meeting, on 22 September, the President outlined the modalities for the general debate on agenda item 3, for observer States and other observers, which would be two minutes.

14. At the 11th meeting, on 22 September, the President outlined the modalities for the general debate on agenda item 4, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.

15. At the 14th meeting, on 23 September, the President outlined the modalities for the consideration of the outcomes of universal periodic review under agenda item 6, which would be that the State concerned would have up to 20 minutes to present its views; States Members of the Council, observer States and United Nations agencies would have up to 20 minutes to express their views on the outcome of the review and, whenever necessary and in order to accommodate the maximum number of speakers, 2 minutes would be allocated to Members and observer States; and stakeholders would have up to 20 minutes to make general comments on the outcome of the review, during which 2 minutes would be given to each speaker.

16. At the 20th meeting, on 25 September, the President outlined the modalities for the general debate on agenda item 6, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.

17. At the 21st meeting, on 28 September, the President outlined the modalities for the annual discussion on the integration of a gender perspective into the work of the Council, which would be seven minutes for panellists, three minutes for States Members of the Council and two minutes for observer States and other observers.

18. At the 22nd meeting, on 28 September, the President outlined the modalities for the general debate on agenda item 5, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.

19. At the 23rd meeting, on 29 September, the President outlined the modalities for the interactive dialogue with the members of the fact-finding mission on the Gaza conflict

under agenda item 7, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.

20. At the 24th meeting, on 29 September, the President outlined the modalities for the general debate on agenda item 7, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.

21. At the 25th meeting, on 30 September, the President outlined the modalities for the general debate on agenda item 8, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.

22. At the 27th meeting, on 30 September, the President outlined the modalities for the general debate on agenda item 9, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.

23. At the 29th meeting, on 1 October, the President outlined the modalities for the general debate on agenda item 10, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.

## **E. Meetings and documentation**

24. The Council held 32 fully serviced meetings during its twelfth session.

25. The resolutions and decisions adopted by the Council are contained in part one of the present report.

26. Annex I contains the list of attendance.

27. Annex II contains the agenda of the Council as included in part V of the annex to Council resolution 5/1.

28. Annex III contains the estimated administrative and programme budget implications of Council resolutions and decisions.

29. Annex IV contains the list of documents issued for the twelfth session of the Council.

30. Annex V contains the list of special procedures mandate holders appointed by the Council at its twelfth session.

31. Annex VI contains the order of the review for the seventh, eighth and ninth sessions of the universal periodic review.

32. Annex VII contains the list of troika members for the sixth, seventh and eighth sessions of the universal periodic review.

## **F. Visits**

33. At the 1st meeting, on 14 September 2009, the Minister for Disaster Management and Human Rights of Sri Lanka, the Assistant Secretary of State for International Organizations Affairs of the United States and H.R.H Princess Bajrakitiyabha of Thailand respectively delivered a statement to the Council.

34. At the 5th meeting, on 16 September 2009, the Federal Minister for Human Rights of Pakistan delivered a statement to the Council.

35. At the 9th meeting, on 18 September 2009, the Minister for Justice of Bolivia (Plurinational State of) delivered a statement to the Council.

## **G. Selection and appointment of mandate holders**

36. At its 32nd meeting, on 2 October 2009, the Council appointed mandate holders in accordance with its resolutions 5/1 and 6/36 (see annex V).

37. At the same meeting, the representative of the Sudan made a statement in relation to the appointment of mandate holders.

## **H. Consideration of and action on draft proposals**

### **Open-ended intergovernmental working group on the review of the work and functioning of the Human Rights Council**

38. At the 30th meeting, on 1 October 2009, the representative of the Russian Federation introduced draft resolution A/HRC/12/L.28, sponsored by the Russian Federation and co-sponsored by Bolivia (Plurinational State of), Bangladesh, Cuba, Nigeria (on behalf of the African Group), Pakistan, the Philippines, Serbia and Singapore. Subsequently, Belarus, Brazil, China, India, Kazakhstan, Malaysia, Peru, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Venezuela (Bolivarian Republic of) and Viet Nam joined the sponsors.

39. At the same meeting, the representative of the Russian Federation orally revised the draft resolution by modifying paragraph 5.

40. Also at the same meeting, the representative of France, on behalf of States Members of the European Union that are members of the Council, made general comments in relation to the draft resolution.

41. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).

42. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/1).

## **I. Adoption of the report of the session**

43. At the 32nd meeting, on 2 October 2009, the Rapporteur and Vice-President of the Council made a statement in connection with the draft report of the Council (A/HRC/12/L.10).

44. At the same meeting, the Council adopted the draft report ad referendum and decided to entrust the Rapporteur with its finalization.

45. Also at the same meeting, the representatives of Nigeria (on behalf of the Group of African States) and Tunisia (on behalf of the Group of Arab States), as well as the observers for Al-Haq, Law in the Service of Man (also on behalf of ADALAH – Legal Center for Arab Minority Rights in Israel, the Badil Resource Centre for Palestinian Residency and Refugee Rights and the Habitat International Coalition), Mouvement contre le racismisme et pour l'amitié entre les peuples, Nord-Sud XXI and International Service for Human Rights made general remarks in relation to the session.

46. At the same meeting, the President of the Council made a closing statement.

## II. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

### A. Update by the United Nations High Commissioner for Human Rights

47. At the 3rd meeting, on 15 September 2009, the United Nations High Commissioner for Human Rights made a statement, providing an update of the activities of her Office.

48. During the ensuing general debate at the same meeting, at the 4th meeting, on 15 September, and at the 5th meeting, on 16 September, the following made statements:

(a) Representatives of States Members of the Council: Argentina, Bahrain, Bangladesh, Belgium, Bolivia (Plurinational State of), Brazil, Burkina Faso, Chile, China, Cuba, Egypt (on behalf of the Non-Aligned Movement), France, Hungary, India, Indonesia, Italy, Japan, Jordan, Mexico, Netherlands, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Qatar, Republic of Korea, Russian Federation, Slovakia, Slovenia, South Africa, Sweden<sup>1</sup> (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, the Republic of Moldova, the former Yugoslav Republic of Macedonia and Ukraine), Tunisia<sup>1</sup> (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Afghanistan, Algeria, Australia, Austria, Azerbaijan, Bulgaria, Canada, Colombia, Czech Republic, Ecuador, Ethiopia, Germany, Ireland, Luxembourg, Malaysia, Maldives, Morocco, Romania, Sri Lanka, Sudan, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Yemen, Zimbabwe;

(c) Observers for an intergovernmental organization: African Union;

(d) Observers for the following non-governmental organizations: Amnesty International, Asian Legal Resource Centre, Civicus – World Alliance for Citizen Participation, Colombian Commission of Jurists, European Region of the International Lesbian and Gay Association (also on behalf of the Canadian HIV/AIDS Legal Network, the Centre for Women Global Leadership, the Danish National Organization for Gay Men and Lesbians, the International Commission of Jurists, the International Service for Human Rights, the Lesbian and Gay Federation in Germany and the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights), France Libertés: Fondation Danielle Mitterrand, Human Rights Watch, Indian Council of South America, International Commission of Jurists, International Human Rights Association of American Minorities, International Humanist and Ethical Union, Nord-Sud XXI, United Nations Watch, Women's Human Rights International Association, Women's International League for Peace and Freedom (also on behalf of Mouvement contre le racisme et pour l'amitié entre les peuples), World Organization against Torture (also on behalf of the International Federation of Human Rights Leagues).

49. At the 6th meeting, on 16 September, statements in exercise of the right of reply were made by the representatives of the Azerbaijan, Iraq, Iran (Islamic Republic of), Sri Lanka and Uzbekistan.

<sup>1</sup> Observer of the Council speaking on behalf of Member and observer States.



## **B. Reports of the Office of the High Commissioner and the Secretary-General**

50. At the 9th meeting, on 18 September, a representative of the Deputy High Commissioner introduced the thematic reports prepared by the Office of the High Commissioner and the Secretary-General, including the report of the Joint Inspection Unit (A/64/94).

51. At the 10th meeting, on the same day, the Council held a general debate on the reports presented by the representative of the Deputy High Commissioner, during which the following made statements:

(a) Representatives of States Members of the Council: Argentina, Bangladesh, Chile, China, Colombia<sup>1</sup> (on behalf of the Group of Latin American and Caribbean States), Cuba, Egypt (on behalf of the Non-Aligned Movement), India, Indonesia, Mexico, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Slovenia (also on behalf of Costa Rica, Italy, Switzerland, Morocco and the Philippines), South Africa, Sweden<sup>1</sup> (also on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Tunisia<sup>1</sup> (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland, Uruguay (also on behalf of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Peru, Paraguay and Venezuela (Bolivarian Republic of));

(b) Representatives of the following observer States: Algeria, Azerbaijan, Dominican Republic, Israel, Peru, Sri Lanka, Switzerland, Timor-Leste;

(c) Observers for the following national human rights institutions: Consultative Council of Human Rights of Morocco, European Group of National Human Rights Institutions, Network of African National Human Rights Institutions, Provedoria dos Direitos Humanos e Justiça de Timor-Leste;

(d) Observers for the following non-governmental organizations: Amnesty International, Cairo Institute for Human Rights Studies, Colombian Commission of Jurists, Fundación para la Libertad, Human Rights First, Permanent Assembly for Human Rights, Soka Gakkai International (also on behalf of CIVICUS – World Alliance For Citizen Participation, Human Rights Education Associations, the International Alliance of Women, the International Federation of University Women, the International Organization for the Elimination of all Forms of Racial Discrimination, the International Organization for the Right to Education and Freedom of Education, the Pan Pacific and South East Asia Women's Association, the Sovereign Military Order of the Temple of Jerusalem, the Women's World Summit Foundation and the World Federation of United Nations Associations).

52. At the same meeting, an inspector at the Joint Inspection Unit made his concluding remarks.

53. At its 29th meeting, on 1 October, the Council held a general debate on the country-specific reports prepared by OHCHR and the Secretary-General and presented by the Deputy High Commissioner at the same meeting (see paragraph 720 below).

54. At the same meeting, the representatives of Burundi and Cambodia made statements as concerned countries.

## **C. Consideration of and action on draft proposals**

### **Cooperation with the United Nations, its representatives and mechanisms in the field of human rights**

55. At the 30th meeting, on 1 October 2009, the representative of Hungary introduced draft resolution A/HRC/12/L.8, sponsored by Hungary and co-sponsored by Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica, Croatia, the Czech Republic, Denmark, Estonia, France, Germany, Greece, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Peru, Poland, Portugal, Romania, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Andorra, Armenia, Brazil, Chile, Colombia, Cyprus, the Dominican Republic, El Salvador, Finland, Guatemala, Haiti, Iceland, Japan, the former Yugoslav Republic of Macedonia, Montenegro, New Zealand, Nicaragua, Paraguay, the Republic of Korea, Senegal, Serbia, Slovakia, Thailand and Uruguay joined the sponsors.

56. At the same meeting, the representative of Hungary orally revised the draft resolution by deleting paragraph 5 and modifying paragraph 7.

57. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/2).

## **III. Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

### **A. Special Representative of the Secretary-General for Children and Armed Conflict**

58. At the 4th meeting, on 15 September 2009, the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy, presented her report (A/HRC/12/49).

59. During the ensuing interactive dialogue at the 5th meeting, on 16 September, the following made statements and asked the Special Representative questions:

(a) Representatives of States Members of the Council: Brazil, China, Djibouti, Egypt, France, Hungary, India, Italy, Japan, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Republic of Korea, Russian Federation, Slovenia, South Africa, Sweden<sup>1</sup> (on behalf of the European Union), Tunisia<sup>1</sup> (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Canada, Democratic Republic of the Congo, Iraq, Iran (Islamic Republic of), Nepal, Sri Lanka, Sudan, Switzerland, Syrian Arab Republic;

(c) Observers for the following intergovernmental organizations: African Union, European Commission;

(d) Observer for a national human rights institution: Network of African National Human Rights Institutions;

(e) Observers for the following non-governmental organizations: Colombian Commission of Jurists, International Club for Peace Research, International Human Rights Association of American Minorities.

## **B. Interactive dialogue with special procedures mandate holders**

### **Special Rapporteur on contemporary forms of slavery, including its causes and consequences**

60. At the 6th meeting, on 16 September 2009, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shaninian, presented her reports (A/HRC/12/21 and Add.1).

61. At the same meeting, the representative of Haiti made a statement as concerned country.

62. During the ensuing interactive dialogue, at the same meeting, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Bosnia and Herzegovina, Brazil, China, Ghana, India, Indonesia, Italy, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Sweden<sup>1</sup> (on behalf of the European Union), United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Armenia, Australia, Morocco, Peru;

(c) Observers for the following non-governmental organizations: Franciscans International, Global Alliance against Traffic in Women (also on behalf of Anti-Slavery International).

63. At the same meeting, the Special Rapporteur answered questions and made her concluding remarks.

64. Also at the same meeting, and at the 8th meeting, on 17 September, statements in exercise of the right of reply were made by the representatives of Algeria and Morocco.

65. Also at the 8th meeting, statements in exercise of the second right of reply were made by the representatives of Algeria and Morocco.

### **Special Rapporteur on the sale of children, child prostitution and child pornography**

66. At the 6th meeting, on 16 September 2009, the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat M'Jid Maala, presented her reports (A/HRC/12/23 and Add.1–3).

67. At the same meeting, the representatives of Latvia and Estonia made statements as concerned countries.

68. During the ensuing interactive dialogue at the same meeting, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Bosnia and Herzegovina, Brazil, Burkina Faso, China, India, Indonesia, Italy, Netherlands, Nigeria (on behalf of the Group of African States), Republic of Korea, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Senegal, Sweden<sup>1</sup> (on behalf of the European Union), Uruguay;

(b) Representatives of the following observer States: Australia, Chad, Morocco, Paraguay, Peru;

(c) Observers for the following non-governmental organizations: Asian Legal Resource Centre, Permanent Assembly for Human Rights, Worldwide Organization for Women, World Peace Council.

69. At the same meeting, the Special Rapporteur answered questions and made her concluding remarks.

**Independent expert on human rights and international solidarity**

70. At the 6th meeting, on 16 September 2009, the independent expert on human rights and international solidarity, Rudi Muhammad Rizki, presented his report (A/HRC/12/27).

71. During the ensuing interactive dialogue at the 8th meeting, on 17 September, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: Brazil, China, Cuba, Djibouti, Indonesia, Pakistan (on behalf of the Organization of the Islamic Conference);

(b) Representatives of the following observer States: Morocco, Venezuela (Bolivarian Republic of);

(c) Observers for the following non-governmental organizations: Association of World Citizens (also on behalf of Nord-Sud XXI), Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, International Institute for Non-Aligned Studies, New Humanity.

72. At the 8th meeting, on 17 September 2009, the independent expert answered questions and made his concluding remarks.

**Independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation**

73. At the 8th meeting, on 17 September 2009, the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Catarina de Albuquerque, presented her report (A/HRC/12/24 and Add.1–2).

74. At the same meeting, the representatives of Costa Rica and Egypt made statements as concerned countries.

75. During the ensuing interactive dialogue at the same meeting, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: Brazil, Chile, China, Djibouti, India, Indonesia, Italy, Netherlands, Norway, South Africa, Sweden<sup>1</sup> (on behalf of the European Union), United States of America;

(b) Representatives of the following observer States: Ecuador, Germany, Spain, Switzerland, Turkey;

(c) Observer for an intergovernmental organization: European Commission;

(d) Observers for national human rights institutions: Network of African National Human Rights Institutions, Norwegian Centre for Human Rights, Provedoria dos Direitos Humanos e Justiça de Timor-Leste.

(e) Observers for the following non-governmental organizations: Amnesty International (also on behalf of Greenpeace International), International Club for Peace Research, International Educational Development, Women's International League for Peace and Freedom (also on behalf of Centre Europe Tiers-Monde, Mouvement contre le racisme et pour l'amitié entre les peuples and Solar Cookers International).

76. At the same meeting, the independent expert answered questions and made her concluding remarks.

**Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights**

77. At the 8th meeting, on 17 September 2009, the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Okechukwu Ibeanu, presented his reports (A/HRC/12/26 and Add.1–2).

78. At the same meeting, the representatives of Côte d'Ivoire and the Netherlands made statements as concerned countries.

79. During the ensuing interactive dialogue at the same meeting, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Brazil, Djibouti, India, Indonesia, Japan, Kyrgyzstan, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Sweden<sup>1</sup> (on behalf of the European Union), United States of America;

(b) Representatives of an observer State: Turkey;

(c) Observer for an intergovernmental organization: European Commission;

(d) Observers for the following non-governmental organizations: Amnesty International (also on behalf of Greenpeace International), Centre Europe Tiers-Monde (also on behalf of France Libertés: Fondation Danielle Mitterrand, the International Association of Democratic Lawyers, the International Federation of Rural Adult Catholic Movements, Mouvement contre le racisme et pour l'amitié entre les peuples and the World Federation of Trade Unions), International Federation of Human Rights Leagues.

80. Also at the same meeting, the Special Rapporteur answered questions and made his concluding remarks.

**Working Group on the Right to Development**

81. At the 9th meeting, on 18 September 2009, a statement by the Chairperson-Rapporteur of the Working Group on the Right to Development, Arjun Sengupta, was read out on the report of the Working Group (A/HRC/12/28).

82. At its 10th meeting on the same day, the Council held a general debate on the Report of the Working Group (see paragraphs 98-99 below).

**Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples**

83. At the 22nd meeting, on 28 September 2009, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, presented his reports (A/HRC/12/34 and Add.1–10).

84. At the same meeting, the representatives of Bolivia (Plurinational State of), Botswana, Brazil, Chile, Nepal, Panama and Peru made statements as concerned countries.

85. During the ensuing interactive dialogue at the same meeting, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Mexico, Norway, Sweden<sup>1</sup> (on behalf of the European Union), United States of America;

(b) Representatives of the following observer States: Australia, Canada, Colombia, Denmark, Ecuador, Finland, New Zealand, Venezuela (Bolivarian Republic of);

(c) Observer for United Nations entities, specialized agencies and related organizations: Permanent Forum on Indigenous Issues;

(d) Observers for the following national human rights institutions: Canadian Human Rights Commission, Human Rights Commission of the Philippines;

(e) Observers for the following non-governmental organizations: Colombian Commission of Jurists, Conectas Dereitos Humanos, International Federation of Human Rights Leagues, Permanent Assembly for Human Rights.

86. Also at the same meeting, the Special Rapporteur answered questions and made his concluding remarks.

### **C. Panel discussions**

#### **Panel discussion on the human rights of migrants in detention centres**

87. At its 7th meeting, on 17 September 2009, the Council, pursuant to its resolution 11/9, held a panel discussion on the human rights of migrants in detention centres. The High Commissioner opened the discussion with a statement.

88. At the same meeting, the following panellists addressed the Council: El Hadji Malick Sow, Jorge Bustamante, Abdelhamid El Jamri, Vanessa Lesnie and Ashley William Bonaventure Gois.

89. In the first part of the ensuing discussion, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Brazil, Colombia<sup>1</sup> (on behalf of the Group of Latin American and Caribbean States), China, Egypt, France, Italy, Mexico, Pakistan (on behalf of the Organization of the Islamic Conference), Sweden<sup>1</sup> (on behalf of the European Union), Switzerland, Tunisia<sup>1</sup> (on behalf of the Arab Group), United States of America, Uruguay (also on behalf of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Peru, Paraguay and Venezuela (Bolivarian Republic of));

(b) Representatives of the following observer States: Algeria, Australia, Côte d'Ivoire;

(c) Observer for United Nations entities, specialized agencies and related organizations: United Nations High Commissioner for Refugees;

(d) Observer for a national human rights institution: Consultative Council of Human Rights of Morocco;

(e) Observers for the following non-governmental organizations: International Commission of Jurists, Migrants Rights International (also on behalf of the International Detention Coalition, the Migrant Forum in Asia and the National Network for Immigrant and Refugee Rights), World Organization against Torture.

90. At the same meeting, the following panellists answered questions and made comments: Abdelhamid El Jamri, Vanessa Lesnie and Ashley William Bonaventure Gois.

91. In the second part of the ensuing discussion at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Angola, Bangladesh, Burkina Faso, Gabon, Indonesia, Philippines, Republic of Korea, Senegal, South Africa;

(b) Representatives of the following observer States: Ecuador, Morocco, Peru, Switzerland;

(c) Observers for the following non-governmental organizations: Centre indépendant de recherches et d'initiatives pour le dialogue (also on behalf of Espace Afrique International), Global Alliance against Traffic in Women, Human Rights First, Médecins Sans Frontières (International)).

92. Also at the same meeting, the panellists answered questions and made their concluding remarks.

## **D. Follow-up to special sessions**

### **Follow-up to the special session on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights**

93. At the 9th meeting, on 18 September, the High Commissioner made a statement on the follow-up to the special session on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights.

94. At the same meeting, the following made statements:

(a) Representatives of States Members of the Council: Bangladesh, Brazil, China, Colombia<sup>1</sup> (on behalf of the Group of Latin American and Caribbean States), Cuba, Egypt (also on behalf of the Non-Aligned Movement), India, Indonesia, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Sweden<sup>1</sup> (on behalf of the European Union), Tunisia<sup>1</sup> (on behalf of the Arab Group), United Kingdom of Great Britain and Northern Ireland, Uruguay (also on behalf of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Peru, Paraguay and Venezuela (Bolivarian Republic of));

(b) Representative of an observer State: Algeria;

(c) Observers for the following non-governmental organizations: International Association of Democratic Lawyers, Nord-Sud XXI.

### **Follow-up to the special session on the global food crisis**

95. At the 9th meeting, on 18 September, pursuant to resolution S-7/1, the Special Rapporteur on the right to food, Olivier de Schutter, presented his report (A/HRC/12/31) as a follow-up to the special session on the global food crisis.

96. At the same meeting, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Bangladesh, Belgium, Brazil, China, Colombia<sup>1</sup> (on behalf of the Group of Latin American and Caribbean States), Cuba, Egypt (on behalf of the Non-Aligned Movement), Indonesia, Italy, Nicaragua, Nigeria (on behalf of the African Group), Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Korea, Russian Federation, Sweden<sup>1</sup> (on behalf of the European Union), Tunisia<sup>1</sup> (on behalf of the Arab Group), United States of America, Uruguay (also on behalf of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Peru, Paraguay and Venezuela (Bolivarian Republic of));

(b) Representatives of the following observer States: Algeria, Australia, Iraq, Luxembourg, Switzerland, Syrian Arab Republic;

(c) Observer for an intergovernmental organization: European Commission;

(d) Observers for the following non-governmental organizations: Fédération internationale des mouvements d'adultes ruraux catholiques (also on behalf of Centre Europe Tiers-Monde), Nord-Sud XXI, Permanent Assembly for Human Rights.

97. At the same meeting, the Special Rapporteur answered questions and made his concluding remarks.

### **E. General debate on agenda item 3**

98. At the 10th meeting, on 18 September 2009, and at the 11th meeting, on 22 September, the Council held a general debate on thematic reports under agenda item 3, during which the following made statements:

(a) Representatives of States Members of the Council: Angola, Burkina Faso, Bosnia and Herzegovina, Egypt (on behalf of the Non-Aligned Movement), Gabon, Ghana, Italy, Indonesia, Nigeria (on behalf of the Group of African States), Norway, Pakistan (also on behalf of the Organization of the Islamic Conference), Russian Federation, Senegal, Slovenia, Sweden<sup>1</sup> (also on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Tunisia<sup>1</sup> (on behalf of the Group of Arab States), United States of America;

(b) Representatives of the following observer States: Algeria, Denmark, Maldives, Morocco, Portugal, Spain, Yemen;

(c) Observer for Holy See;

(d) Observer for United Nations entities, specialized agencies and related organizations;

(e) Observer for International Federation of Red Cross and Red Crescent Societies;

(f) Observer for an intergovernmental organization: African Union;

(g) Observers for the following non-governmental organizations: Al-Hakim Foundation (also on behalf of Interfaith International), Amnesty International, Asian Legal Resource Centre, Association for World Education (also on behalf of the International Humanist and Ethical Union), Centrist Democratic International, Charitable Institute for Protecting Social Victims, Conectas Human Rights, Conscience and Peace Tax International, European Union for Public Relations, France Libertés: Fondation Danielle Mitterrand, Franciscans International (also on behalf of Dominicans for Justice and Peace (Order of Preachers)), Friends World Committee for Consultation (Quakers), Human Rights Watch, Indian Council of South America, Interfaith International, International Association against Torture, International Club for Peace Research, International Commission of Jurists, International Educational Development, International Humanist and Ethical Union, International Human Rights of American Minorities, International Institute for Peace, Iranian Elite Research Center, Jana Utthan Pratisthan, Liberation, Mbororo Social and Cultural Development Association, Nord-Sud XXI, Organization for Defending Victims of Violence, Organisation pour la communication en afrique et de promotion de la coopération économique internationale, Permanent Assembly for Human Rights, Society for Threatened Peoples, World Muslim Congress, World Peace Council.

99. At the 11th meeting, on 22 September, statements in exercise of the right of reply were made by the representatives of Algeria, Morocco and Sri Lanka.



## **F. Consideration of and action on draft proposals**

### **Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers**

100. At the 30th meeting, on 1 October 2009, the representative of Hungary introduced draft resolution A/HRC/12/L.7, sponsored by Hungary and co-sponsored by Argentina, Austria, Belgium, Brazil, Bulgaria, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, France, Germany, Greece, Haiti, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, Norway, Panama, Peru, Poland, Portugal, Romania, Slovenia, Spain, Sweden, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Albania, Andorra, Armenia, Bolivia (Plurinational State of), Cameroon, Canada, El Salvador, Finland, Guatemala, Iceland, India, Japan, Madagascar, Maldives, Montenegro, Nepal, Nicaragua, Paraguay, the Republic of Moldova, Russian Federation, Senegal, Serbia, Slovakia, Turkey, the United States of America and Zambia joined the sponsors.

101. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/3).

### **World Programme for Human Rights Education**

102. At the 30th meeting, on 1 October 2009, the representative of Costa Rica introduced draft resolution A/HRC/12/L.9, sponsored by Costa Rica, Italy, Morocco, the Philippines, Senegal, Slovenia and Switzerland and co-sponsored by Austria, Belarus, Bolivia (Plurinational State of), Brazil, Cameroon, Chile, Colombia, Congo, Croatia, Cyprus, the Dominican Republic, Ecuador, Estonia, Germany, Guatemala, Hungary, Indonesia, Israel, Latvia, Monaco, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Romania, Slovakia, Spain, Thailand, Tunisia, Turkey, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Andorra, Armenia, Burkina Faso, Canada, Iceland, Ireland, Japan, Maldives, Mauritius, Mexico, Poland, the Republic of Korea, the Republic of Moldova, and Ukraine and the United States of America joined the sponsors.

103. At the same meeting, the representative of Costa Rica orally revised the draft resolution by modifying paragraph 4.

104. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).

105. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/4).

### **Protection of the human rights of civilians in armed conflicts**

106. At the 30th meeting, on 1 October 2009, the representative of Egypt introduced draft resolution A/HRC/12/L.15, sponsored by Egypt. Subsequently, Azerbaijan, Brazil, Burkina Faso and Costa Rica joined the sponsors.

107. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/5).

### **Human rights of migrants: migration and human rights of the child**

108. At the 30th meeting, on 1 October 2009, the representative of Mexico introduced draft resolution A/HRC/12/L.16, sponsored by Mexico and co-sponsored by Belarus, Bolivia (Plurinational State of), Brazil, Costa Rica, Chile, the Dominican Republic, Ecuador, Indonesia, Paraguay, Peru and Turkey. Subsequently, Algeria, Armenia, Bosnia

and Herzegovina, Colombia, Congo, Côte d'Ivoire, Cuba, Egypt, El Salvador, Guatemala, Haiti, Kenya, Nicaragua, Rwanda, Senegal, Serbia and Switzerland joined the sponsors.

109. At the same meeting, the representative of Mexico orally revised the draft resolution by modifying paragraphs 4 and 5.

110. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/6).

#### **Elimination of discrimination against persons affected by leprosy and their family members**

111. At the 30th meeting, on 1 October 2009, the representative of Japan introduced draft resolution A/HRC/12/L.17, sponsored by Japan and co-sponsored by Bosnia and Herzegovina, Croatia, Cuba, Cyprus, the Czech Republic, Estonia, Finland, Germany, Indonesia, Israel, Nicaragua, Norway, Paraguay, the Philippines, Portugal, Romania, Singapore, Slovenia, Spain, Sri Lanka, Thailand, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of). Subsequently, Algeria, Andorra, Australia, Austria, Bangladesh, Belgium, Bhutan, Brazil, Bulgaria, Cameroon, Chile, China, Colombia, Costa Rica, Denmark, Djibouti, Egypt, El Salvador, Ireland, Italy, Madagascar, Mali, Nepal, the Netherlands, Nigeria, Panama, Peru, Poland, the Republic of Korea, Saudi Arabia, Senegal, Serbia, the former Yugoslav Republic of Macedonia, Turkey and the United States of America joined the sponsors.

112. At the same meeting, the representative of Japan orally revised the draft resolution by modifying the title, the first and second preambular paragraphs and paragraphs 1, 2 and 3.

113. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/7).

#### **Human rights and access to safe drinking water and sanitation**

114. At the 30th meeting, on 1 October 2009, the representatives of Germany and Spain introduced draft resolution A/HRC/12/L.19, sponsored by Germany and Spain and co-sponsored by Austria, Belgium, Bulgaria, Costa Rica, Croatia, Cyprus, Estonia, France, Greece, Hungary, Ireland, Israel, Italy, Latvia, Luxembourg, Morocco, the Netherlands, Norway, Panama, Peru, Portugal, Singapore, Slovakia, Slovenia, Sweden, Switzerland, Ukraine and Uruguay. Subsequently, Algeria, Andorra, Armenia, Burundi, Cameroon, Chile, Colombia, Côte d'Ivoire, Cuba, Denmark, Finland, Guatemala, Iceland, Japan, Lithuania, Maldives, Mali, Malta, Monaco, Montenegro, Nicaragua, Paraguay, Poland, the Republic of Korea, Romania, Senegal, Serbia, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the sponsors.

115. At the same meeting, the representative of Spain orally revised the draft resolution by modifying the fifth preambular paragraph and paragraphs 3 and 6.

116. Also at the same meeting, the representative of Brazil (also on behalf of Bolivia (Plurinational State of)) made general comments in relation to the draft resolution.

117. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/8).

#### **Human rights and international solidarity**

118. At the 30th meeting, on 1 October 2009, the representative of Cuba introduced draft resolution A/HRC/12/L.20, sponsored by Cuba and co-sponsored by Bahrain, Bangladesh,

Belarus, Bolivia (Plurinational State of), China, Congo, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Djibouti, Haiti, Indonesia, Iran (Islamic Republic of), Nicaragua, Nigeria, Somalia, South Africa, Sri Lanka, the Sudan, the Syrian Arab Republic, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe. Subsequently, Algeria, Angola, Burkina Faso, Cameroon, Senegal and Tunisia joined the sponsors.

119. At the same meeting, the representative of France (on behalf of States Members of the European Union that are members of the Council) made a statement in explanation of vote before the vote.

120. Also at the same meeting, at the request of the representative of France (on behalf of States Members of the European Union that are members of the Council), a recorded vote was taken on the draft resolution, which was adopted by 33 votes in favour and 14 against. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

*Against:*

Belgium, Bosnia and Herzegovina, France, Hungary, Italy, Japan, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

121. For the text as adopted, see part one, chapter I, resolution 12/9.

**Follow-up to the seventh special session of the Human Rights Council on the negative impact of the worsening of the world food crisis on the realization of the right to food for all**

122. At the 30th meeting, on 1 October 2009, the representative of Cuba introduced draft resolution A/HRC/12/L.21, sponsored by Cuba and co-sponsored by Algeria, Austria, Bahrain, Bangladesh, Belarus, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, China, Congo, Croatia, Cyprus, the Democratic Republic of the Congo, Djibouti, the Dominican Republic, Ecuador, Egypt, Germany, Guatemala, Haiti, Indonesia, Iran (Islamic Republic of), Luxembourg, Mali, Mexico, Morocco, Mozambique, Nicaragua, Nigeria, Norway, Palestine, Panama, Peru, the Philippines, Portugal, Singapore, Somalia, Spain, Sri Lanka, the Sudan, Switzerland, the Syrian Arab Republic, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe. Subsequently, Angola, Armenia, Cameroon, Finland, Italy, Japan, Mauritius, Paraguay, the Republic of Korea, Senegal, Serbia and Turkey joined the sponsors.

123. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

124. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/10).

**Human rights and transitional justice**

125. At the 30th meeting, on 1 October 2009, the representative of Switzerland introduced draft resolution A/HRC/12/L.26/Rev.1, sponsored by Switzerland and co-sponsored by Andorra, Argentina, Australia, Austria, Bosnia and Herzegovina, Canada,

Chile, Congo, Costa Rica, Croatia, the Czech Republic, Denmark, Finland, Germany, Hungary, Ireland, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, Montenegro, Norway, Peru, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Spain, Sweden, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Belgium, Brazil, Bulgaria, Cyprus, Egypt, Estonia, France, Greece, Guatemala, Iceland, Israel, Maldives, Malta, the Netherlands, Palestine, Senegal, Serbia and Slovenia joined the sponsors.

126. At the same meeting, the representative of Switzerland orally revised the draft resolution by modifying paragraphs 5 and 6.

127. Also at the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

128. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/11).

### **Right to the truth**

129. At the 30th meeting, on 1 October 2009, the representative of Argentina introduced draft resolution A/HRC/12/L.27, sponsored by Argentina and co-sponsored by Austria, Azerbaijan, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Egypt, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Latvia, Luxembourg, Morocco, the Netherlands, Nigeria, Norway, Paraguay, Peru, Portugal, Romania, Slovenia, South Africa, Spain, Sweden, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Armenia, El Salvador, Iceland, Japan, Mexico, Montenegro, Poland, Serbia, the former Yugoslav Republic of Macedonia, the United States of America and Venezuela (Bolivarian Republic of) joined the sponsors.

130. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/12).

### **Human rights and indigenous peoples**

131. At the 30th meeting, on 1 October 2009, the representative of Guatemala introduced draft resolution A/HRC/12/L.33, sponsored by Guatemala and Mexico and co-sponsored by Argentina, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Chile, Costa Rica, Croatia, Cyprus, Denmark, Ecuador, Estonia, Finland, Hungary, Nicaragua, Norway, Panama, Peru, Spain, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Andorra, Armenia, Australia, Austria, Burkina Faso, Canada, Cuba, Greece, New Zealand, Poland and the United States of America joined the sponsors.

132. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/13).

133. At the 32nd meeting, on 2 October 2009, the representative of Norway made general remarks in relation to the adopted resolution.

### **Regional arrangements for the promotion and protection of human rights**

134. At the 30th meeting, on 1 October 2009, the representative of Belgium introduced draft resolution A/HRC/12/L.2/Rev.1, sponsored by Belgium and co-sponsored by Armenia, Australia, Austria, Canada, Croatia, Finland, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Mexico, the Netherlands, Poland, Senegal, Thailand and Ukraine. Subsequently, Bulgaria, Chile, Croatia, Cyprus, Estonia, France, Greece, Hungary, Peru, Portugal, the Republic of Korea, Romania, Serbia, Slovenia, Spain, Switzerland, Turkey,

the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the sponsors.

135. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).

136. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/15).

#### **Freedom of opinion and expression**

137. At the 30th meeting, on 1 October 2009, the representatives of Egypt and the United States of America introduced draft resolution A/HRC/12/L.14/Rev.1, sponsored by Egypt and the United States of America. Subsequently, Albania, Algeria, Angola, Argentina, Australia, Botswana, Brazil, Burkina Faso, Burundi, Canada, Colombia, Costa Rica, Côte d'Ivoire, Djibouti, El Salvador, Guatemala, India, Indonesia, Israel, Japan, Kazakhstan, Kyrgyzstan, Lebanon, Malaysia, Maldives, Mauritius, Mexico, Monaco, Morocco, New Zealand, Nigeria, Palestine, Peru, the Republic of Korea, Rwanda, Senegal, Serbia, Somalia, Sri Lanka, the Sudan, Switzerland, Tunisia, Turkey, Uganda, Ukraine, Yemen and Zambia joined the sponsors.

138. At the same meeting, the representative of the United States of America orally revised the draft resolution by modifying paragraph 8.

139. At the 31st meeting, on 2 October, the representative of South Africa made general comments in relation to the draft resolution.

140. At the same meeting, the representatives of Chile, Cuba, France (on behalf of States Members of the European Union that are members of the Council) and Pakistan (on behalf of the Organization of the Islamic Conference) made statements in explanation of vote before the vote.

141. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/16).

142. At the 32nd meeting, on 2 October, the representatives of Algeria and Canada made general remarks in relation to the adopted resolution.

#### **Elimination of discrimination against women**

143. At the 31st meeting, on 2 October 2009, the representative of Mexico introduced draft resolution A/HRC/12/L.3/Rev.1, sponsored by Colombia and Mexico and co-sponsored by Albania, Andorra, Argentina, Armenia, Austria, Benin, Bolivia (Plurinational State of), Brazil, Burkina Faso, Canada, Chile, Congo, Costa Rica, the Czech Republic, Denmark, Djibouti, Ecuador, France, Hungary, Israel, Italy, Kenya, Liechtenstein, Luxembourg, Maldives, Nicaragua, Norway, Panama, Peru, Rwanda, Slovenia, Spain, Switzerland, Turkey, Ukraine and Uruguay. Subsequently, Angola, Australia, Belarus, Belgium, Bulgaria, Cameroon, El Salvador, Finland, Germany, Guatemala, Iceland, Ireland, Latvia, Lithuania, the Netherlands, New Zealand, Poland, Portugal, the Republic of Korea, Senegal, Slovakia, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the sponsors.

144. At the same meeting, the representative of Mexico orally revised the draft resolution by modifying paragraphs 15 and 16.

145. Also at the same meeting, the representatives of Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Slovenia and the United States of America made general comments in relation to the draft resolution.

146. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).

147. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/17).

**The adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights**

148. At the 31st meeting, on 2 October 2009, the representative of Côte d'Ivoire (on behalf of the Group of African States) introduced draft resolution A/HRC/12/L.4/Rev.1, sponsored by the Group of African States. Subsequently, Brazil, China, Cuba and Turkey joined the sponsors.

149. At the same meeting, the representatives of Brazil, France (on behalf of States Members of the European Union that are members of the Council) and the United States of America made general comments in relation to the draft resolution.

150. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).

151. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/18).

**Draft guiding principles on extreme poverty and human rights**

152. At the 31st meeting, on 2 October 2009, the representative of France introduced draft resolution A/HRC/12/L.30/Rev.1, sponsored by France and co-sponsored by Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Chile, Denmark, the Dominican Republic, Estonia, Finland, Germany, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Monaco, Morocco, the Netherlands, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, the Philippines, Poland, Portugal, Romania, Senegal, Serbia, Slovakia, Slovenia, Spain, Sweden, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Brazil, Iceland, Mauritius, Mexico, Thailand and Turkey joined the sponsors.

153. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/19).

**The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights**

154. At the 31st meeting, on 2 October 2009, the representative of Cuba introduced draft decision A/HRC/12/L.22, sponsored by Cuba and co-sponsored by Algeria, Belarus, Bolivia (Plurinational State of), Djibouti, the Dominican Republic, Ecuador, Iran (Islamic Republic of), Nicaragua, the Philippines, South Africa, Venezuela (Bolivarian Republic of) and Viet Nam. Subsequently, Senegal joined the sponsors.

155. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).

156. At the same meeting, the representative of France (on behalf of States Members of the European Union that are members of the Council) made a statement in explanation of vote before the vote.

157. Also at the same meeting, at the request of the representative of France (on behalf of States Members of the European Union that are members of the Council), a recorded vote was taken on draft decision A/HRC/12/L.22. The draft decision was adopted by 31 votes in favour, 13 against, with 2 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay;

*Against:*

Belgium, Bosnia and Herzegovina, France, Hungary, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America;

*Abstaining:*

Mexico, Norway.

158. For the text as adopted, see part one, chapter II, decision 12/119.

### **Human rights and unilateral coercive measures**

159. At the 32nd meeting, on 2 October 2009, the representative of Egypt (on behalf of the Non-Aligned Movement) introduced draft resolution A/HRC/12/L.5, sponsored by the Non-Aligned Movement and co-sponsored by Uruguay.

160. At the same meeting, the representatives of France (on behalf of States Members of the European Union that are members of the Council) and the United States of America made statements in explanation of vote before the vote.

161. Also at the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/HRC/12/L.5. The draft resolution was adopted by 32 votes in favour and 14 against. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay;

*Against:*

Belgium, Bosnia and Herzegovina, France, Hungary, Italy, Japan, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

162. For the text as adopted, see part one, chapter I, resolution 12/22.

### **The right to development**

163. At the 32nd meeting, on 2 October 2009, the representative of Egypt (on behalf of the Non-Aligned Movement) introduced draft resolution A/HRC/12/L.6/Rev.1, sponsored

by the Non-Aligned Movement and co-sponsored by Armenia and Uruguay. Subsequently, Brazil and Cameroon joined the sponsors.

164. At the same meeting, the representatives of France (on behalf of States Members of the European Union that are members of the Council) and the United States of America made statements in explanation of vote before the vote.

165. Also at the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/HRC/12/L.6/Rev.1. The draft resolution was adopted by 33 votes in favour, with 14 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

*Abstaining:*

Belgium, Bosnia and Herzegovina, France, Hungary, Italy, Japan, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

166. For the text as adopted, see part one, chapter I, resolution 12/23.

**Access to medicine in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

167. At the 32nd meeting, on 2 October 2009, the representative of Brazil introduced draft resolution A/HRC/12/L.23, sponsored by Brazil and co-sponsored by Bolivia (Plurinational State of), Bosnia and Herzegovina, Colombia, Cuba, the Dominican Republic, Ecuador, Egypt, India, Kyrgyzstan, Nicaragua, South Africa and Venezuela (Bolivarian Republic of). Subsequently, Algeria, Angola, Argentina, Bangladesh, Belarus, Burkina Faso, Chad, Chile, Guatemala, Kyrgyzstan, Maldives, Mexico, Nigeria, Pakistan, Panama, Peru, the Philippines, Thailand and Viet Nam joined the sponsors.

168. At the same meeting, the representative of Brazil orally revised the draft resolution by deleting paragraph 3, modifying paragraphs 1, 2, 5, 7, 8 and 9 and adding a new paragraph 6.

169. Also at the same meeting, the representatives of France (on behalf of States Members of the European Union that are members of the Council) and Pakistan made general comments in relation to the draft resolution.

170. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

171. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/24).

**The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)**

172. At the 32nd meeting, on 2 October 2009, the representative of Brazil introduced draft resolution A/HRC/12/L.24, sponsored by Brazil and co-sponsored by Argentina, Bolivia (Plurinational State of), Bosnia and Herzegovina, Chile, Colombia, Guatemala, Mexico, Mozambique, Nicaragua, Panama, Paraguay, Peru, South Africa, Uruguay and



Venezuela (Bolivarian Republic of). Subsequently, Angola, Armenia, Congo, Cuba, El Salvador, Guatemala, Montenegro, Senegal, Serbia and Thailand joined the sponsors.

173. At the same meeting, the representative of Brazil orally revised the draft resolution by modifying the first, second, seventh, thirteenth, fifteenth and nineteenth preambular paragraphs and paragraphs 1, 3, 9, 10, 16 and 17.

174. Also at the same meeting, the representative of France (on behalf of States Members of the European Union that are members of the Council) made general comments in relation to the draft resolution.

175. At the same meeting, the representatives of Egypt and Indonesia made statements in explanation of vote before the vote.

176. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/27).

**Follow-up to the tenth special session of the Human Rights Council on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights**

177. At the 32nd meeting, on 2 October 2009, the representatives of Brazil and Egypt introduced draft resolution A/HRC/12/L.25, sponsored by Brazil and co-sponsored by Bolivia (Plurinational State of), Bosnia and Herzegovina, Colombia, Cuba, the Dominican Republic, Ecuador, Egypt, Guatemala, India, Indonesia, Nicaragua, Nigeria, Panama, the Philippines, Venezuela (Bolivarian Republic of) and Viet Nam. Subsequently, Algeria, Angola, Bangladesh, Belarus, Burkina Faso, Cameroon, Gabon, Guatemala, Haiti, Kyrgyzstan, Madagascar, Malaysia, Mauritius, Mexico, Pakistan, Paraguay, the Russian Federation, Senegal, Thailand, Uruguay and Zambia joined the sponsors.

178. At the same meeting, the representative of Brazil orally revised the draft resolution by deleting paragraph 2, adding new paragraphs 3, 4 and 5, and modifying the fifth and nineteenth preambular paragraphs and paragraphs 1, 3 and 6.

179. Also at the same meeting, the representative of France (on behalf of States Members of the European Union that are members of the Council) and Pakistan made general comments in relation to the draft resolution.

180. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).

181. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

182. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/28).

183. At the same meeting, the representative of Nigeria made a statement in explanation of vote after the vote.

184. Also at the same meeting, the representatives of Brazil and France (on behalf of States Members of the European Union that are members of the Council) made general remarks in relation to the adopted resolution.

## IV. Human rights situations that require the Council's attention

### A. General debate on agenda item 4

185. At the 11th, 12th and 13th meetings, on 22 September 2009, the Council held a general debate on agenda item 4, during which the following made statements:

(a) Representatives of States Members of the Council: Argentina, Belgium, China, Cuba, France, Japan, Mexico, Netherlands, Nigeria (on behalf of the Group of African States), Norway, Sweden<sup>1</sup> (also on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Iceland, Liechtenstein, Montenegro and the former Yugoslav Republic of Macedonia), United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Canada, Czech Republic, Denmark, Germany, Ireland, Israel, Kenya, Luxembourg, New Zealand, Somalia, Sri Lanka, Sudan, Switzerland;

(c) Observers for the following non-governmental organizations: Agir ensemble pour les droits de l'homme, Al-Hakim Foundation (also on behalf of Interfaith International), American Association of Jurists, Amnesty International, Asian Legal Resource Center, Asian Forum for Human Rights and Development, Association for World Education (also on behalf of the International Humanist and Ethical Union), Bahá'í International Community, Cairo Institute for Human Rights Studies, Centre Europe Tiers-Monde (also on behalf of Mouvement contre le racisme et pour l'amitié entre les peuples), Centrist Democratic International, Colombian Commission of Jurists, Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos, Commission to Study the Organization of Peace, Conectas Human Rights, European Union for Public Relations, France Libertés: Fondation Danielle Mitterrand, Franciscans International, Human Rights First, Human Rights Watch, Indian Council of South America, Interfaith International, International Club for Peace Research, International Commission of Jurists, International Educational Development, International Federation of Human Rights, International Human Rights of American Minorities, International Humanist and Ethical Union, International Institute for Peace, International Movement against All Forms of Discrimination and Racism, International Youth and Student Movement for the United Nations, Lawyers Rights Watch Canada, Liberation, Maryan Ghasemi Educational Charity Institute, Mbororo Social and Cultural Development Association, Mouvement contre le racisme et pour l'amitié entre les peuples, Nord Sud XXI (also on behalf of Union of Arab Jurists), Organisation pour la promotion de la coopération économique internationale, Society for Threatened Peoples, United Nations Watch, Women's Human Rights International Association, Women's International League for Peace and Freedom, World Federation of Trade Unions, World Muslim Congress, World Peace Council, World Organization against Torture (also on behalf of the Rehabilitation Council for Torture Victims).

186. At the 13th meeting, on 22 September, statements in exercise of the right of reply were made by the representatives of Afghanistan, Algeria, Cameroon, China, the Democratic People's Republic of Korea, the Holy See, Iran (Islamic Republic of), Iraq, Japan, Morocco, Myanmar, the Russian Federation, Sri Lanka, Sweden, Uzbekistan, Venezuela (Bolivarian Republic of) and Zimbabwe.

187. At the same meeting, statements in exercise of a second right of reply were made by the representatives of Algeria, the Democratic People's Republic of Korea, Japan and Morocco.

## **B. Consideration of and action on draft proposals**

### **Situation of human rights in Honduras since the coup d'état of 28 June 2009**

188. At the 30th meeting, on 1 October 2009, the representative of Colombia (on behalf of the Group of Latin American and Caribbean States) introduced draft resolution A/HRC/12/L.31, sponsored by the Group of Latin American and Caribbean States and co-sponsored by Argentina, Bolivia (Plurinational State of), Brazil, Canada, Chile, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, France, Guatemala, Honduras, Lithuania, Mexico, Nicaragua, Panama, Paraguay, Peru, Portugal, Spain, Sweden, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Austria, Australia, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Finland, Germany, Haiti, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Romania, Slovakia, Switzerland and the United Kingdom of Great Britain and Northern Ireland joined the sponsors.

189. At the same meeting, the representative of Colombia orally revised the draft resolution by modifying the fifth and seventh preambular paragraphs.

190. Also at the same meeting, the representative of Nicaragua made general comments in relation to the draft resolution.

191. At the same meeting, the representative of India made a statement in explanation of vote before the vote.

192. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/14).

### **Aung San Suu Kyi and other political prisoners in Myanmar**

193. At the 30th and 31st meetings, on 1 and 2 October 2009, the representative of Sweden (on behalf of the European Union) introduced draft resolution A/HRC/12/L.32, sponsored by the European Union and co-sponsored by Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Turkey and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Chile, Iceland, Maldives, Mauritius, the Republic of Korea, Switzerland and the United States of America joined the sponsors.

194. At the 31st meeting, on 2 October 2009, the representatives of China, Cuba, Indonesia, Pakistan (on behalf of the Organization of the Islamic Conference), the Philippines and the Russian Federation made general comments dissociating their delegations from the consensus in relation to the draft resolution.

195. Also at the same meeting, the representative of Myanmar made a statement as the concerned country.

196. At the same meeting, the representative of India made a statement in explanation of vote before the vote dissociating the delegation from the consensus in relation to the draft resolution.

197. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/20).

198. At the same meeting, the representative of Japan made a statement in explanation of vote after the vote.

199. At the 32nd meeting, on 2 October, the representatives of Cambodia, Thailand and Viet Nam made general remarks in relation to the adopted resolution.

## **V. Human rights bodies and mechanisms**

### **A. Complaint procedure**

200. At the 13th meeting, on 22 September 2009, and at the 27th meeting, on 30 September, the Council held two closed meetings of the complaint procedure.

201. At the 28th meeting, on 1 October, the President made a statement on the outcome of the meetings, stating: “The Human Rights Council has, in closed meetings, examined the human rights situation in Guinea, under the complaint procedure established pursuant to Council resolution 5/1. The Council has decided to keep the human rights situation in Guinea under review.”

### **B. Expert Mechanism on the Rights of Indigenous Peoples**

202. At the 22nd meeting, on 28 September 2009, the Chairperson-Rapporteur of the Expert Mechanism on the Rights of Indigenous Peoples, Jannie Lasimbang, presented the report of the Expert Mechanism (A/HRC/12/33).

### **C. General debate on agenda item 5**

203. At the 22nd and 25th meetings, on 28 and 30 September 2009, the Council held a general debate on agenda item 5, during which the following made statements:

(a) Representatives of States Members of the Council: Brazil, Japan, Latvia<sup>1</sup> (also on behalf of Argentina, Armenia, Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Croatia, Guatemala, Iceland, Kazakhstan, Liechtenstein, Maldives, Mexico, Monaco, Montenegro, New Zealand, Norway, Paraguay, Peru, the Republic of Korea, Serbia, Switzerland, Turkey, Ukraine, Uruguay and the European Union), Morocco<sup>1</sup> (also on behalf of Costa Rica, Italy, the Philippines, Senegal, Slovenia and Switzerland), Norway, Russian Federation, Senegal, Sweden<sup>1</sup> (on behalf of the European Union, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), United States of America;

(b) Representatives of the following observer States: Australia, Denmark, Finland, Venezuela (Bolivarian Republic of);

(c) Observer for the following national human rights institutions: Consultative Council of Human Rights of Morocco, Human Rights Commission of the Philippines;

(d) Observers for the following non-governmental organizations: Amnesty International, Association of World Citizens, Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos, Commission to Study the Organization of Peace, Foundation for Aboriginal and Islander Research Action, Indian Council of South America (also on behalf of the International Organization of Indigenous Resource Development), Indigenous World Association, Interfaith International, International Organization of Indigenous Resource Development, International Organization for the Rights of Education and the Freedom of Education (also on behalf of the Al-Hakim Foundation, the Congregation of Our Lady of Charity of the Good Shepherd, Education and Development-VIDES, Human Rights Education Associates, Instituto Internazionale Maria Ausiliatrice,

the International Federation of University Women, the International Organization for the Elimination of All Forms of Racial Discrimination, the International Volunteerism Organisation for Women, New Humanity, the Pan Pacific and South East Asia Women's Association, Servas International, Soka Gakkai International, the Sovereign Military Order of the Temple of Jerusalem and the World Federation of the United Nations Associations), International Working Group for Indigenous Affairs, Nord-Sud XXI, Society for Threatened Peoples, the Saami Council, World Peace Council.

## **D. Consideration of and action on draft proposals**

### **Missing persons**

204. At the 30th meeting, on 1 October 2009, the representative of Azerbaijan introduced draft decision A/HRC/12/L.1, sponsored by Azerbaijan. Subsequently, Armenia and Ukraine joined the sponsors.

205. At the same meeting, the draft decision was adopted without a vote (for the text as adopted, see part one, chapter II, decision 12/117).

### **United Nations Declaration on Human Rights Education and Training**

206. At the 30th meeting, on 1 October 2009, the representative of Morocco introduced draft decision A/HRC/12/L.11, sponsored by Costa Rica, Italy, Morocco, the Philippines, Senegal, Slovenia and Switzerland and co-sponsored by Argentina, Austria, Belgium, Congo, Croatia, France, Germany, Indonesia, Mexico, Monaco, Nigeria, Norway, Portugal, the Republic of Moldova, Somalia, Spain, Tunisia, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Angola, Bahrain, Brazil, Bulgaria, Burkina Faso, Cameroon, Chad, Chile, Colombia, Côte d'Ivoire, Cyprus, Djibouti, the Democratic Republic of the Congo, the Dominican Republic, Ethiopia, Gabon, Greece, Guatemala, Japan, Jordan, Lebanon, the Libyan Arab Jamahiriya, Mauritius, Palestine, Peru, Poland, Qatar, the Russian Federation, Saudi Arabia, Serbia, the Syrian Arab Republic, Thailand, Turkey, Uganda, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Viet Nam and Yemen joined the sponsors.

207. At the same meeting, the draft decision was adopted without a vote (for the text as adopted, see part one, chapter II, decision 12/118).

## **VI. Universal periodic review**

208. At the 3rd meeting, on 15 September 2009, the Council confirmed the adoption of the order of the review for the seventh, eighth and ninth sessions of the universal periodic review that was established by the drawing of lots on 14 September 2009, and the fact that it took place at an informal meeting of the Council would not serve as a precedent (see annex VI).

209. At the same meeting, the Council confirmed the adoption of the selection of the troika members for the sixth, seventh and eighth sessions of the universal periodic review, conducted in accordance with paragraph 18 (d) of Council resolution 5/1 on 14 September 2009, and the fact that it took place at an informal meeting of the Council would not serve as a precedent (for the results of the selection of troikas, see annex VII).

210. Pursuant to General Assembly resolution 60/251 and Council resolution 5/1, the Council considered the outcome of the reviews conducted during the fifth session of the Working Group on the Universal Periodic Review, held from 4 to 15 May 2009.

## **A. Consideration of universal periodic review outcomes**

211. In accordance with paragraph 4.3 of President's statement 8/1, the section below contains a summary of the views expressed on the outcome by States under review, Member and observer States of the Council, as well as general comments made by other relevant stakeholders before the adoption of the outcome by the plenary.

### **Central African Republic**

212. The review of the Central African Republic was held on 4 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by the Central African Republic in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/5/CAF/1); the compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/5/CAF/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/CAF/3).

213. At its 14th meeting, on 23 September 2009, the Council considered and adopted the outcome of the review on the Central African Republic (see section C below).

214. The outcome of the review on the Central African Republic comprises the report of the Working Group on the Universal Periodic Review (A/HRC/12/2), the views of the Central African Republic concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

#### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

215. The delegation of the Central African Republic welcomed the opportunity given to provide responses to the recommendations addressed to it. The delegation stressed the readiness of the State to ratify all relevant international instruments, provided that the political, economic, social and cultural conditions were in place, adding that implementing international instruments at the national level came up against the obstacles of mobilizing the necessary resources and disruptions in the process of depositing ratification instruments.

216. Regarding recommendations 20 to 24 (para. 75) on the abolition of the death penalty, the delegation stressed that the matter was still under discussion, indicating that the majority was opposed to such an abolition because of the high rate of crime. The delegation indicated which crimes were still punishable with the death penalty, and stressed that the last executions had taken place in 1981.

217. With regard to recommendation 35, the delegation indicated that all press offences had been abolished, while noting that journalists may be guilty of common law offences, such as defamation and press offences defined by the High Communication Council.

218. Regarding recommendation 34, the delegation indicated that judicial authorities had made an exhaustive assessment of the massive human rights and humanitarian law violations committed in the period 2002–2003. This had enabled the authorities to seize the International Criminal Court. A truth and reconciliation commission and a compensation fund had been adopted during the national dialogue of 2008. However, implementation of this recommendation was delayed owing to financial difficulties.

219. Regarding recommendations 25 and 33, the delegation underlined the fact that, in accordance with the Constitution, the judiciary was a branch power whose independence

was guaranteed by a number of management bodies. Despite some problems, such as arbitrary arrests, corruption and other irregularities, several projects were being undertaken with the financial assistance of the United Nations Development Programme (UNDP).

220. Regarding recommendations 1, 2, 4 and 26, the delegation underlined the fact that summary and extrajudicial executions and torture had never been institutionalized by the State. In that regard, a series of measures proved the willingness of the Government to remedy this problem. Additional measures were being envisaged, such as the establishment of a human rights day, the decentralization of the services of the High Commissioner for Human Rights, training of human rights stakeholders and the dissemination of texts.

221. With regard to recommendations 11, 16 to 19, 27 to 29 and 30, the delegation underscored the fact that the Central African Republic had ratified the Convention on the Elimination of All Forms of Discrimination against Women. Female genital mutilations were not practiced on its territory and were prohibited by law. However, cultural beliefs and practices and the interests of practitioners made its full implementation challenging. The family code was being reviewed to ensure its compliance with international standards and with a view to either maintaining or abolishing polygamy. The delegation stressed that, owing to cultural concerns, the Central African Republic was not ready to sign a declaration on discrimination based on sexual orientation, adding that no law prohibited or authorized it.

222. On the recommendation to remove reference to the crime of witchcraft in the penal code, the delegation indicated that witchcraft was a reality in Central Africa. The Government envisaged training prison wardens who committed violence against women suspected of witchcraft and developing sensitization programmes to modify behaviours of the population and of the justice system.

223. With regard to recommendations 31 and 32 on defence and security forces, the delegation welcomed the forthcoming adoption of the code of military justice. Other positive measures had been taken in the areas of disarmament, demobilization and the reintegration of children, the demobilization of women soldiers, the training of former child-soldiers, the strengthening of peace and the elimination of supplementary police forces.

224. Regarding recommendations 6 to 8, 10, 12, 14 and 15, relating to, inter alia, standing invitations extended to special rapporteurs and independent experts, the delegation indicated that the Central African Republic acknowledged their relevance and took measures to facilitate the functioning of procedures and the respect of the United Nations calendar.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

225. Algeria stated that the Central African authorities had demonstrated their serious approach to the universal periodic review, as illustrated by their acceptance of 66 out of the 99 recommendations addressed to them. Among them, the recommendation of Algeria relating to the implementation, with the assistance of OHCHR, of a training and awareness-raising programme on international human rights and humanitarian law for members of the security forces, law enforcement officials and judicial officials was mentioned. Algeria welcomed the concrete measures taken to effectively promote and protect human rights, despite difficulties and constraints. Algeria was pleased with the Government's readiness to implement priorities set out in the poverty reduction strategy paper for 2008–2010 to consolidate peace and stability, prevent conflicts and strengthen the macroeconomic framework and ongoing reforms. It called on the international community to provide the State with technical and financial assistance.

226. The Russian Federation congratulated the Central African Republic for having accepted approximately two thirds of the recommendations and for having expressed its willingness to study others. It noted the voluntary commitments taken by the State, including the adoption of the national plan of action for the promotion and protection of human rights and a new criminal code. It wished the Central African Republic every success in realizing all accepted commitments and future progress in promoting and protecting human rights.

227. Egypt welcomed the comprehensive presentation by the Central African Republic. It stressed the fact that, despite many challenges and constraints, the Government had made efforts to promote human rights, which resulted in considerable progress and the attainment of stability since the adoption of the Constitution in 2004. It appreciated the responses given to recommendations and reiterated its call that the State continue its efforts to promote all universally agreed human rights and fundamental freedoms and to resist attempts to enforce any values or standards beyond the universally agreed ones. It also encouraged the State to implement its penal code in conformity with the universally agreed human rights standards, including the application of the death penalty.

228. The Libyan Arab Jamahiriya commended the Government for its efforts, including those regarding poverty reduction, economic reforms, ratification of most human rights international instruments and reforms aimed at guaranteeing women's rights. It stressed that support from the international community was important to reach the Millennium Development Goals and to promote human rights. It considered that voluntary commitments made by the State during the presentation of its national report were highly important.

229. Morocco took note of the sincere commitment of the Central African Republic, which deserved the encouragement and appreciation of the Council. The number of recommendations enjoying the support of the Government illustrated its decision to go ahead in a transparent and objective manner, despite deadlines and budgetary difficulties. Morocco thanked the State for accepting its own recommendation regarding assistance by the international community to strengthen its capacity. Morocco highlighted the determination of the Government to respect its international human rights commitments and called on the international community to help it in identifying appropriate ways and means to ensure stability and development.

230. The United States of America welcomed the Central African Republic's efforts to improve human rights. It remained concerned about the impunity enjoyed by perpetrators of human rights abuses in the security forces, including the presidential guard. It strongly supported the recommendations to investigate abuses and hold those responsible of violations accountable, and to incorporate human rights training into the military training. It appreciated the State's efforts in the area of child soldiers and to undertake reforms of the justice system, as well as its willingness to work with human rights organizations, and encouraged the State to continue allowing special procedures to visit the country. It welcomed the national plan of action on gender-based violence.

231. Cuba thanked the Central African Republic for its responses and stressed that, during the review in May 2009, participants were able to acknowledge the efforts made by the Government to protect human rights despite major difficulties owing to an unjust international economic system and the global economic and financial crisis. Cuba added that the State was a developing country that had taken a number of measures to ensure the human rights of, in particular, vulnerable groups such as children and women, ethnic minorities and disabled people. These efforts were the sign of the Government's strong commitment. Notwithstanding these efforts, the State still needed the assistance of the international community. Cuba urged all of those who truly worked in favour of human rights to provide their assistance.



232. Djibouti commended the Central African Republic for its sincere commitment to respect the recommendations made, despite various constraints. Djibouti asked the international community to provide technical and financial assistance and to support the State in its efforts.

233. Cameroon noted a number of obstacles standing in the way of the full enjoyment of human rights in the Central African Republic, and the efforts made by the State to overcome them. It added that the State still needed the assistance of the international community, especially in the fight against poverty and illiteracy. Cameroon stood ready to provide the necessary support to the Central African Republic. It expressed the wish that the Government implement them as much and as quickly as possible.

234. The Democratic Republic of the Congo welcomed the State's commitment to pursue its policy of national reconciliation and to implement decisions arising from the inclusive political dialogue, and its determination to rehabilitate the National Commission of Human Rights. It encouraged the State to continue its efforts to improve human rights and implement announced reforms. It commended the voluntary commitment to adopt a national plan of action for the promotion and protection of human rights.

235. Gabon expressed its satisfaction on having been a member of the troika for the Central African Republic, which had demonstrated its interest in promoting and protecting human rights, despite financial difficulties and numerous political jolts. Gabon called on the international community to provide the State with the technical and financial support required to carry out its ambitious programme for human rights.

236. Chad noted with satisfaction that the Central African Republic had established a number of institutions aiming at consolidating democracy, such as the National Council of Mediation and the High Council of Communication. It also took note of efforts made to give visibility to the promotion and protection of human rights throughout its territory, to strengthen peace and national cohesion. Having highlighted the limited resources of the State, Chad suggested that the international community provide material and financial assistance to the State to implement the recommendations made.

### **3. General comments made by other relevant stakeholders**

237. The International Federation of Action by Christians for the abolition of torture was concerned by a number of human rights violations and a recurrent policy of torture and ill-treatment in police stations and in prisons, and by the impunity therein. It encouraged the State to ratify the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and to abolish the death penalty. It considered that the State should take the opportunity offered by the review of its criminal code and code of criminal procedure to bring its legal system into conformity with international standards. It encouraged the State to address the issue of overcrowding in prisons and to ensure decent living conditions to detainees.

238. The International Lesbian and Gay Association and the Canadian HIV/AIDS Legal Network commended the State for supporting the joint statement on human rights, sexual orientation and gender identity delivered at the General Assembly. Referring to the Government's response to recommendation 16 of paragraph 75 of the Working Group report, they urged the State to review its legislation to ensure that it did not discriminate on the grounds of sexual orientation and gender identity, and to protect the rights of sexual minorities in accordance with international instruments. They welcomed the State's support for recommendation 16 of paragraph 74, and encouraged the Government to include education about sexual orientation and gender identity issues in trainings for security forces and prison staff.

239. Interfaith International stated that it had reported many cases of torture, crime, rape, sexual violence, summary executions, destruction of public property and enforced disappearances in Bangui and in several regions following the coup d'état of 2003. It noted that presidential and legislative elections in 2005 had brought peace to the country. It called on the authorities to consider recommendations 2, 25, 26, 33 and 34, the implementation of which was related to domestic legislative reforms that remained deficient. It called on the State to remedy such deficiency and to demonstrate its political will for building a democratic State.

240. The International Federation of Human Rights Leagues welcomed the commitments of the Central African Republic. It noted that, since the second half of 2005, confrontation between the army and rebel groups had led to summary executions, sexual violence, torture and systematic looting, forcing 100,000 people to flee. While the State had undertaken to punish perpetrators of violations, a 2008 amnesty law showed that it scorned victims. The International Federation of Human Rights Leagues recalled the death of Wanfiyo Goungaye, who had received threats since the opening of the Bemba case before the International Criminal Court. It called upon the Council to monitor the respect by the Government of its commitments.

241. Human Rights Watch welcomed the steps taken by the Government to end abuses by the security forces. However, it was concerned about continuing attacks against civilians in the context of the Government's counter-insurgency operations against rebels in the north, and about alleged abuses by paramilitary groups that were allied to the Government. It was crucial to reform the security sector and to ensure that members of the security forces underwent a thorough training and awareness programme in international humanitarian and human rights law. It considered that the State should fully implement the recommendations that it had accepted and ensure that all violations of human rights or humanitarian law are investigated and those responsible are prosecuted and punished. The fact that the incidence of attacks by Government security forces against civilians had fallen dramatically was testimony to the capacity of the Government to take concrete steps to halt violations.

#### **4. Concluding remarks of the State under review**

242. The delegation welcomed the acknowledgement of the international community of its need for assistance on the road to peace, which implied respect for human rights

243. The delegation wished to provide clarification in relation to some concerns that had been expressed, stressing that the Central African Republic had demonstrated its good faith. Since 2003, tangible efforts had been made to address the issue of summary executions and to ensure security. The delegation mentioned the situation in the east of the country, which was experiencing incursions by rebels from Uganda. The international community was fully aware of the situation as well as of the financial and military capacity of the State. The delegation insisted on the necessary assistance by the international community in this regard, while underlining that the Central African Republic should remain a State governed by the rule of law.

244. With reference to the Wanfiyo Goungaye case, the delegation noted that efforts had been made to address the situation.

245. The delegation added that amnesty was a legal means used to ensure national peace and reconciliation and not to strengthen impunity. Stakeholders were involved in the inclusive political dialogue, which had identified a number of measures to ensure peace.

246. Regarding the reform of the justice system, the strengthening of capacities and the need to address the issue of prison overcrowding, the delegation underlined the fact that this required financial resources and the assistance of the international community. The Central

African Republic was ready to implement all recommendations, but needed assistance in that regard.

## Monaco

247. The review of Monaco was held on 4 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Monaco in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/5/MCO/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/5/MCO/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/MCO/3).

248. At its 14th meeting, on 23 September 2009, the Council considered and adopted the outcome of the review on Monaco (see section C below).

249. The outcome of the review on Monaco comprises the report of the Working Group on the Universal Periodic Review (A/HRC/12/3), the views of Monaco concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

250. The head of delegation and Permanent Representative of Monaco to the United Nations Office at Geneva thanked all delegations who made comments during the Working Group discussions held on 4 May. He assured that they had been duly taken into consideration by the Monegasque authorities. He underlined the fact that the preparation of the national report was complex and mobilized forces in the country. Owing to the size of the State, problems arising on the ground are small in both number and scale. Although each individual case would be tackled, the overall human rights situation was rather good thanks notably to freedom of expression guaranteed by a recently adopted legislation and to a properly proportioned and efficient judicial system.

251. The head of delegation recalled that Monaco had already accepted a number of recommendations during the review and committed to reply to others during the current session. Regarding the Convention for the Protection of All Persons from Enforced Disappearance, Monaco had signed it on 7 February 2007. However, in view of the fact that a legal reform, including a legislative reform, was required for its incorporation into Monegasque law, and although this process has already started, it would be long and complex. Therefore Monaco could not commit firmly to its ratification at present.

252. On the adhesion of Monaco to the International Labour Organization (ILO), the head of delegation recalled three important issues that currently prevented Monaco from adhering. Firstly, Monegasque legislation on trade union law is not compatible with ILO Convention No. 87 on three different issues. A legislative reform was envisaged to that end. Secondly, the employment priority system had to be seen in the light of ILO Conventions Nos. 100 and 111. The latter deals with national extraction, a concept distinct from citizenship, which therefore did not raise any problem in Monegasque law. However, the Monegasque employment priority could be regarded as discriminatory against foreigners living in Monaco. Although real, this issue was largely theoretic, as there were 8,000 nationals and 45,000 working people in the country. Thirdly, the reporting obligations resulting from the various ILO legal instruments were too onerous for a State like Monaco, which would not be in a position to respect these obligations with diligence and efficiency.

Monaco recalled that the jurisprudence of the Monegasque tribunals relating to labour law demonstrated its respect for the principles elaborated by ILO.

253. Regarding the Optional Protocol to the Convention on the Elimination of Discrimination against Women, Monaco recalled that it had been a party to the Convention since 2005 and had shown its commitment to its ideals and values. The exercise of fundamental values guaranteed in the Constitution could not give rise to any difference of treatment; section III of the Constitution defined precisely all such fundamental rights and freedoms. Women benefited from the same economic and social advantages and rights as men. With regard to domestic violence, Monaco attached great importance to having a specific law on this issue, a draft law having been recently adopted and to be enacted soon. The Optional Protocol did not add any values and principles to the Convention, but its ratification would require a review of the legal apparatus beforehand.

254. Monaco recalled that it had signed the Rome Statute of the International Criminal Court in 1998. It had undertaken a constitutional and legislative review, which had highlighted discrepancies between the Statute and Monegasque domestic law. This would therefore require the revision of both the Constitution and various laws, which constituted a large-scale reform process.

255. Regarding the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the head of delegation recalled that Monaco had only one jail, housing a yearly average of 30 detainees serving short-term sentences. No instances of mistreatment or poor living conditions had ever been recorded or even alleged. Therefore, the establishment of an independent visiting body did not seem appropriate for the situation of Monaco, which would therefore not commit to it. The definition of torture derived from the Constitution. Monaco adhered to the Convention against Torture and was party to the International Covenant on Civil and Political Rights (which also prohibited torture in article 7), the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, all of which were integrated in domestic law. Therefore, although the law did not provide for a definition of torture, judges may directly refer to article 1 of the Convention against Torture; acts of torture were punished in the criminal code since 1967. Today, no instances of such treatment were considered by the tribunals and the criminal procedure code made explicit reference to the Convention against Torture.

256. With regard to a national human rights institution, Monaco had reopened a national discussion after the review by the Working Group, but was not of the view that such an institution was needed. Indeed, its responsibilities were currently performed by the human rights cell, the *Médiateur* and existing rights to appeal. The *Médiateur* was competent for disputes between individuals and the administration, and legal recourses were available for any individual or corporate body residing in Monaco, without distinction based on citizenship or wealth, and with the possibility of legal aid.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

257. Algeria commended the dialogue between Monaco and the Working Group. Algeria also commended Monaco for its interest in international cooperation, notably through the acceptance of the recommendation to increase its public aid to 0.7 per cent of its GNP by 2015. Algeria thanked Monaco for its explanation regarding its recommendation on adherence to ILO. Algeria commended the measures adopted by Monaco regarding the education, health and housing of migrant workers, but considered that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was the most comprehensive international instrument in this regard. Although

Monaco considered that this convention was not applicable to the situation in the country, the mere fact that Monaco may consider its ratification at a later stage could serve as an incentive for other countries.

### **3. General comments made by other relevant stakeholders**

258. In a joint statement, the International Lesbian and Gay Association (ILGA-Europe), the Canadian HIV/AIDS Legal Network and Federatie van Nederlandse Verenigingen tot Integratie von Homoseksualiteit – COC Nederland commended Monaco for accepting the working group recommendation to use public awareness-raising campaigns to prevent discrimination, including on the grounds of sexual orientation. While developing such campaigns, which could support the 2005 law which punishes incitement to hatred and violence, they urged the Government to (a) take into account specific issues that related to each type of discrimination, and specifically on the basis of sexual orientation and gender identity; (b) identify the means by which such campaigns would be developed; and (c) include civil society stakeholders. In developing such campaigns, they suggested that Monaco use the Yogyakarta Principles, and encouraged it to endorse the joint statement on human rights, sexual orientation and gender identity, delivered to the General Assembly on 18 December 2008.

### **4. Concluding remarks of the State under review**

259. Monaco reiterated its commitment to reach its objectives regarding public aid devoted to the most vulnerable persons in the poorest countries. Regarding the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Monaco recalled that there were discrepancies between this convention and the national law, noting that the measures adopted by Monaco for migrant workers were more protective than in the convention insofar as labour law, social security and health were concerned. In its conclusion, the head of delegation recalled that the review of the human rights situation in Monaco should be done through a legal and pragmatic approach. In order to better assess the situation, Monaco extended a standing invitation to all special procedures and recommended a generalized acceptance of such invitations.

## **Belize**

260. The review of Belize was held on 5 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Belize in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/5/BLZ/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/5/BLZ/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/BLZ/3).

261. At its 14th meeting, on 23 September 2009, the Council considered and adopted the outcome of the review on Belize (see section C below).

262. The outcome of the review on Belize comprises the report of the Working Group on the Universal Periodic Review (A/HRC/12/4), the views of Belize concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/12/4/Add.1/).

**1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

263. The representative from Belize and High Commissioner from the United Kingdom stated that Belize viewed human rights as fundamental to the country's development, its democracy and the very way of life of its citizens. For that reason, Belize had accepted the vast majority of recommendations, and that further consultations at home were required on a mere 10 recommendations. Belize had approached the universal periodic review seriously and with the frankness and sense of commitment that was indispensable to making the review meaningful. Belize's final position in respect of all the recommendations was contained in the addendum to the report (A/HRC/12/ 7/Add.1).

264. Belize would continue to take a measured approach to the consideration of and accession to new treaties, which would include a thorough review of obligations and reporting requirements to ensure meeting fully those obligations upon accession.

265. The Ministry of Foreign Affairs and Foreign Trade of Belize was in an advanced stage of discussions with OHCHR in Panama to organize a workshop in Belize aimed at building the capacity of Government and stakeholders in drafting reports for the treaty bodies.

266. The representative reiterated her call to OHCHR, and the international community generally, to assist small countries like Belize in improving their technical capacity to meet their reporting obligations.

267. Belize had noted that meeting reporting obligations was a shortcoming that plagued many small States. It may be necessary to rethink the existing process so that there could be more consolidation and streamlining of reports.

268. Similarly, the Government of Belize had made initial contact with OHCHR to express its interest in exploring the possibility of establishing a national human rights institution. Full consideration of all aspects of the establishment of such an institution had to be undertaken before a final decision could be taken. In the interim, however, a number of existing institutions, such as the National AIDS Commission, the National Women's Commission, the National Council on Aging and the National Committee for Families and Children, were tasked with ensuring the implementation of the particular human rights treaty. The National Women's Commission of Belize was presently engaging in a project aimed at building the capacity of Belizean women to become more active participants in local and national politics, a deficiency acknowledged in the national report.

269. These were only a few examples to demonstrate that Belize was already beginning to take action on a number of the recommendations, and would continue in this vein.

270. The fundamental human rights of all Belizeans were enshrined in the Constitution. The preparation of the national report for the universal periodic review provided an opportunity to assess Belize's human rights framework, the effectiveness of its implementation programmes and the reach of its human rights promotion initiatives. The interactive dialogue provided constructive and insightful comments and recommendations. Belize had found the review process forthright, but was appreciative of its socio-economic context and resource constraints. It was the view of Belize that the universal periodic review had achieved its objective, demanding the self-reflection that is imperative for improvement. It had also provided the opportunity to reaffirm Belize's unwavering commitment to human rights.

## 2. Views expressed by Member and observer States of the Council on the review outcome

271. Algeria praised the acceptance by Belize of 36 recommendations of the 46 made. It welcomed Belize's readiness to consider the possibility of establishing a national human rights institution in conformity with the Paris Principles. Algeria encouraged Belize to pursue its efforts in improving the situation of women in the country, and welcomed its willingness to promote their rights and to ensure their empowerment and advancement. It noted that the programmes adopted by Belize to eradicate poverty and to improve social indicators, including in health and education, testified to its commitment in this regard.

272. The Russian Federation expressed particular satisfaction at having been a member of the troika in charge of Belize's review. The Russian Federation noted that Belize's main priorities included fighting HIV/AIDS, ensuring the right to education and overcoming the high level of unemployment of youth, and assistance to people living with disabilities. It wished the country progress in implementing the various programmes in place to promote and protect human rights, and success in implementing the obligations assumed under the universal periodic review process.

273. Cuba appreciated the efforts and actions taken by Belize to implement the recommendations made during the Working Group dialogue, and noted the acceptance of the majority of them. Cuba commended Belize for the efforts made to implement its national action plan for children and youth in the areas of education, health, protection and HIV/AIDS, among other sectors. It recognized positively the establishment of a committee to combat trafficking in persons, and the measures taken to promote and protect the human rights of women. It encouraged Belize to continue on the path chosen.

## 3. General comments made by other relevant stakeholders

274. The Canadian HIV/AIDS Legal Network expressed its appreciation of Belize's clear responses to the recommendations. It welcomed Belize's acceptance of recommendation 12, by which the Government agreed to provide human rights training with regard to the protection of vulnerable groups, including persons of minority sexual orientation or gender identity, to law enforcement officials, judicial officers and all State officials. It regretted, however, that Belize was not yet ready to accept recommendations 9 and 28, which urged the Government to ensure that no one was subject to criminal sanctions for same-sex activity between consenting adults, and to ensure that there was no discrimination on these grounds. It referred to the Human Rights Committee's ruling in the case of *Toonen v. Australia*, underlining the fact that laws criminalizing same-sex conduct violated the international rights to privacy and non-discrimination, and impeded measures to address HIV and AIDS by driving marginalized communities underground. It thus noted that this was inconsistent with Belize's acceptance of recommendation 18.

275. Finally, the Network welcomed Belize's support for the resolution of the Organization of American States on sexual orientation, gender identity and human rights adopted by consensus earlier in 2009. In keeping with that commitment, it urged the Government to bring the criminal code into conformity with its international obligations.

## 4. Concluding remarks of the State under review

276. The representative from Belize thanked the Council for its support and recommendations. She noted with great respect the constructive comments made during the interactive dialogue by the countries who had taken the floor. Belize looked forward to continuing this constructive dialogue in the interim years until the next review, as the discussions on human rights must continue between the sessions of the Council and between the cycles of the universal periodic review.

## Congo

277. The review of the Congo was held on 6 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by the Congo in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/5/COG/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/5/COG/2 and Corr.1); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/COG/3).

278. At its 15th meeting, on 23 September 2009, the Council considered and adopted the outcome of the review on the Congo (see section C below).

279. The outcome of the review on the Congo comprises the report of the Working Group on the Universal Periodic Review (A/HRC/12/6), the views of the Congo concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

280. The Minister for Primary and Secondary Education in charge of literacy, Rosalie Kama Niamayoua, noted that democracy was a process affected by a wide range of constraints, including cultural difficulties inherent to each country and society. The Congo reaffirmed its commitment to the universal periodic review mechanism, and expressed its determination to live up to all its international obligations. Despite the obstacles faced in a number of areas, the Government would spare no effort to bring about a society in the Congo where people can live, think, express their views, move and act freely.

281. The delegation indicated that it was in this spirit that the 50 recommendations accepted by the Congo on 8 May 2009 were already being implemented. For this purpose, an inter-ministerial commission responsible for monitoring the implementation of the recommendations had been established.

282. The Congo had ratified the two protocols to the Convention on the Rights of the Child. Moreover, it planned to ratify several other international conventions and the protocols thereto. The bill allowing the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Prevention and Punishment of the Crime of Genocide, as well as the Convention for the Protection of All Persons from Enforced Disappearance were being considered by the two chambers of Parliament.

283. The National Human Rights Commission was independent and had the authority to convene its own meetings (auto-court referral). The Government had taken due note of the recommendation to establish an institution in line with the Paris Principles. In that regard, the procedure of accreditation was under way and the Congo was working, *inter alia*, in the framework of the 2010 budgetary period to implement two basic commitments: to increase the funds allocated to the institution; and to speed up the rehabilitation of its headquarters.

284. The measures aimed at strengthening the protection of human rights and setting needs-related priorities were contained in the preliminary draft of the national action plan on human rights for the period 2009–2013. In order to achieve this goal, the Government of the Congo requested the support and assistance of the international community. With regard to the rights of the child, the Congo was bound by the provisions of the international conventions that it had already ratified.



285. The Congo indicated that, under the article 136 of the Constitution and article 14 of the organic law concerning the Higher Council of the Magistracy, the judiciary was independent and that judges were only subjected to the law in exercising their functions. It confirmed that the authorities were concerned by the conditions of detention. Indeed, detention facilities were regularly inspected both by the Attorney General of the Republic and by the International Committee of the Red Cross (ICRC), as well as by non-governmental organizations and the general directorate for human rights and fundamental freedoms.

286. The Congo noted that the establishment of a ministry in charge of the promotion and integration of women in development strategies responded to their claims. The delegation also informed the Council that, concerning violence against women, the Minister for Justice and the Minister for the Promotion of Women were working on a draft law to strengthen the provisions of article 309 and related articles of the penal code. The draft would be considered before the end of the current legislative term.

287. Concerning the recommendation related to the elaboration of a law on protection of and assistance to displaced persons, the Congo reaffirmed its firm commitment to set up a national legal framework in that regard, also taking into account the draft African convention on the situation of internally displaced persons, which provided for an effective normative framework for the protection of displaced persons and the assistance that they should benefit from. The Government would speed up the process of adoption of the draft law related to the promotion and protection of indigenous peoples currently being processed by national institutions. It also provided information on the work of the commission in charge of reviewing and drafting Congolese legal codes to remedy gaps and the lack of appropriate legislation in relation to certain human rights issues, which had started its work on 10 August 2009. Concerning the Congo's reporting obligations to treaty bodies, the inter-ministerial committee established to that effect had convened twice in the past three months and the Congo would present its initial report to the Committee against Torture during its next October session. As it was aware of the necessity to incorporate human rights education in school curricula, the Congo requested the support of OHCHR and other partners to assist the country in finalizing the programmes and text books currently being developed at the Institut national de recherche et d'actions pédagogiques.

288. The Congo expressed the will that the conclusions of the Working Group be reflected comprehensively and faithfully in the report submitted for adoption by the Council. According to the Congo, the question raised by recommendation 25 in the report had already been taken covered by recommendations 23 and 24. Therefore, the Permanent Mission of the Congo in Geneva had, in a note dated 22 May 2009, contacted the secretariat of the Council asking for that recommendation to be withdrawn. As it was a prerogative of the plenary, the Minister asked that this fact be reflected in the report. The Minister indicated that the Congo would continue to rely on the valuable support of OHCHR and other international institutions, as well as on the wide-ranging support of its partners, so that it could live up to its commitment in the area of the promotion and protection of human rights.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

289. Algeria commended the Congo for having accepted more than 90 per cent of the recommendations, which showed its cooperative and constructive attitude towards the universal periodic review. It welcomed its acceptance of the recommendation made by Algeria on the establishment of a national institution for the promotion and protection of human rights, and stressed the important need that OHCHR provide technical assistance in this respect. Algeria also welcomed the special attention given to the protection and

exercise of the rights of vulnerable groups, such as women and children, particularly with regard to access for children to education and the participation of women in the development of the country. Algeria stressed the importance of the support from United Nations programmes, specialized institutions and agencies to assist the Congo in this area.

290. The Russian Federation pointed out that the Congo had already agreed to approximately 85 per cent of the recommendations received. It wished the Congo success in its implementation of its commitments during the universal periodic review process and of its human rights programmes.

291. Morocco commended the Congo for having accepted a large number of recommendations in order to ensure the enjoyment of human rights, despite the many constraints, including economic ones. It also commended the Congolese authorities for having repeatedly stressed their support for the rights of vulnerable groups, in particular women and children. Morocco reaffirmed its support for the Government of the Congo in its constant efforts in the area of human rights.

292. The United States of America welcomed the efforts made to provide free treatment for those living with HIV/AIDS and the Congo's willingness to allow independent monitoring of its prisons, also to ensure separation of women, men and children in detention centres. It called upon the Congo to increase its efforts to prosecute human trafficking offenders and provide assistance to victims of trafficking. It strongly supported the Working Group recommendations to encourage the participation of civil society during election cycles, increase the independence and capacity of the national human rights commission, and consider providing property rights to women. It appreciated the decision to allow the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to visit the country in 2010.

293. Djibouti congratulated Congo's commitment to the universal periodic review. The review process had helped identify a number of challenges the Government had committed to address. In this respect, Djibouti asked the Government to do its utmost to implement the recommendations and called on the international community to provide support.

294. Burkina Faso commended the Congo for its efforts, in particular the accession to a number of international human rights instruments and the acceptance of the majority of the recommendations put forward during the universal periodic review process. Burkina Faso congratulated the Congo on the action-oriented measures to implement these recommendations. It reaffirmed its solidarity with the Congo in its efforts to improve the human rights situation, and supported its call for assistance in this regard.

295. Egypt noted with appreciation the responses provided by the Government of the Congo to the recommendations made during its review. The Congo's acceptance of most of the recommendations made reflected its commitment to human rights, especially in the areas of children's and women's rights, health and education. Egypt reiterated its request to the Congo to maintain its efforts for the promotion and protection of human rights and fundamental freedoms with the assistance of the international community.

296. Cameroon noted that the information provided by the Congo on its various efforts to protect the rights of persons in the country and related shortcomings had given rise to a number of recommendations during the Working Group dialogue. Cameroon extended full support to the Congo and invited it to implement the various recommendations as much as possible.

297. Cuba noted that the Congo's acceptance of a number of recommendations showed its commitment to human rights. It also noted that the review in the Working Group dialogue highlighted the Congo's major efforts in a number of areas, including some mentioned by Cuba, such as prevention of HIV/AIDS and the treatment extended to

affected persons. Cuba underscored the Congo's efforts in the area of education, notwithstanding the clear obstacles arising for this underdeveloped country, which was yet another victim of the current unfair international economic order. Cuba launched an appeal for the strengthening of cooperation with the Congo, including concrete actions such as external debt relief and a commitment to official development assistance, which could provide the Congo with the resources necessary to face challenges.

298. The Democratic Republic of the Congo congratulated the Congo for having launched, on 10 August 2009, the work of the Commission and the Division of Legal Code in order to amend the human rights legislation. Regarding the recommendation made by the Democratic Republic of the Congo on the elaboration of national legislation for the protection and assistance of internally displaced persons, it thanked the Congo for the information provided in this regard and commended the country for the role played in the area of human rights and the efforts made to bring their commission into line with the Paris Principles. It also called upon the High Commissioner to provide the Congo with the assistance it had requested.

299. Chad noted with satisfaction that the Congo was party to a number of international instruments on human rights and had begun applying a number of recommendations. Chad made an appeal to the international community to provide material and financial assistance to the Congo so as to enable it to rise to the challenge.

300. Gabon welcomed the Congo's establishment of a think-tank to review the various recommendations put forward. It also noted that the national human rights institution of the Congo was in conformity with the Paris Principles. It also made reference to the multiple political military crises that had hit the Congo and slowed down the progress in the area of respect for human rights. It commended the Congo for its commitments and efforts towards peace in the country.

301. The Central African Republic expressed its satisfaction at the Congo's achievements and the recent stability. It added that these efforts should continue with the support of the international community, which it urged to provide such support.

### **3. General comments made by other relevant stakeholders**

302. The International Federation of ACAT (Action by Christians for the Abolition of Torture FIACAT) commended the Congo for having accepted many recommendations calling for the abolition of the death penalty. FIACAT and ACAT the Congo encouraged the Congo to take measures to deal with overcrowded prisons where men, women and children live together and lack food. They encouraged the Congo to provide access to non-governmental organizations working in the area of human rights. They also welcomed the Congo's acceptance of the recommendation on the respect of the provisions of the criminal code regarding torture. The organizations expressed the hope that a revision commission, which would bring Congolese codes in line with international standards, would be established. They remained concerned about the continued practice of torture, and arbitrary and illegal detention in the Congo, and the absence of a standing invitation to all special procedures of the Council.

303. In a joint statement, the International Lesbian and Gay Association (ILGA-Europe) and the Canadian HIV/AIDS Legal Network referred to the recommendations contained in paragraphs 23, 27 and 59 of the Working Group report on the Congo, which urged the Government to repeal provisions in the penal code to decriminalize same-sex sexual activity between consenting adults. Reference was also made to the lack of legislation to protect lesbians, gays, bisexual and transgender people, with a negative impact on important HIV-prevention work.

304. The International Federation of Human Rights Leagues and its member organization, the Congolese Observatory of Human Rights, commended the Congo for the commitments made during the universal periodic review. Nonetheless, it noted that some recommendations had not been accepted, while others that were accepted had not yet been put into effect. The Federation encouraged the Congolese authorities to bring into national law the additional protocol to the African Charter on Human and Peoples' Rights on the Rights of Women, especially regarding property and the sharing and transmitting of heritage of land and access to education. Both bodies called upon the Government to bring to an end the common practice of arbitrary detention and arrests, torture and deplorable conditions in prisons in police stations, and to punish the perpetrators. The Federation noted that the commitment of holding peaceful and free presidential elections in 2009 had already been ignored. They both also regretted that no delegation had recommended that the Congo better protect human rights defenders. They also regretted that the Congolese authorities had refused to implement the recommendations relating to depenalizing homosexuality.

305. Interfaith International noted that, for a number of years, the village communities of Djeno, Bondi, Tchicanou in the county of Kouilou had been complaining about the effects on their land, wild life and health of the pollution arising from the exploitative activities of multinational oil companies. A number of appeals had been made by environmental organizations and civil society, but no initiative had been taken to implement article 36 of the Constitution providing for compensation. Interfaith International urged the Government to find a solution and to protect the human rights of indigenous peoples, and to fight corruption.

306. Comité pour le respect et l'application de la Charte Africaine des droits de l'homme et des peuples commended the Congo for the various mechanisms set up for better legal protection of women, children, indigenous peoples, displaced people, people affected by HIV/AIDS, malaria and tuberculosis and vulnerable persons victims of exploitation and violence. The Congo had taken up challenges such as fighting poverty, strengthening the judiciary system, promoting intercommunity dialogue and disarmament, reinsertion, demobilization, ratification of a number of international instruments and needed the support of the international community in that regard.

307. Action internationale pour la paix et le développement dans la région des Grands Lacs referred to a number of specific actions taken by the Government for national reconciliation after the civil war, as well as for the promotion and respect for human rights, despite the material, human and financial problems in the country. It called upon the international community to support the initiatives of the Congo mentioned in the Working Group report in the areas of rule of law, democracy and the full enjoyment of economic and social rights.

308. Action Canada for Population and Development and the Polish Federation for Women and Family Planning indicated that the Government of the Congo should, inter alia, ensure that the legal protection of women and children victims of violence becomes effective in rural areas; in conformity with the Convention on the Elimination of All Forms of Discrimination against Women, adopt the legislation necessary to prohibit the practice of sexual violence to which Congolese women have been exposed; continue to invest in the consultation of obstetrics and information provided by qualified midwives; continue efforts to protect the rights of people affected by HIV/AIDS; and continue efforts in favour of sexual equality and the health of mothers and girls.

#### **4. Concluding remarks of the State under review**

309. The representative stated that the presidential elections held in July 2009 were in conformity with the rule of law and international practice. The Congo thanked all those who supported it, and all those who had urged the adoption of the report. The Government

would keep its promises and do its best to ensure the implementation of all recommendations it had accepted.

## Malta

310. The review of Malta was held on 6 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Malta in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/5/MLT/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/5/MLT/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/MLT/3).

311. At its 15th meeting, on 23 September 2009, the Council considered and adopted the outcome of the review on Malta (see section C below).

312. The outcome of the review on Malta comprises the report of the Working Group on the Universal Periodic Review (A/HRC/12/7), the views of Malta concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/12/7/Add.1/Rev.2).

### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

313. The delegation of Malta told the plenary that the Maltese authorities felt the country's review was a challenging and rewarding experience, offering a genuine opportunity for States to seriously examine their human rights processes in a spirit of mutual understanding and cooperation. It reiterated Malta's commitment to the promotion and protection of human rights at the national and international levels.

314. Noting that the present cycle of the universal periodic review process was an important first step to be taken forward by continued work in the following years, the delegation stressed Malta's commitment to engaging in the process to the greatest extent possible. It expressed its appreciation for all the actors who had made Malta's review possible.

315. The delegation stated that Malta's detailed response to the recommendations made in the course of the Working Group dialogue was contained in the addendum to its Working Group report. Malta could accept most of the 47 recommendations in part or in full, stating that a number of them urged continuation and reinforcement of current practices and legislation. Other recommendations included suggestions regarding measures that were already in place in Malta or in the process of implementation. Malta explained what currently existed, and measures it would continue to take, in the addendum.

316. With specific reference to the recommendations on international treaties, Malta indicated that it would ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and that it would withdraw the declaration made upon the signing of the Optional Protocol on the involvement of children in armed conflict. Malta would also ratify the Convention on the Rights of Persons with Disabilities. It would not, however, accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families nor would it ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women or the Convention for the Protection of All Persons from Enforced Disappearance.

317. Malta would also retain its reservations to articles 11 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women. The delegation reiterated Malta's position that the right to life was an inherent right of every human being, including the unborn child from its conception. It would thus retain existing national legislation on abortion. On the question of legislating to recognize the relationship between two partners irrespective of their sex, Malta believed that this was a matter of national competence.

318. Regarding the issue of irregular migration, it noted a number of recommendations on Malta's policies and practices in this area. It expressed appreciation for the recognition by many delegations of the challenges arising for Malta from an unmanageable influx of illegal immigrants. The Government of Malta explained in the addendum that it was committed to resolving any issues that arose in this matter with full respect for the rights and dignity of the individuals concerned. It reiterated its commitment to respecting all its international obligations in this regard.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

319. Algeria welcomed Malta's candour and transparency during its review. It noted that, in recent years, Malta had experienced a major influx of illegal immigrants and welcomed its policy in that respect, particularly in guaranteeing the equitable, just and humane treatment of migrants and the protection of their human rights. It expressed its wish to see Malta considering, in the long-term, the possibility of acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It noted Malta's decision not to establish a separate national human rights institution, given that there were several human rights institutions responsible for specific areas, such as children, equal opportunities and disabled persons. Algeria was encouraged by the measures and efforts already under way to promote the rights of vulnerable groups, especially children and women, and by the increased participation of women in the labour market.

320. The United States of America recognized the many challenges Malta faced in dealing with a large number of seaborne irregular migrants, given its small size and large area of responsibility. It welcomed Malta's commitment to its international obligations with respect to refugees and persons who qualify for humanitarian protection. It commended the decision to establish a detention service with suitably trained civilians as managers to help address the humanitarian needs of irregular migrants and work with non-governmental organizations to facilitate the provision of legal services. It welcomed Malta's cooperation with the Special Rapporteur on the human rights of migrants. Recognizing that irregular migrants from African countries arriving en route to Italy and elsewhere may be vulnerable to trafficking, it urged Malta to increase its efforts to eradicate trafficking in persons, including in taking steps to protect victims and through the vigorous prosecution of traffickers.

## **3. General comments made by other relevant stakeholders**

321. In a joint statement with the Canadian HIV/AIDS Legal Network, Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit COC Nederland, the International Lesbian and Gay Association (ILGA-Europe) called for further measures to fight discrimination on the grounds of sexual orientation and gender identity. It called for a policy ensuring that same-sex couples enjoy equal rights and obligations as opposite-sex couples; effective access to health advisory services for lesbian, gay, bisexual and transgender people; and legislation allowing the change of legal status of transgender persons following Maltese court decisions and the European Convention. Citing the Government's indication that it would include sexual orientation and gender identity in

human rights awareness-raising campaigns, ILGA-Europe asked about the means by which this would be done, and called for inclusion of civil society in the development, execution and evaluation of such campaigns. Commending Malta's policy on sexual health and education, it recommended that sexual orientation and gender identity be explicitly included and that civil society be involved.

322. Interfaith International indicated that Malta was a transit crossroads for potential immigrants to other countries in the European Union. It recalled that Argentina and Sweden had called upon Malta to bring its legislation concerning the detention of migrants into line with international standards. Interfaith International stated that Maltese law systematically placed migrants, most of whom were asylum-seekers, into detention centres for a maximum period of 18 months in congested and unhygienic conditions. It recommended that appropriate measures be taken to deal with the distress of these vulnerable people.

323. The International Commission of Jurists welcomed in particular the recommendations regarding administrative detention of migrants and asylum-seekers and access to justice and procedural safeguards for detained migrants. While welcoming Malta's timely response to the recommendations, it regretted its rejection of recommendation 40 on the legal consequences of the use of the term "prohibited migrants", in particular, administrative detention. The Commission recalled that, while Malta, because of its geographical position, faced large-scale migration, it must respect its international obligations in its migration policy, particularly those arising from international human rights and refugee law. It expressed concern at the automatic resort to administrative detention of asylum-seekers and migrants and at the excessive length of such detention, even if entry was in contravention of domestic law. It urged the revision of Maltese legislation and policy on the detention of migrants and asylum-seekers in accordance with the principle of proportionality. It recommended that Malta ensure that such detention was only resorted to where necessary, subject to a clear legal maximum duration and regular judicial review. It urged for measures alternative to detention to be provided for in primary legislation, and that procedural safeguards be effectively guaranteed to asylum-seekers and all other migrants. In particular, it recommended that Malta provide free legal assistance, where necessary, to those subject to administrative detention or other measures, regardless of their status as asylum-seekers and in appeal and review proceedings. The Commission urged Malta to improve conditions in its detention centres in accordance with the International Convention on Civil and Political Rights and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

#### **4. Concluding remarks of the State under review**

324. The delegation of Malta thanked the speakers for their additional comments and reiterated the State's commitment to taking their views under serious consideration and to continue working to fulfil Malta's obligations to the greatest extent possible.

325. Citing comments relating to the situation of migrants, the delegation reiterated that Malta was committed to dealing with the issues, bearing in mind the fullest respect for the rights and dignity of the individuals concerned. Malta was committed to ensuring the fulfilment of its international obligations.

### **New Zealand**

326. The review of New Zealand was held on 7 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by New Zealand in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/5/NZL/1); the compilation prepared by OHCHR in

accordance with paragraph 15 (b) (A/HRC/WG.6/5/NZL/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/NZL/3).

327. At its 16th meeting, on 24 September 2009, the Council considered and adopted the outcome of the review on New Zealand (see section C below).

328. The outcome of the review on New Zealand comprises the report of the Working Group on the Universal Periodic Review (A/HRC/12/8), the views of New Zealand concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/12/8/Add.1 and Corr.1).

**1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

329. The delegation recalled that New Zealand strongly supported the introduction of the universal periodic review, which had lived up to its expectations. It also recalled that New Zealand's national report had been the product of an open and consultative process, involving many groups both inside and outside Government.

330. The delegation indicated that New Zealand had received 64 recommendations, and had given serious consideration to all of them. A response to all the recommendations had been lodged with the Council secretariat and published on the Council's website. Of the 64 recommendations, New Zealand had accepted 33 unreservedly. An additional 12 had been agreed to with further discussion. A qualified response had been given to 11 recommendations, and only 8 had been rejected.

331. The delegation highlighted some of the significant features of New Zealand's responses, indicating that many of the recommendations focused on challenging areas that the Government itself recognized as requiring further attention. These included the social disparities between non-Maori and Maori; the status of the Treaty of Waitangi in domestic legislation; family violence; equality of opportunity; overrepresentation of Maori in the criminal justice system; and ratification of human rights treaties to which New Zealand was not party.

332. The delegation explained that Maori were integral to the national identity of New Zealand and represented about 15 per cent of the population. It acknowledged that there was a number of areas where improvements were needed, stressing that a wide range of measures to reduce social inequalities between Maori and non-Maori was under way.

333. Several countries had recommended that New Zealand give its support to the United Nations Declaration on the Rights of Indigenous Peoples. In May 2009, the delegation had explained that New Zealand would like to move to support the Declaration, provided that it could protect its unique and advanced domestic framework for the resolution of issues related to indigenous rights. The treaty settlement process recognized the interests of Maori in relation to land and natural resources, and provided redress where these interests had been abrogated. New Zealand had some of the most extensive consultation mechanisms in the world and the historical treaty settlements process was an unparalleled system of redress, accepted by both Maori and non-Maori. The delegation indicated that New Zealand's position on the Declaration was still under active consideration by the Government.

334. New Zealand recognized the concerns raised about the Foreshore and Seabed Act 2004, explaining that an expert and independent ministerial review panel had been established in March 2009 to review whether the Act effectively recognized and provided for customary and public interests in the coastal marine area. After an extensive



consultation process, the panel had reported to the Attorney-General and the Government was currently considering how to respond to its recommendations.

335. The delegation indicated that New Zealand had not accepted the recommendation to ratify the Convention on the Rights of All Migrant Workers and Members of Their Families, ILO Convention No. 169 or the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, but that it had undertaken to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. New Zealand was also examining which legislative reforms would be required to move towards ratifying the Convention for the Protection of All Persons from Enforced Disappearance, and was committed to working progressively towards a withdrawal of its few remaining reservations to human rights treaties.

336. As stressed by the delegation, a number of recommendations called for New Zealand to ensure that its legislation and policies gave effect to its human rights obligations. Noting that some rights were given effect in New Zealand through a variety of appropriate measures, the delegation stated that this was a subject under regular review, and that it accepted these recommendations.

337. Regarding the treaty of Waitangi, the delegation indicated that public discussion of its status certainly would continue, and that entrenchment as a constitutional norm was a possible outcome of that discussion, but not the only one.

338. The delegation stressed that a new broad-based approach had been developed to address the individual, family, community and justice sector factors that contributed to offending and victimization. Mindful of the overrepresentation of Maori in the criminal justice system as both offenders and victims, New Zealand was committed to addressing these factors in a concerted way. In the coming months, the Government would consider a number of priorities to address this issue.

339. The Child and Family Protection Bill had been introduced into Parliament in August 2009, introducing changes to ensure that courts can act to protect children and families from all forms of violence and abuse. The bill also contained the last legislative amendment required for New Zealand to ratify the Second Optional Protocol to the Convention on the Rights of the Child.

340. To conclude, the delegation stressed that New Zealand had learned from its involvement in the universal periodic review, with a reinforcement of contacts with the wide human rights constituency and a greater understanding of New Zealand's own human rights situation.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

341. While welcoming the endorsement by New Zealand of more than 90 per cent of the recommendations, Algeria regretted that its own recommendation to examine the possibility of adhering to the International Convention on the protection of the Rights of All Migrant Workers and Members of Their Families had not been accepted. Algeria would have appreciated the endorsement by New Zealand of the outcome document of the Durban Review Conference. Algeria welcomed New Zealand's agreement to consider the recommendations to take further measures to ensure full and consistent protection of human rights in domestic law and policies, and to take action to provide constitutional protection to national and international human rights instruments and standards. Algeria would have appreciated the acceptance of its recommendation to bring legislation into line with the International Covenant on Civil and Political Rights.

342. Malaysia thanked New Zealand for its written responses to the recommendations and welcomed the acceptance by New Zealand of a number of recommendations, including those relating to efforts aimed at eradicating all form of racism, racial discrimination, xenophobia and related intolerance, and Malaysia's recommendation relating to trafficking in women and children and exploitation of women and girls in prostitution. Malaysia believed that New Zealand's preparedness to address some of the issues related to intercultural and inter-faith relations would contribute positively to its effort in further instilling a culture of tolerance, inter-ethnic and intercultural understanding in the country. Malaysia hoped that the Government would fully implement the recommendations and outcomes of the review.

343. Sweden welcomed New Zealand's advanced responses to the recommendations and its support of Sweden's recommendation regarding violence against women. Sweden noted that it was unclear to what extent the Government had committed itself to recommendations that were only partially agreed to. Regarding the overrepresentation of Maori and Pacific persons in the criminal justice system, Sweden regretted that New Zealand could only agree in part to Sweden's recommendations, and recommended continuing efforts to address this issue. Sweden expressed the hope that New Zealand would continue working on those problems and include all factors that could explain why certain groups were overrepresented.

344. The Islamic Republic of Iran regretted that some recommendations, including the ones put forward by Iran, had not been accepted. It reiterated that there were still some concerns about the overall situation of human rights in New Zealand, in particular regarding the situation of Maori and Asian and Pacific minorities. It encouraged New Zealand to bring its domestic legislation, policies and practices into full compliance with international law and to take serious efforts to further improve the rights of minorities and decrease disparities between Maori and non-Maori. Noting the poorly defined terms of the counter-terrorism legislation, it recommended that New Zealand ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and to review its position on the Declaration on the Rights of Indigenous Peoples.

345. The United States of America commended New Zealand for accepting, in whole or in part, most of the recommendations. It noted New Zealand's intention to consider accession to additional human rights instruments, and its determination to protect the rights of minorities and indigenous persons. It appreciated New Zealand's commitment to combating human trafficking, and welcomed the acceptance of the recommendation to record and document cases of trafficking in women and children as well as of the exploitation of migrant women and girls in prostitution, and to share information on trafficking cases as appropriate within the region. The United States strongly urged New Zealand to consider including domestic trafficking crimes within the scope of its anti-trafficking law.

### **3. General comments made by other relevant stakeholders**

346. The New Zealand Human Rights Commission appreciated the State's active engagement with the universal periodic review. It emphasized the importance of action in seven priority areas identified by the Government, including implementation of the International Convention on the Rights of Persons with Disabilities; support for the Declaration on the Rights of Indigenous Peoples; more systematic incorporation of international human rights obligations, particularly economic, social and cultural rights, into domestic legislation, policies and practices; further consideration of the status of the treaty of Waitangi; and action on all forms of unlawful discrimination and socio-economic disparities. It indicated that stronger responses to recommendations on gender equality and the pay gap would have been welcomed.

347. The Women's International League for Peace and Freedom urged New Zealand to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ILO Convention No. 169 concerning the Protection and Integration of Indigenous and Tribal and Semi-Tribal Populations in Independent Countries, and the Optional Protocol to the Covenant on Economic, Social and Cultural Rights, and to announce full support for the Declaration on the Rights of Indigenous Peoples. It reiterated the recommendations urging New Zealand to begin a process of constitutional change to give full effect to the treaty of Waitangi. It urged New Zealand to develop alternatives to imprisonment, to reconsider the pending legislation which would lower the age of criminal responsibility to 12 years, to clarify its response to the recent public referendum on section 59 of the Crimes Act, to work towards full gender pay equity and gender equality in decision-making and to increase efforts to reduce violence against women.

348. The Canadian HIV/AIDS Legal Network welcomed New Zealand's articulation of the significant steps to treat lesbian, gay, bisexual and transgender people with equal dignity and respect and to provide equal recognition to same-sex partners. It urged the Government to address remaining areas of inequality, such as in the area of parenting. It commended the 2008 report of the New Zealand Human Rights Commission on discrimination experienced by transgender people, and asked the Government for an update on its position. It recommended including gender identity and expression in human rights legislation and that the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity be applied as a guide, that the Government support the Declaration on the Rights of Indigenous Peoples, and that it enhance the constitutional status of the New Zealand Bill of Rights Act.

349. The Indigenous World Association appreciated the Government's constructive approach to the universal periodic review process, marking a positive change from its previous approach of discrediting much international human rights oversight. It expressed concern at the rejection of recommendations to ratify international treaties. It strongly recommended support for the Declaration on the Rights of Indigenous Peoples and robust constitutional protection of the rights in the treaty of Waitangi and the Declaration, including its domestic treaty settlements policy. It urged the Council to continue to apply pressure to New Zealand to meet its treaty obligations and act on the recommendations of special procedures relating to Maori.

350. Amnesty International called for clear and unambiguous support for the Declaration on the Rights of Indigenous Peoples and for the Government to reflect its provisions in domestic legislation. It welcomed New Zealand's acceptance of recommendations relating to the Foreshore and Seabed Act. It recommended ensuring that new legislation fully protects the human rights of Maori and enshrines the principles of recognition of customary rights, due process, good faith and compensation. It called for an amendment to the Corrections Act of 2004 to require that conditions in privatized prisons comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners, for the ratification of the Optional Protocol to the Covenant on Economic, Social and Cultural Rights, and for greater recognition of economic, social and cultural rights in domestic legislation. It welcomed the commitment to ensure regular consultation with civil society in the follow-up to the universal periodic review.

351. The Charitable Institute for Protecting Social Victims welcomed New Zealand's signing of human rights treaties and efforts to improve the justice system. It called on the Government to address the conditions of indigenous people and minorities, and to concentrate on the layers of racism, racial discrimination, xenophobia and other forms of intolerance against migrants and migrant workers. It cited social inequalities, including gender inequalities, in job opportunities and in aspects of the criminal prosecution system.

It called on the Government to strengthen the national legislative framework on the promotion of human rights and in combating domestic violence.

352. The Indian Council of South America commended New Zealand on its constructive participation in the universal periodic review, but added that any attempt to reduce or negate international obligations was unacceptable. Reduction or negation of already accepted international obligations with regard to indigenous peoples through politicization and selective application and implementation of rights was certainly not a best practice.

#### **4. Concluding remarks of the State under review**

353. The delegation of New Zealand indicated that most responses to issues raised had been provided in its introductory statement, in the national report, as well as the reports of the Working Group (A/HRC/12/8 and Add.1 and Corr. 1). It wished, however, to provide some additional responses.

354. New Zealand had not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, but had already in place a range of laws protecting all workers, including migrant workers, on the basis of equality.

355. New Zealand had not endorsed the outcome of the Durban Review Conference because it did not participate in that conference.

356. Regarding the assessment made by a participant that anti-terrorism legislation contained poorly defined terms, New Zealand stressed that the definition set out in the counter-terrorism legislation was extraordinarily clear and specific.

357. New Zealand had adopted a definition of trafficking that was in accordance with international law.

358. Violence against women and the overrepresentation of Maori and Pacific Islanders in the criminal justice system were a matter of great concern to New Zealand, and a number of processes were under way to improve the situation.

359. The delegation concluded by thanking all participants in the review.

### **Afghanistan**

360. The review of Afghanistan was held on 7 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Afghanistan in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/5/AFG/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/5/AFG/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/AFG/3).

361. At its 16th meeting, on 24 September 2009, the Council considered and adopted the outcome of the review on Afghanistan (see section C below).

362. The outcome of the review on Afghanistan comprises the report of the Working Group on the Universal Periodic Review (A/HRC/12/9), the views of Afghanistan concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/12/9/Add.1).

**1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

363. The Deputy Minister for Justice of Afghanistan, Dr. Mohammad Qasim Hashimzai, noted that the universal periodic review had been a productive experience for Afghanistan. It supported most of the recommendations made during the interactive dialogue, and various ministries and institutions had already taken a number of initiatives, which was indicative of the firm political will of the Government to consolidate and improve human rights in the country. Afghanistan had also agreed to consider further a number of other recommendations. Its responses, after consulting with relevant ministries and departments, are contained in the addendum to the report of the Working Group.

364. Measures taken by Afghanistan since May 2009 included Parliament's current review of the Convention on the Rights of Persons with Disabilities; the ratification of ILO Conventions Nos. 144 and 182, and the Additional Protocols to the 1949 Geneva Conventions; and the completion of the initial report under the Convention on the Rights of the Child. Serious attention to the report's findings and recommendations would facilitate securing better conditions for children's rights in Afghanistan. Work had begun in early August 2009 to prepare the initial report for the Committee on the Elimination of Discrimination against Women for planned completion by July 2010. The report would also provide a better understanding of the condition of women and their needs in Afghanistan and help in better addressing the issue of women's rights in the country.

365. Afghanistan needed to take steps for the review and revision of 700 laws currently in force to ensure that they are in keeping with the Constitution and international agreements to which it is a signatory.

366. Since May 2009, Afghanistan had passed a number of laws, including a law on the elimination of violence against women, which makes violence a crime, whether committed at home or elsewhere, prescribes sentences for its perpetrators and is in line with the Convention on the Elimination of All Forms of Discrimination against Women; the Shia personal status law, which was reviewed in the light of the Constitution and adjusted in accordance with Afghanistan's obligations towards international human rights conventions; a new media law, which was published in the official gazette and guaranteed freedom of speech and publication; the recent implementation of a new police law, incorporating all the principles of human rights in police activities; a law on the establishment of a commission to supervise the implementation of the Constitution, which was published in the official gazette; and finalization of a draft of the new code of criminal procedure, encompassing the principle of fair trial and rectifying the loopholes and shortcomings existing in the interim code of criminal procedure to standards and rules.

367. In addition, Afghanistan had carried out a number of institutional reform programmes, including the following: (a) resources had been raised for the establishment of a human rights unit in the Ministry of Justice, with the assistance of the United Nations Assistance Mission in Afghanistan; (b) implementation of merit-based prison reform aimed at improving the salaries of personnel to a level that meets the essential needs of staff and reduces corruption, resulting in better performance, especially in the implementation of the Standard Minimum Rules for the Treatment of Prisoners; (c) the launch of the joint Peace through Justice Programme aimed at promoting human rights awareness activities and training for communities and local justice officials at the district level throughout Afghanistan; (d) the regular holding of sessions of the Justice Sector Coordination Commission in the Supreme Court, for coordinating human rights activities; (e) the establishment of the first core working group to set up a task force on formal justice relations, with an informal justice/traditional dispute resolution mechanism; a template for national policy had been formulated, the ultimate aim of which was to prevent the abuse of human rights values by informal justice, especially against women; (f) the setting up of a

high office for oversight of the implementation of the anti-corruption strategy, which has started working and required that all high-ranking government officials, judges and law enforcement bodies register their assets and show how they were acquired.

368. Afghanistan noted that, despite all the above-mentioned efforts and commitments by the Government in fulfilling its obligations with regard to the principles of human rights, it still faced a number of huge challenges, the main ones being terrorism, extremism and narcotics. Afghanistan had long argued that these challenges were interconnected with the regional and international situation, and that poverty and corruption had also made it difficult to tackle them. The issue of aid effectiveness, especially in justice sector programmes, had also caused concern for the Government and the international community.

369. Afghanistan concluded that the implementation of programmes and reforms required the cooperation and participation of all concerned governmental bodies, civil society institutions and also the direct cooperation of the international community.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

370. Algeria highlighted the will of Afghanistan to improve the human rights situation, as evidenced by the majority of recommendations accepted. It referred to concrete measures already taken by Afghanistan to meet its commitments, including the ratification of the additional protocols to the Geneva Conventions, the completion of its initial report under the Convention on the Rights of the Child and the adoption of several domestic laws. Algeria urged the international community to support the Government's efforts and encouraged Afghanistan to promote transparency in its electoral system and the fight against drug-related corruption.

371. Malaysia was pleased that Afghanistan had accepted a large number of recommendations, in particular those relating to the improvement of the economic and social situation of its citizens. It highlighted Afghanistan's preparedness to strengthen interaction with international human rights mechanisms and its promise to continue to engage with them constructively. It hoped that the Government would uphold its commitment to democratic ideals and implement fully the recommendations and outcomes of the review.

372. Qatar noted that Afghanistan's acceptance of 96 recommendations demonstrated the importance it attributed to cooperation with the United Nations human rights system. It also noted the establishment of institutions and bodies to protect citizens' rights, and commented on the security challenges and constraints, which hindered the exercise of rights by Afghans and had a negative effect on the economic and social situation in the country. It welcomed the presidential elections.

373. Pakistan highlighted Afghanistan's endorsement of most of the recommendations and acknowledged the Government's limitations in providing basic services owing to long-standing insecurity and armed conflict. It welcomed the measures towards the ratification of human rights treaties and institutional reform, and referred to the encouraging promotion of women's participation in the life of the country. Pakistan expressed confidence in the Government's commitment to meet current challenges and to take steps to improve the human rights situation by involving all stakeholders. Pakistan called on the international community to support efforts, including the creation of an enabling environment for improving the human rights system in Afghanistan.

374. The Russian Federation noted that the human rights situation in Afghanistan remained complex and ambiguous. While progress had been made in a number of areas, there was an urgent need to overcome serious problems, such as weak health and education systems and ensuring gender equality. It highlighted Afghanistan's constructive approach to

the universal periodic review process, and stated that the consolidation of democracy should not be hindered by destructive Taliban activities or damage to the civilian population from many years of war.

375. Indonesia commended Afghanistan for its efforts to implement human rights standards, while acknowledging the ongoing difficulties faced by the country. It commended, in particular, the establishment of the commission for the elimination of violence against women, the strengthening of the work of the Ministry of Women's Affairs and the adult literacy courses for women. Indonesia supported the ongoing efforts to achieve political stability as a prerequisite for achieving sustainable economic development and social progress.

376. The United Arab Emirates noted the efforts of Afghanistan to improve living standards by, inter alia, fighting poverty, improving health and hygiene and establishing programmes in rural areas. It welcomed the efforts made to improve human rights in general, and especially to promote the rights of women and children. It noted that, as Afghanistan sought to implement the recommendations accepted, it needed to be encouraged in its efforts to promote economic and social development during this difficult transition period.

377. India noted that, despite decades of conflict and turmoil, Afghanistan had achieved a remarkable transformation in its policy in recent years. The establishment of an independent human rights commission and the adoption of a national development strategy were particularly noteworthy. India also commended it for progress in the realization of the Millennium Development Goals, as well as recent developments, such as the ratification of ILO Convention No. 144 and the adoption of the law on the elimination of violence against women. India reiterated its commitment to the development of Afghanistan.

378. Sweden welcomed the fact that Afghanistan had accepted its recommendation to take all the steps necessary to combat discrimination and violence against women. Sweden also appreciated its commitment to make further efforts to ensure that the status of freedom of expression was brought into line with international obligations. Noting that irregularities existed in the justice system and that there had been cases where detainees had been found innocent, Sweden encouraged Afghanistan to reconsider its position on the death penalty and move to support the reintroduction of a moratorium on executions.

379. Bahrain noted with pleasure the number of recommendations endorsed by Afghanistan, which was a clear reflection of the country's interest in promoting human rights. Bahrain also welcomed the submission of the initial report under the Convention on the Rights of the Child. Bahrain referred to the efforts made in all human rights areas, in particular in protecting women and adopting the law on violence against women.

380. While welcoming the decision of the Government of Afghanistan to accept most of the recommendations, Hungary expressed concern about its refusal of the moratorium on the use of the death penalty. It also stressed that further steps were necessary to prevent the recruitment of children and the use of child combatants by the Taliban. Hungary recommended the continuation of the revision of the Shia personal status law and its harmonization with international obligations. While emphasizing that progress in the presidential elections was a crucial step towards democratization, Hungary remained concerned about the large number of irregularities reported to the electoral complaints commission and urged the Government to take all necessary measures to remedy the situation.

381. The United States of America commended Afghanistan for its efforts to enhance the capacity of national human rights institutions. It welcomed the adoption of national strategies and policies to support human rights, and encouraged Afghanistan to implement them fully. It was encouraged by the signature of the comprehensive domestic violence law,

but shared concerns about flaws in the recently published Shia family law. It referred to concerns about intimidation and violence against journalists and limitations on freedom of expression, and encouraged Afghanistan to adopt a media law. It also supported recommendations to ensure an effective, independent and impartial judicial system that upholds human rights.

382. Kyrgyzstan followed closely the progress achieved in Afghanistan, given the country's importance to the prosperity and security of the region. It noted that, despite political and economic and social difficulties, Afghanistan and the international community had made important achievements in creating a political system, ensuring legal and judicial reform and adopting laws in keeping with human rights standards. Kyrgyzstan noted the role played by the independent human rights commission in monitoring human rights and the work of the national mechanism in monitoring respect for the Constitution, laws and human rights obligations and to follow up on possible violations. Kyrgyzstan welcomed the ratification of human rights treaties and adoption of new laws designed to protect human rights in Afghanistan.

383. Kazakhstan noted that Afghanistan's review provided a better understanding of the challenges facing the country. It welcomed the progress achieved in Afghanistan and supported the recommendations regarding the elimination of extreme poverty and hunger, access to primary education and the promotion of women's rights. Kazakhstan recalled that the achievement of the Millennium Development Goals should be a priority and that Afghanistan should continue its strong partnership with the international community, which in turn should bear in mind its moral obligation to help Afghanistan. Kazakhstan referred to its valuable contribution to development efforts in Afghanistan.

### **3. General comments made by other relevant stakeholders**

384. The Afghanistan Independent Human Rights Commission urged the Government to take practical steps to ensure women's rights to life and security, education, employment, access to justice and political participation. It called on the Government to prioritize programmes creating employment opportunities so as to prevent displacement and risky migration, and urged it to respect the rights to freedom of speech and expression, protection of the life of journalists, fighting corruption, ending impunity and the promotion of good governance. The Commission urged all concerned to respect international humanitarian law fully and to refrain from actions causing civilian casualties. It also expected the Government to review and amend domestic law in compliance with international human rights law, and to value and respond positively to the recommendations of human rights civil society organizations. The Commission urged the Government to invite special rapporteurs to Afghanistan. It requested political and financial support from the government and State institutions, which would enable the Commission to fulfil its mandate.

385. The International Lesbian and Gay Association (ILGA-EUROPE) and the Canadian HIV/AIDS Legal Network expressed in a joint statement regret that Afghanistan had rejected recommendations to either abolish or reinstate a moratorium on the death penalty. They noted the laws criminalizing same-sex relations between consenting adults and the sharia law providing for the death penalty for consenting homosexual sex. They called on the Government to repeal these laws in accordance with Afghanistan's international human rights obligations.

386. The Al-Hakim Foundation appreciated the efforts made by the Government in the area of human rights and the support provided to the Afghanistan Independent Human Rights Commission and other institutions, such as the commissions to combat corruption, reform civil administration and eliminate discrimination against women. The Foundation emphasized that the role of civil society should be strengthened. It expressed concern over the worsening of terrorist acts, calling on the international community, in cooperation with



human rights institutions and other governments in the region, to put an end to this phenomenon. It also emphasized the importance of the dissemination of human rights principles throughout Afghanistan in schools and women's associations and through relevant programmes.

387. Amnesty International welcomed Afghanistan's support for strengthening the capacity to implement the national development strategy. It urged the Government to safeguard the independence and work of the independent human rights commission, and implement fully the 2005 plan of action for peace, justice and reconciliation. It expressed concern that the passing of the amnesty law had undermined the plan of action, and called on the Government to conduct independent and judicial investigations into all credible allegations of serious human rights abuses, establish a truth-seeking mechanism to document past human rights abuses, repeal the amnesty law, and bar those suspected of war crimes, crimes against humanity or serious human rights abuses from holding government posts. Amnesty International noted that Afghan women and girls continued to encounter discriminatory laws, policies and practices and to face endemic domestic violence, trafficking, forced marriages and their use as currency in the settlement of disputes. It also stated that women victims and defendants were discriminated against in both the formal and informal justice systems. Amnesty International called for prompt, impartial and effective investigation of all reports of violence against women, that the Government ensure that those responsible were brought to justice and the victims granted reparations and that women be granted unqualified equality with men in law and in practice.

388. International Pen expressed satisfaction that the Government of Afghanistan would develop strategies to protect freedom of expression through legislation and adoption of new policies for the support for and protection and monitoring of human rights. It expressed concern about the recent decline in press freedom, particularly the growing violence against journalists. International Pen was also concerned about the existence of "blasphemy" laws, under which a number of writers and publishers had been charged and imprisoned and sentenced to death, and indicated that it would continue to call for the release of those imprisoned under such legislation.

389. Human Rights Watch underlined the need for the Government to make girls' education a priority, strengthen measures to prevent violence against women, promote awareness-raising on issues such as child marriage, and avoid entrenching in the law discriminatory practices against women, such as the Shia personal status law, which in its amended form allegedly included many egregious articles. It noted that the Government had committed itself to a wide range of measures under the 2005 plan of action on peace, justice and reconciliation, many of which did not require judicial action, such as according dignity to victims and vetting human rights abusers from positions of power. Human Rights Watch stated that the rule of law needed significant attention, including strengthening respect for human rights by the police and justice sectors, and building the institutional capacity of the Ministries of the Interior and Justice, while expressing the view that a comprehensive reform of these areas would involve greater transparency, accountability and oversight of the appointments process. It reported that the recent elections had been deeply flawed, including the low female turnout and widespread use of women's polling stations and voter registration cards for fraudulent purposes. It expressed regret about the rejection by Afghanistan of the recommendation that called for a moratorium on the use of the death penalty, noting that legal experts and human rights organizations had long expressed concern that international due process and fair trial standards were generally not met in such cases.

390. The Charitable Institute for Protecting Social Victims, while commending the actions taken by the Government of Afghanistan, called for more extensive participation of women in the administrative and judicial system, the promotion of access of women to

employment, the participation of the Ministry of Women's Affairs in legislation proceedings and the setting up of comprehensive guidelines for the elimination of gender discrimination, particularly in employment. It also called for measures to protect women, such as practical solutions to eradicate violence against women, a review of text-books in schools for the purpose of disseminating information on women's rights, and increased public awareness on action against domestic violence.

391. Noting that war and conflict in the past three decades had weakened the political, social and economic structure, the Organization for Defending Victims of Violence viewed the setting up of human rights mechanisms and institutions in Afghanistan's national development strategy as a step forward. It noted that war, terrorism and extremism produced violence and insecurity and expressed the hope that, inter alia, Afghanistan would be able to cope with these problems in the near future.

392. The Institute for Women Studies and Research commended the efforts of the Government of Afghanistan to promote and improve human rights, despite the problems and security priorities existing in the country, which was still in conflict. It noted that the situation of women and children was increasingly serious and that their fundamental rights were threatened. The situation increased the responsibility of the international community in properly monitoring the rights of Afghan women and children, promoting their access to equal rights and social security. The Institute believed that, if the promised aid and assistance from the international community were paid on time, the situation of the Afghan people, particularly the women and children, would improve.

393. The Islamic Human Rights Commission expressed concern that arbitrary arrest and detention of journalist by the police and other official security agencies were widespread. It was also concerned that women's health rights appeared to be neglected, that cultural practices hindered women's access to these rights and that maternal mortality was one of the highest in the world. It noted a number of human rights challenges facing Afghanistan, including the internal struggle in the process of democratization, gender equality, empowerment of women and the fight against terrorism. The Commission strongly urged the Government to ensure that, inter alia, the right to freedom of expression was not violated and the prompt and impartial inquiry of all cases of maternal mortality.

394. The International Institute of Peace and the Commission to Study the Organization of Peace noted that the Taliban regime denied women access to education, health and employment. The abduction of women, rape, the infliction of stoning, lashing and other forms of inhuman punishment had become commonplace. The Institute blamed those who had taken the responsibility for grooming and indoctrinating the Taliban and providing them with weapons. It expressed the view that those arguing for negotiations and a deal with the Taliban must be prepared to bear the responsibility for the oppression that would be unleashed upon the women of Afghanistan if Taliban-dominated rule became a reality.

#### **4. Concluding remarks of the State under review**

395. In his concluding remarks, the Deputy Minister for Justice for Afghanistan, thanked all participants for their additional comments. The Government of Afghanistan was committed to fulfilling all its obligations in the field of human rights in the light of its Constitution, including with regard to the implementation of recommendations it had accepted under the universal periodic review process. Regarding women's rights, it was reiterated that Afghanistan had ratified the Convention on the Elimination of All Forms of Discrimination against Women and had in place a law to protect women from violence, in conformity with the Convention, in order to give women an appropriate share in the Government and social life in Afghanistan.

396. Regarding the recent presidential elections in Afghanistan, they were a significant achievement despite the problems facing the Government. A strong international election monitoring group and a complaint commission were working in Afghanistan and their comments on the performance of the elections were awaited and any allegations in that regard were to be dealt with by them.

397. Civilian casualties in Afghanistan were a concern for both the Government and the international community, and they had reached an agreement to reduce civilian casualties to a minimum. However, opposition groups had been using civilians and their villages as a shelter, which was an issue that also needed to be considered.

398. Reference was made to the concerns expressed about the Shia personal status law in the May 2009 session of the Working Group. The law had been reviewed on the order of the President of Afghanistan, and most of the controversial provisions not in line with the Constitution or international commitments were removed; it was then published. The path for further amendment was open, as one particular provision of the law had raised concern. Afghanistan's commitment to international conventions was firm.

399. Finally, Afghanistan expressed its sincere appreciation to the Council, its President and all delegations, as well as to OHCHR in connection with the universal periodic review process and for the promotion and protection of human rights in Afghanistan.

## Chile

400. The review of Chile was held on 8 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Chile in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/5/CHL/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/5/CHL/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/CHL/3).

401. At its 16th meeting, on 24 September 2009, the Council considered and adopted the outcome of the review on Chile (see section C below).

402. The outcome of the review on Chile comprises the report of the Working Group on the Universal Periodic Review (A/HRC/12/10), the views of Chile concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

### 1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome

403. The Permanent Representative of Chile to the United Nations Office at Geneva expressed Chile's appreciation for the questions and recommendations made by 51 States from all regions, which had allowed increased efficiency in the implementation of its commitments. Chile had already adopted several measures responding to the concerns expressed during its review.

404. Chile reported that, on 29 June 2009, the Government had deposited the instrument of ratification of the Rome Statute. The Congress had also recently approved the International Convention on the Protection of All Persons from Enforced Disappearance.

405. The Headquarters Agreement for the Establishment of an OHCHR Regional Office for South America had also been recently signed, and Chile would sign the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights that very week.

406. Congress had recently approved the establishment of a national human rights institution. The corresponding bill also provided for the reinstatement of the national truth and reconciliation commission and the national commission on political imprisonment and torture, for a period of six months.

407. In order to promote the effective implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, a workshop had been held in August 2009, with a view to identify the best alternatives for the creation of a national mechanism for the effective prevention of torture.

408. Chile announced that a legal procedure would be initiated to amend article 150A of the criminal procedure code, to adjust the definition of the crime of torture to the terms contained in the Convention against Torture. A bill would be submitted to restrict the competence of military courts and reform the military justice code in accordance with international human rights standards.

409. Chile stated that the Government was working on a national human rights plan in order to mainstream the promotion and protection of human rights.

410. ILO Convention No. 169 had entered into force in September 2009, and actions aimed at implementing its provisions had been initiated. The procedure to regulate the consultation and participation of indigenous peoples on issues affecting them directly was being finalized.

411. With regard to the recommendations still under consideration, Chile reported that, as far as the domestic legal order in Chile was concerned, the Constitution and civil laws explicitly identified the family as the core unit of society. This recognition implied the protection of all types of families existing in Chile, whether single parental, expanded, recomposed or nuclear.

412. Chile also considered that the National Prosecutor's Office policy strictly abided by the principle of legality. Thus, exhaustive criminal investigations were carried out under the control of supervisory judges. Likewise, freedom of expression was protected by the Constitution, and reporters and film makers enjoyed maximum freedom in the exercise of their respective professions.

413. Chile explained that the anti-terrorist law was meant to punish grave criminal offences causing public disturbance, and in no way applied to particular categories of individuals or social groups. It reported that democratic governments had not applied the anti-terrorist law to social demands or claims of the indigenous populations. During the period 1999–2009, this special law was invoked in only 16 cases, several of which related to accused persons who did not pertain to any indigenous community. Chile added that, in the past four years, the law had been applied to individuals of indigenous origin with regard to conduct of the afore-mentioned nature in only two cases.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

414. Algeria expressed appreciation for Chile's acceptance of the majority of the recommendations made during the presentation of its national report. It commended Chile for its commitment to the elimination of discrimination against women and the measures taken to eliminate obstacles that prevent them from having access to the labour market. Algeria welcomed Chile's acceptance of its recommendation to include in its legislation the principle of equal pay for equal work. It was encouraged by Chile's readiness to guarantee access to education for all children, especially those from marginalized communities, such as refugee children and children whose families live in rural areas or below the poverty line.

415. Morocco thanked Chile for accepting the majority of recommendations made during its review, including those made by Morocco. It welcomed Chile's prompt response in deciding to establish a national human rights institution. Morocco was convinced that Chile would continue to strengthen its reforms of the education system for the promotion of human rights, incorporating them into school curricula. Regarding Chile's migration policy, the response received confirmed its commitment to the rights of migrants, placing them at the core of its deliberations on the new law on migration. Morocco noted with satisfaction Chile's efforts in fighting human trafficking, as well as its promotion of non-discrimination.

416. Colombia welcomed Chile's diligence and attention given to the questions asked and the recommendations made during the review. Colombia congratulated Chile on the voluntary commitments made and its determination to draw up a national human rights plan and to hold broad consultations with civil society to that end. Colombia also valued the standing invitation that Chile had extended to the special procedures of the Council. The voluntary commitments made and the recommendations accepted demonstrated Chile's firm commitment to the promotion and protection of human rights.

417. Mexico congratulated Chile on the recent ratification of the Rome Statute and the approval of the International Convention on the Protection of All Persons from Enforced Disappearance by Congress. Mexico welcomed the announcement of the future ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as well as the progress made towards the establishment of the national mechanism for follow-up to the Optional Protocol to the Convention against Torture. Mexico appreciated the information provided on the progress made in the preparation of a national human rights plan and on the implementation of ILO Convention No. 169. It encouraged Chile in its efforts to move towards protecting the human rights of indigenous peoples and the measures in place to protect the human rights of its entire population.

418. Nicaragua congratulated Chile on its progress in the implementation of the recommendations made during its review. It welcomed the recent initiative of establishing a national human rights institution, thus institutionalizing its own system to promote and protect human rights. It encouraged Chile to continue to pursue the approval and implementation of the various legislative initiatives submitted to Congress.

419. Hungary welcomed Chile's decision to accept or answer all of the recommendations. It also commended it for the creation of a national human rights institution, and was pleased to note that Chile had launched a national human rights plan. It welcomed the ratification of the Rome Statute, the International Convention on the Protection of All Persons from Enforced Disappearance and ILO Convention No. 169. Hungary requested an update on the drafting of the amendment of the criminal law on combating trafficking in human beings. It also requested more information on the measures that Chile intended to take to guarantee the full realization of the rights of refugees.

### **3. General comments made by other relevant stakeholders**

420. The Canadian HIV/AIDS Legal Network welcomed Chile's acceptance of recommendations 27, 28 and 29, pursuant to which Chile agreed to implement initiatives to prevent discrimination on the basis of sexual orientation and gender identity, to prohibit by law discrimination on those grounds, and to follow the Yogyakarta Principles. It requested more information on how Chile planned to implement its commitments. It regretted Chile's rejection of two recommendations dealing with access to safe therapeutic abortion, noting that this rejection limited the ability of civil society to engage the Government on how best to address them. It encouraged Chile to involve civil society in the follow-up to the recommendations.

421. Amnesty International welcomed the ratification of the Rome Statute and the approval by Congress of the creation of a national human rights institution. It called on Chile to ensure the institution's independence in its powers and functions. It also reiterated its call for Chile to nullify the 1978 amnesty law. Welcoming Chile's support of the recommendations relating to the human rights of indigenous peoples, it reiterated concerns that in view of recent violent incidents, the anti-terrorism law may be applied in a discriminatory manner. It regretted that Chile had not supported recommendations to bring its abortion law into line with its human rights obligations and to review its legislation criminalizing the termination of pregnancies in all circumstances. It called for Chile to reconsider these recommendations.

422. France Libertés: Fondation Danielle Mitterrand noted that the criminalization of demonstrations by the Mapuche constituted an abuse, illustrated by the implementation of the anti-terrorist law and the expulsion of journalists reporting on the conflict between Mapuche communities and the Government. Despite a land restitution policy, lands were threatened by major hydroelectric, mining and forestry projects; the access of the Mapuche to resources, including water, has thus been compromised. The application of the anti-terrorist law led to a loss of guarantees to a fair trial, maintained much of the investigation secret, imposed preventive imprisonment and applied harsher sentences to the ones the criminal code would apply in similar circumstances. It called on the Council to ensure that Chile no longer criminalized the demands of indigenous communities and that it guaranteed conditions for dialogue.

423. The Society for Threatened Peoples noted that Chile defined itself as a united country, thus not recognizing the existence and singularities of peoples such as the Mapuche. Contrary to Slovenia's recommendations on the implementation of bilingual intercultural programmes, Chile persisted in promoting cultural uniformity based on a European ethnocentric vision. The constitutional reform bill currently considered by parliament had not been discussed with indigenous peoples. Chile also denied the Mapuche their rights to their ancestral lands. Indigenous peoples were rarely consulted on matters that concerned them, whether they were development projects or infrastructure. In Arauco, 620 projects had not been concluded for lack of funding. Chile has voted in favour of the Declaration on the Rights of Indigenous Peoples, but criminalized Mapuche leaders who promote respect for free determination, autonomy and self-government.

424. Conectas Direitos Humanos welcomed the recommendations made to Chile during its review, drawing attention to the difficulties that Chile had shown in implementing recommendations made by other human rights instruments. The judicial power and Congress resisted incorporating international human rights standards into their work. Despite the authorities' agreement to create a body representing the three political powers and non-governmental organizations to follow up on the recommendations of the review, the proposal had not come into effect yet. It called on the Government to convene public authorities and non-governmental organizations to create such a follow-up mechanism.

425. The International Association against Torture stated that, with regard to recommendations requesting the investigation of alleged cases of torture and to bring perpetrators to justice, it was common for raids of Mapuche communities to be carried out without a legal warrant and with threats by the police. The police continued to inflict cruel, inhuman and degrading treatment on detainees, and peaceful protests were continuously repressed. Recalling that, in the past six years, six Mapuches had been murdered by the police and that the identified perpetrators had not been convicted, it highlighted the Czech Republic's recommendation to provide human rights education and practices to security officers, including the Gendarmería. Noting that Algeria had recommended poverty alleviation programmes, it stated that development projects lacked funding. Of the millions

of hectares taken from the Mapuche, only 140,000 had been returned. The Government did not acknowledge Mapuche identity, social organization or authorities.

426. Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos referred to recommendation 36 requesting Chile to take further steps to fight human trafficking, taking into account the countries of origin. It explained, that under a treaty of 1883, the provinces of Tacna and Arica remained under the Government pending a plebiscite, which never held. Instead, Tacna became Peruvian territory and Arica, Chilean territory in 1929. Thousands of Peruvians, victims of trafficking for labour purposes, illegally reside in Chile and were exposed to violence and did not enjoy any protection. It requested support from the State to study the causes for the above, given the fact that the Acha prison held many Peruvians arrested at the border. Statistics also reflected a high degree of sexual trafficking at the border.

427. The Organization for Defending Victims of Violence stated that Chile's ratification of several international human rights instruments, and the investigation and follow-up to grave human rights violations in the past, showed its determination to promote human rights in the country. Addressing human rights shortfalls mentioned in the report, such as the rights of indigenous peoples, particularly in the area of land ownership, and the lack of a national human rights institution based on the Paris Principles would strengthen the human rights situation in Chile. Real signs of improvement had been seen in the conditions of indigenous peoples, victims of violence and past abuses, and the institutional promotion of human rights in the country.

428. The Indian Council of South America commended Chile for its support for the Declaration on the Rights of Indigenous Peoples, which recognized, *inter alia*, treaty rights. It cited reports by Mapuche representatives that the historical treaties signed with Spain and Chile were the root of conflict, leading to detention and imprisonment, even when claims were raised in a non-violent manner. Referring to paragraph 47 of the report, where Chile stated that its anti-terrorist laws could not be applied because of ethnic, religious or political considerations, it noted reports of indigenous peoples in prison dating back to the Pinochet regime, and supported paragraphs 68, 69 and 70, which called for Chile to solve the problems of indigenous peoples and to ensure that the anti-terrorism act did not undermine their rights, especially those related to their non-violent claims. It called upon Chile to review its treatment of indigenous peoples.

429. The International Commission of Jurists recalled the recommendations made regarding the need to review legislation related to military justice, which presented serious incompatibilities with international standards. Chile should study the enactment of a new military justice code that excludes the jurisdiction of military tribunals over civilians. Reforms should ensure that military tribunals meet the requirements of independence and impartiality stipulated by article 14 of the International Covenant on Civil and Political Rights. Military jurisdiction also requires that judges are officials in active service, subject to hierarchical subordination and due obedience. The Commission expressed concern over the existence of personal jurisdiction for members of the armed forces, as this privilege was linked to the military nature of the offender or the victim, not to the offence. It urged the Council to include these recommendations and to supervise their implementation along with the other recommendations accepted.

430. Conscience and Peace Tax International commented on paragraph 53 of the report, noting that, while it was commendable that relatives of victims of past human rights violations were exempt from military service, this was not a question of conscientious objection. It noted that Chile had been able to meet its military service needs with volunteers, but all young men were registered for military service, and the law permitted the military to select them for obligatory service without any recognition of conscientious objectors. The refusal of illegal orders was also an obligation, not a matter of conscientious

objection, but any change in giving protection to service personnel who attempted to refuse illegal orders should be commended.

431. The Federation for Women and Family Planning regretted Chile's decision to reject the recommendations in paragraphs 24 (b) and 37 (a). The failure to implement these recommendations and to ensure that women and girls have access to safe therapeutic abortion violated Chile's international human rights obligations. With respect to the implementation of recommendation 27, it urged Chile to, inter alia, provide protection for transsexuals, travesties and women engaged in sex work; implement sensitization programmes for State officers on gender identity; create employment policies for transsexual individuals; and that gender identity be established following a protocol for care that did not violate the rights or dignity of transsexual individuals.

#### **4. Concluding remarks of the State under review**

432. On the issue of reproductive health, Chile explained that, since the 1960s, it had made considerable advances in terms of maternal and child health care by having set up a free public health-care network, based on primary attention by doctors and other professionals throughout the country. For this reason, Chile was among the few countries likely to reach the Millennium Development Goals of reducing maternal mortality. Obstetric care, including attention to complications resulting from abortion, was provided in hospitals regardless of their cause.

433. Chile pointed out that its family planning programme had been in place since 1967, and that it provided free contraceptives to women. Emergency contraceptives were available under the express instruction of the Ministry of Health, and were handed out free by most municipal offices and non-governmental organizations. The Government had recently sent a draft bill to make these arrangements by the Ministry mandatory. Women also had free access to sterilization, without requiring the husband's authorization, if globally accepted conditions were first met. Forced sterilization was illegal.

434. Induced abortion was forbidden by legislation, but the idea of reintroducing therapeutic abortion was part of the ongoing electoral discussion. The Ministry of Health had also instructed health services that, although abortion was illegal, no confessions should be extracted from women requiring medical care because of an abortion, especially when such a confession was required as a precondition for medical assistance.

435. Regarding indigenous peoples, Chile explained that the Government was seeking to increase their participation in decision-making. Over the years a range of goals had been achieved, such as the approval in the Senate of the proposal to constitutionally recognize indigenous peoples; the promulgation of a law relating to the maritime space for indigenous peoples; and the incorporation of norms adopting the concept of interculturality in education.

436. Chile explained that 650,000 hectares had been transferred to indigenous communities since 1994. The Government had increased grants for indigenous students and improved intercultural health programmes for indigenous peoples. It had built intercultural kindergartens and developed a rural infrastructure programme for indigenous communities to have better roads. Indigenous peoples were also granted housing subsidies.

437. Despite progress in these areas, Chile had seen increased conflict, especially regarding demand for land. The Government regretted the death of Mapuche activist Jaime Mendoza Collío in August 2009, which had been condemned by the President. Chile informed a police officer was on trial.

438. Chile reported that the Government had recently appointed a minister as coordinator for indigenous issues, and would table a project in Congress to restructure the national



indigenous corporation. There would be complimentary norms adopted to regulate the hand-over of land, to ensure there was no abuse or speculation. A council of indigenous peoples was being established as an independent body representing the different groups.

## Chad

439. The review of Chad was held on 5 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Chad in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/5/TCD/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/5/TCD/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/TCD/3).

440. At its 17th meeting, on 24 September 2009, the Council considered and adopted the outcome of the review on Chad (see section C below).

441. The outcome of the review on Chad comprises the report of the Working Group on the Universal Periodic Review (A/HRC/12/5), the views of Chad concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

### 1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome

442. The head of the delegation of Chad, the Minister for Human Rights and for the Promotion of Liberties, thanked the African Group for its goodwill and support in making the report of the Working Group of Chad available. In that regard, the delegation of Chad expressed surprise and frustration at the difficulties to have the report translated despite its cooperation. Chad also thanked the troika members, France, Slovenia and Zambia, and the secretariat for the work done.

443. Chad highlighted its full and transparent cooperation with the treaty bodies through the six reports recently submitted to them. The Chad delegation provided information on the preparations for a national forum on human rights, which would be held in N'Djamena in November 2009, with the participation of the High Commissioner.

444. Over 110 recommendations were formulated during the universal periodic review of Chad in May 2009. Chad immediately accepted 86 recommendations; 14 recommendations were postponed for further consideration and consultations with all stakeholders. Chad emphasized that it was not appropriate to regard the remaining recommendations as rejected; indeed, some were simply redundant, as they referred to matters on which legislative measures had already been taken, while others related to matters presently being considered by appropriate national bodies and institutions.

445. Chad noted that, among the authors of the postponed recommendations, the Netherlands had formulated recommendations on gender, Spain and Mexico on the death penalty, Switzerland on vulnerable groups, Côte d'Ivoire on peace, and Denmark on improved access for the ICRC to detention centres, specifically Korotoro. Canada, Norway and the United Kingdom had made recommendations on impunity and investigations and prosecution of those who commit crimes against women and children, and on child soldiers. The Czech Republic had made a recommendation on the training of prison wardens, Egypt on the application of the penal code and its conformity with international human rights standards, and Japan on refugees and displaced persons.

446. Chad stated that its replies to all questions were to be found in a document circulated to the Council. Real work was under way in Chad to make sure that all recommendations would be followed up in an operational manner, and that it was expected that, by the end of 2009, the first results would be visible.

447. The constructive and interactive dialogue was much appreciated by Chad, which had received positive feedback about its approach to the universal periodic review and its related action. Chad was also grateful for all forms of assistance that would help in the implementation of the commitments it had made in the framework of the review.

448. Chad's presence demonstrated to what extent its Government, the President and the Prime Minister were in step with what was done by the Council. Taking into account the very particular situation of the country, including aggression from a neighbouring country and the civil war, Chad would do everything in its power to ensure real human rights progress throughout the country. Chad drew the attention of the Council to initiatives such as the national forum on human rights and to the implementation of the Agreement of 13 August for the holding of legislative elections, which would be supervised by an independent national electoral commission composed of 15 members from the majority, 15 from the opposition and a president appointed by consensus. The holding of fair and free elections was a major advancement for democracy in Chad.

449. In its fight for universal human rights values, Chad called for peace, because human rights could not fully be ensured and protected in a context of war, and it appealed to the international community to support its efforts for peace, human rights and democracy.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

450. Algeria congratulated Chad's commitment to the promotion and protection of human rights. It welcomed Chad's will, in line with Algeria's recommendation, to pursue its efforts to strengthen the primacy of law and respect for human rights, particularly by finalizing the reform process under way in the legislative, judicial and territorial administration areas. Algeria stressed that Chad's efforts to guarantee the right to education for all citizens, despite its limited resources, were noteworthy, and renewed its appeal to the international community to provide Chad with the assistance it needed in this regard. Chad's firm desire to promote and respect human rights, despite development and stability challenges, justified the international community's support for this country.

451. Qatar noted that Chad's acceptance of 86 recommendations made in the Working Group reflected its determination to cooperate with the United Nations human rights mechanisms. In spite of limited resources and difficult political conditions, the Government had been able to make major progress in building a modern State, and promoting and protecting human rights, in particular the right to education.

452. The Russian Federation noted Chad's constructive approach manifested through the acceptance of 86 recommendations at the fifth session of the Working Group. It welcomed the intention of the Ministry of Human Rights and Promotion of Liberties to organize a forum on human rights. It expressed perplexity regarding the fact that the secretariat did not ensure a translation in the official languages of the United Nations, including Russian, of the Working Group report. It requested that the translation of the document be made available for the next session of the Council.

453. Morocco pointed out the objective manner in which the Government had depicted the situation of human rights in terms of both progress and challenges. It congratulated Chad on the number of recommendations that it had accepted. It thanked the Government for accepting Morocco's recommendation on the establishment of a national programme on

human rights education and training, and called on the international community to provide technical assistance in this regard.

454. The United States of America urged the Government to continue and to strengthen its efforts to demobilize child soldiers and to end their recruitment and use. It stressed that recruitment from refugee camps continued to be a particular concern and welcomed the Government's recent awareness campaign for law enforcement. It noted with satisfaction the transfer of some child soldiers to UNICEF custody. The United States called upon the Government to allow the magistrates examining the cases related to the abuses that took place between 28 January and 8 February 2008, especially that of Ibni Oumar Mahamat Saleh, to work without interference. It also encouraged the Government to revise its press law to ensure respect for freedom of the press.

455. Djibouti congratulated Chad for its openness to the Council mechanisms despite the difficult situation in the country. It hoped that the international community would assist Chad in implementing the universal periodic review recommendations.

456. Burkina Faso noted that the human rights situation in Chad was still marked by the crisis prevailing for several years. The sporadic armed conflicts within the country and at its borders had caused human rights violations. The situation had led Chad to give priority to the consolidation of peace and national reconciliation, without which the enjoyment of human rights was problematic. It welcomed the Government's efforts to comply with its international human rights obligations and noted that the implementation of certain recommendations would require support from the international community.

457. Senegal stated that, during the Working Group session, it had expressed support for the initiatives that Chad had undertaken in the areas of education and health. It commended the acceptance of the recommendations concerning the fight against poverty and strengthening the protection of the right of women and children. It underlined Chad's commitment to improve the human rights situation, and noted that it should be provided with technical assistance in this regard.

458. Cameroon encouraged Chad in its efforts to build a State based on the rule of law and respectful of universal and African values, despite an unfavourable context. Cameroon was convinced that the implementation of the accepted recommendations would allow Chad to achieve, more easily, the objective of respect for human dignity. It added that Chad could count on Cameroon's support and called for multiform assistance to the country.

459. The Democratic Republic of the Congo noted with satisfaction Chad's determination to raise awareness regarding women's education. It welcomed Chad's commitment to set up permanent structures, with the support of UNICEF, against the exploitation of children working as herdsmen. It encouraged Chad to put into practice its willingness to promote all human rights, congratulated it on the efforts to make higher education accessible to all and for the commitment to improve progressively the social situation of students.

460. Ghana welcomed Chad's acceptance of most of the recommendations and hoped that it would receive the necessary assistance from the international community to enhance its efforts. Ghana expressed concern regarding the preparation and translation of the Working Group report on Chad. While searching for a solution to the problem in the short term, the Council needed to also find a long-term solution to the question of resources for the universal periodic review process to avoid ad hoc measures, which risked undermining the principle of equal treatment for all States.

461. Congo congratulated Chad for its efforts to implement the universal periodic review recommendations. The efforts deserved recognition and support because Chad suffered from constant attacks from rebel movements, which undermined its endeavours to promote

and protect human rights. Chad needed technical and financial assistance from the international community.

462. South Africa expressed concern about the late publication of the Chad report, particularly for the Chadian delegation, which needed to review the report prior to its adoption. South Africa pointed out the substantial number of recommendations enjoying Chad's support, and it reiterated the call to the international community to assist Chad through the provision of technical assistance and capacity-building programmes. It encouraged Chad to continue efforts to restore peace and security, to strengthen the implementation of domestic legislation, to enhance conformity of its domestic law with its human rights obligations, and to ensure full protection of, in particular, economic, social and cultural rights.

### **3. General comments made by other relevant stakeholders**

463. The International Federation of ACAT (Action by Christians for the Abolition of Torture-FIACAT) congratulated Chad for accepting the recommendation on the definition of torture in accordance with article 1 of the Convention against Torture. It recalled that the practice of torture was recurrent in police stations, gendarmerie and the so-called parallel prisons run by the traditional authorities, and encouraged Chad to incorporate in its criminal code appropriate sanctions against this crime. It encouraged Chad to deal with prison overcrowding and ensure decent conditions for detainees. It welcomed the acceptance of the recommendation related to giving the ICRC access to all detention facilities, including Korotoro. It remained concerned about the persistence of extrajudicial executions committed by the unit in charge of the protection of the environment.

464. Interfaith International noted with satisfaction the reforms made by Chad to improve its legislative and institutional framework, notably the provisions on fundamental freedoms, the justice system, female genital mutilation, early marriages and domestic violence. It encouraged the Government to create a healthy atmosphere, which would allow judging those who had committed crimes under the dictatorship of Hissène Habré, as well as the crimes committed during the events of February 2008.

465. Amnesty International called on Chad to implement the recommendations of the national commission of enquiry into the events of N'Djamena in 2008 and to bring to justice those suspected of serious human rights violations; to cease the forced eviction of people in N'Djamena and to conduct a full and impartial enquiry into the role of police and the military in such evictions; to investigate and disclose the whereabouts of victims of enforced disappearance; to end the practice of secret detention and to make public the name and location of all detention facilities; to refrain from harassing human rights defenders and journalists and to repeal the provisions of ordinance No. 5 of 20 February 2008; and to improve measures to protect women and girls in internally displaced person and refugee camps in eastern Chad. It welcomed the Government's initiative to hold a forum on human rights and its efforts to strengthen the national human rights commission and the Ministry of Human Rights.

466. The International Federation of Human Rights Leagues congratulated Chad for its universal periodic review commitments, but deplored the absence of any specific commitment regarding the protection of human rights defenders and journalists, and called on Chad to take into account the reality of sexual violence against women and to implement the Optional Protocol to the African Charter on Human and People's Rights regarding women's rights. It welcomed Chad's commitments to bring an end to arbitrary detentions, deplorable detention conditions, the use of torture in prisons, police stations and illegal detention places, and to punish perpetrators. It hoped that Chad would incorporate the definition of torture of the Convention against Torture into its criminal code. It encouraged

Chad to shed light on the disappearance of Ibni Oumar Mahamat Saleh and to implement the recommendations of the commission of enquiry into the events of 2008.

467. Human Rights Watch welcomed the Government's support for the recommendations addressing the recruitment of child soldiers, and urged Chad to keep the Council informed on the steps taken to ensure the prompt and complete demobilization and reintegration of all child soldiers, and to prevent any further recruitment. It expressed concern regarding continued restrictions imposed on UNICEF access to the Direction general de services de sécurité des institutions de l'État. It urged Chad to take all necessary measures to protect women and girls from sexual violence, to submit a report to the Committee on the Elimination of Discrimination against Women, and to extend a standing invitation to all special procedures.

468. The International Human Rights Association of American Minorities commended the decision of Chad to move the Oure Cassoni refugee camp away from the Sudanese border. It also commended the progress made on the demobilization of child soldiers. Freedom of speech continued to be curtailed, democratic values continued to be eroded, nepotism continued at all levels of power, social mobility was extremely limited and opposition leaders were frequently arrested. It stated that a constitutional amendment in 2005 allowed the president to serve an unlimited term. It expressed support for several recommendations of the Working Group report: accession to the Optional Protocol to the Convention against Torture, to ratify the International Convention on the protection of all persons from enforced disappearance, to achieve poverty reduction target and to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions.

#### **4. Concluding remarks of the State under review**

469. The delegation of Chad expressed its deep satisfaction at the recognition by Member States and observers, of the very difficult situation Chad was presently facing and of the efforts that the Government was making to improve the human rights situation in the country.

470. With regard to the interventions made by some non-governmental organizations, Chad noted that their information seemed to be outdated. The Ministry of Human Rights and the Promotion of Liberties was responsible for the protection of freedom of expression and for the free circulation of ideas and individuals. No journalist or human rights defender was currently imprisoned or persecuted. Chad also recalled that, in 2005, immediately after his appointment, the Minister for Human Rights and the Promotion of Liberties declared to the media that he could not be Minister for Human Rights in a country where journalists and human rights defenders were imprisoned. Should non-governmental organizations have specific names to provide the Chad delegation with, action would be taken immediately to ensure that human rights defenders, journalists and the civil society at large could work without interference.

471. On the issue of disappearances, in February 2008, an international commission of enquiry, convened by the Government, submitted a report. The Government subsequently set up a technical subcommittee composed of magistrates, police officers and inspectors to ensure due consideration of the commission's findings and to clarify the way in which those events had happened. The Government did not tolerate patterns of impunity and had made available to the judiciary all necessary resources to carry out due judicial proceedings. Hearings were still ongoing and justice would ultimately be done.

472. The disappearance of Ibn Oumar Mahamat Saleh, like many other cases, was being dealt with by the Government seriously, and investigations on that case were ongoing. It was worth recalling however, that, in February 2008, most of the capital city was under the

control of rebels forces and that the legitimate authorities, not to mention ordinary citizens, were in danger of being annihilated.

473. On child soldiers, Chad stated that the Government spared no effort, including legislative steps, to prevent and eradicate this phenomenon. An agreement had been signed with UNICEF on this issue and all possible measures had been taken to avoid child recruitment by the national army.

## **Viet Nam**

474. The review of Viet Nam was held on 8 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Viet Nam in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/5/VNM/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/5/VNM/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/VNM/3).

475. At its 18th meeting, on 24 September 2009, the Council considered and adopted the outcome of the review on Viet Nam (see section C below).

476. The outcome of the review on Viet Nam comprises of the report of the Working Group on the Universal Periodic Review (A/HRC/12/11), the views of Viet Nam concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/12/11/Add.1).

### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

477. In his opening statement, the First Deputy Minister for Foreign Affairs of Viet Nam, Pham Binh Minh, stated that the Vietnamese delegation had had a productive dialogue with countries on the protection and promotion of human rights in Viet Nam at the May session of the Working Group. He thanked delegations for commending Viet Nam's serious universal periodic review preparation, the quality and comprehensiveness of the report, and for acknowledging Viet Nam's achievements in national construction and development. He reiterated that these achievements were the result of Viet Nam's reform process and its consistent policy to respect, protect and promote human rights. At the same time, the universal periodic review process had helped Viet Nam understand more fully the challenges faced and to identify areas for further improvement. Viet Nam also saw this as an experience-sharing exercise, laying the ground for a better protection and promotion of human rights by the authorities.

478. In May 2009, the Vietnamese delegation expressed agreement with most of the views and recommendations of States. After the Working Group session, a comprehensive report had been submitted to the Government with proposed follow-up steps to implement these recommendations. Briefings on the outcomes of the session were held for people organizations, government agencies as well as the diplomatic corps and non-governmental organizations.

479. In the past four months, Viet Nam had shared its development experiences with several countries, ratified the Convention against Corruption, withdrawn its reservations to the optional protocols to the Convention on the Rights of the Child and included in the National Assembly's 2010 work programme an item on consideration of the ratification of the Convention on the Rights of Persons with Disabilities. Viet Nam would also consider favourably the recommendations on accession to the ILO Convention on Forced Labour

and would consider accession to other appropriate ILO conventions. Nevertheless, Viet Nam did not find accession to Convention No. 169 indispensable. It was strongly committed to continuing to fully implement all recommendations that it had accepted.

480. The First Deputy Minister provided additional information on a number of issues. Firstly, the freedom of press and freedom of expression were protected by Vietnamese laws in accordance with international norms. At the same time, journalists were accountable before the law for their actions. Secondly, Viet Nam paid attention to the development of human rights institutions, including a national committee, which it believed depended mainly on the particularities of each nation. Viet Nam had in place a diversified system of institutions to protect and promote human rights with efficiency and effectiveness. Thirdly, Viet Nam stood ready to cooperate with special procedures. Recently, it had extended invitations to five special procedures, was discussing with the independent expert on human rights and extreme poverty the timing of a visit, and was looking positively at the timing of a visit by the independent expert on minority issues. Fourthly, the total number of offences subject to capital punishment had been cut to 21. However, circumstances did not allow Viet Nam to abolish or place a moratorium on the use of death penalty. Lastly, Viet Nam was positively considering accession to the Convention against Torture, and other ILO conventions, and ratification of the Convention on the Rights of Persons with Disabilities. Viet Nam was studying the possibility of accession to the Rome Statute on the International Criminal Court and other international treaties.

481. Viet Nam reaffirmed the universal and particular nature of human rights as defined in core human rights treaties and in the 1993 Vienna Declaration and Programme of Action, and reiterated that human rights must be addressed in a fair, impartial, constructive and non-selective manner through dialogue.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

482. The Lao People's Democratic Republic recognized that Viet Nam had successfully implemented the renovation policy of *Doi Moi*, and had achieved comprehensive socio-economic and cultural development along with achievements in human rights implementation. It also acknowledged Viet Nam's consistent policy of considering its people at the centre of social and economic development, and welcomed Viet Nam's commitment to poverty reduction, the growth strategy for 2005–2010, the strategy on judicial reform, the strategy on the development of a legal system vision for 2020 and the national strategy on gender equality for 2011–2020.

483. Brunei Darussalam stated that Viet Nam's constructive approach to the recommendations illustrated its commitment to enhance human rights. It supported Viet Nam's endeavours to promote democracy, social equality and security, and welcomed measures to better ensure economic, cultural and social rights, especially of women, children, ethnic minorities and persons with disabilities. It appreciated Viet Nam's role in the realization of the Intergovernmental Commission on Human Rights of the Association of Southeast Asian Nations (ASEAN).

484. Myanmar welcomed Viet Nam's constructive engagement and its acceptance of most of the recommendations. Since 1986, the Government had enacted and revised 13,000 laws and bylaws to be in conformity with the Constitution. Significant progress in socio-economic development had been achieved and Viet Nam had already attained or surpassed many of the Millennium Development Goals set for 2015. Myanmar expressed its belief in Viet Nam's continued commitment to strengthening the full enjoyment of all human rights by its citizens.

485. China appreciated the detailed responses to the recommendations, which demonstrated the importance that Viet Nam attached to the universal periodic review. Viet Nam had been trying to strengthen democracy and rule of law, promote social equity, improve material standards and cultural rights, and had attained achievements in nation-building. Viet Nam committed to implementing recommendations, considering accession to relevant international conventions, improving its legal framework for human rights protection, promoting economic and social rights, protecting the rights of women, children and ethnic minorities, and reducing poverty. China wished it continued progress in nation-building and the protection of human rights.

486. Algeria appreciated Viet Nam's determination to meet its obligations under international treaties and to consider accession to other human rights international instruments, such as the Convention against Torture. Its conclusive experience in the field of economic, social and cultural rights had allowed a substantial reduction of poverty. Viet Nam would share this experience with interested developing countries, thus contributing to strengthening South-South cooperation. Viet Nam had been able to show the added value of the universal periodic review and how it could contribute to implementing the goals underlying the establishment of the Council.

487. Thailand welcomed Viet Nam's commitment to considering becoming party to a number of international human rights treaties and its readiness to cooperate with the special procedures system. It also welcomed the plans to further improve the national legal framework. It noted Viet Nam's acceptance to continue to provide and expand human rights education and training for relevant Government authorities. Thailand appreciated Viet Nam's contributions in the establishment of the ASEAN Intergovernmental Commission on Human Rights, and looked forward to working closely in this endeavour. Thailand expressed confidence that Viet Nam would translate the recommendations into actions, thus making a real difference on the ground.

488. Cambodia, as an ASEAN country, was pleased with the significant progress and achievements of Viet Nam in recent years. Particularly appreciated were the various follow-up activities carried out in the past four months. Cambodia took note of the continued commitments of Viet Nam to address the challenges ahead through further implementation of programmes and relevant plans aiming at promoting and protecting the rights of its citizens, especially in the economic, social and cultural areas, including minority rights.

489. Venezuela (Bolivarian Republic of) noted that Viet Nam's cooperation with the universal periodic review demonstrated its commitment to human rights. It appreciated the achievements in the promotion of human rights, the presentation of development plans for social progress and the increase in the standard of living of the population. It also noted the Government's efforts to provide care to people with disabilities as a result of the past neo-colonial war. It expressed satisfaction at Viet Nam's commitment to comply with the Millennium Development Goal regarding poverty reduction.

490. Cuba indicated that Viet Nam had accepted the majority of the recommendations made during the review. The success of the country, based on the political, economic and social system that had been freely chosen by its people, was significant, both in civil and political rights and in economic, social and cultural rights. Viet Nam had been able to demonstrate this success after its struggle against colonialism and military invasion. Cuba expressed its appreciation to a country that was clearly committed to the full respect for and enjoyment of all human rights for all. Its political willingness deserved recognition.

491. Malaysia was encouraged by Viet Nam's steps towards implementing many of the recommendations. It welcomed the various mechanisms in place to guarantee the protection of fundamental freedoms and rights and to promote employment, economic growth and alleviate poverty. Malaysia was encouraged by Viet Nam's commitment to speed up law



reforms and the public administrative programme, and hoped that Viet Nam would remain committed to implement fully the universal periodic review recommendations and outcome.

492. Yemen indicated that Viet Nam's participation showed its commitment to the work of the Council and the universal periodic review. The report presented by Viet Nam to the Working Group had showed that it was implementing a strategic approach in the area of human rights. Yemen was pleased that Viet Nam had accepted many recommendations. This was a step forward in implementing the human rights instruments to which Viet Nam was a party.

493. The Russian Federation appreciated Viet Nam's efforts to ensure fundamental rights and freedoms, maintain social stability, rapid economic growth and higher living standards. At the Working Group session in May 2009, Viet Nam had already expressed its readiness to implement the majority of the recommendations. The recommendations made by the Russian Federation were among the 93 supported. By the next cycle of the review, Viet Nam would have made major efforts to meet its goals, including raising living conditions and improving the quality of health and education. It wished Viet Nam further progress in protecting human rights and successful implementation of the obligations it had assumed under the universal periodic review.

### **3. General comments made by other relevant stakeholders**

494. The Vietnam Peace and Development Foundation appreciated the Government's promotion of the participation of non-governmental organizations. Despite many challenges, the Vietnamese people benefited from the general improvement in living conditions, poverty reduction, women empowerment and the caring for children, persons with disabilities and ethnic minorities, and an active religious development. The process of building a law-governed State created better conditions for people to participate in the political life of the country. The political social system and media structure served the people's interests best and were suitable for the situation.

495. Amnesty International regretted the rejection of important recommendations, including the repeal or amendment of national security laws of the 1999 penal code inconsistent with international law; the removal of other restrictions on dissent, political opposition, the freedoms of expression and assembly; and the release of prisoners of conscience. It was concerned that several prisoners of conscience were in detention and regretted that Viet Nam had not supported recommendations to adopt a moratorium on executions. It urged Viet Nam to reconsider these recommendations with a view to taking steps towards abolishing the death penalty.

496. The Vietnam Family Planning Association thanked the Government for involving non-governmental organizations in the universal periodic review process and commended its efforts in education, health care, child rights, gender equality and the elimination of discrimination against people living with HIV/AIDS. It appreciated the achievements made in improving living standards, reducing poverty, promoting social justice and progress, and noted the promulgation of laws on gender equality. Although the results were encouraging, Viet Nam still needed further improvements in providing better access to quality health services, including reproductive health, for ethnic minority people, youth and adolescents, and in further strengthening HIV/AIDS prevention and control.

497. International Pen noted that Vietnamese authorities had included freedom of expression, press and information among their priorities, but a significant number of writers, journalists and dissidents were being held in detention for having expressed their opinions or dissent publicly. Viet Nam was, in particular, urged to lift pre- and post-publication censorship. Finally, International Pen concurred with the Human Rights Committee's recommendation to bring Viet Nam's legislation into conformity to article 19

of the International Covenant on Civil and Political Rights. International Pen also demanded that the Viet Nam authorities bring to an end the pattern of imprisonment and residence surveillance against those who held dissenting views.

498. Human Rights Watch noted Viet Nam's rejection of recommendations pertaining to arbitrary detention and mistreatment, restrictions on peaceful expression, association and religion, the use of capital punishment and the lack of prohibitions of torture. It noted the rejection of recommendations to lift Internet controls, expedite local registration of religious organizations, repeal or amend national security laws used to criminalize dissent, and release prisoners of conscience. On the positive side, Viet Nam had reduced the number of crimes punishable by capital punishment. Recently, Viet Nam had arrested seven democracy activists and more than 30 Montagnard Christians. Montagnard Christians had been sentenced to prison, and another eight democracy activists awaited trial.

499. The International Federation of Human Rights Leagues was concerned about Viet Nam's rejection of a number of essential recommendations. Since the review, journalists, bloggers, human rights lawyers and opponents had been arbitrarily arrested. Numerous countries had called for transparency on prisons and camps, the number of detainees and the reasons for their incarceration. Viet Nam should recognize independent religions. Regrettably, Viet Nam had rejected the recommendation to extend an invitation to various special procedures.

500. The International Association of Democratic Lawyers Europe and the Third World Centre commended Viet Nam for the achievements regarding poverty reduction, right to education, right to health and right to food, gender equality and promotion of women's rights. Viet Nam was a developing country that had undergone 30 years of war and had overcome the aftermath of war, for example by providing support for the many victims of bombs, mines and agent Orange/dioxin, as millions of people still suffered from its tragic effects, for which, to date, no one had assumed responsibility. Despite significant progress, the Vietnamese legal system contained some inconsistencies and contradictions, with the adoption of free-market laws.

501. The World Peace Council noted that the Vietnamese people had suffered colonial domination and foreign interventions. There were still millions of victims suffering from agent Orange-related diseases. Regretfully, the perpetrators and the international community had not dealt with this issue adequately. The Constitution guaranteed and made provisions for all fundamental human and civil rights, including the right to freedom of belief and religion. All question-and-answer sessions in Parliament were broadcast live on television. The media often openly criticized the mistakes of the authorities. It encouraged the Vietnamese to pursue universal values in their own way and not to impose formulas that had many limitations.

502. North-South XXI, in a joint statement with the Union of Arab Jurists, remained concerned about the Government's limitation of freedom of expression, and encouraged the Government to continue to work closely with journalists and media organizations to ensure that a variety of views were expressed in the media. North-South XXI hoped that Viet Nam would consider subscribing to the General Assembly moratorium on the death penalty. The international community had a legal duty to support Viet Nam's efforts with adequate resources and cooperation.

#### **4. Concluding remarks of the State under review**

503. In his concluding remarks, the Deputy Minister thanked States and some non-governmental organizations for their objective remarks and the comments of goodwill on the challenges facing Viet Nam. He affirmed that the Government gave priority to addressing these challenges.

504. It was emphasized that the development of the press and the Internet in Viet Nam was clear evidence of the fact that the freedoms of the press, expression and the Internet were well protected. Freedom of religion was also protected, resulting in the growth of religions in all aspects. Special treatment was provided to ethnic minorities to assist them in preserving their culture and way of life. These policies had been crucial in forging unity among all religions and ethnicities in Viet Nam.

505. The Deputy Minister reaffirmed that the ultimate goal, also a manifestation of efforts to promote human rights in Viet Nam, was to develop a prosperous people, strong country and a just, democratic and advanced society. The promotion of democracy and human rights was both the goal and the driving force of the reform process. Viet Nam had continued to strengthen the legal framework to better protect and promote human rights. The civil, political, economic, social and cultural rights of the people were being better ensured. Viet Nam believed that, in this common cause, each nation had its own political, historical, social, cultural, religious and ethnic particularities. In each case, the State bears the primary responsibility to do what is needed for the interests of the nation and the people. Therefore, any State would need to take necessary measures to maintain social and political stability for development, and in this connection, any activity that violates the law and threatens this fundamental interest of the nation should be punished in accordance with the law.

506. Viet Nam believed that the universal periodic review mechanism would continue to uphold the principles of cooperation and dialogue on the basis of equality and respect for national sovereignty in order to truly contribute to the promotion and protection of human rights in each and every nation. For its part, Viet Nam would develop a plan of action to implement effectively the universal periodic review recommendations and would stand ready to discuss and share experience with all countries and international organizations to better ensure human rights in Viet Nam and the world.

507. Finally, the delegation thanked countries for their support and assistance to Viet Nam in its efforts to protect and promote human rights, the Working Group troika and the secretariat for the active technical assistance.

## Uruguay

508. The review of Uruguay was held on 11 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Uruguay in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/5/URY/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/5/URY/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/URY/3).

509. At its 18th meeting, on 24 September 2009, the Council considered and adopted the outcome of the review of Uruguay (see section C below).

510. The outcome of the review of Uruguay comprises the report of the Working Group on the Universal Periodic Review (A/HRC/12/12), the views of Uruguay concerning the recommendations and/or conclusions, its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

511. At the 18th meeting, on 24 September 2009, the Director of Human Rights and Minister for Education and Culture made an opening statement, thanking all 46 delegations

that had made observations and recommendations. She stated that Uruguay had examined the 86 recommendations received during the interactive dialogue, and was proud to have accepted them all.

512. Uruguay wished to provide clarification on some recommendations, to brief about actions already initiated to respond to many of them, and to provide information on the road ahead.

513. With regard to the first recommendation requesting Uruguay to consider ratifying the UNESCO Convention against Discrimination in Education, Uruguay had indeed deposited the instrument accepting this convention on 3 May 2004, and as such, it had entered into force for Uruguay on 3 August 2004.

514. As requested in the second recommendation, Uruguay wished to report that it would sign on 24 September 2009 the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in New York. It also stated that it had submitted a revised report to the Committee on Economic, Social and Cultural Rights in July 2009.

515. Uruguay indicated that it had started to comply with its own voluntary commitments made during the Working Group session, including the submission of five reports to various treaty monitoring bodies – the Committee on Migrant Workers, the Committee against Torture and the Committee on the Elimination of Racial Discrimination – and on the two Optional Protocols to the Convention on the Rights of the Child.

516. In accordance with recommendations 11 and 20, Uruguay had initiated consultations to establish a permanent inter-institutional high-level political coordination mechanism for the elaboration of human rights reports and follow-up to recommendations, including those emanating from the universal periodic review. As in the case of recommendations 10 and 11, the civil society would be directly involved in this mechanism.

517. At the regional level, Uruguay was committed to formulating human rights policies, and specifically supported the MERCOSUR high-level meetings on human rights, which were currently introducing reforms to its structure with the aim of improving it.

518. At the national level, Uruguay approved in 2008 its national human rights institution established in accordance with the Paris Principles. The new Government that would come into office in 2010 would put into effect this institution, to which 12 countries referred to in recommendations 8 and 9. A bill was also currently being drafted to harmonize the competencies of the national human rights institution with those of the parliamentary commissioner for prisons.

519. Uruguay wished also to refer to three fundamental issues which were part of the recommendations, and were also very important for the Government: the situation of persons deprived of their liberty; the situation of women and children; and the issue of discrimination.

520. Uruguay reported on measures taken to guarantee the rights of persons deprived of their liberty, making reference to, *inter alia*, two bills to reform the penal code and the penal procedure code. Uruguay recalled that, already in 2005, the current Government had declared a humanitarian emergency for the prisons. A plan to reduce overcrowding in the prison system was being currently implemented, which would also allow for the classification of people deprived of their liberty in accordance with international standards and to provide special attention to imprisoned mothers. The plan of action for the reform of the prison system was approved in June 2009; a new health-care system had already been put in place in one of the main penitentiary centres, and would be further extended to others. Specialized treatment for persons affected by HIV/AIDS and deprived of their liberty was also available. In 2009, the work and study programmes had been strengthened and an internal affairs department to investigate cases of ill-treatment had been established.

521. With regard to the situation of boys, girls and women, the subject of many recommendations, Uruguay noted that this had been a major concern in Government policies in the past four years. The delegation made reference to a number of efforts, including the equity plan; a bill to increase the age of marriage for both sexes to 16 years; a recently approved law to prevent and punish sexual harassment in schools and at work; the implementation of a general law on education universalizing education as of the age of 3 years; the creation of a national commission for human rights education and the national commission for non-formal education; a recent law on adoption, which modified the children and adolescents code; a national survey recently initiated on child labour; and the “Ceibal” plan providing one laptop per child in public schools.

522. Regarding efforts to address discrimination, Uruguay stated that, in consultation with civil society, it had initiated a process for the drafting of the State report to the Committee on the Elimination of Racial Discrimination and the elaboration of a national plan against discrimination. Efforts to redress the housing situation, centred on Afro-descendants, had also been initiated. A day of the “Charrúa nation and indigenous identity” on 9 September had been declared. With regard to the rights of gays, lesbians and transsexuals, and the legislation that recognized the rights of couples cohabiting and couples of the same sex, Uruguay reported on the new law on adoption guaranteeing this right for these couples and on the bill on gender identity.

523. Regarding reference in the recommendations to the abolition of the law on the expiry of punitive claims (*ley de caducidad*) and the approval of the exercise of the right to vote by citizens resident abroad, Uruguay noted that, once the processes established by the Constitution in this regard had been completed, they would be decided in two referendums, to be held on 25 October 2009 during the national elections.

524. In connection with the State terrorism that Uruguay had suffered in the recent past, the delegation stated that Parliament had recently adopted a law recognizing the illegal action carried out by the State and the comprehensive reparation of victims of human rights violations during this shameful period in the history of Uruguay.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

525. China noted with satisfaction the openness with which Uruguay had agreed to the recommendations made by various States. It noted with appreciation that over the past 20 years, Uruguay had rapidly set up a system to protect civil rights, eliminate poverty, promote the right to information, and promote the right of minorities, social harmony and international cooperation. China encouraged Uruguay to work on the basis of national realities, by analysing and considering any valid recommendation from the universal periodic review, and expand its international cooperation to ensure that the enjoyment of all human rights was increased for the population.

526. Algeria welcomed the delegation of Uruguay and thanked it for the additional information provided on the follow-up to the recommendations of the Working Group. Algeria noted with satisfaction that Uruguay had endorsed most of the recommendations and was determined to follow up on them. Algeria also welcomed Uruguay’s readiness to accept the recommendations to set up a national committee to combat discrimination against people of African descent and indigenous peoples, to abolish gender disparity in employment and ensure that there was equal pay for equal work. Algeria also praised the penal reforms carried out by Uruguay.

527. Venezuela (Bolivarian Republic of) noted Uruguay’s commitment to the promotion and protection of human rights and open cooperation with the universal periodic review mechanism. It noted with appreciation the efforts made through Uruguay’s social plans and

programmes, in particular the measures taken to respond to the problems of children and adolescents in extreme vulnerability. It appreciated Uruguay's determination to continue the necessary consultations in the follow-up to the recommendations, which were accepted without major reservations.

528. Cuba admired Uruguay's efforts to promote and protect human rights, which had led to significant achievements in all fields, civil and political rights, as well as economic, social and cultural rights. As a developing country with limited resources, aggravated by the current economic and financial global crisis, Uruguay had nonetheless multiplied its efforts. The achievements reached by the country were unquestionable, including in the need to end impunity. Cuba highlighted the equity plan and its comprehensiveness, since it encompassed areas such as health, education, food, employment and social security. Cuba noted the indicators obtained since the plan's application clearly reflected its effectiveness in combating poverty, promoting equality and social justice. Experiences such as these were examples of good practices for the promotion and protection of human rights.

529. The Russian Federation welcomed the Uruguayan delegation and noted its successful completion of the universal periodic review process. It welcomed the readiness of Uruguay to implement all recommendations, including the two recommendations submitted by the Russian Federation on alleviating poverty and on the outcome document of the Durban Review Conference. It wished Uruguay every success in implementing the obligations which it had assumed under the universal periodic review process.

530. Nicaragua applauded Uruguay's cooperation in sharing its national experience in implementing recommendations made to strengthen its system of protection and promotion of human rights. Nicaragua, which prioritized citizen participation in policy and decision-making processes as founding principle of democracy, congratulated Uruguay on having consulted with civil society to follow up on its international human rights commitments. The review of Uruguay permitted the sharing of good practices.

531. Colombia congratulated Uruguay on the referendum to be organized on 25 October 2009, which could provide Uruguayans residing abroad with the opportunity to exercise their right to vote, and on the second referendum on the issue of justice, which would help combat all forms of impunity inherited from dictatorship. Colombia highlighted Uruguay's advances in the fight against all forms of discrimination by creating a national plan against discrimination and by adopting laws based on the universality of human rights, reaffirming non-discrimination against sexual orientation. Colombia acknowledged Uruguay's commitment to the defence and promotion of children's rights.

### **3. General comments made by other relevant stakeholders**

532. Following recommendations made by the Czech Republic, the Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit (COC Nederland) and the Canadian HIV/AIDS Legal Network recommended that Uruguay explicitly include sexual orientation and gender identity as grounds for discrimination in the development of such a framework. Referring to a bill pending adoption by Parliament recognizing the right of all persons to the free development of their personality in accordance with their gender identity without requiring sex-reassignment surgery, COC Nederland commended Uruguay for adopting this legislation as well as for its announcement to develop initiatives that recognized the rights of same-sex couples. It welcomed the role Uruguay had played in bringing attention to the rights of lesbian, gay, bisexual and transgender persons in international forums, and the measures taken nationally, including its leadership in being the first country in Latin America to provide for same-sex civil unions.

533. Conectas Derechos Humanos noted the difficulties in the consultation process in preparation for the universal periodic review, including the selective way of convening

organized civil society, without sufficient time or information to allow adequate analysis. It welcomed recommendations 10 and 11 reiterating the importance of civil society involvement. It noted the urgency of advancing the national institute for human rights, ensuring the necessary technical and financial resources, in line with recommendations 8, 9, 12 and 13. It recognized the normative advances in the present legislature, but regretted the slow progress in approving the new penal and penal process codes incorporating protection to victims; the derogation of laws discriminatory to women; the updating of codification of crimes such as torture; and the completion of the guarantees of due process according to international standards. Conectas Derechos Humanos highlighted the absence of a national plan for education in human rights and, in this regard, welcomed recommendations 11 and 13.

534. The International Commission of Jurists, recommended that Uruguay derogate the law on the expiry of punitive claim of the State; bring legislation into line with the Convention on the Rights of the Child, to avoid using prison sentences as a first instance; derogate unconstitutional aspects of the law for police procedures; and derogate the law of disrespect, defamation and injury related to civil servants. It noted with satisfaction some recommendations, such as the importance of revision and, if necessary, the derogation of laws that favoured impunity for crimes committed during the dictatorship, as well as the improvement of the prison system, specifically the alternative measures to liberty deprivation for minors. It regretted the fact that no recommendations had been made regarding the law on police procedure, which gives a wide margin of discretion to police officers. It also regretted the fact that no recommendation had been made on the law concerning the disrespect, defamation and injury of civil servants, which had led to the imprisonment of several journalists.

535. In relation to recommendation 22, the Federation for Women and Family Planning commended the Uruguayan Parliament for having passed, in December 2008, the comprehensive law to defend sexual and reproductive rights, and noted that, unfortunately, this was later restricted by a presidential veto; it asked about the plans to implement this law. It urged the Government to prioritize public policies aimed at youth and the inclusion of sexual and reproductive rights in these policies. It welcomed the commitments to increase investment to guarantee rights to freedom in terms of sexual orientation and gender identity, as well as the design and implementation of a national plan to combat all forms of discrimination. With regard to recommendations 19, 29 and 33, it noted that women victims of violence complained about the lack of an adequate judicial procedure. It also noted that procedures for reporting cases of violence against children were extremely long and lacked comprehensive measures to respond and provide care to those affected.

536. In relation to human trafficking (recommendations 16, 18, 43, 45 to 51) Action Canada for Population and Development recognized the efforts made by the State after the set-up of specialized courts for crimes that required special treatment. In relation to the prison system (recommendations 7, 28, 29, 39, 40, 52 to 60, 61, 63, 67 to 70), it expressed concern about prison conditions. It made reference to the 63 per cent of detainees in prison in preventive custody for many years and made reference to the recent death of five inmates in the Comcar prison. Regarding the right to truth, justice, memory and reparation and guarantees against non-repetition (recommendations 62, 64 to 66), it was essential to annul the law of expiration of punitive State claims because it was a major obstacle to the fight against impunity. It also referred to the excavations that had been resumed to find about 200 people still missing and requested to know the truth about the events, access to all files of the repression and that the independence of the powers of the State be ensured.

#### **4. Concluding remarks of the State under review**

537. Uruguay thanked all delegations for their interventions and repeated that Uruguay had already accepted all recommendations at the time of the adoption of the Working Group report in May 2009, although it was not possible to address all of them in four months. It noted that 130 of 600 laws adopted in the past four years expanded and further guaranteed human rights, which was a clear sign of the State's commitment. Uruguay noted that much remained to be done, and renewed its commitment to the promotion and protection of human rights.

#### **Yemen**

538. The review of Yemen was held on 11 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Yemen in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/5/YEM/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/5/YEM/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/YEM/3).

539. At its 18th meeting, on 24 September 2009, the Council considered and adopted the outcome of the review on Yemen (see section C below).

540. The outcome of the review on Yemen comprises the report of the Working Group on the Universal Periodic Review (A/HRC/12/13), the views of Yemen concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/12/13/Add.1).

#### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

541. The delegation stated that democracy, development and respect for human rights and fundamental freedoms were essential links in a single chain. It reaffirmed its commitment to all voluntary pledges made in the national report and to the implementation of the recommendations over the next four years. The delegation provided replies to the 21 recommendations that were under consideration by its authorities.

542. The delegation indicated that it had accepted recommendations 2, 6, 7 and 9 to 21. Recommendation 6 had been accepted within the framework of the decision adopted by Parliament to raise the minimum age of marriage of girls to 17 years. The possibility of raising it to 18 years would be considered in the future. On recommendation 9, the delegation added that it had set up a national committee to harmonize national legislation with the international instruments already ratified by Yemen. Yemen accepted recommendation 10 within the limits of Islamic sharia.

543. Concerning recommendation 12, the delegation stated that the Yemeni constitution and laws criminalized and punished severely all forms of violence against women and girls, and that no honour crimes were committed in Yemen. On recommendation 13, the delegation mentioned that spousal rape did not exist in Yemen and that all marriages were based on mutual consent. Wives could separate from their husbands in view of divorce under Sharia and personal status laws. Regarding recommendation 14, Yemen noted that the Ministry of Human Rights, civil society organizations and ICRC were allowed to undertake prison visits and enquire about prisoners' conditions.



544. With regard to recommendation 17, the delegation added that the President of the Republic had declared a decision prohibiting the imprisonment of any journalist for matters relating to freedom of opinion and speech. With regard to recommendation 19, Yemen stressed that the Constitution granted the right to set up organizations to defend human rights in accordance with international standards to all citizens.

545. The delegation stated that five recommendations remain under review. Regarding recommendation 1, Yemen did not intend to become a party to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women for the time being. Recommendation 3 could not be supported until a decision was taken by the authorities in that regard. Recommendation 4 was presently not accepted and would be examined in the future. Regarding recommendation 5, Yemen did not intend to accept individual complaint procedures under the treaties to which it is a party for the present. There were a number of national institutions and mechanisms that received individual and group complaints and dealt with them in a serious manner, in conformity with constitutional provisions and applicable laws. On recommendation 8, Yemen did not intend, for the time being, to extend a standing invitation to all special procedures. This request would be considered by Parliament in the future.

546. The delegation indicated that it had accepted a total of 125 recommendations.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

547. Lebanon noted with deep appreciation the efforts made by Yemen within the framework of the universal periodic review. It welcomed measures taken by Yemen to strengthen and consolidate human rights despite the limited resources and challenges it faced. Lebanon encouraged Yemen to continue its efforts to enhance the rights of women and children and all other human rights.

548. Viet Nam appreciated the openness and cooperation of Yemen during the universal periodic review and underlined the fact that Yemen had accepted 125 of 142 recommendations. It noted with satisfaction the measures taken to implement the recommendations accepted, including the two recommendations presented by Viet Nam. This demonstrated Yemen's political will and commitment to respect and protect human rights, despite its limited resources and many economic and social challenges.

549. China appreciated the openness of Yemen towards States' recommendations. It underlined the drop in the poverty rate over the past decade and the substantial progress made in promoting people's rights to education, health and food. China noted the establishment of several human rights institutions, the improvement of domestic law and the work done for the promotion and protection of human rights. Yemen had actively cooperated with the international community and United Nations human rights institutions. China acknowledged that Yemen still faces challenges, but expressed confidence that it would make further progress with regard to both the economy and human rights.

550. Algeria noted the acceptance of most recommendations, including Algeria's recommendation to create an independent human rights commission. It noted with satisfaction Yemen's will to continue subscribing to its human rights obligations and cooperating with international mechanisms, while taking into account its religious, social and cultural specificities. It encouraged Yemen to continue to promote women's issues in development plans, to improve health-care services for women, particularly in rural areas, and to improve women's access to education. It welcomed efforts to combat poverty and unemployment. Referring to the recent painful events in Yemen, Algeria reaffirmed its support for the country's security, stability and unity.

551. Venezuela (Bolivarian Republic of) highlighted the work done by Yemen on social development over the past years, leading to a notable improvement in health indicators. It reiterated its recognition for the efforts made in the humanitarian sphere by receiving many refugees from Africa, stressing that this involved major challenges for Yemen and urging that the country be supported by the international community. Venezuela noted with appreciation the establishment of an institutional mechanism to comply with universal periodic review recommendations.

552. Egypt welcomed Yemen's national strategy for the promotion of gender equality in all areas, as well as its legislative and constitutional reforms, which were expected to have a positive impact on the lives of citizens. Yemen had demonstrated a strong will to strengthen human rights and improve living conditions of all its citizens despite scarce resources and the burden of fighting terrorism and hosting refugees from the horn of Africa. Egypt called upon the international community to provide Yemen with the necessary support so that it could continue its efforts to improve living conditions and promote all human rights.

553. Qatar paid tribute to Yemen for its positive and constructive attitude regarding the universal periodic review recommendations, 125 of which had been accepted. Despite the challenges faced by Yemen, it had adopted many policies and strategies to protect human rights; great improvements had been made in that field since 1990. The Constitution guaranteed all human rights. Qatar had always endeavoured to preserve Yemen's unity, stability and territorial integrity, as it believed that unity was the basis for Yemen's security and development.

554. Cuba noted that, despite the scarcity of resources that Yemen faced as a developing country, the review had pointed to its clear will to improve further the daily life of its citizens, in particular with respect to basic rights such as education, health, food and to poverty eradication. Cuba noted the measures taken to broaden health coverage and improve the quality of health services. It welcomed measures for the promotion and protection of the rights of women, in particular in areas such as access to higher positions, education and the labour market.

555. The Syrian Arab Republic welcomed Yemen's strategic vision, which tied sustainable development to human rights, reflecting the seriousness of Yemen in improving the human rights situation. Yemen had been able to overcome difficulties such as lack of resources, poverty, terrorism and growing numbers of refugees, improving the promotion and protection of human rights, including the right to development. This has been done in a transparent and responsible manner while respecting the cultural and religious specificities of the State and its people.

556. Pakistan noted Yemen's strong commitment to human rights, which was evident from its acceptance of most of the recommendations and the introduction of a wide-ranging reform process to improve the human rights situation. It expressed confidence that Yemen would take the steps necessary to expedite the operationalization of an independent human rights institution, in accordance with the Paris Principles, and take actions to implement the accepted recommendations. It appreciated Yemen's openness to human rights mechanisms and expected the international community to extend all possible assistance to Yemen for the political, economic and social uplift of its citizens.

557. Bahrain welcomed the positive steps taken by Yemen to implement the universal periodic review recommendations and improve the human rights situation, which reflected Yemen's commitment to promote human rights and cooperate with United Nations mechanisms. It welcomed Yemen's interest in ensuring women's rights and its acceptance of Bahrain's recommendation to promote the role of women in society and their access to decision-making posts, as well as of other recommendations relating to discrimination against women.

558. The United Arab Emirates noted with appreciation Yemen's positive steps towards implementing universal periodic review recommendations and voluntary commitments. It welcomed the efforts made by the Government to strengthen and promote human rights, in particular the rights of women and children. Yemen had accepted all recommendations related to these rights and to the rights to education and health and to poverty alleviation. It welcomed Yemen's will to strengthen national institutions and raise the level of human rights awareness of its people. The United Arab Emirates asked the Council to extend to Yemen the support it requested.

### **3. General comments made by other relevant stakeholders**

559. The International Lesbian and Gay Association (ILGA-Europe) and the Canadian HIV/AIDS Legal Network, in a joint statement, commended Yemen for having accepted recommendation 9, but expressed serious concern that Yemen maintained the death penalty for consensual sexual acts between adults of the same sex. The International Convention on Civil and Political Rights stated that, in countries that have not abolished the death penalty, the death sentence may be imposed only for the most serious crimes. In its resolutions on the death penalty and extrajudicial executions, the General Assembly had emphasized that homosexual acts did not fall within the definition of the most serious crimes. No international human rights document condoned this violation of human rights principles.

560. The Al-Hakim Foundation noted Yemen's commitment to universal periodic review recommendations despite the difficulties and obstacles encountered by the country, in particular the ongoing military operations in the north, which had led many inhabitants to leave their homes. Many citizens were in need of food, shelter and medical care, and access to these people is difficult because of the continued fighting. It expressed concern regarding the increasing tension in the south, where the Government ignored claims related to basic services and development issues, which had led to demonstrations resulting in confrontations with security forces.

561. The Cairo Institute for Human Rights Studies had noted an increase in human rights violations in recent months, in particular violations of the freedom of information and the press and peaceful assembly by the Government, in contradiction to a number of universal periodic review recommendations. Recent reports had confirmed the continued use of political arbitrary detentions, prolonged detentions and torture by governmental authorities. With regard to the war in Saada, governmental forces had killed 85 civilians in an aerial attack the previous week, resulting in the displacement of 150,000 people.

562. Amnesty International urged Yemen to implement the recommendations on women's rights, including prohibiting any practice of forced marriage of girls. It strongly encouraged the Government to reconsider its position on recommendations regarding the death penalty, which it has rejected. It welcomed Yemen's support for recommendation 55, and urged it to commute all outstanding death sentences imposed on individuals convicted of having committed a capital offence while under the age of 18 years. It called on the Government to immediately end violations of human rights and international humanitarian law in the context of the conflict in the Saada region and to investigate urgently all allegations of serious violations by its forces. It requested a clarification on Yemen's position on recommendations 20 and 21.

563. Human Rights Information and Training was pleased that Yemen had accepted most recommendations. It called for the implementation of all recommendations, particularly those regarding the establishment of a human rights institution, allowing the Ministry of Human Rights and non-governmental organizations' greater access to prisons, especially those controlled by the political security department, and allowing the spread of human rights culture. It stressed that detainees held by the political security department should be given access to legal advice and information and that international humanitarian law be

respected during armed conflicts and the fight against terrorism. It called for enhancing cooperation with civil society and was concerned at Yemen's refusal to ratify the Optional Protocol to the Convention against Torture.

564. Human Rights Watch urged Yemen to implement the accepted recommendations, including in the southern and northern regions. While the Government publicly claimed to listen to southern grievances, its security forces had responded to largely peaceful protests with a crackdown and attacked independent media and outspoken southern academics and students. Yemen should respect recommendations 72 to 76 and commit to implement recommendations made by Norway and the Czech Republic. It was extremely concerned about the grave humanitarian consequences of current fighting in northern Yemen. The Government should facilitate rapid and unimpeded passage of impartial humanitarian relief for civilians, and all parties to the armed conflict should respect the prohibition of targeting civilians.

565. The International Federation of Human Rights Leagues welcomed the support of Yemen for several recommendations relating to counter-terrorism; Yemen should therefore amend its draft anti-terrorism laws. In view of the widespread use of forced disappearance, arbitrary detention, torture and ill-treatment, it expressed concern at Yemen's reluctance to ratify the Optional Protocol to the Convention against Torture. Highly restricted access to prisons was a main concern. Fair trial guarantees were widely disregarded and the functioning of the specialized criminal court was unconstitutional. It noted that freedom of expression and press had been gradually restricted in recent years, with journalists under trial and eight newspapers closed after being accused of working against Yemeni unity.

566. The Arab Network for Environment and Development welcomed Yemen's acceptance of most recommendations and endorsed recommendations 74 to 76 on freedom of opinion and the press. In implementing these recommendations, Yemen should reform laws in accordance with the principles of good governance and freedoms of expression and peaceful assembly. A number of citizens in the south had been killed, oppressed or forcibly made to disappear for having demonstrated peacefully. It endorsed recommendation 13 and stressed the importance of abolishing all unconstitutional exceptional courts. Several laws stipulate death penalty in areas not under sharia law, including freedom of opinion and belief. It reaffirmed the importance of ensuring equality between Jewish Yemeni citizens and others in enjoying all political rights.

#### **4. Concluding remarks of the State under review**

567. The delegation hoped that the international community would provide Yemen with every support to reach the required security, democracy and respect for human rights.

568. Responding to some observations by national and international civil society organizations, the delegation noted that their presence and participation as well as that of journalists in the present discussion were proof that Yemen was a truly democratic country. Civil society organizations needed to substantiate their allegations with concrete evidence, since not everything stated was true. It asked the international community whether anyone would accept that rebels have the right to take up arms against the State. The war in Saada had been imposed on Yemen, which found itself under the obligation to defend the Yemeni people living in this province. Yemen had repeatedly called for an end to the hostilities and for dialogue through national mediations and national and regional dialogue. Regretfully, these calls remained unanswered by the rebels, who welcomed the language of weapons. The claims of the Huthis, the objectives of the war and whether the war was motivated by religion or was a quest for power remained unclear to the Government. The delegation believed that elections were the way to reach power, and noted that the recent election of the President had been followed by all international organizations.

569. With regard to internally displaced persons, it noted that the Ministry of Human Rights was part of the commission composed of, inter alia, United Nations funds and programmes (UNDP, UNICEF) and ICRC, which visited the areas of conflict and provide assistance. There was no shortage of assistance from neither international organizations nor the Government.

570. The delegation stated that prisons under the supervision of the political security department had been established in accordance with a law accepted by Parliament. Regarding the adherence of Yemen to international humanitarian law and cooperation with ICRC, there was a national committee dealing with the implementation of this law. The delegation emphasized that Yemen strove to have a full partnership with civil society organizations; the national human rights strategy was the best example of this cooperation. It reaffirmed that the Government would engage civil society and political partners to implement universal periodic review recommendations.

571. The delegation reaffirmed its acceptance of recommendations 20 and 21 mentioned by stakeholders. It stressed that a governmental committee had been established to study all legitimate demands of the citizens of the south and to respond to them as soon as possible. If there were any legitimate demands, the Government was ready to implement them all. The delegation added that there were no restrictions on the freedom of peaceful assembly, and that any arrests or closure of newspapers were made in conformity with the law. Public information activities were conducted in conformity with the Constitution and the press and publications law, which granted all citizens the right to freedom of opinion and to seek information, without restriction. Every citizen had the right to seek redress through the courts.

## **Vanuatu**

572. The review of Vanuatu was held on 12 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Vanuatu in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/5/VUT/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/5/VUT/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/VUT/3).

573. At its 19th meeting, on 25 September 2009, the Council considered and adopted the outcome of the review on Vanuatu (see section C below).

574. The outcome of the review on Vanuatu comprises the report of the Working Group on the Universal Periodic Review (A/HRC/12/14), the views of Vanuatu concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/12/14/Add.1).

### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

575. The representative of Vanuatu, the Vice-Chairperson of the Vanuatu UPR Committee, reaffirmed that Vanuatu was committed to the promotion and protection of the human rights of its citizens.

576. The representative stated that the Government had already taken positive steps towards the implementation of the universal periodic review recommendations through various policies and frameworks inside government departments and ministries.

577. Vanuatu had accepted all recommendations, except for recommendations 2, 3, 5, 7 and part of recommendation 20. Regarding recommendation 2 on the ratification of the Convention on the Elimination of All Forms of Racial Discrimination, Vanuatu was not yet prepared to ratify it. The existing legislative framework provided for protection against all forms of discrimination, including racial discrimination, for instance, in article 5 (1) of the Constitution. With regard to recommendations 3, 5 and 7 concerning the ratification of the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and accession to the second Optional Protocol to the International Covenant on the Civil and Political Rights, Vanuatu was not prepared to ratify them, one of the main reasons being the financial constraints Vanuatu was facing. An appropriate assessment and consultations would be undertaken with a view to ratifying these conventions when deemed appropriate. The second part of recommendation 20 calling for considering applying adequate sanctions for parents who failed to send their children to school was not acceptable to Vanuatu. The delegation stated that Vanuatu was prepared to provide appropriate counselling services to parents who fail to send their children to school.

578. Vanuatu had developed a justice sector strategy for 2009–2014, aimed at promoting and protecting the rights of vulnerable groups, including people with disabilities, detainees, women and children. One major challenge was to formulate policies aimed at ensuring the complementarity of human rights/local legislation and custom. The representative stated that the Millennium Development Goals had been taken into consideration in the strategy, which would lead to relevant legislative reforms. Vanuatu had also established a task force with a view to facilitating the implementation of the Millennium Development Goals by ministries and departments.

579. The Department of Correctional Services had taken steps to improve the situation in correctional centres by renovating them and separating high-risk and low-risk detainees. A disciplinary committee for correctional services had also been established to handle complaints relating to the mistreatment of detainees.

580. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment was scheduled to visit Vanuatu on 4 December 2009 to discuss the treatment of detainees in the context of international standards.

581. The representative stated that the Family Protection Act had come into effect. Vanuatu had taken positive steps to ensure its full implementation. The Government was working on awareness-raising programmes for the Act in collaboration with a leading non-governmental organization working on violence against women. Vanuatu also prioritized work on a proposal for the review of all relevant legislations that were discriminatory and that marginalized women. It had established a family protection unit within the police force to deal with domestic violence issues to ensure that all cases were properly investigated.

582. The delegation stated that Vanuatu was seriously considering the setting-up of a human rights commission or unit within the Government to oversee the implementation of universal periodic review recommendations. The Government had already held talks with some international partners for appropriate technical assistance.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

583. Algeria commended Vanuatu's sustained efforts to promote and protect human rights despite the constraints as a small-island developing State and a least developed country. It invited the international community and the United Nations to provide necessary technical assistance to further enhance this protection. Algeria was encouraged by the measures taken to ensure gender equality, the condition of women and their participation in

political life. It also noted efforts to improve the health system, combat disease and reduce child mortality, calling on relevant United Nations actors to provide the necessary technical assistance in this regard. Acknowledging the Government's readiness to develop a policy of free education, it encouraged efforts to guarantee free and compulsory primary education by enhancing implementation of the national plan of action for education for all. Algeria would welcome a representation of the Pacific Islands Forum in Geneva, to be able to engage in dialogue with the Forum.

584. India welcomed Vanuatu's constructive engagement with the universal periodic review despite the lack of a representation in Geneva, regarding this as symbolic of Vanuatu's commitment to human rights. It noted with appreciation Vanuatu's recent ratification of the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, as well as the enactment of the Family Protection Act, which could contribute to protecting and promoting women's rights. It acknowledged the challenges Vanuatu faced as a small-island developing State and a least developed country.

585. Australia recognized Vanuatu's challenges as a small State and acknowledged the extensive consultations with Government departments and non-governmental organizations in the preparation of the report. Australia commended Vanuatu's commitment to improving conditions in prisons and detention centres, particularly by separating minors and adults. Recognizing Vanuatu's commitment to human rights principles, including women's rights, Australia welcomed the Family Protection Act and encouraged practical steps to ensure its timely implementation.

586. The United States of America commended Vanuatu's engagement with the universal periodic review despite its constraints. It noted that accountability and transparency in Vanuatu's public sector remained an area of concern. While appreciating efforts by the offices of the Ombudsman and the Auditor General to investigate corruption in the public sector, it asked for more resources to be provided to them to allow for vigorous investigation. It commended the renovation of detention centres to meet international standards and the passage of the Family Protection Act to prevent and punish abuses against women.

587. New Zealand recognized that participation in the review process was a major undertaking for small-island States in the Pacific region and welcomed Vanuatu's willingness to share its experience with other Pacific countries at a seminar on the universal periodic review held in early 2009. It welcomed Vanuatu's acceptance of over 90 per cent of the recommendations and commended its justice sector strategy 2009–2014, which addressed human rights protection, including for persons with disabilities. It looked forward to working with Vanuatu on the implementation of the recommendations.

### **3. General comments made by other relevant stakeholders**

588. Amnesty International welcomed Vanuatu's progress in ensuring human rights, particularly the enactment of the Family Protection Act, and urged that the Act be implemented through training programmes for stakeholders and allocation of adequate resources. It also welcomed the steps taken to consolidate various family laws into a single one, urging that this review take place through adequate public consultation, and that the necessary assistance be provided by the international community. Welcoming the fact that Vanuatu was at the preliminary stages of ratifying the Convention against Torture, it encouraged Vanuatu to ratify the International Covenant on Economic, Social and Cultural Rights. This would send a strong signal of commitment to addressing poverty-related issues. It urged the international community to assist Vanuatu in addressing poverty, lack of access to health services, clean water and adequate housing.

589. The Canadian HIV/AIDS Legal Network appreciated the high rate of acceptance of most recommendations. It encouraged the use of the format of Vanuatu's response, since clarity with regard to recommendations was crucial to the universal periodic review process. Welcoming Vanuatu's response on recommendation 25, it emphasized that explicit anti-discrimination legislation could enhance Vanuatu's commitment to human rights and the protection accorded to marginalized groups. It further encouraged Vanuatu to accept the recommendation and to explicitly prohibit discrimination on grounds including disability, economic status and sexual orientation or HIV/AIDS status. It suggested that Vanuatu strengthen protection of marginalized groups through awareness-raising and public education campaigns, encouraging Vanuatu to apply the Yogyakarta Principles as guidance for policy-making. It also encouraged Vanuatu to join the declaration made by 67 States at the General Assembly in 2008, calling for an end to discrimination on the grounds of sexual orientation and gender identity.

590. Franciscans International welcomed Vanuatu's commitment to achieving free education from grades 1 to 8 by 2010 and its acceptance of recommendation 42, encouraging Vanuatu to support children whose families could not afford to pay additional expenses for compulsory primary education. It also encouraged the expansion of schooling infrastructure to allow access to free education beyond grade 8. It called on Vanuatu to consider a creative secondary school curriculum and the implementation of education services for unemployed youth. It also encouraged Vanuatu to collect statistical data and to analyse the causes of the low rate of progression from primary to secondary school and the drop-out rates. Welcoming the standing invitation issued to special procedures, it was of the view that a visit of the Special Rapporteur on the right to education could contribute to the improvement of that right, and would provide an opportunity to share best practices with other countries in the region.

#### **4. Concluding remarks of the State under review**

591. The delegation of Vanuatu reiterated that the universal periodic review was a new process for Vanuatu, but that the Government was firmly committed to the promotion and protection of human rights. Vanuatu would take on board the comments made by States and stakeholders and use them to improve its human rights-related policies and laws.

### **The former Yugoslav Republic of Macedonia**

592. The review of the former Yugoslav Republic of Macedonia was held on 12 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by the former Yugoslav Republic of Macedonia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/5/MKD/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/5/MKD/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/MKD/3).

593. At its 19th meeting, on 25 September 2009, the Council considered and adopted the outcome of the review on the former Yugoslav Republic of Macedonia (see section C below).

594. The outcome of the review on the former Yugoslav Republic of Macedonia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/12/15), the views of the State concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/12/15/Add.1).



**1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

595. The Head of Sector for Multilateral Relations of the Ministry of Foreign Affairs stated that the recommendations made during the Working Group session largely corresponded to the priorities of the former Yugoslav Republic of Macedonia with regard to the promotion and protection of human rights, and would constitute an additional valuable guide in the country's action in this area. The comments and suggestions clustered in 42 recommendations were generally acceptable for the State under review.

596. With regard to international treaties, the country had recently signed the Optional Protocol to the Convention on the Rights of Persons with Disabilities. A working group consisting of representatives of ministries and non-governmental organizations had been established to carry out all necessary activities for the ratification of the Convention and the protocol. The procedure for the signature and consequent ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights was expected to commence in the near future, and there were possibilities for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the International Convention for the Protection of All Persons from Enforced Disappearance. On the rights of the child, the provisions of the Convention on the Rights of the Child were taken into consideration fully in the assessment of the applicable laws and in the adoption of new legislation. The country UNICEF office was consulted and involved. A separate department for the rights of the child within the Ombudsman's office was to be formally established, in line with the recently adopted amendments to the law on the Ombudsman.

597. The recent amendments to the law on Ombudsman were also aimed at the consistent implementation of the provisions of the law on the ratification of the Optional Protocol to the Convention against Torture. The new law strengthened the role and the financial independence of the Ombudsman, established as a national prevention mechanism, and ensured its financial independence in line with the Paris Principles.

598. On the Ohrid framework agreement and inter-ethnic relations recommendations, the framework agreement remained a priority for the Government, all envisaged laws regulating rights of non-majority communities had been adopted, and the recruitment procedures for persons belonging to non-majority communities were pursued according to envisaged dynamics. A committee of ministers had been established to monitor the implementation of the agreement and a series of projects implemented, including a joint UNDP, UNICEF and UNESCO project supported by the MDG Achievement Fund, centred on the improvement of inter-ethnic dialogue and cooperation among communities. A strategy entitled "Integration through education" was being drafted, the four national action and operative plans under the Roma Decade and Strategy had been revised, and the State was starting to implement a project for women in rural areas, including women belonging to ethnic communities.

599. On status registration, the law on registers set forth the obligation of registering the birth of a child; no fees were charged for documents and procedures. It had been established that the Roma population had the greatest problems with the registry records; among other things, a large number of educational and information meetings and debates had been organized by the Government and non-governmental organizations to deal with this problem.

600. The current penitentiary reform consists of two components: an improvement in the accommodation facilities for convicted prisoners, for remand prisoners and juveniles; and improvement in working conditions for the staff, and an increase in staff numbers. A training and education programme had been adopted, as well as an operative plan for staff

training. A project entitled “Piloting prison reforms in accordance with European Union required standards” will be implemented and funds have been requested, under the 2009 Instrument for Pre-Accession Assistance, for the preparation of a national prisons system development strategy, as well as for the assessment and implementation of a prison health-care strategy.

601. Concerning anti-discrimination recommendations, the draft law on the protection against discrimination would be soon considered by the Government for formal approval. A series of non-discrimination training sessions had started in mid-June 2009. A series of public awareness-raising campaigns had also been organized. Discrimination based on sexual orientation and gender were explicitly prohibited under the draft law. The recommendation on the rights of same-sex partners was not at this stage acceptable for the country.

602. The implementation of the law on equal opportunities and of the gender equality plan of action was expected to help the continuous positive trend in the representation of women in all spheres of social life. An analysis of the relevant legislation had been prepared and citizen logs were designed in cooperation with Roma women’s non-governmental organizations and the Ombudsman’s office in the context of activities to overcome unequal treatment and access of Roma, especially of Roma women, to State institutions. The national strategy for protection against domestic violence 2008–2011 was being implemented. All relevant institutions and ministries took measures to raise the expertise standards of relevant professionals. Measures were also taken to improve public information about legal measures to protect victims of domestic violence.

603. A plan of action aiming at the effective implementation of the law on juvenile justice was in force. By-laws had been adopted and programmes for specialized training of all involved institutions had been prepared. The State had continually improved the coherence of the activities of various institutions, non-governmental and international working on the detection and prevention of trafficking in human beings. The Convention on Action against Trafficking in Human Beings had been ratified in April 2009, and a new national plan of action for 2009–2012 and a new strategy had been adopted.

604. The reform of the judiciary and the promotion of its independence and efficiency remained major priorities. The 2004 reform strategy had been fully implemented, a plan of action was being prepared and the judiciary budget had been increased by 11 per cent. There were independent and external mechanisms for control of the work of the police. The internal control and professional standards sector objectively and professionally examined all allegations of abuse by the police.

605. Concerning elections, the State indicated that it would implement fully the recommendations contained in the OSCE/ODIHR Election Observation report of 2009, which involved further reform of the election system, as well as the revision of the voter’s list.

606. Regarding education, in particular drop-outs from school, a mentor project to help pupils, and parents to enrol their children in school and follow up their progress, had been implemented. A total of 650 scholarships for secondary schools had been awarded to Roma students and the secondary school enrolment criteria for Roma students have been lowered by 10 per cent. In the past three years, a project intended for Roma children a year before they start primary education had been implemented by the Ministry of Labour and Social Policy in cooperation with the Roma Education Fund and certain local governments.

## 2. Views expressed by Member and observer States of the Council on the review outcome

607. Hungary commended the former Yugoslav Republic of Macedonia for its full engagement with the universal periodic review and hoped that the implementation of the recommendations would contribute to the promotion of human rights in the country. It welcomed the clarification provided to its question concerning the credibility and effectiveness of the judiciary. Hungary fully supported the efforts already made to improve the efficiency of human rights institutions and encouraged the Government to strengthen further the rights of the Ombudsman in relation to non-discrimination issues. Hungary was convinced that the full implementation of the Ohrid framework agreement would contribute to the strengthening of the rights of minorities. It asked that more attention be paid to reassessing the legal status of the “Kosovo refugees”, and encouraged the Government to follow up on this issue.

608. Algeria noted the quality of the information presented, which demonstrated the serious approach of the authorities of the former Yugoslav Republic of Macedonia to the universal periodic review process. However, the process should involve not only the administration, but also the politicians in the country; therefore, ministerial involvement was encouraged. Algeria welcomed the acceptance by the State of its recommendation to make sure that the office of the Ombudsman was in line with the Paris Principles. Measures and concrete actions taken to tackle the question of dropout rates from school, in particular for Roma children, were underlined. Algeria also welcomed the favourable follow-up on its recommendation to ensure that certain minorities had access to adequate housing, education, employment and health care, and that particular attention was to be paid to the promotion of their integration in all sectors of social life.

609. The Russian Federation highlighted the serious attitude and constructive approach of the former Yugoslav Republic of Macedonia at all stages of the universal periodic review process. It thanked the delegation for its answers to the questions it had raised. The information provided demonstrated the commitment of the Government to, *inter alia*, accede to international human rights treaties and improve national human rights standards to bring them into line with international human rights requirements and standards. It understood that the creation of appropriate and effective implementation mechanisms was at the top of the Government’s agenda and wished the country further success in promoting and protecting human rights.

610. Bosnia and Herzegovina noted that the Government of the former Yugoslav Republic of Macedonia was striving to fulfil its human rights obligations, and improvements had been made. Developments of plans of action, projects and strategies confirmed the commitment of the Government to face the human rights challenges in different areas. The steps taken for the adoption and ratification of international human rights instruments also showed the serious improvements of human rights in the country.

611. Bulgaria noted that some improvements had been observed in the legislative and institutional framework of the former Yugoslav Republic of Macedonia for the protection of human rights. It remained concerned about cases of ethnic intolerance and discrimination and appealed to the country’s authorities to take all appropriate measures to prevent discrimination based on ethnic affiliation and to foster tolerance and respect for ethnic diversity. Bulgaria also called on the authorities to make systematic efforts to guarantee the independence of the media while addressing the widespread practice of hate speech, and to take measures promptly to implement recommendation 13 of the report of the Working Group.

612. Slovenia thanked the Government for having addressed and replied to the questions it had raised, particularly with regard to the independence of the judiciary, the anti-

discrimination law and the implementation of the Ohrid framework agreement. Slovenia also welcomed the acceptance of its recommendation on the consolidation of the independence and overall capacity of the judicial system by the Government, and encouraged it to strengthen further the rights of minorities and the institution of the Ombudsman.

613. The United States of America noted with concern that ethnic segregation in schools was increasing in the former Yugoslav Republic of Macedonia. While this was originally done to protect minority students from ethnically based violence, it tended to deepen the dividing lines between the different ethnicities, reinforce stereotypes and nullify reconciliation efforts. It welcomed the Government's commitment to address the roots of ethnic violence and to foster tolerance and respect for ethnic diversity by focusing greater efforts on education. It fully supported the Ministry of Education's goal of introducing courses on multiculturalism and tolerance as a means to enhance social cohesion among all ethnic groups.

614. Slovakia welcomed the State's decision to implement fully the recommendations for improving the legislation on elections. It was pleased that the reform of the judiciary and the promotion of its independence and efficiency remained major priorities of the country, and encouraged the Government to continue all necessary efforts in preparation of the plan of action for justice system reform, as well as the improvement of conditions in prisons and detentions centres. Efforts should also be made to achieve full compliance of the anti-discrimination law, currently in preparation, with international human rights standards. Slovakia also welcomed the determination of the Government to fully implement the Ohrid framework agreement and encouraged it to use the synergy of integration processes and instruments for pre-accession assistance in its efforts to tackle the challenges identified in the universal periodic review.

### **3. General comments made by other relevant stakeholders**

615. In a joint statement, the International Lesbian and Gay Association (ILGA-EUROPE), the Canadian HIV/AIDS Legal Network and Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit COC Nederland strongly commended the Government for having accepted most parts of recommendations 13 and 18 contained in the Working Group report. ILGA Europe called for the explicit inclusion of gender identity as a prohibited ground of discrimination in the anti-discrimination law, in order to better protect the rights of transgender people. ILGA welcomed the Government's recent awareness-raising campaigns and anti-discrimination programmes. It encouraged the Government, in the development and implementation of such campaigns, to work in partnership with relevant civil society groups and to use the Yogyakarta Principles for guidance. Regarding recommendation 18 (b), ILGA expressed its deep disappointment that the Government had decided not to treat same-sex couples in the same manner as opposite sex partners and urged the Government to reconsider its position on this matter.

616. The International Commission of Jurists remained concerned by frequent allegations of ill-treatment by law enforcement authorities and the failure to take effective measures to prosecute and punish the perpetrators, as required by the State's international human rights obligations. It also regretted that the Working Group had not addressed some of the key issues for the effective prevention of torture, including the lack of prompt, effective and confidential access to a lawyer, and the need for a prompt, independent medical examination of those alleging torture or ill-treatment, as well as effective review by judicial bodies of the legality of the detention. It called on the Government to carry out an independent investigation on the circumstances of Mr. al-Masri's abduction and detention in the country and the role of its intelligence services in that regard.

617. Action Canada for Population and Development urged the Government to implement the Ohrid framework agreement fully, especially with respect to Roma communities. It also urged the Government to prioritize the formulation of an anti-discrimination legal framework and the strengthening of administrative structures to sanction any form of discrimination. It called attention to the fact that shelter centres for victims of domestic violence remained inaccessible for Roma girls under the age of 18 who suffered violence based on early and/or arranged marriages within their families. With regard to the Kosovo Roma refugees, it expressed concern that the process of granting asylum was not fully gender-sensitive. It reported that there were cases of women who suffered the worst forms of gender-based violence, to the families of which the asylum status was denied. Concerning the situation of begging Roma children, it urged the Government to introduce affirmative measures to eliminate begging. Almost half of those children had problems of addiction and were thus in conflict with the law. It also strongly urged the Government to, inter alia, consider an amnesty for all children under the age of 16 years for whom the State did not offer programmes to combat their addictions.

#### **4. Concluding remarks of the State under review**

618. In her concluding remarks, the head of the delegation indicated that all suggestions had been duly taken into account. The former Yugoslav Republic of Macedonia acknowledged that improvement was always possible in relation to human rights and was living up to that belief. The country had developed a tolerant society, with its own specificities. It was also seeking to resolve its difficulties and was open to any further discussion on the issues raised by delegations. The universal periodic review process, in which the entire Government was fully involved, was an excellent opportunity to assess achievements, in terms of both national and international commitments, and to see where the country stood on a number of issues. The delegation reiterated that the recommendations would serve as useful guide in policy design and action on human rights, and the recommendations and suggestions given would be included therein. The State would continue to cooperate fully and engage with the review process in the future.

### **Comoros**

619. The review of the Comoros was held on 13 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on information presented by Comoros, in accordance with the annex to Council resolution 5/1, paragraph 15 (a); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/5/COM/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/COM/3).

620. At its 18th meeting, on 25 September 2009, the Council considered and adopted the outcome of the review on the Comoros (see section C below).

621. The outcome of the review on the Comoros comprises the report of the Working Group on the Universal Periodic Review (A/HRC/12/16), the views of the Comoros concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

#### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

622. The delegation of the Comoros expressed its gratitude for the efforts made by the United Nations, and in particular the Secretariat, to ensure the participation of the delegation of the Comoros in the universal periodic review. Mexico, the United Kingdom

and Ghana were thanked for their assistance in the preparation of the outcome of the review, which the Comoros hoped would be adopted.

623. The delegation considered that almost six months after the review of the Comoros, positive results could rightly be expected regarding the human rights concerns raised. Regarding the attempted secession on the island of Anjouan in 2008, the delegation announced that the detained military separatists had been released and returned to their island of origin. It also stated that the politicians in Grande Comore who defied the implementation of the revised Constitution no longer faced judicial investigation and were not in detention.

624. The delegation stated that the 52 recommendations supported by the Comoros represented a commitment and reiterated their firm intention to implement them. The country was deeply attached to the ideals of human rights and reiterated that the outcome of the review would be fully embraced by the Comoros.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

625. Qatar appreciated that the Comoros had accepted 52 recommendations, including recommendation 45, presented by Qatar, on further efforts to provide education to all school-aged children free of charge. It applauded achievements such as the establishment of federal institutions in the context of the ongoing political and constitutional reform. It noted the lack of economic and financial resources and challenges posed by poverty, unemployment and illiteracy, particularly in realizing economic, social and cultural rights, as well as in reaching the objectives of the Millennium Development Goals. Qatar paid tribute to the efforts of the Comoros to combat corruption and poverty and with regard to good governance, in order to achieve human and social development. Qatar wished for more progress in the promotion and protection of human rights in the Comoros.

626. Algeria commended the Comoros for the efforts made in spite of the challenges faced and scarce resources. It noted that the acceptance of recommendations indicated the determination of the Comoros to implement its international human rights commitments. Algeria congratulated the Comoros, in particular, on the release of the detained rebels. It welcomed its efforts to fight poverty and to eliminate all forms of discrimination against women by adopting a national policy for gender equality and promoting the participation of women in public affairs and economic life. It commended its efforts to prepare a national growth and poverty reduction strategy and a national plan of action for access to education for all. It appreciated the acceptance of recommendations on training of judicial and law enforcement officials to improve child protection and juvenile justice systems. Algeria called on the international community to support the Comoros in its efforts.

627. Bahrain welcomed the adherence by the Comoros to human rights principles and values. It commended the Comoros for the commitments implemented or being implemented, in spite of the economic and social impediments. It applauded the policies and programmes to protect and promote human rights, including economic, social and cultural rights, as well as the right to development, in order to achieve the Millennium Development Goals. It referred to the measures taken to alleviate poverty and increase education and health care for all. Bahrain appreciated the efforts made to improve the situation of women and to encourage the appointment of women to decision-making positions and their participation in economic activity. It welcomed the national policy for equity and justice and further measures to guarantee equality between men and women at work.

628. The Libyan Arab Jamahiriya stated that the participation of the Comoros in the universal periodic review indicated the importance the country gave to human rights in

spite of the difficulties faced. It noted the number of structures set up in the Comoros for the protection of women and women's rights, the mechanisms for the protection of children and the new strategies for the empowerment of women and to ensure access to education. It commended the efforts made to combat poverty and to continue securing access to education and health. It welcomed the accession of the Comoros to numerous international human rights conventions, and the fact that the interactive dialogue had resulted in recommendations accepted by the Comoros. It hoped that the United Nations and the international community would offer assistance to the Comoros, as required to support its efforts to improve the human rights situation.

629. Morocco observed that the support of the majority of recommendations illustrated the determination of the Comoros to move forward in a spirit of transparency and objectivity. Morocco welcomed the decision of the Comoros to accept the recommendations concerning improvements in the situation of women and the promotion of education for children. It noted the readiness of the authorities to take measures to reduce child and maternal mortality and to improve the access of children to health care. It stated that implementing the recommendations required support and assistance from international agencies, such as WHO. The efforts made by the Comoros, despite scarce resources, showed the firm will to modernize and democratize government. It stated that substantial assistance and support from the international community to the Comoros was necessary and justified.

630. Senegal stated that, by accepting most recommendations, the Comoros had confirmed its readiness to improve the human rights situation in a difficult context. Senegal welcomed the willingness of the Comoros to accede to other international human rights instruments. It also looked favourably upon the acceptance of the recommendation concerning the establishment of a national human rights institution. The existence of such an institution could greatly contribute to the strengthening of the institutional human rights framework. Senegal encouraged the Comoros to be vigorous in its efforts to ensure the effective implementation of the accepted recommendations, and appealed to the international community to assist in this regard.

631. Ghana thanked the Comoros for the further clarifications to the recommendations, and appreciated the measures already taken since the review, including the release of the detained rebels. It recalled that the Comoros had announced its strong attachment to human rights ideals and its commitment to foster real human development, despite many economic and social constraints. It appreciated the State's acceptance of 52 of the 59 recommendations and its willingness to work with the Council to strengthen efforts to address human rights issues in the country. The Comoros deserved the support of the Council and the international community in its desire to improve the promotion and protection of human rights.

### **3. General comments made by other relevant stakeholders**

632. The International Lesbian and Gay Association addressed recommendation 4 in paragraph 66 of the report and noted that same-sex activity between consenting adults was criminalized by article 318 of the penal code. It noted that the Human Rights Committee had repeatedly confirmed that such laws violated the rights to both privacy and non-discrimination, contrary to articles 17 (1) and 26 of the International Covenant on Civil and Political Rights, and referred also to the calls by the High Commissioner on the issue. It noted the delegation's responses that homosexuality was not prosecuted and the law not enforced, and considered that, if this was this case, the Government should be willing to accept the recommendation. Even when not enforced, such laws undermine the human dignity of lesbian, gay, bisexual or transgender people. It urged the Comoros to bring the

penal code into line with international human rights obligations by repealing those provisions, and to accept the recommendation to organize awareness-raising campaigns.

633. The International Human Rights Association of American Minorities appreciated the recommendations reflected in the outcome of the review. It expressed concern at the reports of harsh and insanitary conditions in which a number of people were held in detention. It commended the ratification of additional instruments, including the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It also commended efforts to improve the situation of children, reduce infant mortality, fight poverty and achieve gender equality, despite the serious challenges. It noted that climate change would have a negative impact on the human rights to life, health, food and water, and also affect the adequate standard of living and the environment. It demanded that the Council and the international community support the Comoros in its efforts to promote and protect human rights.

#### **4. Concluding remarks of the State under review**

634. The Comoros welcomed the statements calling upon the international community to support the country to improve the promotion and protection of human rights. Regarding the concerns raised by the International Lesbian and Gay Association, the delegation reiterated that consenting adults had never been prosecuted in the Comoros for engaging in homosexual relations. The delegation took note of the recommendation to revise article 318 of the penal code. In this respect, the Comoros recalled that countries did not evolve in the same manner and that time was needed for changes to materialize. In closing, the Comoros reaffirmed that it would strive to make human rights ideals a reality in the country.

### **Slovakia**

635. The review of Slovakia was held on 13 May 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Slovakia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/5/SVK/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/5/SVK/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/SVK/3).

636. At its 19th meeting, on 25 September 2009, the Council considered and adopted the outcome of the review on Slovakia (see section C below).

637. The outcome of the review on Slovakia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/12/17), the views of Slovakia concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/12/17/Add.1).

#### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

638. The delegation of Slovakia stated that the universal periodic review process was a unique opportunity to assess the implementation of its international human rights obligations. The majority of recommendations had been identified as constructive and target-oriented, and many of the recommended measures had already been incorporated in plans of action and were at different stages of implementation.

639. The delegation emphasized that the majority of recommendations had been related to the Roma and the improvement of their standard of living, access to appropriate housing,



education, health care, employment, as well as to the elimination of acts of discrimination, ethnically motivated violence, and ill-treatment by law enforcement authorities towards the Roma. Slovakia considered this set of recommendations very complex and requiring huge financial resources, effort and cooperation of all involved, and noted that solutions were not imminent but would materialize in the future.

640. The delegation stressed that Slovakia had accepted 79 recommendations without any reservation, had not accepted nine recommendations, and supported three recommendations with reservations.

641. Slovakia noted that it could not accept recommendation 9, which called for the adoption of a comprehensive legal instrument that would recognize the rights of persons belonging to minority groups and would offer necessary protection, especially to children. Slovakia attached great importance to the protection of minority groups, including children. The rights of persons belonging to national minorities were guaranteed by the Constitution and other existing legal norms. Slovakia deemed this framework sufficient and did not foresee any new legal instrument.

642. Similarly, recommendation 11 proposed the development of more legislative guarantees aimed at achieving full compliance with the provisions of the Framework Convention for the Protection of National Minorities and of the European Charter for Regional or Minority Languages. The delegation stated that the existing legislative guarantees were sufficient. The Council of the Government for National and Ethnic Minorities had reviewed the current periodical reports on the implementation of these two conventions without requesting any additional measures.

643. With regard to recommendation 14 calling for the formulation and implementation of a national plan of action on the protection of civil rights of lesbians, gays, bisexuals and transgender persons, the delegation drew attention to the plan of action for the prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and intolerance, which was a comprehensive document pertaining also to the rights of those persons.

644. Slovakia did not accept recommendations 67 to 69 and underlined that forced sterilization had never been an official State policy or an officially endorsed practice, and that therefore the Government could not take any political responsibility. The accusations of forced sterilizations of Roma women in Eastern Slovakia had elicited an immediate reaction from the Government, which initiated a criminal prosecution against unidentified offenders for the criminal offence of genocide. In 2003, the criminal prosecution was stopped, as it was apparent that the act for which the criminal prosecution had been undertaken had not taken place. In this connection, the legislation on health care was revisited, and Act No. 576 of 2004 stipulated the conditions necessary for sterilization, and institutionalized “informed consent” as a precondition for sterilization.

645. Slovakia did not accept recommendation 72, which called for enacting and implementing new legislative norms in order to put an end to discriminatory practices against Roma in the educational process. The School Act of 2008 and the Anti-discrimination Act provided equal conditions for all children with regard to access to education. The School Act accentuated equal access to education and training and the prohibition of all forms of discrimination and segregation as the main principles of training and education. The delegation considered that, for the time being, the above-mentioned legal framework was sufficient.

646. Slovakia did not accept recommendations 75 to 76 proposing working out and implementing a strategy for addressing the disproportionate enrolment of Roma children in special schools. The delegation stated that the School Act provided clear criteria for enrolling children in specialized schools or classes, and clearly defined and distinguished between children and students with special educational needs, handicaps, disabilities, or feeble

health from those who came from a socially disadvantaged environment. No additional or new measures were planned.

647. With regard to the recommendations that Slovakia supported with reservations, the delegation stated that, while supporting the general aim of the second part of recommendation 47 calling for combating the exploitation of children in the workplace, it stressed that no cases of exploitation of children in the workplace had been reported, as the employment of children under 15 years of age was prohibited.

648. Slovakia expressed a reservation to recommendation 55, which proposed measures on religious freedom and more flexible norms and rules for religious groups with a small number of believers and avoiding their discrimination. It considered that the recommendation did not identify clearly the nature of the requested flexibility, the quantitative parameters of a small number of believers and the form of discrimination to be avoided.

649. Slovakia had a reservation to recommendation 22 asking for regular responses to questionnaires sent by special procedures mandate holders. As a small country, Slovakia had limited capacities and, despite all efforts, might not always be able to provide the requested information. Slovakia would do its utmost to meet the requirements, but asked for understanding if it did not always respond on time.

650. The delegation stressed that Slovakia had accepted the remaining 79 recommendations. It considered the universal periodic review a continuing process and expressed its determination to implement the recommendations received through the cooperation of governmental and non-governmental bodies. Slovakia remained committed to working towards the implementation of the voluntary pledges undertaken when presenting its candidature to the Council.

651. In conclusion, the delegation highlighted that Slovakia had been among the first countries to sign the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, on 24 September 2009. It also noted that the information about the universal periodic review recommendations and their implementation would be presented at the upcoming meeting of the Council of the Government of Slovakia for non-governmental non-profit organizations.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

652. Hungary welcomed Slovakia's steps and recalled its recommendation to improve further the legislative guarantees of the rights of national minorities. It noted that the Slovak Parliament had amended the State Language Act on 30 June 2009, which entered into force on 1 September 2009, and said that, on several points, the Act ran counter to the various international commitments Slovakia had undertaken. Instead of protecting and promoting the rights and identities of national minorities, the law limited them. It expressed a preference for a mutually acceptable solution, based on international norms and serving the legitimate interests of minorities. It highlighted that Hungary and Slovakia had been involved in bilateral negotiations, also relying on international actors, in particular the OSCE High Commissioner on National Minorities and that, on 10 September 2009, the heads of Government of Hungary and Slovakia had agreed to accept fully the recommendations of the High Commissioner concerning the amended language law. The two countries discussed the implementation of this commitment. Hungary hoped to inform the Council on progress achieved at the second Minority Forum in November 2009.

653. Algeria noted that Slovakia was a party to the majority of human rights instruments, which demonstrate its determination to promote and protect all human rights. It was encouraged by Slovakia's readiness to examine the possibility of adhering to the

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It welcomed the creation of a national strategy for gender equality (2009–2013) and the measures taken to eliminate all forms of discrimination against women, in particular the progressive integration of women in higher ranking and decision-making positions, as recommended by Algeria. It welcomed Slovakia's efforts to achieve the Millennium Development Goals and its commitment to increase the volume of official development assistance to least developed countries.

654. The Russian Federation believed that Slovakia's review was in conformity with the requirements contained in General Assembly resolution 60/251 and in Council resolution 5/1. It noted that the positive result was achieved thanks to the serious approach of the Slovak delegation at all phases of the process, and that Slovakia had agreed without reservation to most recommendations. It wished Slovakia further progress in the protection and promotion of human rights and the utmost success in the implementation of the commitments made during the universal periodic review process.

### **3. General comments made by other relevant stakeholders**

655. Amnesty International was concerned that large numbers of Roma children were placed unnecessarily in special schools and classes for children with mental disabilities, which severely reduced future education and employment opportunities. It regretted the rejection by Slovakia of recommendations 75 and 76, and urged it to reconsider them without delay. It noted that several States had raised concerns about reported cases of forced sterilization of Roma women without their prior and informed consent. It remained concerned at the continued failure of the authorities to carry out impartial and effective investigations in this regard. The authorities' denial of cases of forced sterilizations in public hospitals was worrying in the light of reports of a series of halted prosecutions into cases of alleged forced sterilizations. Amnesty International regretted Slovakia's rejection of recommendations 67 to 69 and urged the Government to reconsider them.

656. The International Gay and Lesbian Association of Europe, on behalf of Federatie van Nederlandse Verenigingen tot Integratie von Homoseksualiteit – COC Netherlands and other associations, welcomed Slovakia's acceptance of recommendation 14 to formulate and implement a national plan of action for the protection of the civil rights of lesbian, gay, bisexual and transgender persons, as well as the confirmation that the national plan of Action for the prevention of all sorts of discrimination was a comprehensive document pertaining also to the above-mentioned rights. It urged Slovakia to ensure the inclusion of sexual orientation and gender identity as grounds of discrimination in human rights legislation; to develop comprehensive legislation regulating gender reassignment procedures; to take legislative measures ensuring that same-sex couples enjoyed equal rights and obligations as opposite-sex couples; and to use the Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity as a guide to policymaking and the national plan of action. It commended Slovakia for supporting the joint statement on human rights, sexual orientation and gender identity delivered at the General Assembly in December 2008, on behalf of 67 States from all five United Nations regions.

657. Franciscans International emphasized that any assessment of the social and economic status of the Roma population must be preceded by an accurate reflection of their situation, and encouraged Slovakia to consider data-gathering as a priority in its plans of action. It stressed that the State's housing policy, focusing on the provision of economic instruments, should ensure that the Roma's particular cultural and social contexts were taken into account. It stated that Slovakia must ensure effective participation of the Roma in decision-making processes on education and health related-matters and to identify why Roma children who were not in need of special education were enrolled in such schools,

and to analyse the reason for the large presence of such schools in Roma communities. It urged Slovakia to engage in campaigns for the promotion of an effective right to education.

658. The Organization for Defending Victims of Violence stressed Slovakia's spirit of cooperation and noted Slovakia's efforts with regard to education, refugees' rights, the fight against racism, prohibition of torture and cruel and inhuman behaviours, poverty reduction, the fight against human trafficking, the protection of women and children's rights, and attention to the rights of ethnic minorities. The lack of a fully independent human rights monitoring body at the national level was a highly noticeable problem which could be rectified by removing restrictions and expanding the authority of the current national centre for human rights. It also highlighted how the development and expansion of bilateral and multilateral cooperation, technical support, promotion of public awareness and the adoption of an interactive approach could help reaching a common human rights understanding and common objectives. The Organization hoped that, with the expansion of cooperation in human rights, particularly with civil society and non-governmental organizations, Slovakia could improve further the country's human rights situation.

#### **4. Concluding remarks of the State under review**

659. The delegation of Slovakia thanked the delegations and non-governmental organizations that had taken the floor and for the positive views expressed. The delegation noted also some critical ideas or dissatisfaction regarding the responses provided by Slovakia and recalled the answers it had provided in its national report, oral statements and written responses. It assured that it would work on all recommendations in the hope that the views would be more positive in four years, when Slovakia undergoes its second review.

660. In addition to the response to Hungary's recommendation given in May 2009, Slovakia reported on the forthcoming reviews by the Council of Europe, before the end of 2009, regarding the Framework Convention for the Protection of National Minorities and the European Charter. Slovakia would see from these two monitoring exercises if there was any need for further improvement.

661. Regarding the new issue of the amended State Language Act, Slovakia expressed its satisfaction that the matter was becoming part of normal and civilized dialogue between friends and neighbours. Judging from the opinions of the OSCE High Commissioner on National Minorities, Slovakia was confident that the law was in line with its international obligations. Slovakia would focus on the implementation of the recommendations that both Slovakia and Hungary received from the High Commissioner and Slovakia would, together with Hungary, work on the implementation of the amended law and on the rules of implementation. The delegation stated that, on 25 September 2009, the Joint Intergovernmental Commission on National Minorities had met in Bratislava. It hoped that the final results of this and other meetings expected to be held in the future would be satisfactory to both sides.

662. While thanking for the interest attributed to the human rights situation in Slovakia, the delegation assured that Slovakia considered the universal periodic review a continuing process. Slovakia was at an early stage on the process and would provide sufficient attention to the recommendations.

#### **B. General debate on agenda item 6**

663. At its 20th meeting, on 25 September 2009, the Council held a general debate on agenda item 6, during which the following made statements:

(a) Representatives of States Members of the Council: Bangladesh, France, Italy, Japan, Nigeria (on behalf of the Group of African States), Republic of Korea, Russian

Federation, Sweden<sup>2</sup> (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Georgia, Liechtenstein, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Ukraine, United States of America, Uruguay<sup>2</sup> (also on behalf of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Peru, Paraguay and Venezuela (Bolivarian Republic of));

(b) Representatives of the following observer States: Colombia, Turkey;

(c) Observers for the following non-governmental organizations: Canadian HIV/AIDS Legal Network, International Service for Human Rights.

## C. Consideration of and action on draft proposals

### Central African Republic

664. At its 14th meeting, on 23 September 2009, the Council adopted draft decision 12/101 without a vote (for the text as adopted, see part one, chapter I).

### Monaco

665. At its 14th meeting, on 23 September 2009, the Council adopted draft decision 12/102 without a vote (for the text as adopted, see part one, chapter I).

### Belize

666. At its 14th meeting, on 23 September 2009, the Council adopted draft decision 12/103 without a vote (for the text as adopted, see part one, chapter I).

### Congo

667. At its 15th meeting, on 23 September 2009, the Council adopted draft decision 12/104 without a vote (for the text as adopted, see part one, chapter I).

### Malta

668. At its 15th meeting, on 23 September 2009, the Council adopted draft decision 12/105 without a vote (for the text as adopted, see part one, chapter I).

### New Zealand

669. At its 16th meeting, on 24 September 2009, the Council adopted draft decision 12/106 without a vote (for the text as adopted, see part one, chapter I).

### Afghanistan

670. At its 16th meeting, on 24 September 2009, the Council adopted draft decision 12/107 without a vote (for the text as adopted, see part one, chapter I).

### Chile

671. At its 16th meeting, on 24 September 2009, the Council adopted draft decision 12/108 without a vote (for the text as adopted, see part one, chapter I).

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<sup>2</sup> Observer of the Council speaking on behalf of Member and observer States.

**Chad**

672. At its 17th meeting, on 24 September 2009, the Council adopted draft decision 12/109 without a vote (for the text as adopted, see part one, chapter I).

**Viet Nam**

673. At its 18th meeting, on 24 September 2009, the Council adopted draft decision 12/110 without a vote (for the text as adopted, see part one, chapter I).

**Uruguay**

674. At its 18th meeting, on 24 September 2009, the Council adopted draft decision 12/111 without a vote (for the text as adopted, see part one, chapter I).

**Yemen**

675. At its 18th meeting, on 24 September 2009, the Council adopted draft decision 12/112 without a vote (for the text as adopted, see part one, chapter I).

**Vanuatu**

676. At its 19th meeting, on 25 September 2009, the Council adopted draft decision 12/113 without a vote (for the text as adopted, see part one, chapter I).

**The former Yugoslav Republic of Macedonia**

677. At its 19th meeting, on 25 September 2009, the Council adopted draft decision 12/114 without a vote (for the text as adopted, see part one, chapter I).

**Comoros**

678. At its 19th meeting, on 25 September 2009, the Council adopted draft decision 12/115 without a vote (for the text as adopted, see part one, chapter I).

**Slovakia**

679. At its 20th meeting, on 25 September 2009, the Council adopted draft decision 12/116 without a vote (for the text as adopted, see part one, chapter I).

## **VII. Human rights situation in Palestine and other occupied Arab territories**

### **A. Follow-up to Human Rights Council resolution S-9/1**

680. At the 23rd meeting, on 29 September 2009, Justice Richard J. Goldstone made a statement on the report of the United Nations fact-finding mission on the Gaza conflict (A/HRC/12/48), pursuant to Council resolution S-9/1.

681. At the same meeting, the representatives of Israel and Palestine made statements as concerned parties.

682. During the ensuing interactive dialogue, at the same meeting and at the 24th meeting on the same day, the following made statements and asked questions:

(a) Representatives of States Members of the Council: Bahrain, Brazil, Chile, China, Cuba, Egypt (also on behalf of the Non-Aligned Movement), Indonesia, Japan,

Jordan, Mexico, Netherlands, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Senegal, South Africa, Sweden<sup>2</sup> (on behalf of the European Union), Tunisia<sup>2</sup> (on behalf of the Group of Arab States), United States of America;

(b) Observers for the following States: Algeria, Iraq, Iran (Islamic Republic of), Kuwait, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Malaysia, Oman, Sudan, Switzerland, Syrian Arab Republic, Turkey, Venezuela (Bolivarian Republic of), Yemen;

(c) Observer for an intergovernmental organization: League of Arab States;

(d) Observer for a national human rights institution: Independent Commission on Human Rights – Palestine;

(e) Observers for non-governmental organizations: Al-Haq, Law in the Service of Man, Amnesty International, Badil Resource Center for Palestinian Residency and Refugee, Hadassah, Women's Zionist Organization of America (also on behalf of United Nations Watch and the European Union of Jewish Students), Hudson Institute (also on behalf of the Institute on Human Rights and the Holocaust (Touro Law Center)), Human Rights Watch, Physicians for Human Rights.

683. At the 23rd and 24th meetings, on 29 September, Hina Jilani and Justice Richard J. Goldstone answered questions and made concluding remarks.

684. Also at the 24th meeting, on the same day, the United Nations High Commissioner for Human Rights made a statement in relation to the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip, and presented her periodic report on the implementation of Council resolution S-9/1 (A/HRC/12/37).

## **B. General debate on agenda item 7**

685. At its 24th and 25th meetings, on 29 and 30 September 2009, the Council held a general debate on agenda item 7, during which the following made statements:

(a) The representatives of Palestine and the Syrian Arab Republic, as concerned parties;

(b) Representatives of States Members of the Council: Bahrain, Bangladesh, Brazil (also on behalf of India and South Africa), Cuba, Egypt (on behalf of the Non-Aligned Movement), Indonesia, Italy, Netherlands, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Russian Federation, Saudi Arabia, Sweden<sup>2</sup> (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Tunisia<sup>2</sup> (on behalf of the Group of Arab States);

(c) Representatives of the following observer States: Algeria, Australia, Democratic People's Republic of Korea, Iceland, Ireland, Iran (Islamic Republic of), Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, New Zealand, Oman, United Arab Emirates, Yemen;

(d) Observers for the following intergovernmental organizations: African Union, League of Arab States;

(e) Observers for the following non-governmental organizations: Amnesty International, Association of World Citizens, Cairo Institute for Human Rights Studies, Centre Europe Tiers-Monde (also on behalf of the World Federation of Trade Unions),

Coordinating Board of Jewish Organization (also on behalf of B'nai B'rith International), Defence for Children International, Hadassah, the Women's Zionist Organization of America, Hudson Institute (also on behalf of the International Association of Jewish Lawyers and Jurists), Institute for Women Studies and Research, International Commission of Jurists, International Federation of Human Rights Leagues, Islamic Human Rights Commission, Maryam Ghasemi Educational Charity Institute, Mouvement contre le racisme et pour l'amitié entre les peuples, Nord – Sud XXI, Organization for Defending Victims of Violence, Union of Arab Jurist (also on behalf of the International Organization for the Elimination of All Forms of Racial Discrimination), United Nations Watch, Women's International League for Peace and Freedom.

### **C. Consideration of and action on draft proposals**

#### **The human rights situation in the Occupied Palestinian Territory, including East Jerusalem**

686. At the 31st meeting, on 1 October 2009, the representative of Pakistan (also on behalf of the Group of African States, the Group of Arab States, the Organization of the Islamic Conference and the Non-Aligned Movement) made a statement in relation to draft resolution A/HRC/12/L.12, sponsored by Egypt (on behalf of the Non-Aligned Movement, with the exception of Chile, Cameroon, Guatemala and Panama), Nigeria (on behalf of the Group of African States, with the exception of Cameroon), Pakistan (on behalf of the Organization of the Islamic Conference) and Tunisia (on behalf of the Group of Arab States).

687. At the same meeting, at the request of the representative of Pakistan, the draft resolution was deferred for consideration by the Council at its thirteenth session.

## **VIII. Follow-up to and implementation of the Vienna Declaration and Programme of Action**

### **A. Annual discussion on the integration of a gender perspective in the work of the Human Rights Council, with a focus on the universal periodic review**

688. At its 21st meeting, on 28 September 2009, pursuant to Council resolution 6/30, the Council held its annual discussion on the integration of a gender perspective in the work of the Council with a focus on the universal periodic review. A representative of the High Commissioner opened the discussion with a statement.

689. At the same meeting, the following panellists addressed the Council: Leilani Farha, Cecilia Rachel Quisumbing, Jeremy Sarkin, Maria Virginia Bras Gomes (also on behalf of Barbara Evelyn Bailey) and Fatima-Binta Victoire Dah.

690. In the first part of the ensuing discussion, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Brazil, Chile, Cuba, France, Indonesia, Norway, Russian Federation, Slovenia, Sweden<sup>2</sup> (on behalf of the European Union), United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Azerbaijan, Canada (also on behalf of Australia and New Zealand), Finland, Ireland, Turkey;



(c) Observer for a national human rights institution: Consultative Council of Human Rights of Morocco;

(d) Observers for the following non-governmental organizations: Human Rights Watch, Women's International League for Peace and Freedom (also on behalf of the Asia Pacific Forum on Women Law and Development, the Brahma Kumaris World Spiritual University, the Catholic Organization for Relief and Development, Interfaith International, the International Alliance of Women, the International Council of Nurses, the International Council of Women, the International Movement against All Forms of Discrimination and Racism, the International Network of Liberal Women, the International Youth and Student Movement for the United Nations, Soka Gakkai International, Solar Cookers International, the Tandem Project, the Women's World Summit Foundation, the World Alliance of Young Men's Christian Association, the World Alliance of Young Women's Christian Association, the World Federation for Mental Health, the Worldwide Organization of Women and the World Women's Federation for World Peace and Zonta International).

691. At the same meeting, Ms. Farha, Ms. Quisumbing and Mr. Sarkin answered questions and made comments.

692. In the second part of the ensuing discussion, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Bangladesh, Belgium, China, Japan, Mexico, Netherlands, Nicaragua, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Korea, United States of America;

(b) Representatives of the following observer States: Algeria, Morocco, Switzerland;

(c) Observers for the following non-governmental organizations: Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (also on behalf of the Women's Federation for World Peace International), International Federation of Human Rights Leagues, International Federation of University Women.

693. At the same meeting, Ms. Farha, Ms. Quisumbing, Mr. Sarkin, Ms. Victoire Dah and Ms. Bras Gomes answered questions and made their concluding remarks.

## **B. General debate on agenda item 8**

694. At its 25th and 26th meetings, on 30 September 2009, the Council held a general debate on agenda item 8, during which the following made statements:

(a) Representatives of States Members of the Council: Brazil, Indonesia, Nigeria (on behalf of the Group of African States), Norway, Russian Federation, Slovenia, Sweden<sup>2</sup> (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Thailand<sup>2</sup> (also on behalf of Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore and Viet Nam), United States of America, Uruguay (also on behalf of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Peru, Paraguay and Venezuela (Bolivarian Republic of));

(b) Representatives of the following observer States: Belarus, Turkey;

(c) Observer for a national human rights institution: International Coordinating Committee of National Human Rights Institutions;

(d) Observers for the following non-governmental organizations: Action Canada for Population and Development, Amnesty International, Asian Forum for Human Rights (also on behalf of the International NGO Forum on Indonesian Development and International Women's Rights Action Watch Asia Pacific), Association for World Education, Canadian HIV/AIDS Legal Network, Centre for Women's Global Leadership (also on behalf of the Asia Pacific Forum on Women Law and Development and International Women's Rights Action Watch Asia Pacific), Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit COC Nederland (also on behalf of the European Region of the International Lesbian and Gay Association), European Union for Public Relations, Human Rights Watch, International Club for Peace Research, International Commission of Jurists, Indian Council of Education, International Humanist and Ethical Union, International Institutes for Non-Aligned Studies, International Services for Human Rights, Mouvement contre le racisme et pour l'amitié entre les peuples, United Nations Watch, Universal Esperanto Association.

695. At the 26th meeting, on 30 September, the representatives of Iran (Islamic Republic of), Sri Lanka and the Sudan made statements in exercise of the right of reply.

### C. Consideration of and action on draft proposals

#### **Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind**

696. At the 31st meeting, on 2 October 2009, the representative of the Russian Federation introduced draft resolution A/HRC/12/L.13/Rev.1, sponsored by the Russian Federation and co-sponsored by Belarus, Bolivia (Plurinational State of), China, Singapore and Sri Lanka. Subsequently, Algeria, Bangladesh, Burundi, Cameroon, Chad, Cuba, Djibouti, Egypt, Ethiopia, Gabon, Iran (Islamic Republic of), Kazakhstan, Kyrgyzstan, Lebanon, Madagascar, Malaysia, Morocco, Myanmar, Nigeria, Pakistan, the Syrian Arab Republic, Tunisia, Viet Nam and Zambia joined the sponsors.

697. At the same meeting, the representative of the Russian Federation orally revised the draft resolution by modifying paragraph 1.

698. Also at the same meeting, the representatives of Bolivia (Plurinational State of) and China made general comments in relation to the draft resolution.

699. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).

700. At the same meeting, the representatives of Argentina, Chile, France (on behalf of States Members of the European Union that are members of the Council), Indonesia, Japan, Mexico, Norway, the Republic of Korea, Senegal and the United States of America made statements in explanation of vote before the vote.

701. Also at the same meeting, at the request of the representative of Norway, a recorded vote was taken on draft resolution A/HRC/12/L.13/Rev.1. The draft resolution was adopted by 26 votes in favour, 15 against, with 6 abstentions. The voting was as follows:

*In favour*

Angola, Bahrain, Bangladesh, Bolivia (Plurinational State of), Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Zambia;

*Against*

Belgium, Chile, France, Hungary, Italy, Japan, Mauritius, Mexico, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, United Kingdom of Great Britain and Northern Ireland, United States of America;

*Abstaining:*

Argentina, Bosnia and Herzegovina, Brazil, Ghana, Ukraine, Uruguay.

702. For the text as orally revised and adopted, see part one, chapter I, resolution 12/21.
703. At the same meeting, the representatives of Nigeria and Ukraine made statements in explanation of vote after the vote.
704. At the 31st and 32nd meetings, on 2 October, the representatives of Australia (also on behalf of Canada and New Zealand), Cuba and Switzerland made general remarks in relation to the adopted resolution.

## **IX. Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action**

### **A. Interactive dialogue with special procedures mandate holders**

705. At the 26th meeting, on 30 September 2009, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai, presented his report (A/HRC/12/38).

706. During the ensuing interactive dialogue at the same meeting, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Brazil, Chile, France, Egypt (on behalf of the Non-Aligned Movement), Indonesia, Nigeria (also on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Sweden<sup>2</sup> (on behalf of the European Union), Tunisia<sup>2</sup> (on behalf of the Group of Arab States), United States of America;

(b) Representatives of the following observer States: Algeria, Azerbaijan, Iran (Islamic Republic of), Iraq, Malaysia, Switzerland, Syrian Arab Republic;

(c) Observers for the following non-governmental organizations: Cairo Institute for Human Rights, European Center for Law and Justice, Indian Council of South America, Interfaith International, United Nations Watch.

707. At the same meeting, the Special Rapporteur answered questions and made his concluding remarks.

708. Also at the same meeting, the representative of the Libyan Arab Jamahiriya made a statement in exercise of the right of reply.

### **B. General debate on agenda item 9**

709. At the 27th meeting, on 30 September 2009, the Council held a general debate on agenda item 9, during which the following made statements:

(a) Representatives of States Members of the Council: Belgium, Bolivia (Plurinational State of), China, Cuba, Egypt (on behalf of the Non-Aligned Movement and the Organization of the Islamic Conference), Russian Federation, Slovenia, South Africa,

Sweden<sup>2</sup> (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine);

- (b) Representative of an observer State: Libyan Arab Jamahiriya;
- (c) Observer for Holy See;
- (d) Observer for an intergovernmental organization: African Union;
- (e) Observer for a national human rights institution: Human Rights Committee of Qatar;
- (f) Observers for the following non-governmental organizations: Association for World Citizens, Association for World Education (also on behalf of the World Union for Progressive Judaism), B'nai B'rith International (also on behalf of the Coordinating Board of Jewish Organization), Beckett Fund for Religious Liberty, European Union for Public Relations, Institute for Women Studies and Research, International Association against Torture, International Club for Peace Research, International Human Rights Association for American Minorities, International Humanist and Ethical Union, International Institute for Peace, International Movement against All Forms of Discrimination and Racism, International Youth and Student Movement for the United Nations, Liberation, Ligue internationale contre le racisme et l'antisémitisme, mouvement contre le racisme et pour l'amitié entre les peuples, Organization for Defending Victims of Violence, Rencontre africaine pour la défense des droits de l'homme (also on behalf of Espace Afrique International and Interfaith International), United Nations Watch.

## **X. Technical assistance and capacity-building**

### **A. Interactive dialogue with special procedures mandate holders**

#### **Special Rapporteur on the situation of human rights in Cambodia**

710. At the 28th meeting, on 1 October 2009, the Special Rapporteur on the situation of human rights in Cambodia, Surya Prasad Subedi, presented his report (A/HRC/12/40).

711. At the same meeting, the representative of Cambodia made a statement as the concerned country.

712. During the ensuing interactive dialogue at the same meeting, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: China, Indonesia, Japan, Philippines, Sweden<sup>2</sup> (on behalf of the European Union), United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Australia, Canada, Ireland, Lao People's Democratic Republic, Malaysia, Myanmar, Nepal, Singapore, Thailand;

(c) Observers for the following non-governmental organizations: Asian Forum for Human Rights and Development, Asian Legal Resource Centre, Human Rights Watch, International Federation of Human Rights Leagues, United Nations Watch.

713. At the same meeting, the Special Rapporteur answered questions and made his concluding remarks.

### **Independent expert on the situation of human rights in Somalia**

714. At the 28th meeting, on 1 October 2009, the independent expert on the situation of human rights in Somalia, Shamsul Bari, presented his report (A/HRC/12/44).

715. At the same meeting, the representative of Somalia made a statement as the concerned country.

716. During the ensuing interactive dialogue at the same meeting, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: Bangladesh, Djibouti, Egypt, Italy, Nigeria (also on behalf of the Group of African States), Norway, Sweden<sup>2</sup> (on behalf of the European Union), Tunisia<sup>2</sup> (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Canada, Ethiopia, Switzerland, Yemen;

(c) Observer for an intergovernmental organization: Organization of the Islamic Conference;

(d) Observers for the following non-governmental organizations: Amnesty International, Cairo Institute for Human Rights Studies, Human Rights Watch, International Federation of Human Rights Leagues, International Youth and Student Movement for the United Nations.

717. At the same meeting, the independent expert answered questions and made his concluding remarks.

## **B. General debate on agenda item 10**

718. At its 29th meeting, on 1 October 2009, the Council held a general debate on the country-specific reports submitted under agenda item 2 and introduced by the Deputy High Commissioner under agenda item 10, during which the following made statements:

(a) Representatives of States Members of the Council: Belgium, Brazil, Sweden<sup>2</sup> (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine);

(b) Representative of an observer State: Viet Nam;

(c) Observer for the following non-governmental organizations: Association for World Citizens, Cairo Institute for Human Rights Studies, Human Rights Watch, Interfaith International, Rencontre africaine pour la défense des droits de l'homme.

## **C. Consideration of and action on draft proposals**

### **Advisory services and technical assistance for Cambodia**

719. At the 32nd meeting, on 2 October 2009, the representative of Japan introduced draft resolution A/HRC/12/L.18, sponsored by Japan and co-sponsored by Australia, Canada, Israel, New Zealand and Norway. Subsequently, Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Switzerland and the United States of America joined the sponsors.

720. At the same meeting, the representative of Japan orally revised the draft resolution by modifying paragraphs 1, 5 and 7.

721. Also at the same meeting, the representative of Cambodia made a statement as the concerned country.

722. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).

723. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/25).

#### **Assistance to Somalia in the field of human rights**

724. At the 32nd meeting, on 2 October 2009, the representative of Nigeria (on behalf of the Group of African States) introduced draft resolution A/HRC/12/L.29/Rev.1, sponsored by Nigeria and co-sponsored by Norway. Subsequently, Austria, Australia, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, New Zealand, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tunisia (on behalf of Arab Group), the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yemen joined the sponsors.

725. At the same meeting, the representative of Somalia made a statement as the concerned country.

726. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).

727. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 12/26).

## Annex I

### Attendance

#### Members

Angola	Ghana	Republic of Korea
Argentina	Hungary	Russian Federation
Bahrain	India	Saudi Arabia
Bangladesh	Indonesia	Senegal
Belgium	Italy	Slovakia
Bolivia (Plurinational State of)	Japan	Slovenia
Bosnia and Herzegovina	Jordan	South Africa
Brazil	Kyrgyzstan	Ukraine
Burkina Faso	Madagascar	United Kingdom of Great Britain and Northern Ireland
Cameroon	Mauritius	United States of America
Chile	Mexico	Uruguay
China	Netherlands	Zambia
Cuba	Nicaragua	
Djibouti	Nigeria	
Egypt	Norway	
France	Pakistan	
Gabon	Philippines	
	Qatar	

#### States Members of the United Nations represented by observers

Afghanistan	Congo	Iraq
Albania	Costa Rica	Ireland
Algeria	Côte d'Ivoire	Israel
Andorra	Croatia	Jamaica
Armenia	Cyprus	Kazakhstan
Australia	Czech Republic	Kenya
Austria	Democratic People's Republic of Korea	Kuwait
Azerbaijan	Democratic Republic of the Congo	Lao People's Democratic Republic
Barbados	Denmark	Latvia
Belarus	Ecuador	Lebanon
Belize	El Salvador	Liberia
Benin	Estonia	Libyan Arab Jamahiriya
Botswana	Ethiopia	Liechtenstein
Brunei Darussalam	Finland	Luxembourg
Bulgaria	Germany	Malaysia
Burundi	Greece	Maldives
Cambodia	Guatemala	Mali
Canada	Guinea	Malta
Central African Republic	Honduras	Mauritania
Chad	Iceland	Monaco
Colombia	Iran (Islamic Republic of)	
Comoros		

Morocco	San Marino	Timor-Leste
Mozambique	Serbia	Tonga
Myanmar	Singapore	Trinidad and Tobago
Nepal	Somalia	Tunisia
New Zealand	Spain	Turkey
Norway	Sri Lanka	United Arab Emirates
Oman	Sudan	Vanuatu
Panama	Swaziland	Venezuela (Bolivarian Republic of)
Paraguay	Sweden	
Peru	Switzerland	
Poland	Syrian Arab Republic	
Portugal	Tajikistan	
Republic of Moldova	Thailand	
Romania	The former Yugoslav Republic of Macedonia	Viet Nam
Rwanda		Yemen
		Zimbabwe

### **Non-Member States represented by observers**

Holy See

### **Other observers**

Palestine

### **United Nations**

Joint United Nations Programme  
on HIV/AIDS  
United Nations Population Fund

United Nations Relief and Works  
Agency for Palestine in the Near East

### **Specialized agencies and related organizations**

International Federation of  
Red Cross and Red  
Crescent Societies  
International Labour Office

International Organization  
for Migration  
World Health Organization

### **Intergovernmental organizations**

African Union  
Council of Europe  
Council of the European Union  
European Commission  
International Organization of la  
Francophonie  
League of Arab States

MERCOSUR  
Association of South East Asian Nations  
Non-Aligned Movement  
Organization for Security and  
Cooperation in Europe  
Organization of the Islamic Conference



## Other entities

Sovereign Military Order of Malta

## National human rights institutions, international coordinating committees and regional groups of national institutions

Comité senegalais des droits de l'homme  
Conseil consultative des droits de  
l'homme du Royaume du Maroc  
Equality and Human Rights Commission  
of Great Britain  
Independent Commission for Human  
Rights (Palestine)

National Human Rights Committee of  
the State of Qatar  
Provedoria dos Direitos Humanos e  
Justica de Timor-Leste  
Tanzania Commission for Human Rights  
and Good Governance

## Non-governmental Organizations

Action Canada for Population and  
Development  
Action internationale pour la paix et le  
developpement dans la region des  
Grands Lacs  
Adalah – Legal Center for Arab Minority  
Rights in Israel  
African Association of Education for  
Development  
African-American Society for  
Humanitarian Aid and Development  
Afro-Asian Peoples' Solidarity  
Organization  
Agir ensemble pour les droits de  
l'homme  
AIDS Information Switzerland  
Al-Hakim Foundation  
Al-Haq, Law in the Service of Man  
Al-Zubair Charity Foundation  
American Association of Jurists  
Amnesty International  
Arab Center for Independence of the  
Judiciary and the Legal Profession  
Arab Network for Environment and  
Development  
Arab NGO Network for Development  
Asayesefid (White Cane)  
Asian Forum for Human Rights and  
Development (Forum-Asia)  
Asian Indigenous and Tribal Peoples  
Network  
Asian Legal Resource Centre  
Association for the Prevention of Torture

Association for World Education  
Association of World Citizens  
Association Points-Coeur  
B.a.b.e. – Be Active, Be Emancipated  
(Women's Human Rights Group)  
B'nai B'rith International  
Badil Resource Center for Palestinian  
Residency and Resource Rights  
Baha'i International Community  
Becket Fund For Religious Liberty  
Cairo Institute for Human Rights Studies  
Canadian HIV/AIDS Legal Network  
Catholic Organization for Relief and  
Development (Cordaid)  
Center for Economic and Social Rights  
Center for Women's Global Leadership  
Centre Europe Tiers-Monde  
Centre indépendant de recherches et  
d'initiatives pour le dialogue  
Centrist Democratic International  
Charitable Institute for Protecting Social  
Victims  
Child Development Foundation  
Child Foundation  
Civicus -World Alliance for Citizen  
Participation  
Colombian Commission of Jurists  
Comisión Jurídica para el Autodesarrollo  
de los Pueblos Originarios Andinos  
Commission of the Churches on  
International Affairs of the World  
Council of Churches

Commission to Study the Organization of Peace	Indian Council of Education
Conectas Direitos Humanos	Indian Council of South America
Congregation of our Lady of Charity of the Good Shepherd	Indian Movement Tupaj Amaru
Conscience and Peace Tax International	Indigenous Peoples' Center for Documentation, Research and Information
Consultative Council of Jewish Organizations	Indigenous World Association
Coordinating Board of Jewish Organizations	Ingénieurs du Monde
Defense for Children International	Institute for Women's Studies and Research
Democracy Coalition Project	Inter-African Committee on Traditional Practices Affecting the Health of Women and Children
Dominicans for Justice and Peace (Order of Preachers)	Interfaith International
European Union of Jewish Students	International Association against Torture
European Union of Public Relations	International Association of Democratic Lawyers
Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos	International Association of Jewish Lawyers and Jurists
Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit COC Nederland	International Bridges to Justice, Inc.
Federation for Women and Family Planning	International Catholic Child Bureau
Federation of Western Thracian Turks in Europe	International Catholic Migration Commission
Firooznia Charity Foundation	International Club for Peace Research
Foundation for Aboriginal and Islander	International Commission of Jurists
Foundation of Japanese Honorary Debts	International Committee for the Indians of the Americas
France Libertés: Fondation Danielle Mitterrand	International Committee for the Respect and Application of the African Charter on Human and People's Rights
Franciscans International	International Educational Development, Inc.
Friedrich Ebert Foundation	International Federation of ACAT (Action by Christians for the Abolition of Torture-FIACAT)
Friends World Committee for Consultation (Quakers)	International Federation of Human Rights Leagues
Front Line	International Federation of Journalists
Fundacion para la Libertad	International Federation of Pharmaceutical Manufacturers Associations
Geneva for Human Rights	International Federation of Rural Adult Catholic Movements
Global Alliance against Traffic in Women	International Federation of Social Workers
Hadassah, the Women's Zionist Organization of America, Inc.	International Federation of University Women
Hawa Society for Women	International Human Rights Association of American Minorities
Himalayan Research and Cultural Foundation	International Human Rights Internship Program
Hudson Institute	International Humanist and Ethical Union
Human Rights Advocates, Inc.	
Human Rights Council of Australia	
Human Rights First	
Human Rights Information and Documentation Systems International	
Human Rights Information and Training Centre	
Human Rights Watch	

International Institute for Non-Aligned Studies  
 International Institute for Peace  
 International Islamic Federation of Student Organizations  
 International Lesbian and Gay Association  
 International Movement against All Forms of Discrimination and Racism  
 International Movement for Fraternal Union among Races and Peoples  
 International Network for the Prevention of Elder Abuse  
 International Organization for the Elimination of All Forms of Racial Discrimination  
 International Organization for the Right to Education and Freedom of Education  
 International Organization of Indigenous Resource Development  
 International Pen  
 International Save the Children Alliance  
 International Service for Human Rights  
 International Special Dietary Foods Industries  
 International Work Group for Indigenous Affairs  
 International Young Catholic Students  
 International Youth and Student Movement for the United Nations  
 Iranian Elite Research Center  
 Islamic Human Rights Commission  
 Jammu and Kashmir Council for Human Rights  
 Jana Utthan Pratisthan  
 Jasmar Human Security Organization  
 Lawyers' Rights Watch Canada  
 Liberation  
 Ligue internationale contre le racisme et l'antisemitisme  
 Lutheran World Federation  
 Mandat International  
 Marangopoulos foundation for Human Rights  
 Maryam Ghasemi Educational Charity Institute  
 Mbororo Social and Cultural Development Association  
 Médecins sans Frontières  
 Migrants Rights International  
 Mouvement contre le racisme et pour l'amitié entre les peuples  
 Myochikai (Arigatou Foundation)  
 National Federation of International Immigrant Women Associations  
 New Humanity  
 Nippon Foundation  
 Nord-Sud XXI  
 Norwegian Refugee Council  
 Organisation pour la communication en Afrique et de promotion de la coopération économique internationale  
 Organisation pour la promotion et la protection des droits de la femme et de l'enfant  
 Organization for Defending Victims of Violence  
 Oxfam International  
 Pax Christi International, International Catholic Peace Movement  
 Pax Romana  
 Permanent Assembly for Human Rights  
 Physicians for Human Rights  
 Planetary Association for Clean Energy, Inc.  
 Rehabilitation Council for Torture Victims  
 Rencontre africain pour la défense des droits de l'homme  
 Research Action  
 Saami Council  
 Shimin Gaikou Centre  
 Social Service Agency of the Protestant Church in Germany  
 Society for the Protection of Unborn Children  
 Society for Threatened Peoples  
 Society Studies Center  
 Soka Gakkai International  
 Sudan Council of Voluntary Agencies  
 Swiss Catholic Lenten Fund  
 Tchad – Agir pour l'Environnement  
 Union of Arab Jurists  
 United Nations Watch  
 Universal Esperanto Association  
 Urban Justice Center  
 Vali-Asr Rehabilitation Institute  
 Vietnam Family Planning Association  
 Vietnam Peace and Development Foundation  
 Vivat International  
 Wateraid  
 Women's Human Rights International Association  
 Women's International League for Peace and Freedom

Women's World Summit Foundation  
World Association for the School as an  
Instrument of Peace  
World Federation of Trade Unions  
World Federation of United Nations  
Associations  
World Muslim Congress

World Organization against Torture  
World Peace Council  
World Russian People's Council  
World Union for Progressive Judaism  
World Vision International Worldwide  
Organization for Women

## Annex II

### Agenda

- Item 1. Organizational and procedural matters.
- Item 2. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General.
- Item 3. Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.
- Item 4. Human rights situations that require the Council's attention.
- Item 5. Human rights bodies and mechanisms.
- Item 6. Universal periodic review.
- Item 7. Human rights situation in Palestine and other occupied Arab territories.
- Item 8. Follow-up to and implementation of the Vienna Declaration and Programme of Action.
- Item 9. Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action.
- Item 10. Technical assistance and capacity-building.

## Annex III

### **Administrative and programme budget implications of resolutions adopted by the Council at its twelfth session**

**12/15.**

#### **“Regional arrangements for the promotion and protection of human rights”**

1. In paragraph 3 of draft resolution A/HRC/12/L.2, the Human Rights Council requested the United Nations High Commissioner for Human Rights to hold a workshop on regional arrangements on a regular basis and to convene the next one in the first semester of 2010, to allow further sharing of information and concrete proposals on ways and means to strengthen cooperation between the United Nations and regional arrangements in the field of human rights and the identification of strategies to overcome obstacles to the promotion and protection of human rights at the regional and international levels, with the participation of representatives of the relevant regional and subregional arrangements from different regions, experts and interested Member States of the United Nations, observers, national human rights institutions and representatives of non-governmental organizations.

2. Should the draft resolution be adopted by the Council, a total additional amount of \$445,800 would be required to implement activities under section 2 (General Assembly and Economic and Social Council Affairs and Conference Management), for conference services (\$176,100); section 23 (Human Rights) for travel of participants and experts and consultant services (\$267,500); and section 28 E (Administration, Geneva) for conference services (\$2,200).

3. The requirements to implement activities called for under the draft resolution have not been included under the proposed programme budget for the biennium 2010–2011. Although it is anticipated that a total additional amount of \$445,800 would be required for the biennium 2010–2011, no additional resources are requested at this time, as the Secretariat will seek to identify areas from which resources can be redeployed to meet the requirements within the provisions proposed for sections 2, 23 and 28E for the biennium 2010–2011.

**12/17.**

#### **Elimination of discrimination against women**

4. In paragraphs 15 and 16 of draft resolution A/HRC/12/L.3/Rev.1, the Council:

(a) Requested the High Commissioner to prepare a thematic study on women’s equality before the law, including an assessment on how the issue is addressed throughout the United Nations human rights system, in consultation with States, relevant United Nations bodies and mechanisms and agencies, including the Committee on the Elimination of All Forms of Discrimination against Women, the agencies within the United Nations composite entity on gender equality and empowerment of women and all other relevant stakeholders, taking into account the efforts made in this regard, particularly by the Commission on the Status of Women, and to include recommendations on the ways and means the Council can engage with States in the fulfilment of their obligations and commitments to eliminate discriminatory laws against women;

(b) Decided to address the above-mentioned study, including conclusions and recommendations, at its fourteenth session, and to hold a half-day discussion on the issue in order to consider taking further possible action on discrimination against women at that session.

5. Should the draft resolution be adopted by the Council, a total amount of \$18,000 would be required under section 23 (Human Rights) to provide for travel of experts from various regions to participate in a one-day panel discussion.

6. The requirements to provide for the travel of additional experts have not been included under the proposed programme budget for the biennium 2010–2011. Although it is anticipated that a total additional amount of \$18,000 would be required for the biennium 2010–2011, no additional resources are requested at this time, as the Secretariat will seek to identify areas from which resources can be redeployed to meet the requirements within the provisions proposed under section 23 for the biennium 2010–2011.

#### **12/18.**

##### **The adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights**

7. In paragraph 5 of draft resolution A/HRC/12/L.4, the Council decided to hold a panel discussion on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights at its thirteenth session, with equitable geographic and gender participation of relevant experts and representatives of civil society, with a view to making concrete recommendations and proposals on adequate measures to control, reduce and eradicate these phenomena.

8. Should the draft resolution be adopted by the Council, a total amount of \$18,000 would be required under section 23 (Human Rights) for experts from various regions to participate in a one-day panel discussion.

9. The requirements to implement activities in response to the draft resolution have not been included under the proposed programme budget for the biennium 2010–2011. Although it is anticipated that a total additional amount of \$18,000 would be required for the biennium 2010–2011, no additional resources are requested at this time, as the Secretariat will seek to identify areas from which resources can be redeployed to meet the requirements within the provisions proposed for section 23 for the biennium 2010–2011.

#### **12/23.**

##### **The right to development**

10. In subparagraphs 2 (e) and (f) of draft resolution A/HRC/12/L.6, the Council decided:

(a) To renew the mandate of the Working Group on the Right to Development until it completes the tasks entrusted to it by the Council in its resolutions 4/4 and 9/3, and that the Working Group shall convene annual sessions of five working days and submit its reports to the Council;

(b) To request the Office of the United Nations High Commissioner for Human Rights (OHCHR) to continue to take all necessary measures and allocate necessary resources for the effective implementation of the resolution, taking into account the needs for the effective implementation of the work plan for the task force referred to in paragraph 2 (b) of the draft resolution.

11. Should the draft resolution be adopted by the Council, a total amount of \$206,900 per annum or \$413,800 per biennium would be required to implement activities under section 2 (General Assembly and Economic and Social Council Affairs and Conference Management) (\$185,400 per annum or \$370,800 per biennium); section 23 (Human Rights) (\$17,700 per annum or \$35,400 per biennium); and section 28 E (Administration, Geneva) (\$3,800 per annum or \$7,600 per biennium).

12. The requirements to implement activities in response to the draft resolution have been included in the proposed programme budget for the biennium 2010–2011, therefore additional provisions are not required.

13. With regard to subparagraph 2 (f), attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, and subsequent resolutions, the most recent of which is resolution 62/236 of 22 December 2007, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

#### **12/4.**

##### **World programme for human rights education**

14. In paragraphs 4 and 7 of draft resolution A/HRC/12/L.9, the Council, requested:

(a) OHCHR to prepare, in cooperation with relevant intergovernmental organizations, in particular the United Nations Educational, Scientific and Cultural Organization and non-governmental actors, a plan of action for the second phase of the World Programme (2010–2014) and to submit it for consideration to the Council at its fifteenth session, keeping in mind that it should be properly structured, formulated in realistic terms and include an indication of at least minimum action and provisions to support activities undertaken by all actors;

(b) The United Nations Inter-Agency Coordinating Committee for Human Rights Education in the School System to submit a final evaluation report of the implementation of the first phase of the World Programme for Human Rights Education, based on national evaluation reports, in cooperation with relevant international, regional and non-governmental organizations, to the General Assembly at its sixty-fifth session.

15. Should the draft resolution be adopted by the Council, a total amount of \$163,500 would be required under section 23 (Human Rights) for the travel costs of 20 experts/participants and consultant services for elaboration of the plan of action called for in paragraph 4 (\$134,600); and consultant services for the final evaluation report called for in paragraph 7 (\$28,900).

16. The World Programme for Human Rights Education is part of the programme of work envisaged under section 23 of the proposed programme budget for the biennium 2010–2011. It is therefore considered that the requirements of \$163,500 to implement activities called for under the draft resolution are provided for within the provisions proposed for section 23 for the biennium 2010–2011.

#### **12/21.**

##### **Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind**

17. In paragraphs 1 and 2 of draft resolution A/HRC/12/L.13, the Council requested:

(a) The United Nations High Commissioner for Human Rights to convene, within existing resources, in 2010, a workshop for an exchange of views on how a better understanding of traditional values of humankind in conformity with international human rights law can contribute to the promotion and protection of human rights and fundamental freedoms, with the participation of representatives from all interested States Members of the United Nations, regional organizations, national human rights institutions and civil society, as well as experts selected with due consideration given to the appropriate representation of different civilizations and legal systems;



(b) The Office of the High Commissioner to present to the Council a summary of the discussions held at the workshop in conformity with the programme of the Council.

18. Should the draft resolution be adopted by the Council, a total amount of \$197,000 would be required to implement activities, under section 2 (General Assembly and Economic and Social Council Affairs and Conference Management) (\$114,400); section 23 (Human Rights) (\$81,000); and section 28 E (Administration, Geneva) (\$1,600).

19. The requirements to implement the activities proposed in the draft resolution have not been included under the proposed programme budget for the biennium 2010–2011. Although it is anticipated that a total additional amount of \$197,000 would be required for the biennium 2010–2011, no additional resources are requested at this time, as the Secretariat will seek to identify areas from which resources can be redeployed to meet the requirements within the provisions proposed for sections 2, 23 and 28E for the biennium 2010–2011.

20. With regard to paragraph 1, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, and subsequent resolutions, the most recent of which is resolution 62/236 of 22 December 2007, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

#### **12/25.**

##### **Advisory services and technical assistance for Cambodia**

21. In paragraph 9 of draft resolution A/HRC/12/L.18, the Council decided to extend by one year the mandate of the special procedure of human rights in Cambodia, and requested the Special Rapporteur to report on the implementation of his mandate to the Council at its fifteenth session and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country.

22. Should the draft resolution be adopted by the Council, a total amount of \$56,200 would be required under section 23 (Human Rights) to provide for travel of the Special Rapporteur and OHCHR staff, and for general operating expenses during missions undertaken by the Special Rapporteur.

23. The requirements to implement activities in response to the draft resolution have been included under the proposed programme budget for the biennium 2010–2011. No additional resources would arise from adoption of the draft resolution.

#### **12/119.**

##### **The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights**

24. In paragraphs (a) and (b), of draft decision A/HRC/12/L.22, the Council decided to request OHCHR:

(a) To assist the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights in the implementation of the activities envisaged in Council resolution 11/5;

(b) To allocate sufficient budgetary resources for the implementation of the activities envisaged in its resolution 11/5, including the organization and holding of regional stakeholder consultations on the draft general guidelines on foreign debt and

human rights during the present term of the mandate holder (i.e., before the end of that term on 30 April 2011).

25. Should the draft resolution be adopted by the Council, a total amount of \$603,400 would be required to implement activities, under section 2 (General Assembly and Economic and Social Council Affairs and Conference Management) for conference services and interpretation services during regional consultations (\$201,800); section 23 (Human Rights) for travel of experts, participants and staff and consultant services for five regional stakeholder consultations, to be held before April 2011 (\$393,600); and section 28 E (Administration, Geneva) for conference services (\$8,800). Since the exact venues for the regional consultations are not known at this time, four assumed venues have been used for costing purposes. In that regard, the estimates do not include other costs usually incurred during the holding of regional meetings, such as rental of conference facilities, special security arrangements and miscellaneous expenses.

26. The requirements to implement the activities called for in the draft resolution have not been included under the proposed programme budget for the biennium 2010–2011. Although it is anticipated that a total additional amount of \$603,400 would be required for the biennium 2010–2011, no additional resources are requested, at this time under the regular budget. OHCHR will seek to fund the activities from extra budgetary resources, if available. In the event that sufficient extra budgetary resources are not available to fund the activities, the Secretariat will identify areas under the regular budget from which resources can be redeployed to meet the requirements within the provisions proposed for sections 2, 23 and 28E for the biennium 2010–2011.

27. The Council decisions and resolutions adopted by the Council at its tenth, eleventh and twelfth sessions have resulted in additional resources in the 2010–2011 biennium which, although they have been proposed by the Secretariat to be met within provisions proposed under the programme budget for the biennium 2010–2011, will raise the issue of whether the proposals for new additional resources can be accommodated. It will therefore only be known during implementation of the 2010–2011 programme of work on which source of funding will be utilized to fund the activities called for in the draft resolution.

28. With regard to paragraph (b), attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, and subsequent resolutions, the most recent of which is resolution 62/236 of 22 December 2007, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

#### **12/28.**

#### **Follow-up to the tenth special session of the Human Rights Council on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights**

29. In paragraph 3 of draft resolution A/HRC/12/L.25, the Council decided to hold a panel discussion during the high level segment of its 13th session, to discuss and evaluate the impact of the financial and economic crises on the realization of all human rights worldwide, with a view to contribute to the work of the Open-ended Working Group of the General Assembly to follow up on the issues contained in the outcome document of the Conference on the World Financial and Economic Crisis and its Impact on Development, held in New York from 24 to 30 June 2009.

30. Should the draft resolution be adopted by the Council, a total additional amount of \$18,000 would be required under section 23 (Human Rights) for the travel of experts from various regions.

31. The requirements to implement activities called for under the draft resolution have not been included under the proposed programme budget for the biennium 2010–2011. Although it is anticipated that a total additional amount of \$18,000 would be required for the biennium 2010–2011, no additional resources are requested at this time, as the Secretariat will seek to identify resources that can be redeployed from the provisions to be made under section 23 of the proposed programme budget for the biennium 2010–2011.

#### **12/1.**

##### **Open-ended intergovernmental working group on the review of the work and the functioning of the Human Rights Council**

32. In paragraphs 1, 2 and 7 of draft resolution A/HRC/12/L.28, the Council:

(a) Decided to establish an open-ended intergovernmental working group with the mandate to review the work and the functioning of the Council;

(b) Also decided that the working group should hold two sessions for five working days each, in Geneva, after its fourteenth regular session;

(c) Requested the Secretary-General to provide the working group with all the necessary resources and facilities in order for it to carry out its mandate.

33. Should the draft resolution be adopted by the Council, a total amount of \$614,600 would be required for the holding of two sessions for five working days each in Geneva in 2010, under section 2 (General Assembly and Economic and Social Council Affairs and Conference Management) (\$607,000), and section 28 E (Administration, Geneva) (\$7,600).

34. The requirements to implement the activities proposed in the draft resolution have not been included under the proposed programme budget for the biennium 2010–2011. Although it is anticipated that a total additional amount of \$614,600 would be required for the biennium 2010–2011, no additional resources are requested at this time, as the Secretariat will seek to identify areas from which resources can be redeployed to meet the requirements within the provisions proposed for sections 2 and 28 E for the biennium 2010–2011.

35. With regard to paragraph 7, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, and subsequent resolutions, the most recent of which is resolution 62/236 of 22 December 2007, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

#### **12/26.**

##### **Assistance to Somalia in the field of human rights**

36. In paragraphs 10, 11 and 13, of draft resolution A/HRC/12/L.29, the Council:

(a) Decided to renew the mandate of the independent expert on the situation of human rights in Somalia for a period of one year, with a view to maximizing the provision and flow of technical assistance to Somalia in the field of human rights in order to support the Transitional Federal Government and regional authorities to ensure respect for human rights and strengthen the human rights regime in its work to complete the outstanding task of the transitional mandate, and requested the independent expert to submit a report on the status of implementation of technical cooperation inside Somalia to the Council at its thirteenth and fifteenth sessions;

(b) Encouraged the independent expert to devote, in the fulfilment of his mandate, specific attention to building the effective capacity of the rule of law, the

harmonization of laws, appropriate mechanisms to address impunity and the training of Somali security personnel on international human rights standards, also paying close attention to all human rights, including economic, social and cultural rights, the right to adequate food, the right to the enjoyment of the highest attainable standard of physical and mental health and the right to education;

(c) Requested the Secretary-General to provide the independent expert with all the human, technical and financial assistance necessary to carry out his mandate.

37. Should the draft resolution be adopted by the Council, a total amount of \$127,800 would be required under section 23 (Human Rights) during the mandated period to implement the activities envisaged.

38. The related requirements for travel of the independent expert and OHCHR staff and general operating expenses during field missions have been included in the proposed programme budget for the biennium 2010–2011. No additional provisions would be required as a result of adoption of the draft resolution by the Council.

39. With regard to paragraph 13, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, and subsequent resolutions, the most recent of which is resolution 62/236 of 22 December 2007, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

## Annex IV

### Documents issued for the twelfth session

#### *Documents issued in the general series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/12/1 and Corr.1	1	Annotations to the agenda for the twelfth session of the Human Rights Council: note by the Secretary-General
A/HRC/12/2	6	Report of the Working Group on the Universal Periodic Review: Central African Republic
A/HRC/12/3	6	Report of the Working Group on the Universal Periodic Review: Monaco
A/HRC/12/4	6	Report of the Working Group on the Universal Periodic Review: Belize
A/HRC/12/4/Add.1	6	Addendum
A/HRC/12/5	6	Report of the Working Group on the Universal Periodic Review: Chad
A/HRC/12/6	6	Report of the Working Group on the Universal Periodic Review: Congo
A/HRC/12/7	6	Report of the Working Group on the Universal Periodic Review: Malta
A/HRC/12/7/Add.1	6	Addendum
A/HRC/12/7/Add.1/Corr.1	6	Corrigendum
A/HRC/12/8	6	Report of the Working Group on the Universal Periodic Review: New Zealand
A/HRC/12/8/Add.1	6	Addendum
A/HRC/12/8/Add.1/Corr.1	6	Corrigendum
A/HRC/12/9	6	Report of the Working Group on the Universal Periodic Review: Afghanistan
A/HRC/12/10	6	Report of the Working Group on the Universal Periodic Review: Chile
A/HRC/12/11	6	Report of the Working Group on the Universal Periodic Review: Viet Nam
A/HRC/12/11/Add.1	6	Addendum
A/HRC/12/12	6	Report of the Working Group on the Universal Periodic Review: Uruguay
A/HRC/12/13	6	Report of the Working Group on the Universal Periodic Review: Yemen

A/HRC/12/13/Add.1	6	Addendum
A/HRC/12/14	6	Report of the Working Group on the Universal Periodic Review: Vanuatu
A/HRC/12/14/Add.1	6	Addendum
A/HRC/12/15	6	Report of the Working Group on the Universal Periodic Review: the former Yugoslav Republic of Macedonia
A/HRC/12/15/Add.1	6	Addendum
A/HRC/12/16	6	Report of the Working Group on the Universal Periodic Review: Comoros
A/HRC/12/17	6	Report of the Working Group on the Universal Periodic Review: Slovakia
A/HRC/12/18	2	Analytical study on Human rights and transitional justice: report of the United Nations High Commissioner for Human Rights
A/HRC/12/18/Add.1	2	Addendum
A/HRC/12/19	2	Right to truth: report of the Office of the United Nations High Commissioner for Human Rights
A/HRC/12/20	2	Report of the Secretary-General on measures taken to implement resolution 9/8 and obstacles to its implementation, including recommendations for further improving the effectiveness of, harmonizing, and reforming the treaty body system
A/HRC/12/21	3	Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences
A/HRC/12/21/Add.1	3	Mission to Haiti
A/HRC/12/22	3	Report of the United Nations High Commissioner for Human Rights on the protection of human rights and fundamental freedoms while countering terrorism
A/HRC/12/23	3	Report of the Special Rapporteur on the sale of children, child prostitution and child pornography
A/HRC/12/23/Add.1	3	Mission to Latvia
A/HRC/12/23/Add.2	3	Mission to Estonia
A/HRC/12/23/Add.3	3	Communications with Governments

A/HRC/12/24	3	Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation
A/HRC/12/24/Add.1	3	Mission to Costa Rica
A/HRC/12/24/Add.1/Corr.1	3	Corrigendum
A/HRC/12/24/Add.2	3	Preliminary note on the mission to Egypt
A/HRC/12/24/Add.2/Corr.1	3	Corrigendum
A/HRC/12/25	3	Report of the Human Rights Council Advisory Committee on the draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members
A/HRC/12/26	3	Report of the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights
A/HRC/12/26/Add.1	3	Communications to and from Governments
A/HRC/12/26/Add.2	3	Joint mission to the Netherlands and Côte d'Ivoire
A/HRC/12/27	3	Report of the independent expert on human rights and international solidarity
A/HRC/12/27/Corr.1	3	Corrigendum
A/HRC/12/28	3	Report of the working group on the right to development on its tenth session
A/HRC/12/29	3	Report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development
A/HRC/12/30	3	Human rights and unilateral coercive measures: report of the Secretary-General
A/HRC/12/31	3	Crisis into opportunity: reinforcing multilateralism: report of the Special Rapporteur on the right to food
A/HRC/12/32	5	Report of the Expert Mechanism on the Rights of Indigenous Peoples on its second session
A/HRC/12/33	5	Study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education: report of the Expert Mechanism on the Rights of Indigenous Peoples

A/HRC/12/34	3	Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people
A/HRC/12/34/Add.1	3	Communications to and from Governments
A/HRC/12/34/Add.2	3	Mission to Brazil
A/HRC/12/34/Add.3	3	Mission to Nepal
A/HRC/12/34/Add.4	3	Mission to Botswana
A/HRC/12/34/Add.5	3	Observations on the situation of the Charco la Pava community and other communities affected by the Chan 75 hydroelectric Project in Panama
A/HRC/12/34/Add.6	3	Mission to Chile
A/HRC/12/34/Add.7	3	Conclusions and recommendations of the International Expert Seminar on the role of United Nations mechanisms with a specific mandate regarding the rights of indigenous peoples
A/HRC/12/34/Add.8	3	Mission to Peru
A/HRC/12/34/Add.9	3	Nota preeliminaría sobre la situación de los pueblos indígenas en Colombia
A/HRC/12/34/Add.10	3	Preliminary note on the situation of indigenous peoples in Australia
A/HRC/12/35	3	Best practices in the matter of missing persons: study of the Human Rights Council Advisory Committee
A/HRC/12/36	3	Consultation on the focus of the second phase of the World Programme for Human Rights Education: report of the United Nations High Commissioner for Human Rights
A/HRC/12/37	7	Report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolution S-9/1
A/HRC/12/38	9	Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the manifestations of defamation of religions, and in particular on the serious implications of Islamophobia, on the enjoyment of all rights by their followers



A/HRC/12/39	9	Report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolution 10/22 (“Combating defamation of religions”)
A/HRC/12/40	10	Report of the Special Rapporteur on the situation of human rights in Cambodia
A/HRC/12/40/Corr.1	10	Corrigendum
A/HRC/12/41	10	Role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights: report of the Secretary-General
A/HRC/12/42	10	Report of the Office of the United Nations High Commissioner for Human Rights on the progress made in the situation of human rights in Liberia and activities undertaken in the country
A/HRC/12/43	10	Report of the United Nations High Commissioner for Human Rights on the situation of human rights and the activities of her Office in Burundi
A/HRC/12/44	10	Report of the independent expert on the situation of human rights in Somalia
A/HRC/12/45	3	Question of the death penalty: report of the Secretary-General
A/HRC/12/46	3	Integrating the human rights of women throughout the United Nations system: report of the Office of the United Nations High Commissioner for Human Rights
A/HRC/12/47	5	Note by the United Nations High Commissioner for Human Rights transmitting to the Human Rights Council the report of the sixteenth meeting of special procedures of the Council
A/HRC/12/48	7	Report of the United Nations fact-finding mission on the Gaza conflict
A/HRC/12/48 (ADVANCE 1)	7	Executive summary
A/HRC/12/48 (ADVANCE 2)	7	Conclusions and recommendations
A/HRC/12/49	3	Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict

A/64/94 Report of the Joint Inspection Unit on the second follow-up to the management review of the Office of the United Nations High Commissioner for Human Rights

A/64/94/Add.1 Addendum

*Documents issued in the limited series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/12/L.1	5	Missing persons
A/HRC/12/L.2/Rev.1	3	Regional arrangements for the promotion and protection of human rights
A/HRC/12/L.3/Rev.1	3	Elimination of discrimination against women
A/HRC/12/L.4/Rev.1	3	The adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights
A/HRC/12/L.5	3	Human rights and unilateral coercive measures
A/HRC/12/L.6/Rev.1	3	The right to development
A/HRC/12/L.7	3	Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers
A/HRC/12/L.8	2	Cooperation with the United Nations, its representatives and mechanisms in the field of human rights
A/HRC/12/L.9	3	World Programme for Human Rights Education
A/HRC/12/L.11	5	United Nations Declaration on Human Rights Education and Training
A/HRC/12/L.12	7	The situation of human rights in the Occupied Palestinian Territory, including East Jerusalem
A/HRC/12/L.12/Corr.1	7	Corrigendum
A/HRC/12/L.12/Corr.2	7	Corrigendum
A/HRC/12/L.13/Rev.1	8	Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind
A/HRC/12/L.14/Rev.1	3	Freedom of opinion and expression
A/HRC/12/L.15	3	Protection of the human rights of civilians in armed conflict

A/HRC/12/L.16	3	Human rights of migrants: migration and the human rights of the child
A/HRC/12/L.17	3	Elimination of discrimination against persons affected by leprosy and their family members
A/HRC/12/L.18	10	Advisory services and technical assistance for Cambodia
A/HRC/12/L.19	3	Human rights and access to safe drinking water and sanitation
A/HRC/12/L.20	3	Human rights and international solidarity
A/HRC/12/L.21	3	Follow-up to the seventh special session of the Human Rights Council on the negative impact of the worsening of the world food crisis on the realization of the right to food for all
A/HRC/12/L.22	3	The effect of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights
A/HRC/12/L.23	3	Access to medicine in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
A/HRC/12/L.24	3	The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)
A/HRC/12/L.25	3	Follow-up to the tenth special session of the Human Rights Council on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights
A/HRC/12/L.26/Rev.1	3	Human rights and transitional justice
A/HRC/12/L.27	3	Right to the truth
A/HRC/12/L.28	1	Open-ended intergovernmental working group on the review of the work and functioning of the Human Rights Council
A/HRC/12/L.29/Rev.1	10	Assistance to Somalia in the field of human rights
A/HRC/12/L.30/Rev.1	3	Draft guiding principles on extreme poverty and human rights
A/HRC/12/L.31	4	Situation of human rights in Honduras since the coup d'état on 28 June 2009

A/HRC/12/L.32	4	Aung San Suu Kyi and other political prisoners in Myanmar
A/HRC/12/L.33	3	Human rights and indigenous peoples
<i>Documents issued in the Government series</i>		
<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/12/G/1	6	Letter dated 9 July 2009 from the Permanent Representative of Ireland and the Permanent Representative of the Netherlands to the United Nations Office at Geneva addressed to the President of the Human Rights Council
A/HRC/12/G/2	3	Letter dated 11 August 2009 from the Permanent Mission of the Republic of Cuba addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/12/G/3	3	Note verbale dated 10 August 2009 from the Permanent Mission of Costa Rica addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/12/G/4	7	Letter dated 25 September 2009 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the President of the Human Rights Council
A/HRC/12/G/5	10	Note verbale dated 29 September 2009 from the Permanent Mission of the Kingdom of Cambodia addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/12/G/6	10	Note verbale dated 29 September 2009 from the Permanent Mission of the Kingdom of Cambodia addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/12/G/7	3	Note verbale dated 27 September 2009 from the Permanent Mission of the Republic of Serbia addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/12/G/8	4	Note verbale dated 30 September 2009 from the Permanent Mission of Turkey addressed to the Office of the United Nations High Commissioner for Human Rights

A/HRC/12/G/9	4	Note verbale from the Permanent Mission of Singapore to the Office of the President of the Human Rights Council
A/HRC/12/G/10	7	Note verbale dated 2 October 2009 from the Permanent Mission of Israel addressed to the Office of the President of the Human Rights Council
A/HRC/12/G/11	10	Letter dated 12 October 2009 from the Permanent Mission of the Kingdom of Cambodia addressed to the President of the Human Rights Council

*Documents issued in the non-governmental organization series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/12/NGO/1	4	Written statement submitted by Sign of Hope e.V. – Hoffnungszeichen
A/HRC/12/NGO/2	3	Written statement submitted by the Federation of Western Thrace Turks in Europe (ABTTF)
A/HRC/12/NGO/3	3	Exposé écrit présenté par le Cercle De Recherche Sur Les Droits et Les Devoirs de la Personne Humaine (CRED)
A/HRC/12/NGO/4	3	Written statement submitted by New Humanity
A/HRC/12/NGO/5	3	Written statement submitted by the Organization for Defending Victims of Violence (ODVV)
A/HRC/12/NGO/6	3	Idem
A/HRC/12/NGO/7	3	Idem
A/HRC/12/NGO/8	3	Idem
A/HRC/12/NGO/9	7	Idem
A/HRC/12/NGO/10	7	Joint written statement submitted by Adalah – The Legal Center for Arab Minority Rights in Israel, the Badil Resource Center for Palestinian Residency and Refugee Rights, and the Habitat International Coalition (HIC)
A/HRC/12/NGO/11	4	Written statement submitted by the International Humanist and Ethical Union (IHEU)
A/HRC/12/NGO/12	9	Idem
A/HRC/12/NGO/13	4	Idem

A/HRC/12/NGO/14	3	Joint written statement submitted by Franciscans International, Pax Christi International-International Catholic Peace Movement, Pax Romana (the International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students) and Dominicans for Justice and Peace – the Order of Preachers
A/HRC/12/NGO/15	4	Written statement submitted by International Educational Development, Inc.
A/HRC/12/NGO/16	4	Idem
A/HRC/12/NGO/17	3	Written statement submitted by Human Rights Advocates Inc. (HRA)
A/HRC/12/NGO/18	3	Joint written statement submitted by Human Rights Advocates (HRA) and UNESCO Etxea (UNESCO Centre Basque Country)
A/HRC/12/NGO/19	10	Written statement submitted by the Asian Legal Resource Centre (ALRC)
A/HRC/12/NGO/20	3	Idem
A/HRC/12/NGO/21	4	Idem
A/HRC/12/NGO/22	4	Idem
A/HRC/12/NGO/23	4	Idem
A/HRC/12/NGO/24	4	Idem
A/HRC/12/NGO/25	4	Written statement submitted by the International Humanist and Ethical Union (IHEU)
A/HRC/12/NGO/26	9	Written statement submitted by VIVAT International
A/HRC/12/NGO/27	4	Joint written statement submitted by IAW, the National Federation of International Immigrant Women Associations, New Human Rights, WILPF, IED and MRAP
A/HRC/12/NGO/28	9	Exposé écrit présenté par la Ligue internationale contre le racisme et l'antisémitisme (LICRA)
A/HRC/12/NGO/29	3	Joint written statement submitted by Franciscans International (FI), Anti-Slavery International, the Global Alliance Against Traffic in Women (GAATW) and the Swiss Catholic Lenten Fund

A/HRC/12/NGO/30	3	Joint written statement submitted by a lot of NGOs
A/HRC/12/NGO/31	3	Written statement submitted by the Hawa Society for Women
A/HRC/12/NGO/32	4	Written statement submitted by Liberal International (LI)
A/HRC/12/NGO/33	7	Joint written statement submitted by the Sudan Council of Voluntary Agencies (SCOVA) and the African-American Society for Humanitarian Aid and Development (ASHAD)
A/HRC/12/NGO/34	3	Written statement submitted by France Libertés : Fondation Danielle Mitterrand (FDM)
A/HRC/12/NGO/35	6	Written statement submitted by the International Indian Treaty Council (IITC)
A/HRC/12/NGO/36	3	Joint written statement submitted by the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (SNCTP) and the African-American Society for Humanitarian Aid and Development (ASHAD)
A/HRC/12/NGO/37	4	Written statement submitted by the African-American Society for Humanitarian Aid and Development (ASHAD)
A/HRC/12/NGO/38	9	Joint written statement submitted by ISMUN, ASAFED, COHRE, Espace Afrique International, the Indian Movement "Tupaj Amaru", IWA, Interfaith International, North-South XXI, SDRDC, Tiye International, WILPF, IMADR and PAM
A/HRC/12/NGO/39	4	Written statement submitted by Amnesty International
A/HRC/12/NGO/40	10	Written statement submitted by Lawyers Rights Watch Canada (LRWC)
A/HRC/12/NGO/41	7	Written statement submitted by Al-Haq, Law in the Service of Man
A/HRC/12/NGO/42	4	Written statement submitted by the African-American Society for Humanitarian Aid and Development (ASHAD)
A/HRC/12/NGO/43	6	Written statement submitted by Amnesty International

A/HRC/12/NGO/44	6	Idem
A/HRC/12/NGO/45	7	Joint written statement submitted by the Child Development Foundation (CDF) and the African-American Society for Humanitarian Aid and Development (ASHAD)
A/HRC/12/NGO/46	3	Exposición escrita presentada por la Asamblea Permanente por los Derechos Humanos
A/HRC/12/NGO/47	3	Joint written statement submitted by ISMUN, UAJ, EAFORD, the General Arab Women Federation, North-South XXI, WILPF, the Arab Lawyers Union, the Indian Movement “Tupaj Amaru”, GFIW, the United Towns Agency for the North-South Cooperation, IADL, IED, WIDF and the Association of Humanitarian Lawyers
A/HRC/12/NGO/48	3	Joint written statement submitted by ISMUN, WIDF, the Union of Arab Jurists, EAFORD, the General Arab Women Federation, North-South XXI, the Arab Lawyers Union, the Indian Movement “Tupaj Amaru”, GFIW, the United Towns Agency for North-South Cooperation, IADL and IED
A/HRC/12/NGO/49	4	Written statement submitted by UAJ, EAFORD, GAWF, ALU, the Indian Movement “Tupaj Amaru”, the General Federation of Iraqi Women, the United Towns Agency for the North-South Cooperation, WIDF, IADL and IED
A/HRC/12/NGO/50	4	Joint written statement submitted by WIDF, UAJ, EAFORD, GAWF, ALU, the Indian Movement “Tupaj Amaru”, the General Federation of Iraqi Women (GFIW), the United Towns Agency for North-South Cooperation, IADL and IED
A/HRC/12/NGO/51	3	Joint written statement submitted by WIDF, UAJ, GAWF, ALU, the Indian Movement “Tupaj Amaru”, GFIW, the United Towns Agency for North-South Cooperation, IADL and IED



A/HRC/12/NGO/52	3	Joint written statement submitted by WIDF, the Union of Arab Jurists, EAFORD, the General Arab Women Federation, North-South XXI, the Arab Lawyers Union, the Indian Movement “Tupaj Amaru”, GFIW, the United Towns Agency for North-South Cooperation, IADL and IED
A/HRC/12/NGO/53	3	Joint written statement submitted by WIDF, the Union of Arab Jurists, EAFORD, the General Arab Women Federation, the Arab Lawyers Union, the Indian Movement “Tupaj Amaru”, the General Federation of Iraqi Women, the United Towns Agency for the North-South Cooperation, IADL and IED
A/HRC/12/NGO/54	4	Idem
A/HRC/12/NGO/55	4	Idem
A/HRC/12/NGO/56	7	Idem
A/HRC/12/NGO/57	7	Idem

*Documents issued in the national institutions series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/12/NI/1	3	Information presented by the Network of African National Human Rights Institutions on behalf of “A”-status national human rights institutions in Africa
A/HRC/12/NI/2	3	Information presented by the Network of African National Human Rights Institutions on behalf of “A”-status national human rights institutions in Africa
A/HRC/12/NI/3	3	Information presented by the Network of African National Human Rights Institutions on behalf of “A”-status national human rights institutions in Africa
A/HRC/12/NI/4	3	Información presentada por la Defensoría del Pueblo de la República Bolivariana de Venezuela
A/HRC/12/NI/5	7	Information presented by the Palestinian Independent Commission for Human Rights

A/HRC/12/NI/6	2	Information presented by the European Group of National Human Rights Institutions on behalf of “A”-status national human rights institutions in Europe
A/HRC/12/NI/7	3	Information presented by the Norwegian Centre for Human Rights
A/HRC/12/NI/8	3	Information presented by the National Human Rights Commission of Nepal

## **Annex V**

### **Special procedures mandate holders appointed by the Council at its twelfth session**

#### **Independent expert in the field of cultural rights**

Farida Shaheed (Pakistan)

#### **Independent expert on the situation on human rights in the Sudan**

Mohamed Chande Othman (United Republic of Tanzania)

## Annex VI

### **Order of review for the seventh, eighth and ninth sessions of the Working Group on the Universal Periodic Review**

#### **Seventh session (8–19 February 2010)**

1. Qatar
2. Nicaragua
3. Italy
4. El Salvador
5. Gambia
6. Bolivia (Plurinational State of)
7. Fiji
8. San Marino
9. Kazakhstan
10. Angola
11. Iran (Islamic Republic of)
12. Madagascar
13. Iraq
14. Slovenia
15. Egypt
16. Bosnia and Herzegovina

#### **Eighth session (3–14 May 2010)**

1. Kyrgyzstan
2. Kiribati
3. Guinea
4. Lao People's Democratic Republic
5. Spain
6. Lesotho
7. Kenya
8. Armenia
9. Guinea-Bissau
10. Sweden
11. Grenada

12. Turkey
13. Guyana
14. Haiti
15. Kuwait
16. Belarus

**Ninth session (22 November–3 December 2010)**

1. Liberia
2. Malawi
3. Mongolia
4. Panama
5. Maldives
6. Andorra
7. Bulgaria
8. Honduras
9. United States of America
10. Marshall Islands
11. Croatia
12. Jamaica
13. Libyan Arab Jamahiriya
14. Micronesia (Federated States of)
15. Lebanon
16. Mauritania

## Annex VII

**List of troika members for the sixth, seventh and eighth sessions of the Working Group on the Universal Periodic Review**

**Sixth session**

<i>State</i>	<i>Request for rapporteur from own regional group</i>	<i>Regional combination</i>			<i>Troika</i>
Eritrea	Yes	AFRICAN	ASIAN	WEOG	Italy, Angola, Saudi Arabia
Cyprus		AFRICAN	ASIAN	WEOG	Senegal, Philippines, Netherlands
Dominican Republic	Yes	ASIAN	GRULAC	EEG	Bosnia and Herzegovina, Bangladesh, Argentina
Cambodia	Yes	AFRICAN	ASIAN	GRULAC	Cameroon, Bahrain, Nicaragua
Norway		AFRICAN	ASIAN	EEG	Pakistan, Ukraine, Nigeria
Albania	Yes	AFRICAN	WEOG	EEG	United States of America, Mauritius, Russian Federation
Democratic Republic of the Congo	Yes	AFRICAN	ASIAN	EEG	Slovenia, Gabon, Japan
Côte d'Ivoire	Yes	AFRICAN	GRULAC	EEG	Slovakia, Ghana, Bolivia
Portugal		ASIAN	WEOG	EEG	Qatar, Belgium, Hungary
Bhutan	Yes	AFRICAN	ASIAN	GRULAC	India, Madagascar, Uruguay
Dominica	Yes	AFRICAN	ASIAN	GRULAC	Djibouti, Brazil, China

<i>State</i>	<i>Request for rapporteur from own regional group</i>	<i>Regional combination</i>			<i>Troika</i>
Democratic People's Republic of Korea		AFRICAN	GRULAC	WEOG	Mexico, South Africa, Norway
Brunei Darussalam	Yes	AFRICAN	ASIAN	WEOG	Zambia, France, Indonesia
Costa Rica		AFRICAN	ASIAN	WEOG	United Kingdom of Great Britain and Northern Ireland, Burkina Faso, Republic of Korea
Equatorial Guinea	Yes	AFRICAN	ASIAN	GRULAC	Jordan, Egypt, Cuba
Ethiopia		ASIAN	GRULAC	WEOG	Chile, Kyrgyzstan, Italy

### Seventh session

<i>State</i>	<i>Request for rapporteur from own regional group</i>	<i>Regional combination</i>			<i>Troika</i>
Qatar	Yes	AFRICAN	ASIAN	EEG	Hungary, Japan, Gabon
Nicaragua		AFRICAN	ASIAN	GRULAC	Brazil, Philippines, Zambia
Italy		AFRICAN	GRULAC	EEG	Slovakia, Argentina, Ghana
El Salvador	Yes	ASIAN	GRULAC	EEG	Nicaragua, Republic of Korea, Russian Federation
Gambia	Yes	AFRICAN	ASIAN	EEG	Cameroon, Jordan, Ukraine
Bolivia (Plurinational State of)		AFRICAN	ASIAN	GRULAC	Kyrgyzstan, Burkina Faso, Uruguay

<i>State</i>	<i>Request for rapporteur from own regional group</i>	<i>Regional combination</i>			<i>Troika</i>
Fiji		AFRICAN	WEOG	EEG	Slovenia, France, Angola
San Marino		ASIAN	GRULAC	WEOG	Netherlands, Bolivia, Qatar
Kazakhstan	Yes	AFRICAN	ASIAN	GRULAC	Mauritius, Bangladesh, Cuba
Angola		AFRICAN	ASIAN	GRULAC	Djibouti, Chile, Indonesia
Iran (Islamic Republic of)	Yes	AFRICAN	ASIAN	GRULAC	Senegal, Pakistan, Mexico
Madagascar	Yes	AFRICAN	ASIAN	WEOG	Norway, Bahrain, South Africa
Iraq	Yes	ASIAN	WEOG	EEG	Bosnia and Herzegovina, India, United Kingdom of Great Britain and Northern Ireland
Slovenia		AFRICAN	GRULAC	WEOG	Egypt, Brazil, United States of America
Egypt	Yes	AFRICAN	ASIAN	WEOG	China, Madagascar, Italy
Bosnia and Herzegovina	Yes	AFRICAN	WEOG	EEG	Slovenia, Nigeria, Belgium

### **Eighth session**

<i>State</i>	<i>Request for rapporteur from own regional group</i>	<i>Regional combination</i>			<i>Troika</i>
Kyrgyzstan		AFRICAN	ASIAN	GRULAC	Burkina Faso, Nicaragua, China
Kiribati	Yes	ASIAN	GRULAC	EEG	Jordan, Brazil, Russian Federation



<i>State</i>	<i>Request for rapporteur from own regional group</i>	<i>Regional combination</i>			<i>Troika</i>
Guinea	Yes	AFRICAN	ASIAN	EEG	Ghana, Bosnia and Herzegovina, Japan
Lao People's Democratic Republic	Yes	AFRICAN	ASIAN	GRULAC	Argentina, Kyrgyzstan, Nigeria
Spain		AFRICAN	ASIAN	GRULAC	Chile, India, South Africa
Lesotho	Yes	AFRICAN	WEOG	EEG	Slovenia, Cameroon, United Kingdom of Great Britain and Northern Ireland
Kenya	Yes	AFRICAN	ASIAN	GRULAC	Egypt, Mexico, Bangladesh
Armenia	Yes	ASIAN	WEOG	EEG	Slovakia, France, Bahrain
Guinea-Bissau		AFRICAN	ASIAN	WEOG	Djibouti, Republic of Korea, United States of America
Sweden		AFRICAN	GRULAC	EEG	Ukraine, Uruguay, Mauritius
Grenada		AFRICAN	ASIAN	WEOG	Gabon, Qatar, Italy
Turkey		AFRICAN	ASIAN	GRULAC	Cuba, Saudi Arabia, Angola
Guyana	Yes	ASIAN	GRULAC	WEOG	Pakistan, Bolivia (Plurinational State of), Belgium
Haiti	Yes	AFRICAN	GRULAC	WEOG	Netherlands, Zambia, Argentina
Kuwait	Yes	AFRICAN	ASIAN	EEG	Hungary, Indonesia, Madagascar

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<i>State</i>	<i>Request for rapporteur from own regional group</i>	<i>Regional combination</i>			<i>Troika</i>
Belarus		AFRICAN	ASIAN	WEOG	Senegal, Philippines, Norway

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