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## Human Rights Council

Thirteenth session

Agenda item 1

Organizational and procedural matters

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

#### 13/1.

#### **Composition of staff of the Office of the United Nations High Commissioner for Human Rights**

*The Human Rights Council,*

*Recalling* paragraph 5 (g) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Council should assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the Assembly in its resolution 48/141 of 20 December 1993,

*Taking note* of all relevant resolutions on this issue adopted by the General Assembly, the Commission on Human Rights and the Council,

*Taking note also* of the report of the United Nations High Commissioner for Human Rights on the composition of the staff of the Office of the High Commissioner (A/HRC/13/18),

*Taking note further* of the reports of the Joint Inspection Unit on the follow-up to the management review of the Office of the High Commissioner (A/59/65-E/2004/48 and Add.1) and on the funding and staffing of the Office (JIU/REP/2007/8),

*Bearing in mind* that an imbalance in the composition of the staff could diminish the effectiveness of the work of the Office of the High Commissioner if it is perceived to be culturally biased and unrepresentative of the United Nations as a whole,

*Expressing its concern* that, despite the repeated requests to correct the unbalanced geographical distribution of the staff, the situation remains that one region accounts for more than half of the posts of the Office of the High Commissioner and for more posts than the four remaining regional groups combined,

*Reaffirming* the importance of continuing the ongoing efforts to address the imbalance regarding the regional representation of the staff of the Office of the High Commissioner,

*Underlining* that the paramount consideration for employing staff at every level is the need for the highest standards of efficiency, competence and integrity, and taking into account Article 101, paragraph 3, of the Charter of the United Nations, expressing its conviction that this objective is compatible with the principle of equitable geographical distribution,

*Reaffirming* that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters,

1. *Expresses its serious concern* at the fact that, despite the measures taken by the Office of the United Nations High Commissioner for Human Rights, the imbalance in the geographical representation of its composition continues to be prominent, and that a single region occupies more posts in both the professional and technical categories, as well as permanent and temporary categories, than the other four regions all together;

2. *Welcomes* the statement made by the High Commissioner in her report that achieving geographical balance in the staff of her Office will remain one of her priorities,

and requests the High Commissioner to continue to take all measures needed to redress the current imbalance in geographical distribution of the staff of the Office;

3. *Notes* the increase in the past three years in the percentage of staff from regions identified as requiring better representation, and the various measures proposed and already taken to address the imbalance in geographical distribution of the staff, while noting with concern the small increase in 2009 and no change in the status of the prominent region, and stresses the need to implement additional measures to redress the prominent imbalance in a more expeditious way;

4. *Takes note* of the progress achieved towards improved geographic diversity in the staff of the Office, and takes note also of the commitment of the High Commissioner to remain attentive to the need to maintain the emphasis on the broadest possible geographic diversity of her Office, as stated in the conclusion of her report;

5. *Requests* the High Commissioner to work on the broadest geographical diversity of her staff by enhancing the implementation of measures to achieve a better representation of countries and regions that are unrepresented or underrepresented, particularly from the developing world, while considering applying a zero-growth cap on the representation of countries and regions already overrepresented in the Office of the High Commissioner;

6. *Welcomes* the efforts made towards the achievement of a gender balance in the composition of the staff and the decision to continue to pay special attention to this issue;

7. *Requests* future High Commissioners to continue to enhance the ongoing efforts made in the fulfilment of the goal of a geographical balance in the composition of the staff of the Office;

8. *Underlines* the importance of continuing to promote geographical diversity in the recruitment of and promotion to high-level and Professional posts, including senior managers, as a principle of the staffing policies of the Office of the High Commissioner;

9. *Affirms* the vital importance of geographical balance in the composition of the staff of the Office of the High Commissioner, taking into account the significance of national and regional specificities and various historic, cultural and religious backgrounds, as well as of different political, economic and legal systems, to the promotion and protection of the universality of human rights;

10. *Recalls* the provisions contained in section X, paragraph 3, of General Assembly resolution 55/258 of 14 June 2001, on human resources management, in which the Assembly reiterated its request to the Secretary-General to increase further his efforts to improve the composition of the Secretariat by ensuring a wide and equitable geographical distribution of staff in all departments, and also recalls the request that he submit to the Assembly proposals for a comprehensive review of the system of desirable ranges, with a view to establishing a more effective tool to ensure equitable geographical distribution in relation to the total number of staff of the Secretariat;

11. *Encourages* the General Assembly to consider further measures for promoting desirable ranges of geographical balance in the staff of the Office of the High Commissioner representing national and regional specificities and various historic, cultural and religious backgrounds, as well as the diversity of political, economic and legal systems;

12. *Welcomes* the significant increase in the human and financial resources allocated to the activities of the Office of the High Commissioner and the impact it should have on the geographic composition of the Office;

13. *Recognizes* the importance of the follow-up to and implementation of General Assembly resolution 61/159 of 19 December 2006, and underlines the priority importance that the Assembly continue to provide support and guidance to the High Commissioner in the ongoing process of improvement of the geographical balance in the composition of the staff of the Office of the High Commissioner;

14. *Requests* the High Commissioner to submit a comprehensive and updated report to the Council at its sixteenth session, in accordance with its annual programme of work, following the structure and scope of her report and with a special focus on further measures taken to correct the imbalance in the geographical composition of the staff of the Office.

*41st meeting  
24 March 2010*

[Adopted by a recorded vote of 31 to 12, with 3 abstentions (see part II, chap. II). The voting was as follows:

*In favour:*

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

*Against:*

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

*Abstaining:*

Bosnia and Herzegovina, Chile, Republic of Korea.]

## **13/2.**

### **Human rights and arbitrary deprivation of nationality**

*The Human Rights Council,*

*Guided* by the purposes, principles and provisions of the Charter of the United Nations,

*Guided also* by article 15 of the Universal Declaration of Human Rights, according to which everyone has the right to a nationality and no one shall be arbitrarily deprived of his nationality,

*Reaffirming* its resolutions 7/10 of 27 March 2008 and 10/13 of 26 March 2009, as well as all previous resolutions adopted by the Commission on Human Rights, on the issue of human rights and the arbitrary deprivation of nationality,

*Recognizing* the authority of States to establish laws governing the acquisition, renunciation or loss of nationality in accordance with international law, and noting that the issue of statelessness is already under consideration by the General Assembly within the broad issue of State succession,

*Noting* the provisions of international human rights instruments and international instruments on statelessness and nationality recognizing the right to acquire, change or retain nationality or prohibiting arbitrary deprivation of nationality, inter alia, article 5, paragraph (d) (iii), of the International Convention on the Elimination of All Forms of



Racial Discrimination; article 24, paragraph 3, of the International Covenant on Civil and Political Rights; articles 7 and 8 of the Convention on the Rights of the Child; articles 1 to 3 of the Convention on the Nationality of Married Women; article 9 of the Convention on the Elimination of All Forms of Discrimination against Women; article 18 of the Convention on the Rights of Persons with Disabilities; the Convention on the Reduction of Statelessness; and the Convention relating to the Status of Stateless Persons,

*Noting also* general comment No. 30 (2004) of the Committee on the Elimination of Racial Discrimination,

*Noting further* the attention that the above-mentioned Committee pays to the issues of statelessness and arbitrary deprivation of nationality in its work, including when examining the reports of States parties on the implementation of their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination,

*Recalling* that persons arbitrarily deprived of nationality are protected by international human rights and refugee law as well as instruments on statelessness, including, with respect to States parties, the Convention relating to the Status of Stateless Persons and the Convention relating to the Status of Refugees and the Protocol thereto,

*Stressing* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

*Recalling* General Assembly resolution 64/127 of 18 December 2009, in which, inter alia, the Assembly urged the Office of the United Nations High Commissioner for Refugees to continue its work with regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons,

*Noting* the important work of the Office of the United Nations High Commissioner for Refugees in seeking to address and prevent the problem of statelessness, as guided by, in particular, the conclusion of its Executive Committee on identification, prevention and reduction of statelessness and protection of stateless persons No. 106 (LVII) 2006,

*Mindful* of the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying those to individuals in their populations because of nationality, ethnicity, race, religion or language,

*Recalling* General Assembly resolutions 55/153 of 12 December 2000, 59/34 of 2 December 2004 and 63/118 of 11 December 2008 on the work of the International Law Commission on the nationality of natural persons in relation to the succession of States,

*Recalling also* that the General Assembly in its resolution 63/118 decided to include in the provisional agenda of its sixty-sixth session the item entitled “Nationality of natural persons in relation to the succession of States”, with the aim of examining the subject, including the question of the form that might be given to the relevant draft articles on nationality of natural persons in relation to the succession of States prepared by the International Law Commission,

*Recognizing* that arbitrary deprivation of nationality disproportionately affects persons belonging to minorities, and recalling the work done by the independent expert on minority issues on the subject of the right to nationality,

*Expressing its deep concern* at the arbitrary deprivation of persons or groups of persons of their nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Recalling* that arbitrarily depriving a person of his or her nationality may lead to statelessness and, in this regard, expressing concern at various forms of discrimination against stateless persons that may violate the obligations of States under international human rights law,

*Emphasizing* that the human rights and fundamental freedoms of persons whose nationality may be affected by State succession must be fully respected,

1. *Reaffirms* that the right to a nationality of every human person is a fundamental human right;

2. *Recognizes* that arbitrary deprivation of nationality, especially on discriminatory grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status is a violation of human rights and fundamental freedoms;

3. *Calls upon* all States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, especially if such measures and legislation render a person stateless;

4. *Urges* all States to adopt and implement nationality legislation with a view to avoiding statelessness, consistent with principles of international law, in particular by preventing arbitrary deprivation of nationality and statelessness as a result of State succession;

5. *Acknowledges* that 2011 will mark the fiftieth anniversary of the adoption of the Convention on the Reduction of Statelessness, and encourages States that have not acceded to the Convention and to the Convention relating to the Status of Stateless Persons to consider doing so;

6. *Notes* that the full enjoyment of all human rights and fundamental freedoms of an individual might be impeded as a result of arbitrary deprivation of nationality;

7. *Expresses its concern* that persons arbitrarily deprived of nationality may be affected by poverty, social exclusion and legal incapacity which have an adverse impact on their enjoyment of relevant civil, political, economic, social and cultural rights, in particular in the areas of education, housing, employment and health;

8. *Recalls* that every child has the right to acquire a nationality, and recognizes the special needs of children for protection against arbitrary deprivation of nationality;

9. *Calls upon* States to ensure that all children are registered at birth, and notes the importance of standardized and effective procedures for civil registration and identity documentation in order to help prevent arbitrary deprivation of nationality and statelessness;

10. *Also calls upon* States to observe minimum procedural standards in order to ensure that decisions concerning the acquisition, deprivation or change of nationality do not contain any element of arbitrariness and are subject to review, in conformity with their international human rights obligations;

11. *Further calls upon* States to ensure access of persons arbitrarily deprived of their nationality to effective remedies, including, but not limited to, restoration of nationality;

12. *Takes note with appreciation* of the report of the Secretary-General submitted in accordance with Council resolution 10/13 (A/HRC/13/34);

13. *Urges* relevant United Nations human rights mechanisms and appropriate treaty bodies and encourages the Office of the United Nations High Commissioner for Refugees to continue with the ongoing collection of information on the issue of human rights and arbitrary deprivation of nationality from all relevant sources and to take account of such information, together with any recommendations thereon, in their reports and activities conducted within their respective mandates;

14. *Requests* the Secretary-General to prepare a report on the impact that arbitrary deprivation of nationality may have on the enjoyment by persons of their human rights, including civil, political, economic, social and cultural rights, and to present it to the Council at its nineteenth session;

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

41<sup>st</sup> meeting  
24 March 2010

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

### 13/3.

#### **Open-ended Working Group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure**

*The Human Rights Council,*

*Recalling* Human Rights Council resolution 11/1 of 17 June 2009 on the Open-ended Working Group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure,

*Recalling also* General Assembly resolution 64/146 of 18 December 2009 on the rights of the child,

*Bearing in mind* paragraph 33 (p) of General Assembly resolution 64/146, in which the Assembly called upon States to ensure that child-sensitive procedures were made available to children and their representatives so that children had access to means of facilitating effective remedies for any breaches of any of their rights arising from the Convention on the Rights of the Child through independent advice, advocacy and complaint procedures, including justice mechanisms, and that their views were heard when they were involved or their interests were concerned in judicial or administrative procedures in a manner consistent with the procedural rules of national law,

*Noting with interest* general comment No. 5 (2003) of the Committee on the Rights of the Child, in which the Committee emphasized that children's special and dependent status creates real difficulties for them in pursuing remedies for breaches of their rights, and general comment No. 12 (2009), in which the Committee stated that the right of all children to be heard and taken seriously constitutes one of the fundamental values of the Convention on the Rights of the Child,

*Recalling* the view of the Committee on the Rights of the Child, expressed by its Chairperson in her oral report to the General Assembly at its sixty-third session, that the development of a communications procedure for the Convention on the Rights of the Child would significantly contribute to the overall protection of children's rights,

1. *Takes note* of the report on its first session, held in Geneva from 16 to 18 December 2009, of the Open-ended Working Group established under Human Rights Council resolution 11/1 to explore the possibility of elaborating an optional protocol to the Convention on the Rights of the Child to provide a communications procedure complementary to the reporting procedure under the Convention (A/HRC/13/43);

2. *Decides* to extend the mandate of the Open-ended Working Group until the seventeenth session of the Council, and also decides that the Open-ended Working Group shall meet for up to ten working days and report to the Council not later than at its seventeenth session;

3. *Also decides* to mandate the Open-ended Working Group to elaborate an optional protocol to the Convention on the Rights of the Child to provide a communications procedure and, in this regard, requests the Chairperson of the Open-ended Working Group to prepare a proposal for a draft optional protocol, taking into account the views expressed and inputs provided during the first session of the Working Group in December 2009 and giving due regard to the views of the Committee on the Rights of the Child and, where appropriate, to the views of relevant United Nations special procedures and other experts, to be circulated by September 2010 in all the official languages of the United Nations with the proposal for the draft optional protocol to be used as a basis for the forthcoming negotiations;

4. *Further decides* to invite a representative of the Committee on the Rights of the Child to participate in the Open-ended Working Group as a resource person and, where appropriate, relevant United Nations special procedures and other relevant independent experts;

5. *Requests* the Office of the United Nations High Commissioner for Human Rights to update and publish the report of the Secretary-General on the comparative summary of existing communications and inquiry procedures and practices under international human rights instruments and under the United Nations system, published on 22 November 2004 (E/CN.4/2005/WG.23/2), and to present that report to the Council at its fifteenth session;

6. *Requests* the Secretary-General and the Office of the High Commissioner to continue to provide the Open-ended Working Group with the assistance necessary for the fulfilment of its mandate, in accordance with General Assembly resolution 64/245 of 24 December 2009 on special subjects relating to the proposed programme budget for the biennium 2010–2011.

*41<sup>st</sup> meeting*

*24 March 2010*

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

## **13/4.**

### **The right to food**

*The Human Rights Council,*

*Recalling* all previous General Assembly and Council resolutions on the right to food, in particular Assembly resolution 64/159 of 18 December 2009 and Council resolution 10/12 of 26 March 2009, as well as all resolutions of the Commission on Human Rights on the issue,

*Recalling also* the holding of its seventh special session, at which it analysed the negative impact of the worsening of the world food crisis on the realization of the right to food for all, as well as its resolutions S-7/1 of 22 May 2008, 9/6 of 18 September 2008 and 12/10 of 1 October 2009,

*Recalling further* the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her or his health and well-being,

including food, the Universal Declaration on the Eradication of Hunger and Malnutrition and the United Nations Millennium Declaration,

*Recalling* the provisions of the International Covenant on Economic, Social and Cultural Rights in which the fundamental right of every person to be free from hunger is recognized,

*Bearing in mind* the Rome Declaration on World Food Security, the World Food Summit Plan of Action and the Declaration of the World Food Summit, adopted in Rome on 13 June 2002, the Declaration of the World Summit on Food Security, adopted on 16 November 2009, and the Marrakesh Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Programme on Least Developed and Net Food-importing Countries, adopted on 15 April 1994,

*Reaffirming* the concrete recommendations contained in the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,

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

*Reaffirming* that all human rights are universal, indivisible, interdependent and interrelated, and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

*Reaffirming also* that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

*Reiterating*, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

*Convinced* that each State should adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

*Recognizing* that, despite the efforts made, the problems of hunger and food insecurity have a global dimension and that there has been insufficient progress made on reducing hunger, and that they could increase dramatically in some regions unless urgent, determined and concerted action is taken,

*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,

*Convinced* that the elimination of the current distortions in the agricultural trading system will allow local producers and poor farmers to compete and sell their products, thereby facilitating the realization of the right to adequate food,

*Noting* that environmental degradation, desertification and global climate change are factors contributing to destitution and desperation and have a negative impact on the realization of the right to food, in particular in developing countries,

*Expressing its deep concern* at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in massive loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

*Stressing* the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

*Recalling* the pledges made to increase official development assistance devoted to agriculture, as well as that the realization of the right to food not only entails an increase in productivity but also a holistic approach that includes a focus on smallholder and traditional farmers and the most vulnerable groups and national and international policies that are conducive to the realization of this right,

*Recognizing* the need to increase investment in agriculture from all relevant sources for the realization of the right to food,

*Recalling* its resolutions 5/1 on institution-building of the United Nations Human Rights Council, and 5/2 on a code of conduct for special procedures mandate holders of the Human Rights Council, of 18 June 2007,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Expresses grave concern* at the fact that the world food crisis continues to seriously undermine 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, who suffer from hunger, malnutrition and food insecurity;

4. *Considers it intolerable* that, according to an estimation by the United Nations Children's Fund, more than one third of the children who die every year before the age of 5 years do so from hunger-related illness, and that, according to an estimation by the Food and Agriculture Organization of the United Nations, the number of people who are undernourished has grown to about 1.02 billion worldwide, and that there is an additional 1 billion people suffering from serious malnutrition, including as a result of the global food crisis, even though, according to the latter organization, the planet could produce enough food to feed 12 billion people, that is, twice the world's current population;

5. *Expresses its concern* that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

6. *Encourages* all States to take action to address gender inequality and discrimination against women, in particular where it contributes to the malnutrition of women and girls, including measures to ensure the full and equal realization of the right to food and ensuring that women have equal access to resources, including income, land and

water and their ownership, as well as full and equal access to education, science and technology, to enable them to feed themselves and their families;

7. *Stresses* the need to guarantee fair and non-discriminatory access to land rights for smallholders, traditional farmers and their organizations, including in particular rural women and vulnerable groups;

8. *Encourages* the Special Rapporteur on the right to food to ensure the mainstreaming of a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms that address the right to food and food insecurity to integrate and effectively implement a gender perspective and a human rights perspective into their relevant policies, programmes and activities regarding access to food;

9. *Reaffirms* the need to ensure that programmes delivering safe and nutritious food are inclusive and accessible to persons with disabilities;

10. *Encourages* States to mainstream a human rights perspective in building and reviewing their national strategies for the realization of the right to food for all, and to take steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food and, where appropriate, to consider establishing appropriate institutional mechanisms, in order to:

(a) Identify, at the earliest stage possible, emerging threats to the right to adequate food, with a view to facing them;

(b) Strengthen the overall national human rights protection system with a view to contributing to the realization of the right to food;

(c) Improve coordination between the different relevant ministries and between national and subnational levels of government;

(d) Improve accountability, with a clear allocation of responsibilities, and the setting of precise time frames for the realization of the dimensions of the right to food that require progressive implementation;

(e) Ensure adequate participation, particularly of the most food-insecure segments of the population;

(f) Pay specific attention to the need to improve the situation of the most vulnerable segments of society;

11. *Stresses* that the primary responsibility of States is to promote and protect the right to food and that 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;

12. *Calls upon* States parties to the International Covenant on Economic, Social and Cultural Rights to fulfil their obligations under article 2, paragraph 1, and article 11, paragraph 2 thereof, in particular with regard to the right to adequate food;

13. *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;

14. *Stresses* that improving access to productive resources and investment in rural development is essential for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investments in appropriate, small-scale irrigation and water management technologies in order to reduce vulnerability to droughts;

15. *Recognizes* that 80 per cent of people suffering from hunger live in rural areas, and 50 per cent are small-scale and traditional farm holders, and that these people are especially vulnerable to food insecurity, given the increasing cost of various inputs and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural policies are important tools to achieve food security and rural development; and that support by States for small farmers, fishing communities and local enterprises is a key element to food security and provision of the right to food;

16. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands and, in this regard, calls for the full implementation of the United Nations Convention to Combat Desertification in those countries experiencing serious drought and/or desertification, particularly in Africa;

17. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples and acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concerns over the obstacles and challenges they face to the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

18. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in ongoing negotiations in different fields;

19. *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;

20. *Recognizes* the need to strengthen national commitment as well as international assistance, upon the request of and in cooperation with the affected countries, towards the full realization and protection of the right to food and, in particular, to develop national protection mechanisms for people forced to leave their homes and land because of hunger or humanitarian emergencies affecting the enjoyment of the right to food;

21. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

22. *Encourages* the Special Rapporteur to continue to cooperate with States in order to enhance the contribution development cooperation and food aid to the realization of the right to food, within existing mechanisms, taking into account the views of all stakeholders;

23. *Stresses* that all States should make every effort to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;



24. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

25. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, while recognizing the efforts of Member States in that regard, and urges all States, international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the number, or at least the proportion, of people who suffer from hunger, as stated in Millennium Development Goal 1, as well as the right to food, as set out in the Rome Declaration on World Food Security and the United Nations Millennium Declaration;

26. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive effort to improve public health, including the response to the spread of HIV/AIDS, tuberculosis, malaria and other communicable diseases;

27. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

28. *Stresses* the importance of international cooperation and development assistance, as an effective contribution both to the expansion and improvement of agriculture and its environmental sustainability and to the provision of humanitarian food assistance in activities related to emergency situations, for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

29. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to promote such policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food;

30. *Encourages* developing countries to establish regional arrangements with the support of the international community and development partners to ensure adequate food production and thereby contribute to ensuring food security, in particular in developing countries and in those countries that have scarce fertile land;

31. *Encourages* the Special Rapporteur on the right to food and the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises to cooperate on the subject of the contribution of the private sector to the realization of the right to food, including the importance of ensuring sustainable water resources for human consumption and agriculture;

32. *Also encourages* the Special Rapporteur to continue his collaboration with relevant international organizations and United Nations agencies, programmes and funds, in particular the Rome-based ones, including the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development and the World Food Programme, in order to contribute to ensuring that the right to food is promoted further within these organizations, in accordance with their respective mandates, including for the advancement of smallholders and agricultural workers in both developing and least developed countries;

33. *Recognizes* the negative impact on the full enjoyment of the right to adequate food of insufficient purchasing power and of increased volatility of prices of agricultural commodities on the international markets, particularly on people in developing countries and on net food-importing countries;

34. *Encourages* the Special Rapporteur, within his existing mandate, to explore, in consultation with Member States and relevant stakeholders, ways and means of raising the capacity of countries, particularly developing countries, including least developed and net food-importing developing countries, to ensure the realization and protection of the right to adequate food for their populations, and to report on his findings to the Council;

35. *Takes note with appreciation* of the report of the Special Rapporteur (A/HRC/13/33) and of the addendum thereto on large-scale land acquisitions and leases: a set of minimum principles and measures to address the human rights challenge (A/HRC/13/33/Add.2);

36. *Decides* to extend the mandate of the Special Rapporteur, for a period of three years, to enable him to continue to work in accordance with the mandate established by the Council in its resolution 6/2 of 27 September 2007;

37. *Requests* the Special Rapporteur, as part of his mandate, to continue to monitor the evolution of the world food crisis and, in the context of his regular reports, to maintain the Council informed of the impact of the crisis on the enjoyment of the right to food and to alert it to possible further actions in this regard;

38. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

39. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

40. *Recalls* general comment No. 15 (2002) of the Committee on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in the realization of the right to adequate food;

41. *Reaffirms* that the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security represent a practical tool to promote the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals, including those contained in the Millennium Declaration;

42. *Acknowledges* the work being carried out by the Advisory Committee on the right to food and, in that regard, welcomes its submission to the Council of the preliminary study on discrimination in the context of the right to food, including an identification of good practices of anti-discriminatory policies and strategies (A/HRC/13/32);

43. *Requests* the Office of the High Commissioner to collect the views and comments of all Member States, all relevant United Nations special agencies and

programmes and all other relevant stakeholders on the good practices of anti-discriminatory policies and strategies set out in the preliminary study, so that the Advisory Committee take them into account for the conclusion of the study;

44. *Requests* the Advisory Committee to continue to work on the issue of discrimination in the context of the right to food and, in that regard, to undertake a preliminary study on ways and means to further advance the rights of people working in rural areas, including women, in particular smallholders engaged in the production of food and/or other agricultural products, including from directly working the land, traditional fishing, hunting and herding activities, and to report thereon to the Council at its sixteenth session;

45. *Welcomes* the continued cooperation of the High Commissioner, the Advisory Committee and the Special Rapporteur, and encourages them to continue their cooperation;

46. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task to supply all necessary information requested by him and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him to fulfil his mandate more effectively;

47. *Recalls* the requests made by the General Assembly, in its resolution 64/159, that the Special Rapporteur submit to the Assembly an interim report at its sixty-fifth session on the implementation of that resolution and to continue his work, including by examining the emerging issues with regard to the realization of the right to food within his existing mandate;

48. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate through, inter alia, the submission of comments and suggestions on ways and means of realizing the right to food;

49. *Requests* the Special Rapporteur to submit a report on the implementation of the present resolution to the Council at its sixteenth session;

50. *Decides* to continue consideration of this matter under the same agenda item at its sixteenth session.

*41<sup>st</sup> meeting*

*24 March 2010*

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

## **13/5.**

### **Human rights in the occupied Syrian Golan**

*The Human Rights Council,*

*Deeply concerned* at the suffering of the Syrian citizens in the occupied Syrian Golan due to the systematic and continuous violation of their fundamental and human rights by Israel since the Israeli military occupation of 1967,

*Recalling* Security Council resolution 497 (1981) of 17 December 1981,

*Recalling also* all relevant General Assembly resolutions, the most recent being resolution 64/95 of 10 December 2009, in which the Assembly declared that Israel had failed so far to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan,

*Reaffirming once more* the illegality of the decision by Israel of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

*Reaffirming* the principle of the inadmissibility of the acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law,

*Taking note with deep concern* of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/64/339) of 9 September 2009, in which the Committee expressed concern at the human rights situation in the Occupied Palestinian Territory and the occupied Syrian Golan and, in this connection, deploring the Israeli settlement in the occupied Arab territories and expressing regret at the constant refusal of Israel to cooperate with and to receive the Special Committee,

*Guided* by the relevant provisions of the Charter of the United Nations, international law and the Universal Declaration of Human Rights and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

*Reaffirming* the importance of the peace process, which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the principle of land for peace, and expressing its concern at the halting of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of Security Council resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

*Reaffirming also* the previous relevant resolutions of the Commission on Human Rights and of the Human Rights Council, the most recent being resolution 10/17 of 26 March 2009,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council, in particular Security Council resolution 497 (1981), in which the Council decided, *inter alia*, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel rescind forthwith its decision;

2. *Also calls upon* Israel to desist from its continuous building of settlements and from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their property;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan, and to desist from its repressive measures against them and from all other practices that obstruct the enjoyment of their fundamental rights and their civil, political, economic, social and cultural rights, some of which are mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. *Calls upon* Israel to allow the Syrian population of the occupied Syrian Golan to visit their families and relatives in the Syrian motherland through the Quneitra checkpoint and under the supervision of the International Committee of the Red Cross, and

to rescind its decision to prohibit these visits, as it is in flagrant violation of the Fourth Geneva Convention and the International Covenant on Civil and Political Rights;

5. *Also calls upon* Israel to release immediately the Syrian detainees in Israeli prisons, some of whom have been detained for more than twenty-four years, and calls on Israel to treat them in conformity with international humanitarian law;

6. *Further calls upon* Israel, in this connection, to allow delegates of the International Committee of the Red Cross to visit Syrian prisoners of conscience and detainees in Israeli prisons accompanied by specialized physicians to assess the state of their physical and mental health and to protect their lives;

7. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that seek to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

8. *Again calls upon* States Members of the United Nations not to recognize any of the above-mentioned legislative or administrative measures;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report on this matter to the Council at its sixteenth session;

10. *Decides* to continue the consideration of the human rights violations in the occupied Syrian Golan at its sixteenth session.

*41st meeting  
24 March 2010*

[Adopted by a recorded vote of 31 to 1, with 15 abstentions (see part II, chap. VII). The voting was as follows:

*In favour:*

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

*Against:*

United States of America;

*Abstaining:*

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

## **13/6.**

### **Right of the Palestinian people to self-determination**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of

refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

*Guided also* by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

*Guided further* by the International Covenants on Human Rights, the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples and by the provisions of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 by the World Conference on Human Rights (A/CONF.157/23), and in particular part I, paragraphs 2 and 3 thereof, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

*Recalling* General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions that confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

*Recalling also* Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

*Recalling further* the conclusion of the International Court of Justice, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,

*Recalling* the resolutions adopted in this regard by the Commission on Human Rights, the last of which being resolution 2005/1 of 7 April 2005,

*Reaffirming* the right of the Palestinian people to self-determination in accordance with the provisions of the Charter and relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law and a basic condition for achieving a just, lasting and comprehensive peace in the region of the Middle East,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and to establish their sovereign, independent, democratic and viable contiguous State;

2. *Also reaffirms* its support for the solution of two States, Palestine and Israel, living side by side in peace and security;

3. *Stresses* the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem;

4. *Urges* all Member States and relevant bodies of the United Nations system to support and assist the Palestinian people in the early realization of their right to self-determination;

5. *Decides* to continue the consideration of this question at its sixteenth session.

*41<sup>st</sup> meeting  
24 March 2010*

[Adopted by a recorded vote of 45 to 1 (see part II, chap. VII). The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, France, Gabon, Ghana, Hungary, India, Indonesia, Italy, Japan, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

*Against:*

United States of America.]

**13/7.****Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan***The Human Rights Council,*

*Guided* by the principles of the Charter of the United Nations and affirming the inadmissibility of the acquisition of territory by force,

*Reaffirming* that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

*Recalling* relevant resolutions of the Commission on Human Rights, the Human Rights Council, the Security Council and the General Assembly, reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories, including in East Jerusalem,

*Mindful* that Israel is a party to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable de jure to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem, and the Syrian Golan, and recalling the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001,

*Considering* that the transfer by the occupying Power of parts of its own civilian population into the territory it occupies constitutes a breach of the Fourth Geneva Convention and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Conventions of 12 August 1949,

*Recalling* the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, and its conclusion that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, were established in breach of international law,

*Recalling also* General Assembly resolution ES-10/15 of 20 July 2004 and other relevant United Nations resolutions,

*Affirming* that the Israeli settlement activities in the Occupied Palestinian Territory, including in East Jerusalem, constitute very serious violations of international humanitarian law and of the human rights of the Palestinian people therein and undermine international efforts, including the Annapolis Peace Conference of 27 November 2007 and the Paris International Donors' Conference for the Palestinian State of 17 December 2007, aimed at

invigorating the peace process and establishing a viable, contiguous, sovereign and independent Palestinian State by the end of 2008,

*Recalling* its attachment to the implementation by both parties of their obligations under the Quartet road map to a permanent two-State solution to the Israeli-Palestinian conflict (S/2003/529, annex), and noting specifically its call for a freeze on all settlement activity,

*Expressing its grave concern* about the continuation by Israel, the occupying Power, of settlement building and expansion in the Occupied Palestinian Territory, including in East Jerusalem, in violation of international humanitarian law and relevant United Nations resolutions, including plans to expand and connect Israeli settlements around Occupied East Jerusalem, thus threatening the creation of a contiguous Palestinian State,

*Expressing its concern* that continuing Israeli settlement activity undermines the realization of a two-State solution,

*Expressing grave concern* about the continuing construction, contrary to international law, by Israel of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem, and expressing its concern in particular about the route of the wall in departure from the Armistice Line of 1949, which could prejudice future negotiations and make the two-State solution physically impossible to implement and which is causing the Palestinian people further humanitarian hardship,

*Deeply concerned* that the wall's route has been traced in such a way as to include the great majority of the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem,

*Expressing its concern* at the failure of the Government of Israel to cooperate fully with the relevant United Nations mechanisms, in particular the Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967,

1. *Welcomes* the Council of the European Union conclusions on the Middle East peace process of 8 December 2009, in which the European Union Council of Ministers reiterated that settlements, the separation barrier where built on occupied land, demolition of homes and evictions are illegal under international law, constitute an obstacle to peace and threaten to make a two-State solution impossible, and particularly its urgent call upon the Government of Israel to immediately end all settlement activities, in East Jerusalem and the rest of the West Bank and including natural growth, and to dismantle all outposts erected since March 2001;

2. *Welcomes with appreciation* the statements made by the majority of the States Members of the United Nations on the illegality of settlement activities in the occupied Palestinian territories, including East Jerusalem, and reaffirming the urgent calls by the international community upon the Government of Israel to immediately stop all settlement activities, including in East Jerusalem;

3. *Deplores* the recent Israeli announcements of the construction of new housing units for Israeli settlers in and around occupied East Jerusalem, as they undermine the peace process and the creation of a contiguous, sovereign and independent Palestinian State, and are in violation of international law and Israeli pledges at the Annapolis Peace Conference of 27 November 2007;

4. *Condemns* the new Israeli announcement on the construction of one hundred and twenty new housing units in the Bitar Elite settlement, and thousand six hundred new housing units for new settlers in the East Jerusalem neighbourhood of Ramat Shlomo, and calls upon the Government of Israel to immediately reverse its decision which would further undermine and jeopardize the ongoing efforts by the international community to



reach a final settlement compliant with international legitimacy, including the relevant United Nations resolutions;

5. *Expresses its grave concern at:*

(a) The continuing Israeli settlement and related activities, in violation of international law, including the expansion of settlements, the expropriation of land, the demolition of houses, the confiscation and destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem and the Syrian Golan, and constitute a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and in particular article 49 of that Convention, and recalls that settlements are a major obstacle to the establishment of a just and comprehensive peace and to the creation of an independent, viable, sovereign and democratic Palestinian State;

(b) The Israeli planned settlement construction in the vicinity of the Adam settlements in the occupied West Bank, which constitutes a new settlement block;

(c) The increasing number of newly built structures, in 2008 and 2009, amounting to several thousand, including a large number of permanent buildings and structures, which undermine the efforts of the international community to advance the Middle East peace process;

(d) The so-called E-1 plan aimed at expanding the Israeli settlement of Maale Adumim and building the wall around it, thereby further disconnecting occupied East Jerusalem from the northern and southern parts of the West Bank and isolating its Palestinian population;

(e) The implications for the final status negotiations of Israel's announcement that it will retain the major settlement blocks in the Occupied Palestinian Territory, including settlements located in the Jordan Valley;

(f) The expansion of Israeli settlements and the construction of new ones on the Occupied Palestinian Territory rendered inaccessible behind the wall, which create a fait accompli on the ground that could well be permanent and would in that case be tantamount to de facto annexation;

(g) The Israeli decision to establish and operate a tramway between West Jerusalem and the Israeli settlement of Pisgat Zeev, which is in clear violation of international law and relevant United Nations resolutions;

(h) The continued closures of and within the Occupied Palestinian Territory and the restriction of the freedom of movement of people and goods, including the repeated closure of the crossing points of the Gaza Strip, which have created an extremely precarious humanitarian situation for the civilian population as well as impaired the economic and social rights of the Palestinian people;

(i) The continued construction, contrary to international law, of the wall inside the Occupied Palestinian Territory, including in and around East Jerusalem;

(j) The latest Israeli plan to demolish hundreds of houses in occupied East Jerusalem, including its decision to demolish more than eighty-eight houses in the Al-Bustan neighbourhood of Silwan, which would result in the displacement of more than two thousand Palestinian residents of East Jerusalem, in addition to the Israeli decision to evacuate Palestinian families from their houses in the Al-Sheikh Jarrah area of East Jerusalem and to replace them by Israeli settlers;

6. *Urges Israel, the occupying Power:*

(a) To reverse the settlement policy in the occupied territories, including East Jerusalem and the Syrian Golan, and, as a first step towards their dismantlement, to stop immediately the expansion of the existing settlements, including “natural growth” and related activities including in East Jerusalem;

(b) To prevent any new installation of settlers in the occupied territories, including in East Jerusalem;

7. *Urges* the full implementation of the Access and Movement Agreement of 15 November 2005, particularly the urgent reopening of Rafah and Karni crossings, which is crucial to ensuring the passage of foodstuffs and essential supplies, as well as the access of the United Nations agencies to and within the Occupied Palestinian Territory;

8. *Calls upon* Israel to implement the recommendations regarding the settlements made by the then United Nations High Commissioner for Human Rights in her report to the Commission on Human Rights at its fifty-seventh session on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114);

9. *Also calls upon* Israel to take and implement serious measures, including confiscation of arms and enforcement of criminal sanctions, with the aim of preventing acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of the Palestinian civilians and Palestinian properties in the Occupied Palestinian Territory, including East Jerusalem;

10. *Demands* that Israel, the occupying Power, comply fully with its legal obligations, as mentioned in the Advisory Opinion rendered on 9 July 2004 by the International Court of Justice;

11. *Urges* the parties to give renewed impetus to the peace process in line with the Annapolis Peace Conference and the Paris International Donors’ Conference for the Palestinian State and to implement fully the road map endorsed by the Security Council in resolution 1515 (2003) of 19 November 2003, with the aim of reaching a comprehensive political settlement in accordance with the resolutions of the Security Council, including resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and other relevant United Nations resolutions, the principles of the Peace Conference on the Middle East, held in Madrid on 30 October 1991, the Oslo Accords, the Arab Peace initiative and subsequent agreements, which will allow two States, Israel and Palestine, to live in peace and security;

12. *Decides* to continue the consideration of this question at its sixteenth session.

*41<sup>st</sup> meeting*  
*24 March 2010*

[Adopted by a recorded vote of 46 to 1 (see part II, chap. VII). The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, France, Gabon, Ghana, Hungary, India, Indonesia, Italy, Japan, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

*Against:*

United States of America.]

**13/8.**  
**The grave human rights violations by Israel in the Occupied Palestinian Territory, including East Jerusalem**

*The Human Rights Council,*

*Guided* by the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

*Considering* that the promotion of respect for the obligations arising from the Charter and other instruments and rules of the international law is among the basic purposes and principles of the United Nations,

*Affirming* the responsibility of the international community to promote human rights and ensure respect for international law,

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

*Affirming* the applicability of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,

*Recalling* the obligations of the High Contracting Parties to the Fourth Geneva Convention and reaffirming that each High Contracting Party to the Fourth Geneva Convention is under the obligation to respect and ensure respect of their obligations arising from that convention,

*Affirming* the applicability of international human rights law to the Occupied Palestinian Territory, including East Jerusalem,

*Emphasizing* that international human rights law and international humanitarian law are complementary and mutually reinforcing,

*Guided* by the right of the Palestinian people to self-determination and the inadmissibility of the acquisition of land by the use of force, as enshrined in the Charter,

*Stressing* that the right to life constitutes the most fundamental of all human rights,

*Deeply concerned* at the illegal actions by Israel undermining the sanctity and inviolability of religious sites in the occupied Palestinian territories, in particular in the holy city of Jerusalem,

*Expressing* serious concern at the lack of implementation by the occupying Power, Israel, of the resolutions and recommendations of the Security Council, the General Assembly and the Human Rights Council relating to the situation of human rights in the Occupied Palestinian Territory, including East Jerusalem,

*Condemning* all forms of violence against civilians and deploring the loss of human lives in the context of the current situation,

*Recognizing* that the Israeli military attacks and operations in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip, have caused severe violations of international humanitarian law and of the human rights of the Palestinian people therein and undermine international efforts towards achieving a just and lasting peace in the region based on the two-States solution,

*Recognizing also* that the Israeli siege imposed on the occupied Gaza Strip, including the closure of border crossings, constitutes collective punishment and leads to disastrous humanitarian, economic, social and environmental consequences,

1. *Demands* that the occupying Power, Israel, end its occupation of the Palestinian land occupied since 1967, and that it respect its commitments within the peace process towards the establishment of the independent sovereign Palestinian State, with East Jerusalem as its capital, living in peace and security with all its neighbours;

2. *Strongly condemns* the Israeli military attacks and operations in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip, which have resulted in the killing and injury of thousands of Palestinian civilians, including a large number of women and children;

3. *Demands* that the occupying Power, Israel, stop the targeting of civilians and the systematic destruction of the cultural heritage of the Palestinian people, in addition to the destruction of public and private properties, as laid down in the Fourth Geneva Convention;

4. *Condemns* the disrespect for religious and cultural rights provided for in core human rights instruments and humanitarian law by the occupying Power, Israel, in the occupied Palestinian territories, including its recent announcement that it would add al-Haram al Ibrahimy in Hebron and Bilal Mosque (“Tomb of Rachel”) in Bethlehem and the walls of the old city of Jerusalem to its list of national heritage sites;

5. *Demands* that Israel, the occupying Power, respect the religious and cultural rights in the occupied Palestinian territories, particularly in occupied East Jerusalem, as provided for in the Universal Declaration of Human Rights, the core international human rights instruments, the Hague Conventions and the Geneva Conventions, and that it allow Palestinian citizens and worshippers unhindered access to their properties and religious sites therein;

6. *Expresses its grave concern* at the excavation of ancient tombs and removal of hundreds of human remains from part of the historic Ma'man Allah (Mamila) Cemetery in the holy city of Jerusalem in order to construct a “museum of tolerance”, and calls upon the Government of Israel to immediately desist from such illegal activities therein;

7. *Demands* that Israel, the occupying Power, immediately cease all diggings and excavation works beneath and around Al-Aqsa mosque compound and other religious sites in the old city of Jerusalem, and refrain from any act that may endanger the structure or foundations or change the nature of the holy sites, both Islamic and Christian, in the Occupied Palestinian Territory, particularly in and around Jerusalem;

8. *Calls for* the immediate international protection for the Palestinian people in the Occupied Palestinian Territory, in compliance with international human rights and humanitarian law, both applicable in the Occupied Palestinian Territory, including East Jerusalem;

9. *Also calls for* the immediate cessation of all Israeli military attacks and operations throughout the Occupied Palestinian Territory;

10. *Demands* that the occupying Power, Israel, immediately stop its illegal decision to demolish a large number of Palestinian houses in East Jerusalem, including in the neighbourhood area of Al-Bustan in Selwan, and the evacuation of Palestinian families in the Al-Sheikh Jarrah area of East Jerusalem, which is resulting in the displacement of more than two thousand resident Palestinians of East Jerusalem;

11. *Also demands* that the occupying Power, Israel, release Palestinian prisoners and detainees including women, children and members of the Palestinian Legislative Council;

12. *Calls upon* the occupying Power, Israel, to lift checkpoints and open all crossing points and borders according to relevant international agreements;

13. *Demands* that Israel, the occupying Power, immediately lift the siege imposed on the occupied Gaza Strip, and that it open all borders and crossing points, and allow the free access of fuel, humanitarian needs and medicine in addition to all necessary materials and equipment needed for the reconstruction and rehabilitation of Gaza as agreed upon at the International Conference in Support of the Palestinian Economy for the Reconstruction of Gaza, held in Sharm el-Sheikh, Egypt, on 2 March 2009;

14. *Decides* to continue the consideration of this question at its sixteenth session.

*41<sup>st</sup> meeting*  
*24 March 2010*

[Adopted by a recorded vote of 31 to 9, with 7 abstentions (see part II, chap. VII). The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, 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, France, Hungary, Italy, Netherlands, Norway, Slovakia, United Kingdom of Great Britain and Northern Ireland, United States of America;

*Abstaining:*

Bosnia and Herzegovina, Burkina Faso, Cameroon, Japan, Republic of Korea, Slovenia, Ukraine.]

### **13/9.**

#### **Follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict**

*The Human Rights Council,*

*Recalling* its relevant resolutions, including resolution S-9/1, adopted on 12 January 2009, and resolution S-12/1, adopted on 16 October 2010, in follow-up to the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict,

*Recalling also* relevant General Assembly resolutions, including resolution 64/10, adopted on 5 November 2009, and resolution 64/254, adopted on 26 February 2010, in follow-up to the report of the Fact-Finding Mission,

*Recalling further* the relevant rules and principles of international law, including international humanitarian and human rights law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to the Occupied Palestinian Territory, including East Jerusalem,

*Recalling* the Universal Declaration of Human Rights and other international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child,

*Reaffirming* the obligation of all parties to respect international humanitarian law and international human rights law,

*Reiterating* the importance of the safety and well-being of all civilians, and reaffirming the obligation to ensure the protection of civilians in armed conflict,

*Stressing* the need to ensure accountability for all violations of international humanitarian law and international human rights law in order to prevent impunity, ensure justice, deter further violations and promote peace,

*Convinced* that achieving a just, lasting and comprehensive settlement of the question of Palestine, the core of the Arab-Israeli conflict, is imperative for the attainment of comprehensive, just and lasting peace and stability in the Middle East,

1. *Takes note* of the report of the Secretary-General (A/64/651), submitted pursuant to paragraph 6 of General Assembly resolution 64/10;

2. *Welcomes* the report of the Secretary-General on the status of implementation of paragraph 3 of section B of Council resolution S-12/1 (A/HRC/13/55);

3. *Also welcomes* the report of the United Nations High Commissioner for Human Rights on the implementation of Council resolutions S-9/1 and S-12/1 (A/HRC/13/54) and endorses the recommendations contained therein;

4. *Also reiterates* its call upon all concerned parties, including United Nations bodies, to ensure their implementation of the recommendations contained in the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict, in accordance with their respective mandates;

5. *Further reiterates* the call by the General Assembly upon the Government of Israel to conduct investigations that are independent, credible and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission, with a view to ensuring accountability and justice;

6. *Reiterates* the urging by the General Assembly for the conduct by the Palestinian side of investigations that are independent, credible and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission, with a view to ensuring accountability and justice;

7. *Welcomes* the recommendation made by the General Assembly to the Government of Switzerland, in its capacity as depositary of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, to reconvene, as soon as possible, a conference of High-Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the Occupied Palestinian Territory, including East Jerusalem, and to ensure its respect in accordance with common article 1, bearing in mind the statement adopted on 15 July 1999 as well as the reconvening of the conference and the declaration adopted on 5 December 2001, and recommends that the Government of Switzerland reconvene the above-mentioned conference before the end of 2010;

8. *Calls upon* the High Commissioner to explore and determine the appropriate modalities for the establishment of an escrow fund for the provision of reparations to the Palestinians who suffered loss and damage as a result of unlawful acts attributable to the State of Israel during the military operations conducted from December 2008 to January 2009;

9. *Decides*, in the context of the follow-up to the report of the Independent International Fact-Finding Mission, to establish a committee of independent experts in international humanitarian and human rights laws to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side, in the light of General Assembly resolution 64/254, including the independence,

effectiveness, genuineness of these investigations and their conformity with international standards;

10. *Requests* the High Commissioner to appoint the members of the committee of independent experts and to provide them with all the administrative, technical and logistic assistance required to enable them to fulfil their mandate promptly and efficiently;

11. *Requests* the Secretary-General to transmit all the information submitted by the Government of Israel and the Palestinian side pursuant to paragraphs 2 and 3 of General Assembly resolution 64/254 to the committee of independent experts;

12. *Requests* the committee of independent experts to present its report to the Council at its fifteenth session;

13. *Calls upon* the General Assembly to promote an urgent discussion on the future legality of the use of certain munitions as referred to in the report of the United Nations Independent International Fact-Finding Mission on the Gaza conflict, drawing, inter alia, on the expertise of the International Committee of the Red Cross;

14. *Requests* the Secretary-General to present a comprehensive report on the progress made in the implementation of the recommendations of the Fact-Finding Mission by all concerned parties, including United Nations bodies, in accordance with paragraph 3 of section B of resolution S-12/1, to the Council at its fifteenth session;

15. *Requests* the High Commissioner to present a report on the implementation of the present resolution to the Council at its fifteenth session;

16. *Also requests* the High Commissioner to submit to the Council, at its fourteenth session, a progress report on the implementation of the present resolution;

17. *Decides* to follow up on the implementation of the present resolution at its fifteenth session.

*42nd meeting  
25 March 2010*

[Adopted by a recorded vote of 29 to 6, with 11 abstentions (see part II, chap. VII). The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Slovenia, South Africa, Uruguay, Zambia;

*Against:*

Hungary, Italy, Netherlands, Slovakia, Ukraine, United States of America;

*Abstaining:*

Belgium, Burkina Faso, Cameroon, Chile, France, Japan, Madagascar, Mexico, Norway, Republic of Korea, United Kingdom of Great Britain and Northern Ireland.]

## **13/10.**

### **Adequate housing as a component of the right to an adequate standard of living, in the context of mega-events**

*The Human Rights Council,*

*Recalling* all previous resolutions on adequate housing of the Council and the Commission on Human Rights, in particular Council resolution 6/27 of 14 December 2007 and Commission resolution 2004/28 of 16 April 2004,

*Reaffirming* that international human rights law instruments, including the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights, entail obligations and commitments of States parties in relation to access to adequate housing,

*Recalling* the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted by major United Nations conferences and summits and at special sessions of the General Assembly and by their follow-up meetings, inter alia, the Istanbul Declaration on Human Settlements and the Habitat Agenda (A/CONF.165/14), and the Declaration on Cities and Other Human Settlements in the New Millennium adopted at the twenty-fifth special session of the Assembly, and annexed to its resolution S-25/2 of 9 June 2001,

*Noting* the work of the United Nations treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in the promotion of the rights related to adequate housing, including its general comments Nos. 4, 7, 9 and 16,

*Concerned* that any deterioration in the general housing situation disproportionately affects persons living in conditions of poverty, low-income earners, women, children, persons belonging to minorities and indigenous peoples, migrants, the elderly and persons with disabilities,

*Recognizing* that “mega-events”, that is, large-scale events of limited duration and diverse nature, including major international sporting or cultural events, can provide a major opportunity to enhance the housing stock and to improve the related infrastructure in host countries,

1. *Acknowledges with appreciation* the work of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, including the undertaking of country missions;

2. *Acknowledges* the Special Rapporteur’s annual report on the realization of the right to adequate housing in the context of mega-events (A/HRC/13/20);

3. *Calls upon* States, in the context of mega-events, to promote the right to adequate housing and to create a sustainable, development-oriented housing legacy, and to strive in this regard:

(a) To integrate housing concerns into the bidding and planning process at an early stage and, in this regard, to assess the impact on the affected population throughout the process, as appropriate;

(b) To ensure full transparency of the planning and implementation process and the meaningful participation of the affected local communities therein;

(c) To pay particular attention to persons belonging to vulnerable and marginalized groups, including by respecting the principles of non-discrimination and gender equality;

(d) To plan and develop the event venues with the post-event period in view, while taking into account the needs of socially disadvantaged persons for affordable housing;

(e) To ensure, consistent with the domestic legal framework and international human rights obligations, that the right to adequate housing of affected persons in the



context of mega-events is respected, while giving due consideration to issues such as insecurity of tenure;

(f) To explore alternatives to evictions and to undertake any such evictions as may be necessary in accordance with the domestic legal framework and in full compliance with the relevant provisions of international human rights law, including those for adequate and effective remedies;

4. *Encourages* States to share with the Special Rapporteur good practices with regard to the realization of the right to adequate housing in the context of mega-events;

5. *Requests* the Special Rapporteur to consider, as appropriate, the issue of mega-events in the context of her work;

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

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

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

42<sup>nd</sup> meeting  
25 March 2010

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

## 13/11.

### **Human rights of persons with disabilities: national implementation and monitoring and introducing as the theme for 2011 the role of international cooperation in support of national efforts for the realization of the rights of persons with disabilities**

*The Human Rights Council,*

*Reaffirming* the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

*Reaffirming also* its resolutions 7/9 of 27 March 2008 and 10/7 of 26 March 2009, and welcoming the efforts of all stakeholders to implement those resolutions,

*Reaffirming further* its commitment to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, to promote respect for their inherent dignity and to eliminate discrimination against persons with disabilities,

*Stressing* the importance of effective national legislative, policy and institutional frameworks for the full enjoyment of rights by persons with disabilities,

*Acknowledging* that the Convention on the Rights of Persons with Disabilities is the first human rights instrument to contain specific provisions for national implementation and monitoring, and reaffirming the provisions to that effect contained in article 33 of the Convention,

*Highlighting* the fact that the majority of persons with disabilities live in conditions of poverty and, in this regard, recognizing the critical need to address the negative impact of poverty on persons with disabilities, bearing in mind that an estimated 80 per cent of persons with disabilities live in developing countries, including least developed countries,

*Recognizing* the importance of international cooperation and its promotion in support of national efforts for the realization of the purpose and objectives of the Convention on the Rights of Persons with Disabilities, including for improving the living conditions of persons with disabilities in all countries, particularly developing countries and including least developed countries,

*Emphasizing* the role of relevant national data collection in the effective implementation of the Convention,

*Conscious* of the added value of collecting and sharing information and experiences on national implementation,

1. *Welcomes* the fact that, to date, one hundred and forty-four States and one regional integration organization have signed and eighty-three ratified the Convention on the Rights of Persons with Disabilities, and that eighty-eight have signed and fifty-two have ratified the Optional Protocol, and calls upon those States and regional integration organizations that have not yet ratified or acceded to the Convention and the Optional Protocol to consider doing so as a matter of priority;

2. *Encourages* States that have ratified the Convention and have submitted one or more reservations to the Convention to implement a process to review regularly the effect and continued relevance of such reservations, and to consider the possibility of withdrawing them;

3. *Welcomes* the thematic study on the structure and role of national mechanisms in the implementation and monitoring of the Convention, prepared by the Office of the United Nations High Commissioner for Human Rights (A/HRC/13/29), and calls upon all stakeholders to consider the findings and recommendations of the study;

4. *Reaffirms* the important role that national monitoring mechanisms, including independent mechanisms such as national human rights institutions, play in protecting and promoting the rights of persons with disabilities;

5. *Encourages* all States to maintain or establish appropriate domestic frameworks and mechanisms to effectively protect and promote the rights of persons with disabilities;

6. *Calls upon* States parties to the Convention, when maintaining, strengthening, designating or establishing domestic mechanisms and frameworks for the implementation and monitoring of the Convention, to take the opportunity to review and strengthen existing structures for the promotion and protection of the rights of persons with disabilities, including by ensuring that:

(a) Governmental focal points and, where established, coordination mechanisms for the implementation of the Convention have an appropriate mandate that fully enables them to develop, coordinate and carry out a coherent strategy for the domestic implementation of the Convention;

(b) Coordination mechanisms within Government, where established, include representatives from relevant Government agencies, and that such mechanisms and/or focal points consult closely with and actively involve civil society, in particular organizations of persons with disabilities;

(c) The frameworks to promote, protect and monitor the implementation of the Convention include one or more independent mechanisms, as appropriate, that take into account the principles relating to the status and functioning of the national institutions for protection and promotion of human rights (Paris Principles);

7. *Encourages* States parties to share information with the Office of the High Commissioner on the decisions taken regarding focal points, coordination mechanisms and monitoring frameworks for the implementation and monitoring of the Convention;

8. *Reaffirms* that civil society, in particular persons with disabilities and their representative organizations, should be involved and participate fully in the monitoring process of the Convention;

9. *Encourages* States to ensure that the mandates of Government focal points, coordination mechanisms and monitoring frameworks include promoting awareness of the Convention and that these bodies are adequately resourced;

10. *Encourages* States and regional integration organizations to facilitate and support capacity-building, including through the exchange and sharing of information, experiences and best practices on national implementation and monitoring of the Convention, in line with the recognition of the importance of international cooperation and its promotion in support of national efforts for the realization of the rights of persons with disabilities;

11. *Encourages* States, between and among themselves and, as appropriate, in partnership with relevant international and regional organizations and civil society to ensure that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;

12. *Decides* to continue to integrate the rights of persons with disabilities into its work, in accordance with its resolution 7/9;

13. *Also decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its sixteenth session, and that it will focus on the role of international cooperation in support of national efforts to realize the purpose and objectives of the Convention;

14. *Requests* the Office of the High Commissioner to prepare a study to enhance awareness of the role played by international cooperation in support of national efforts for the realization of the purpose and objectives of the Convention, in consultation with relevant stakeholders, including States, regional organizations, including regional integration organizations, the Special Rapporteur on disability of the Commission for Social Development, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, and requests that the study be made available on the website of the Office of the High Commissioner, in an accessible format, prior to the sixteenth session of the Council;

15. *Encourages* organizations of persons with disabilities, national monitoring bodies and human rights institutions to participate actively in the debate referred to in paragraph 13 above, as well as in regular and special sessions of the Council and its working groups;

16. *Requests* the Secretary-General to continue to ensure that the Office of the High Commissioner, in its mandates on the rights of persons with disabilities, and the Committee on the Rights of Persons with Disabilities are adequately resourced for the fulfilment of their tasks;

17. *Reiterates* the commitment of States to ensure accessibility for all persons with disabilities to the physical, social, economic and cultural environment, to health,

education, information and communication, in order to enable them to enjoy fully all human rights and fundamental freedoms;

18. *Requests* the Secretary-General and the High Commissioner to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, also taking into account relevant provisions of the Convention on the Rights of Persons with Disabilities, and underlines that the Council, including its Internet resources, should be fully accessible to persons with disabilities.

42<sup>nd</sup> meeting  
25 March 2010

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

## **13/12.**

### **Rights of persons belonging to national or ethnic, religious and linguistic minorities**

*The Human Rights Council,*

*Recalling* the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and bearing in mind article 27 of the International Covenant on Civil and Political Rights and other relevant existing international standards and national legislation,

*Recalling also* all previous resolutions on the rights of persons belonging to national or ethnic, religious and linguistic minorities adopted by the General Assembly, the Commission on Human Rights and the Council, including Council resolutions 6/15 of 28 September 2007 and 7/6 of 27 March 2008,

*Emphasizing* the need for reinforced efforts to meet the goal of the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities,

*Stressing* that the lack of equal opportunities and equal access to education for many persons belonging to minorities, in particular minority children, prevents them from contributing fully to their own communities and to the wider society, and perpetuates the cycle of poverty experienced acutely by persons belonging to minorities facing discrimination, economic marginalization and social exclusion,

*Stressing also* that the effective participation of persons belonging to minorities in national political, cultural, religious, economic and social processes of their societies is of paramount importance for their full and equal enjoyment of all human rights, and contributes to the alleviation of tensions, serves the purpose of conflict prevention and increases stability and social cohesion,

1. *Urges* States to review, enact and amend their legislation, where necessary, as well as their educational policies and systems, to ensure the realization of the right to education, as set out in the Universal Declaration of Human Rights, to eliminate discrimination and to provide for equal access to quality education for persons belonging to minorities, in particular minority children, while protecting their identity, as enshrined in the Declaration, and promoting integration, social inclusion and a prosperous and stable society;

2. *Also urges* States to develop appropriate mechanisms for effective participation of and consultation with persons belonging to minorities in order to take into account their views in decision-making processes affecting them, with a view to promoting

greater participation in the political processes of the country and providing inclusive, informed and sustainable policymaking and implementation;

3. *Welcomes* the successful completion of the first two sessions of the Forum on Minority Issues addressing the right to education and the right to effective political participation and which, through the widespread participation of stakeholders, provided an important platform for promoting dialogue on these topics, and as part of its outcome identified in its recommendations best practices and challenges for the further implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and encourages States to take into consideration, as appropriate, relevant recommendations of the Forum;

4. *Commends* the independent expert on minority issues for the work undertaken to date, for the important role that she has played in raising the level of awareness of and in giving added visibility to the rights of persons belonging to national or ethnic, religious and linguistic minorities, and for her guiding role in the preparation and work of the Forum on minority issues, which contributes to efforts to improve cooperation among all United Nations mechanisms relating to the rights of persons belonging to minorities;

5. *Takes note* of the reports of the independent expert (A/HRC/10/11 and A/HRC/13/23) and of the Secretary-General (A/HRC/9/8, A/HRC/10/38 and A/HRC/10/38 Add.1) providing, inter alia, an overview of minority-related activities of the Office of the United Nations High Commissioner for Human Rights and other United Nations mechanisms, such as the treaty bodies and the special procedures;

6. *Welcomes* the inter-agency cooperation of United Nations agencies, funds and programmes on minority issues, led by the Office of the High Commissioner, and urges them to further increase their cooperation by, inter alia, developing policies on the promotion and protection of rights of persons belonging to minorities, drawing also on relevant outcomes of the meetings of the Forum;

7. *Invites* the human rights treaty bodies and special procedures of the Council to continue to give attention, within their respective mandates, to the situations and rights of persons belonging to minorities and, in this regard, to take into consideration relevant recommendations of the Forum;

8. *Requests* the High Commissioner to present an annual report to the Council containing information on relevant developments of United Nations human rights bodies and mechanisms, as well as on the activities undertaken by the Office of the High Commissioner at Headquarters and in the field that contribute to the promotion of and respect for the provisions of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

9. *Requests* the Office of the High Commissioner to prepare a compilation of existing manuals, guides, training material and other tools dealing with minority issues by various United Nations entities, and to present the compilation to the Council at its sixteenth session;

10. *Requests* the Secretary-General and the High Commissioner to continue to provide all the human, technical and financial assistance necessary for the effective fulfilment of the mandate of the independent expert and for the activities of the Office of the High Commissioner in the area of rights of persons belonging to minorities;

11. *Decides* to continue its consideration of this issue in accordance with its annual programme of work.

42<sup>nd</sup> meeting

25 March 2010

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

### **13/13. Protection of human rights defenders**

*The Human Rights Council,*

*Recalling* General Assembly resolution 53/144 of 9 December 1998, by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms annexed to that resolution, and reiterating the importance of the Declaration and its promotion and implementation,

*Recalling also* the continued validity and application of all the provisions of the above-mentioned Declaration,

*Recalling further* all previous resolutions on this subject, in particular General Assembly resolution 64/163 of 18 December 2009 and Human Rights Council resolution 7/8 of 27 March 2008,

*Stressing* that the level of respect and support for human rights defenders and their work is important to the overall enjoyment of human rights,

*Gravely concerned* by threats, harassment, violence, including gender-based violence, and attacks faced by many human rights defenders, reflected, inter alia, in the reports of the Special Rapporteur on the situation of human rights defenders and other human rights mechanisms,

*Gravely concerned also* that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and endangered their safety in a manner contrary to international law,

*Recognizing* the immediate need to put an end to and take concrete steps to prevent threats, harassment, violence, including gender-based violence, and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms for all,

1. *Takes note* of the report of the Special Rapporteur on the situation of human rights defenders (A/HRC/13/22) on the security and protection of human rights defenders;

2. *Urges* States to promote a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity;

3. *Underscores* that the legal framework within which human rights defenders work peacefully to promote and protect human rights and fundamental freedoms is that of national legislation consistent with the Charter of the United Nations and international human rights law;

4. *Urges* States to publicly acknowledge the legitimate role of human rights defenders and the importance of their work as an essential component of ensuring their protection;

5. *Encourages* States to create and strengthen mechanisms for consultation and dialogue with human rights defenders, including through establishing a focal point for human rights defenders within the public administration where it does not exist, with the aim of, inter alia, identifying specific needs for protection, including those of women

human rights defenders, and ensuring the participation of human rights defenders in the development and implementation of targeted protection measures;

6. *Urges* States to take timely and effective action to prevent and protect against attacks on and threats to persons engaged in promoting and defending human rights and fundamental freedoms in accordance with the Declaration and their relatives, when they are attacked or threatened as a result of these activities, including through the possibility of developing, in consultation with human rights defenders, an early warning system to facilitate broader awareness of imminent risks and to enable effective responses;

7. *Also urges* States not to discriminate against human rights defenders on any grounds, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and to desist, in this context, from any discriminatory measures against them, including intimidation, profiling, confiscation of assets, suspension of activities and exclusion from national consultative processes;

8. *Calls upon* States to fully support the role of human rights defenders in situations of armed conflict and provide them with the protection due to all civilians in such situations;

9. *Welcomes* the role of national human rights institutions as human rights defenders and protectors, and encourages States to strengthen the mandate and capacity of national human rights institutions where they exist, as necessary, to enable them to fulfil this role effectively and in accordance with the Paris Principles;

10. *Calls upon* States to ensure both coordination within national and local levels and that those involved in the protection of human rights defenders and their relatives are trained in human rights and the protection-related needs of human rights defenders at risk, including those promoting the rights of members of marginalized groups;

11. *Also calls upon* States to allocate resources for the effective implementation of necessary protection measures, including specific training for persons involved in their implementation;

12. *Urges* States to investigate, in a prompt, effective, independent and accountable manner, complaints and allegations regarding threats or human rights violations perpetrated against human rights defenders or their relatives and to initiate, when appropriate, proceedings against the perpetrators so as to ensure that impunity for such acts is eliminated;

*42<sup>nd</sup> meeting  
25 March 2010*

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

## **13/14.**

### **Situation of human rights in the Democratic People's Republic of Korea**

*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 other human rights instruments,

*Recalling* all previous resolutions adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 10/16 of 26 March

2009 and Assembly resolution 64/175 of 18 December 2009, and urging the implementation of those resolutions,

*Bearing in mind* paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

*Recalling* Council resolutions 5/1 on institution-building of the United Nations Human Rights Council, and 5/2 on the 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,

*Bearing in mind* the reports on the situation of human rights in the Democratic People's Republic of Korea submitted by the Special Rapporteur (A/64/224 and A/HRC/13/47) and urging the implementation of the recommendations contained therein,

*Deeply concerned* at the continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea and at the unresolved questions of international concern relating to the abduction of nationals of other States, and urging the Government of the Democratic People's Republic of Korea to respect all human rights and fundamental freedoms fully,

*Deploring* the grave, widespread and systematic human rights abuses in the Democratic People's Republic of Korea, in particular the use of torture and labour camps against political prisoners and repatriated citizens of the Democratic People's Republic of Korea,

*Deeply regretting* the refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur or to extend full cooperation to him, and allow him access to the country,

*Alarmed* by the precarious humanitarian situation in the country,

*Reaffirming* that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population,

*Recognizing* the particular vulnerability of women, children, persons with disabilities and the elderly, and the need to ensure their protection against neglect, abuse, exploitation and violence,

*Acknowledging* the participation by the Government of the Democratic People's Republic of Korea in the universal periodic review in December 2009 as the State under review, and reaffirming the importance of States' engaging fully and positively with the universal periodic review process as well as with other mechanisms of the Council towards the improvement of their human rights situations,

1. *Expresses serious concern* at ongoing grave, widespread and systematic human rights violations in the Democratic People's Republic of Korea;

2. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken to date and his continued efforts in the conduct of the mandate, despite the limited access to information;

3. *Decides* to extend the mandate of the Special Rapporteur, in accordance with Council resolution 10/16, for a period of one year;

4. *Urges* the Government of the Democratic People's Republic of Korea to cooperate fully with the Special Rapporteur and to permit him unrestricted access to visit the country and to provide him with all necessary information to enable him to fulfil his mandate;



5. *Also urges* the Government of the Democratic People's Republic of Korea to ensure full, rapid and unimpeded access of humanitarian assistance that is delivered on the basis of need, in accordance with humanitarian principles, coupled with adequate monitoring;

6. *Encourages* the United Nations, including the specialized agencies, regional intergovernmental organizations, mandate holders, interested institutions and independent experts and non-governmental organizations, to develop regular dialogue and cooperation with the Special Rapporteur in the fulfilment of his mandate;

7. *Requests* the Secretary-General to provide the Special Rapporteur with all assistance and adequate staffing necessary to carry out his mandate effectively and to ensure that this mechanism works with the support of the Office of the United Nations High Commissioner for Human Rights;

8. *Invites* the Special Rapporteur to submit regular reports on the implementation of his mandate to the Council and the General Assembly.

*42nd meeting  
25 March 2010*

[Adopted by a recorded vote of 28 to 5, with 13 abstentions (see part II, chap. IV). The voting was as follows:

*In favour:*

Argentina, Bahrain, Belgium, Bosnia and Herzegovina, Brazil, Burkina Faso, Chile, Djibouti, France, Ghana, Hungary, Italy, Japan, Jordan, Madagascar, Mauritius, Mexico, Netherlands, Norway, Republic of Korea, Saudi Arabia, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia;

*Against:*

China, Cuba, Egypt, Indonesia, Russian Federation;

*Abstaining:*

Angola, Bangladesh, Bolivia (Plurinational State of), Cameroon, India, Kyrgyzstan, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Senegal, South Africa.]

## **13/15.**

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

*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,

*Welcoming* the open and rich debate witnessed during the high-level discussion on the draft declaration, held on 2 March 2010, in accordance with Council decision 12/118 of 1 October 2009,

*Welcoming also* the submission of the draft declaration by the Advisory Committee contained in its study submitted to the Council (A/HRC/13/41),

1. *Decides* to establish an open-ended intergovernmental working group with the mandate of negotiating, finalizing and submitting to the Council the draft United

Nations declaration on human rights education and training on the basis of the draft submitted by the Advisory Committee;

2. *Also decides* that the working group shall meet for a maximum of five working days before its sixteenth session;

3. *Welcomes* the decision of the Platform on Human Rights Education and Training to hold open-ended informal consultations prior to the convening of the working group;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the working group with the necessary assistance for it to fulfil its mandate, including by circulating to all Member States and in all official languages of the United Nations the draft declaration contained in the study of the Advisory Committee;

5. *Requests* the President of the Council to invite the Rapporteur of the Advisory Committee drafting group on the draft declaration to participate in the meetings of the working group.

42<sup>nd</sup> meeting  
25 March 2010

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

## **13/16. Combating defamation of religions**

*The Human Rights Council,*

*Reaffirming* the pledge made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

*Reaffirming also* that all human rights are universal, indivisible, interdependent and interrelated,

*Recalling* the 2005 World Summit Outcome adopted by the General Assembly in its resolution 60/1 of 16 September 2005, in which the Assembly emphasized the responsibilities of all States, in conformity with the Charter, to respect human rights and fundamental freedoms for all, without distinction of any kind, and acknowledged the importance of respect and understanding for religious and cultural diversity throughout the world,

*Recognizing* the valuable contribution of all religions to modern civilization and the contribution that dialogue among civilizations can make towards improved awareness and understanding of the common values shared by all humankind,

*Welcoming* the resolve expressed in the United Nations Millennium Declaration, adopted by the General Assembly in its resolution 55/2 on 8 September 2000, to take measures to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies, and looking forward to its effective implementation at all levels,

*Underlining* in this regard the importance of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001 (A/CONF.189/12) and the Outcome Document of the Durban Review Conference, held in Geneva in April 2009 (A/CONF.211/8), and welcoming the progress achieved in implementing them, and emphasizing that they constitute a solid foundation for the

elimination of all scourges and manifestations of racism, racial discrimination, xenophobia and related intolerance,

*Welcoming* all international and regional initiatives to promote cross-cultural and interfaith harmony, including the Alliance of Civilizations, the International Dialogue on Interfaith Cooperation for Peace and Harmony and the Dialogue among the Followers of World Religions and Cultures, and their valuable efforts towards promoting a culture of peace and dialogue at all levels,

*Welcoming also* the reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance submitted to the Council at its fourth, sixth and ninth sessions (A/HRC/4/19, A/HRC/6/6 and A/HRC/9/12), in which the Special Rapporteur highlighted the serious nature of the defamation of all religions and the need to complement legal strategies,

*Noting with deep concern* the instances of intolerance, discrimination and acts of violence against followers of certain faiths occurring in many parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia, in addition to the negative projection of certain religions in the media and the introduction and enforcement of laws and administrative measures that specifically discriminate against and target persons with certain ethnic and religious backgrounds, particularly Muslim minorities following the events of 11 September 2001, and that threaten to impede their full enjoyment of human rights and fundamental freedoms,

*Stressing* that defamation of religions is a serious affront to human dignity leading to a restriction on the freedom of religion of their adherents and incitement to religious hatred and violence,

*Noting with concern* that defamation of religions and incitement to religious hatred in general could lead to social disharmony and violations of human rights, and alarmed at the inaction of some States in combatting this burgeoning trend and the resulting discriminatory practices against adherents of certain religions and, in this context, stressing the need to effectively combat defamation of all religions and incitement to religious hatred in general and against Islam and Muslims in particular,

*Convinced* that respect for cultural, ethnic, religious and linguistic diversity, as well as dialogue among and within civilizations, is essential for global peace and understanding, while manifestations of cultural and ethnic prejudice, religious intolerance and xenophobia generate hatred and violence among peoples and nations,

*Underlining* the important role of education in the promotion of tolerance, which involves acceptance by the public of and its respect for diversity,

*Noting* the various regional and national initiatives to combat religious and racial intolerance against specific groups and communities and emphasizing, in this context, the need to adopt a comprehensive and non-discriminatory approach to ensure respect for all races and religions, as well as various regional and national initiatives,

*Recalling* its resolution 10/22 of 26 March 2009 and General Assembly resolution 64/156 of 18 December 2009,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the possible correlation between defamation of religions and the upsurge in incitement, intolerance and hatred in many parts of the world (A/HRC/13/57) and the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/12/38) presented to the Council at its twelfth session;

2. *Expresses deep concern* at the negative stereotyping and defamation of religions and manifestations of intolerance and discrimination in matters of religion or belief still evident in the world, which have led to intolerance against the followers of these religions;

3. *Strongly deploras* all acts of psychological and physical violence and assaults, and incitement thereto, against persons on the basis of their religion or belief, and such acts directed against their businesses, properties, cultural centres and places of worship, as well as targeting of holy sites, religious symbols and venerated personalities of all religions;

4. *Expresses deep concern* at the continued serious instances of deliberate stereotyping of religions, their adherents and sacred persons in the media, as well as programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating stereotypes about certain religions, in particular when condoned by Governments;

5. *Notes with deep concern* the intensification of the overall campaign of defamation of religions and incitement to religious hatred in general, including the ethnic and religious profiling of Muslim minorities in the aftermath of the tragic events of 11 September 2001;

6. *Recognizes* that, in the context of the fight against terrorism, defamation of religions and incitement to religious hatred in general have become aggravating factors that contribute to the denial of fundamental rights and freedoms of members of target groups, as well as to their economic and social exclusion;

7. *Expresses deep concern* in this respect that Islam is frequently and wrongly associated with human rights violations and terrorism and, in this regard, regrets the laws or administrative measures specifically designed to control and monitor Muslim minorities, thereby stigmatizing them and legitimizing the discrimination they experience;

8. *Strongly condemns* in this regard the ban on the construction of minarets of mosques and other recent discriminatory measures, which are manifestations of Islamophobia which stand in sharp contradiction to international human rights obligations concerning freedoms of religion, belief, conscience and expression, and stresses that such discriminatory measures would fuel discrimination, extremism and misperception leading to polarization and fragmentation with dangerous unintended and unforeseen consequences;

9. *Reaffirms* the commitment of all States to the implementation, in an integrated manner, of the United Nations Global Counter-terrorism Strategy, adopted without a vote by the General Assembly in its resolution 60/288 of 8 September 2006 and reaffirmed by the Assembly in its resolution 62/272 of 5 September 2008, and in which it clearly reaffirms, inter alia, that terrorism cannot and should not be associated with any religion, nationality, civilization or group, as well as the need to reinforce the commitment of the international community to promote, among other things, a culture of peace and respect for all religions, beliefs, and cultures and to prevent the defamation of religions;

10. *Deploras* the use of the print, audio-visual and electronic media, including the Internet, and any other means to incite acts of violence, xenophobia or related intolerance and discrimination against any religion, as well as the targeting of religious symbols and venerated persons;

11. *Emphasizes* that, as stipulated in international human rights law, including articles 19 and 29 of the Universal Declaration of Human Rights and articles 19 and 20 of the International Covenant on Civil and Political Rights, everyone has the right to hold opinions without interference and the right to freedom of expression, the exercise of which carries with it special duties and responsibilities and may therefore be subject to limitations

only as provided for by law and are necessary for respect of the rights or reputations of others, protection of national security or of public order, public health or morals and general welfare;

12. *Reaffirms* that general comment No. 15 of the Committee on the Elimination of Racial Discrimination, in which the Committee stipulated that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with freedom of opinion and expression, is equally applicable to the question of incitement to religious hatred;

13. *Strongly condemns* all manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against national or ethnic, religious and linguistic minorities and migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges all States to apply and, where required, reinforce existing laws when such xenophobic or intolerant acts, manifestations or expressions occur, in order to deny impunity for those who commit such acts;

14. *Urges* all States to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from defamation of religions and incitement to religious hatred in general, and to take all possible measures to promote tolerance and respect for all religions and beliefs;

15. *Underscores* the need to combat defamation of religions and incitement to religious hatred in general by strategizing and harmonizing actions at the local, national, regional and international levels through education and awareness-building;

16. *Calls upon* all States to make the utmost effort, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected, and to take additional measures in cases where they are vulnerable to desecration or destruction;

17. *Recognizes* that the open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue at the local, national and international levels, can play a positive role in combating religious hatred, incitement and violence;

18. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs, and urges States, non-governmental organizations and religious leaders as well as the print and electronic media to support and foster such a dialogue;

19. *Takes note with appreciation* the intention of the High Commissioner to provide further support for the progressive development of international human rights law in respect of freedom of expression and incitement to hatred, discrimination and violence;

20. *Welcomes* in this regard the plan of the Office of the High Commissioner to hold a series of expert workshops to examine legislation, judicial practices and national policies in different regions, in order to assess different approaches to prohibiting incitement to hatred, as stipulated in article 20 of the International Covenant on Civil and Political Rights, without prejudice to the mandate of the Ad Hoc Committee on complementary standards, and requests the High Commissioner to continue to build on such initiatives, with a view to contributing concretely to the prevention and elimination of all forms of incitement and its consequences of negative stereotyping of religions or beliefs and their adherents which affect the enjoyment of human rights of concerned individuals and communities;

21. *Requests* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to report on all manifestations of defamation of religions, and in particular on the ongoing serious implications of Islamophobia, for the enjoyment of all rights by their followers, to the Council at its fifteenth session.

*42nd meeting  
25 March 2010*

[Adopted by a recorded vote of 20 to 17, with 8 abstentions (see part II, chap. IX). The voting was as follows:

*In favour:*

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

*Against:*

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

*Abstaining:*

Bosnia and Herzegovina, Brazil, Cameroon, Ghana, India, Japan, Madagascar, Mauritius.]

## **13/17.**

### **The Social Forum**

*The Human Rights Council,*

*Recalling* all previous resolutions and decisions adopted on the Social Forum by the Commission on Human Rights and its Subcommission on the Promotion and Protection of Human Rights, as well as by the Economic and Social Council,

*Recalling also* its resolutions 5/1 of 18 June 2007, 6/13 of 28 September 2007, 10/4 of 25 March 2009 and 10/29 of 27 March 2009,

*Bearing in mind* that the reduction of poverty and the elimination of extreme poverty remain an ethical and moral imperative of humankind, based on respect for human dignity, and noting the report of the Chairperson-Rapporteur of the 2009 Social Forum (A/HRC/13/51), held in Geneva from 31 August to 2 September 2009, which focused on questions relating to best practices of States in implementing social security programmes from a human rights perspective, the negative impact of economic and financial crises on efforts to combat poverty, and international assistance and cooperation in combating poverty,

*Reaffirming* the unique nature within the United Nations of the Social Forum, which makes possible a dialogue and an exchange between the representatives of Member States, civil society, including grass-roots organizations and intergovernmental organizations, and stressing that the current reform of the United Nations should take into account the contribution of the Social Forum as a vital space for open and fruitful dialogue on issues linked with the national and international environment needed for the promotion of the enjoyment of all human rights by all,

1. *Takes note with satisfaction* of the report of the 2009 Social Forum submitted by the Chairman-Rapporteur (A/HRC/13/51);
2. *Takes note with interest* of the conclusions and recommendations of the 2009 Social Forum and of the innovative nature of many of them, and calls upon States, international organizations, in particular those with a mandate for poverty eradication, non-governmental organizations, civil society organizations, trade unions and other relevant actors to take them into account when designing and implementing poverty eradication programmes and strategies;
3. *Reaffirms* the Social Forum as a unique space for interactive dialogue between the United Nations human rights machinery and various stakeholders, including the contribution of civil society, grass-roots organizations, and stresses the need to ensure greater participation of grass-roots organizations and of those living in poverty, particularly women, especially from developing countries, in the Social Forum sessions, and to this end, considers, inter alia, the possibility of the establishment of a voluntary United Nations fund to contribute to providing resources to these organizations so that they may participate in and contribute to the deliberations of future sessions;
4. *Underlines* the importance of coordinated efforts at the national, regional and international levels for the promotion of social cohesion based on the principles of social justice, equity and solidarity and of addressing the social dimension and challenges of the ongoing globalization process and the negative impact of the current economic and financial crises;
5. *Decides* that the Social Forum will meet for three working days in 2010, in Geneva, on dates suitable for the participation of representatives of States Members of the United Nations and of the broadest possible range of other stakeholders, especially from developing countries, and decides that, at its next meeting, the Social Forum should focus on:
  - (a) The adverse effects of climate change on the full enjoyment of human rights, including the right to life and economic, social and cultural rights;
  - (b) Measures and actions to address the impact of climate change on the full enjoyment of human rights at the local, national, regional and international levels, including on most vulnerable groups, particularly women and children;
  - (c) International assistance and cooperation in addressing the human rights-related impact of climate change;
6. *Requests* the President of the Council to appoint, as early as possible, from candidates nominated by regional groups, the Chairperson-Rapporteur for the 2010 Social Forum, bearing in mind the principle of regional rotation;
7. *Requests* the United Nations High Commissioner for Human Rights to consult all actors identified in the present resolution on the issues referred to in paragraph 5 above and to submit a report as a background contribution for the dialogues and debates that will be held at the 2010 Social Forum;
8. *Also requests* the High Commissioner to facilitate participation in the 2010 Social Forum, in order to contribute to interactive dialogues and debate at the Forum and assist the Chairperson-Rapporteur as resource persons, of up to four relevant Council thematic procedures mandate holders, in particular the independent expert on the question of human rights and extreme poverty and the independent expert on human rights and international solidarity;
9. *Decides* that the Social Forum will remain open to the participation of representatives of States Members of the United Nations and all other interested

stakeholders, such as intergovernmental organizations, different components of the United Nations system, especially mandate holders of thematic procedures and mechanisms of the human rights machinery, regional economic commissions, and specialized agencies and organizations, as well as representatives designated by human rights national institutions and non-governmental organizations in consultative status with the Economic and Social Council, and shall also be open to other non-governmental organizations, whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, in particular newly emerging actors such as small groups and rural and urban associations from the North and the South, anti-poverty groups, peasants' and farmers' organizations and their national and international associations, voluntary organizations, environmental organizations and activists, youth associations, community organizations, trade unions and associations of workers, as well as representatives of the private sector, based on arrangements including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure, in accordance with the rules of procedure of the Human Rights Council, while ensuring the most effective contribution of these entities;

10. *Requests* the Office of the High Commissioner to seek effective means of ensuring consultation and the broadest possible participation of representatives from every region, especially those from developing countries, in the Social Forum, including by establishing partnerships with non-governmental organizations, the private sector and international organizations;

11. *Requests* the Secretary-General to take the appropriate measures to disseminate information about the Social Forum, invite the relevant individuals and organizations to the Social Forum and take all practical measures required for the success of this initiative;

12. *Invites* the 2010 Social Forum to submit a report containing conclusions and recommendations to the Council;

13. *Requests* the Secretary-General to provide the Social Forum with all the services and facilities necessary to fulfil its activities, and requests the High Commissioner to provide all the necessary support to facilitate the convening and proceedings of the Forum;

14. *Decides* to continue consideration of this issue under the relevant agenda item when the report of the 2010 Social Forum is submitted to the Council.

*43<sup>rd</sup> meeting*  
*25 March 2010*

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

### **13/18. Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination**

*The Human Rights Council,*

*Recalling* its decision 3/103 of 8 December 2006 on the elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination and the creation of the Ad Hoc Committee for this purpose,



*Underlining* the imperative need for the Ad Hoc Committee to elaborate complementary standards to the International Convention in accordance with paragraph 199 of the Durban Programme of Action (A/CONF.189/12).

1. *Takes note with appreciation* of the report of the Chairperson-Rapporteur of the Ad Hoc Committee on the elaboration of complementary standards and notes the views expressed during the second session of the Ad Hoc Committee;
2. *Decides* that the Ad Hoc Committee shall convene its third session from 29 November to 10 December 2010;
3. *Also decides* to remain seized of this priority issue.

*43<sup>rd</sup> meeting*  
*25 March 2010*

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

### **13/19.**

#### **Torture and other cruel, inhuman or degrading treatment or punishment: the role and responsibility of judges, prosecutors and lawyers**

*The Human Rights Council,*

*Recalling* all resolutions on torture and other cruel, inhuman or degrading treatment or punishment adopted by the General Assembly, the Commission on Human Rights and the Council,

*Recalling also* Human Rights Council resolution 12/3 of 1 October 2009 on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, and Human Rights Council decision 2/110 of 27 November 2006 on the integrity of the judicial system,

*Reaffirming* that no one shall be subjected to torture or to other cruel, inhuman or degrading treatment or punishment,

*Recalling* that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right that must be protected under all circumstances, including during states of emergency and in times of international or internal armed conflicts or disturbance and that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments, stressing that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right, and emphasizing that judges, prosecutors and lawyers play a critical role in safeguarding this right,

*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, including the right to be free from torture and other cruel, inhuman or degrading treatment or punishment, and for the application of the rule of law and for ensuring a fair trial and that there is no discrimination in the administration of justice,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Emphasizes* that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment, and stresses that all acts of torture must be made offences under domestic criminal law, and encourages States to prohibit under domestic law acts constituting cruel, inhuman or degrading treatment or punishment;

3. *Urges* States to respect and ensure respect for the critical role that judges, prosecutors and lawyers play in the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including with respect to arbitrary detention, due process safeguards and fair trial standards, and bringing perpetrators to justice;

4. *Also urges* States to adopt, implement and fully comply with legal and procedural safeguards against torture and other cruel, inhuman or degrading treatment or punishment, as well as to ensure that the judiciary, and where relevant the prosecution, can effectively ensure compliance with such safeguards;

5. *Stresses* that effective legal and procedural safeguards for the prevention of torture and other cruel, inhuman or degrading treatment or punishment include, inter alia, ensuring that any individual arrested or detained is brought promptly before a judge or other independent judicial officer in person, and permitting prompt and regular medical care and legal counsel as well as visits by family members;

6. *Calls upon* States in the context of criminal proceedings to ensure access to lawyers from the outset of custody and during all interrogations and judicial proceedings, as well as access of lawyers to appropriate information in sufficient time to enable them to provide effective legal assistance to their clients;

7. *Strongly urges* States to ensure that no statement that is established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, and calls upon States to consider extending that prohibition to statements made as a result of other cruel, inhuman or degrading treatment or punishment, and recognizes that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

8. *Urges* States not to expel, return (refouler), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture, and stresses the importance of effective legal and procedural safeguards in this regard;

9. *Condemns* any action or attempt by States or public officials to legalize, authorize or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security or through judicial decisions;

10. *Calls upon* States to ensure accountability for acts of torture and other cruel, inhuman or degrading treatment or punishment, and in this regard stresses that the competent domestic authority must promptly, effectively, independently and impartially investigate all allegations of such acts and wherever there is reasonable ground to believe that such acts have been committed and that those who encourage, order, tolerate or perpetrate such acts must be held responsible, brought to justice and punished in a manner commensurate with the severity of the offence;

11. *Urges* States to ensure that any person who has been subjected to torture or cruel, inhuman or degrading treatment or punishment has access to an effective remedy and that victims will receive adequate, effective and prompt reparations, where appropriate;

12. *Emphasizes* the essential role of judges, prosecutors and lawyers in safeguarding the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment and that in this regard States should ensure the effective administration of justice, particularly by:

(a) Enabling the judiciary to exercise its judicial functions independently, impartially and professionally;

(b) Taking effective measures to prevent and combat any unlawful interference of any kind, such as threats, harassment, intimidation and assaults on judges, prosecutors and lawyers, as well as ensuring that any such interference is promptly, effectively, independently and impartially investigated with a view to bringing those responsible to justice;

(c) Taking effective measures for combating corruption in the administration of justice, establishing proper legal aid programmes and having judges, prosecutors and lawyers adequately and in sufficient numbers selected, trained and remunerated;

13. *Also emphasizes* the importance of international cooperation, including financial assistance, to assist States, upon their request, in their national efforts to strengthen administration of justice;

14. *Urges* all States to consider establishing or to maintain and enhance independent and effective mechanisms with qualified legal and other relevant expertise to undertake effective monitoring visits to places of detention, inter alia with a view to preventing acts of torture or other cruel, inhuman or degrading treatment or punishment;

15. *Calls upon* States to ensure that education and information regarding the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment are fully included in the education and training of all judges, prosecutors and lawyers as well as law enforcement personnel;

16. *Invites* the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and other relevant special procedures within their respective mandates to take the present resolution into account in their future work;

17. *Takes note* of the report of the Special Rapporteur (A/HRC/13/39);

18. *Calls upon* the Office of the United Nations High Commissioner for Human Rights to continue to provide advisory services to States for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

*44<sup>th</sup> meeting*

*26 March 2010*

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

## **13/20.**

### **Rights of the child: the fight against sexual violence against children**

*The Human Rights Council,*

*Emphasizing* that the Convention on the Rights of the Child must constitute the standards in the promotion and protection of the rights of the child and stressing the importance of the Optional Protocols thereto on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict, in particular in the fight against sexual violence against children, and bearing in mind other human rights instruments,

*Recalling* all previous resolutions on the rights of the child of the General Assembly, the Human Rights Council and the Commission on Human Rights, the most recent being Assembly resolution 64/146 of 18 December 2009 and Council resolution 10/14 of 26 March 2009,

*Welcoming* the decision of the Security Council to appoint the Special Representative of the Secretary-General on Sexual Violence in Conflict by its resolution 1888 (2009) of 30 September 2009 and welcoming also its decision to expand the criteria by which parties are included in the annexes to the Secretary-General's annual reports on children and armed conflict to include parties to armed conflict that engage in contravention of applicable international law, in patterns of killing and maiming of children, and/or rape or other forms of sexual violence against children in situations of armed conflict, in its resolution 1882 (2009) of 4 August 2009,

*Welcoming also* the appointment of the Special Representative of the Secretary-General on Violence against Children and her initial report submitted to the Council which outlines the strategic direction for advancing progress in the protection of children from all forms of violence (A/HRC/13/46),

*Commemorating* in 2010 the twentieth anniversary of the adoption of the Convention on the Rights of the Child and the tenth anniversary of the adoption of its two Optional Protocols,

*Bearing in mind* paragraph 24 of Council resolution 10/14 by which it decided to focus its next resolution and full-day meeting on the fight against sexual violence against children,

*Welcoming* the reports of the Special Representative of the Secretary-General for Children and Armed Conflict (A/HRC/12/49) and of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/12/23) and taking note with appreciation of the reports of the Special Rapporteur on violence against women, its causes and consequences (A/HRC/11/6) and of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16), in particular their focus on sexual violence against children,

*Bearing in mind* the responsibility of the family for the upbringing and the development of the child, and recognizing the role of parents, the extended family and other caregivers in preventing and protecting children from sexual violence and sexual abuse, and that they should be provided with adequate support,

*Acknowledging* the important work to promote and protect children against sexual violence carried out by entities of the United Nations system within their respective mandates, in particular, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the International Labour Organization, the World Health Organization and the United Nations Office of Drugs and Crime, and regional organizations, and intergovernmental and non-governmental organizations,

*Welcoming* the decision to work in partnership by thirteen United Nations entities<sup>1</sup> under the United Nations Action against Sexual Violence in Conflict, with the goal of ending sexual violence during and in the aftermath of armed conflict,

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<sup>1</sup> The Department of Political Affairs of the United Nations Secretariat, the Department of Peacekeeping Operations of the United Nations Secretariat, the Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat, the Office of the United Nations High Commissioner for Human Rights, the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Development Programme, the United Nations Population Fund, the Office of the

*Welcoming also* the work of the Committee, on the Rights of the Child and taking note of the issuance of its general comments Nos. 11 and 12 (2009),

*Recalling* the World Congress III Against Sexual Exploitation of Children and Adolescents and the Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents, and the agreed conclusions on the elimination of all forms of discrimination and violence against the girl child adopted by the Commission on the Status of Women at its fifty-first session,

*Welcoming* the constructive dialogue on “The fight against sexual violence against children” on the occasion of the full-day annual meeting on the rights of the child, held on 10 March 2010, and the renewed commitment to the implementation of the Convention expressed on this occasion by States,

*Profoundly concerned* that sexual violence and sexual abuse against children occurs in all regions of the world in various forms, contexts and settings, including by family members, that are all detrimental to child development and convinced that urgent and effective national action and international cooperation is needed to prevent and eradicate these violations,

*Profoundly concerned* also about the persistence of the practices of the sale of children, child slavery, the commercial sexual exploitation of children, child prostitution, sexual abuse and child pornography in many parts of the world, especially as fostered by the increasing use of the Internet and new technologies,

*Deeply concerned* about the high incidence and appalling levels of brutality of rape and other forms of sexual violence committed against children, in the context of and associated with armed conflict, including, in some instances, the use or commissioning of rape and other forms of sexual violence to humiliate, dominate, instil fear and disperse and/or forcibly relocate a population,

*Stressing* the need to treat all forms of sexual violence and sexual abuse against children as criminal acts, punishable by law, as well as the duty to provide access to just and effective remedies and specialized assistance to victims, including medical, psychological and legal assistance, as well as effective counselling and social services, in a manner that is age-, gender- and disability-sensitive,

1. *Strongly condemns* all forms of sexual violence and abuse against children in all settings, including incest, sexual abuse and assault, sexual harassment, rape, child pornography and child prostitution, sexual exploitation of children in travel and tourism, trafficking in children, the sale of children for the purposes of sexual exploitation, acts of sexual violence and abuse against children that constitute torture, and related forms of gender-based violence, including female genital mutilation or cutting and early and forced marriages;

2. *Urges* all States:

(a) To take effective and appropriate legislative and other measures or to strengthen, where they exist, legislation and policy established to prohibit, criminalize and eliminate all forms of sexual violence and sexual abuse against children in all settings;

(b) To ensure accountability and seek to end impunity of perpetrators of sexual violence and abuse against children in all settings, including in conflict and emergencies,

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United Nations High Commissioner for Refugees, the United Nations Children’s Fund, the United Nations Development Fund for Women, the World Food Programme, the World Health Organization and the Peacebuilding Support Office

and to investigate and prosecute such acts and impose appropriate penalties, commensurate with those for other serious crimes, recognizing that persons convicted of sexual violence against children should be prevented from working with children until such time as national mechanisms establish that they no longer pose a risk of harm to children; and, in this regard, encourages States to share relevant information, as appropriate, relating to conviction for offences of sexual violence against children, with a view to improving protection of children against such offences in other countries, as well as information on best practices on preventing convicted offenders from working with children, while safeguarding the child's dignity and right to privacy;

(c) To give priority attention to the prevention of all forms of sexual violence and abuse against children by addressing its underlying causes, including through investment in education and awareness-raising to promote social change in attitudes and behaviours that condone or normalize any form of sexual violence against children, including harmful traditional practices;

(d) To increase their commitment to timely, sustained and adequate funding for the prevention and protection of children from sexual violence and abuse as well as their recovery and reintegration, including appropriate funding for the development of research on sexual violence against children, with a view to improving measures of prevention and protection;

(e) To develop and enhance programmes, as appropriate, to support and educate parents and other caregivers in their child-rearing role so as to prevent sexual violence against children, taking into consideration the need to develop targeted programmes for families particularly at risk, as well as children without parental care;

(f) To establish, maintain, strengthen or designate, in complementarity with effective governmental structures for children, independent children's rights institutions, such as children's ombudspersons or equivalents or focal points on children's rights in existing national human rights institutions or general ombudsperson offices, that are sufficiently funded and accessible to children, which should play a key role in the independent monitoring of actions taken to promote and protect the rights of the child, including the prevention of sexual violence and abuse against children, and to promote the universal realization of rights of child victims of sexual violence and abuse;

(g) To protect children from all forms of sexual violence and abuse by all those who work with and for children, including in educational, care and detention settings, as well as by Government officials, such as the police, law enforcement authorities and employees and officials in detention centres or welfare institutions, including through provision of training and education to those who work with children, and to ensure that those working with children belonging to minorities and other vulnerable groups are aware of their specific needs and rights;

(h) To develop and establish, at national and community level, effective and child-sensitive counselling, complaint and reporting mechanisms that are confidential, age-appropriate, gender-sensitive, disability-sensitive, integral, safe, well-publicized and accessible to all children, for reporting and addressing incidents of sexual violence and abuse, including in emergencies and conflicts;

(i) To provide access to immediate and, where possible, free care, recovery and social reintegration services for all child victims of sexual violence and abuse, without discrimination, that utilize an integrated and holistic approach including, inter alia, psychosocial support and education, so as to ensure their psychological recovery and full reintegration into society;

(j) To provide appropriate training and education to those who work with child victims of sexual violence and abuse, including not only educational, psychosocial and medical professionals, but also legal and law-enforcement professionals, including judges and police officers in charge of receiving complaints from child victims of sexual violence, in order to prevent further victimization;

(k) To address the gender dimension of all forms of sexual violence and abuse against children and incorporate a gender perspective in all policies adopted and actions taken to protect children against all forms of sexual violence and abuse, while acknowledging that girls and boys face varying risks from different forms of sexual violence at different ages and in different situations;

(l) To ensure the meaningful participation of children in all matters and decisions affecting their lives through their expression of their views, and that those views are given due weight in accordance with their age and maturity, including in all administrative and judicial proceedings, and that disability-, gender- and age-appropriate assistance is provided to enable the active and equal participation of all children;

(m) To ensure an active engagement of children in the development of measures of prevention, response and monitoring of sexual violence and abuse against them, including through the promotion and development of child-led initiatives;

(n) To develop, strengthen and implement well-coordinated cross-sectoral strategies or plans of action at the national and community levels to address violence against children, including sexual violence and abuse against children, within the context of comprehensive domestic child protection strategies, with realistic and time-bound targets, and ensure the allocation of financial and human resources for their implementation, including arrangements for the monitoring and regular review of action taken to address sexual violence against children;

(o) To improve national and local data-collection and information systems on children at risk so as to inform policy and monitor progress in order to prevent sexual violence against children, while safeguarding their dignity and right to privacy and averting child stigmatization;

(p) To ensure the registration of the child immediately after birth and that registration procedures are simple, expeditious and effective and provided at minimal or no cost and to raise awareness of the importance of birth registration at the national, regional and local levels;

(q) To establish and implement regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, in addition to but not in place of criminal sanctions, safe reintegration of convicted offenders and the collection and sharing of good practices;

(r) To share good practices on all issues related to the fight against sexual violence against children and to discuss these practices in regional and multilateral forums;

3. *Also urges* all States to strengthen international commitment, cooperation and mutual assistance, including at the level of relevant government ministries and law enforcement agencies, in preventing and protecting children from all forms of sexual violence and in ending impunity for sexual violence against children, including through research, policies, monitoring and capacity-building designed to promote the implementation of agreed international standards for preventing and protecting children from sexual violence, abuse and exploitation, including child pornography;

4. *Calls upon* States to pay special attention to the protection from sexual violence and abuse of marginalized and vulnerable children, such as children belonging to

minorities, children with disabilities, migrant children, indigenous children, children working and/or living on the street, refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, and children held in detention, and to take all necessary actions, including the use of detention as a measure of last resort, and to ensure that those who are victims of sexual violence receive special protection and assistance in accordance with international law;

5. *Calls upon* all States to prevent, criminalize, punish and eradicate the practices of the sale of children, child slavery, commercial sexual exploitation of children, child prostitution and child pornography, including the use of the Internet and new technologies for those practices, and to take effective measures, as appropriate, against the criminalization of children who are victims of exploitation;

6. *Urges* States to adopt clear and comprehensive domestic legislation that guarantees respect for children's rights and protects them from all forms of sexual exploitation, including the use of the Internet and new technologies for such exploitation, and to prevent the Internet and new technologies from being used for the production and dissemination of child pornography and solicitation of children for sexual purposes both online and offline;

7. *Also urges* States to take effective measures to combat the existence of a market that encourages such criminal practices against children, including through the adoption, effective application and enforcement of preventive, rehabilitative and punitive measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as by ensuring public awareness;

8. *Further urges* States to take measures to protect children from sexual exploitation in travel and tourism through, inter alia, encouraging appropriate corporate social responsibility strategies and the adoption of professional codes of conduct, as well as ensuring investigation of and the bringing of appropriate charges against those who have sexually exploited a child in their own country or, in cases where a national of a State sexually exploits a child, in a foreign country and ensuring widespread public awareness on the issue of sexual violence against children;

9. *Calls upon* States to cooperate with the Special Representative of the Secretary-General on Violence against Children in promoting the implementation of the recommendations of the United Nations study on violence against children (see A/61/299 and A/62/209) and encourages States to provide support, including financial support, for the effective and independent performance of her mandate, while promoting and ensuring country ownership and national plans and programmes in this regard, and calls upon States and institutions concerned and invites the private sector to provide voluntary contributions for that purpose;

10. *Condemns in the strongest terms* rape and other forms of sexual violence committed against children in situations of armed conflict, and in this regard, calls upon all parties to armed conflict to comply strictly with their obligations under applicable international law to protect children in armed conflict, urges them to immediately end such practices and to take all possible measures to protect boys and girls from rape and all forms of sexual violence, and calls upon States to assist child victims of these violations in situations of armed conflict and to seek to end impunity for perpetrators by ensuring rigorous investigation and prosecution of such crimes;

11. *Notes with appreciation* the steps taken regarding relevant Security Council resolutions 1612 (2005) of 26 July 2005, and 1882 (2009) and the efforts of the Secretary-General to implement the monitoring and reporting mechanism on children and armed conflict so as to end the practices of rape and other forms of sexual violence and calls upon all parties to armed conflict who commit these violations against children in situations of



armed conflict to make commitments and prepare and implement concrete and effective time-bound action plans to end these violations;

12. *Calls upon* all States and relevant United Nations bodies and agencies and regional organizations to address the issue of sexual exploitation and abuse of children by United Nations peacekeeping and humanitarian personnel and urges States to adopt appropriate national legislation and to ensure rigorous investigation and prosecution of such crimes;

13. *Urges* all States that have not yet become States parties to the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography to do so as a matter of priority;

14. *Urges* all States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto;

15. *Urges* all States that have not yet signed and ratified or acceded to the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 Convention (No. 182) of the International Labour Organization to consider doing so as a matter of priority;

#### **Follow-up**

16. *Requests* the United Nations High Commissioner for Human Rights to prepare a summary of the full-day meeting on the rights of the child, as a follow-up to paragraph 7 of Council resolution 7/29 of 28 March 2008;

17. *Invites* the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representative to the Secretary-General on Violence against Children to cooperate on themes of mutual interest within their respective mandates, and to report to the Council at its sixteenth session on effective and child-sensitive counselling, complaint and reporting mechanisms to which children can safely report incidents of violence, including sexual violence and exploitation; and invites them in so doing, to cooperate with States and relevant partners such as the Committee on the Rights of the Child, the Special Representatives of the Secretary-General for Children in Armed Conflict and on Sexual Violence in Conflict, national human rights institutions and ombudspersons for children, United Nations agencies, regional organizations, civil society organizations and children themselves;

18. *Requests* the Special Rapporteur on the sale of children, child prostitution and child pornography to present her next report to the Council at its sixteenth session;

19. *Calls upon* all stakeholders to address the rights of the child throughout the universal periodic review mechanism and to take into consideration the issues of violence against children, including sexual violence against children;

20. *Decides* to continue its consideration of the question of the rights of the child in accordance with its programme of work and its resolution 7/29, and to focus its next resolution and full-day meeting on a holistic approach to the protection and promotion of the rights of children working and/or living on the street.

*44th meeting  
26 March 2010*

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

**13/21.**

**Strengthening of technical cooperation and consultative services in the Republic of Guinea**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights and other applicable human rights instruments,

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

*Reaffirming* that all States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter, the Universal Declaration of Human Rights, the international covenants on human rights and other applicable instruments to which they are parties,

*Noting with appreciation* the role played by the international community, in particular the African Union, the Economic Community of West African States and the European Union, in reinforcing the rule of law and improving the situation of human rights in Guinea,

*Noting with concern* that the human rights and security situation remains fragile in Guinea,

*Recalling* that it is the primary responsibility of Guinea to protect its civilian population and to conduct inquiries into violations of human rights and international humanitarian law and bring the perpetrators to justice,

*Considering* that the work undertaken by the Office of the United Nations High Commissioner for Human Rights in Guinea must be sufficiently reinforced,

1. *Condemns* the massacre of unarmed civilians who had gathered for a peaceful rally, on 28 September 2009 in the main stadium in Conakry, and the serious human rights violations committed the same day and in the course of the following days, and in particular the sexual violations of a particularly serious nature committed against women by members of the Armed Forces and the security forces;

2. *Commends* the efforts of the Economic Community of West African States and the African Union, and of the President of Burkina Faso, Mr. Blaise Compaoré, in his capacity as mediator on behalf of the Economic Community of West African States, and welcomes the communiqué of the African Union Summit, dated 3 February 2010, and those of the International Contact Group on Guinea, dated 26 January and 22 February 2010;

3. *Takes note* of the Joint Declaration of Ouagadougou of 15 January 2010, the appointment of an interim president and the establishment of a national unity government led by a civilian prime minister designated by the opposition;

4. *Takes note also* of the decision by the transitional authorities to set 27 June 2010 as the date for the first round of presidential elections, and of their undertaking not to stand at those elections, in accordance with the Joint Declaration of Ouagadougou;

5. *Further takes note* of the work of the International Commission of Inquiry established by the United Nations Secretary-General and supported by the African Union and the Economic Community of West African States to investigate the facts and circumstances of the events of 28 September 2009 in Guinea consistent with its mandate (see S/2009/556), and of the submission by the Commission of its report (S/2009/693, annex), and invites the Guinean authorities to consider implementing the recommendations on, inter alia:

(a) Combating impunity for those responsible for or involved in serious human rights violations, and in particular acts of sexual violence against women and girls;

(b) Protection for, and the granting of assistance of every kind and appropriate reparation to, the victims of acts of violence;

(c) Reform of the justice sector;

(d) Reform of the security sector;

6. *Takes note* in this regard of the announcement by the Special Representative of the Secretary-General for West Africa of measures to assist the Guinean authorities in the reform of the security sector (see S/2009/682);

7. *Welcomes* the decision by the Government of Guinea to cooperate with the Office of the United Nations High Commissioner for Human Rights with a view to opening a country office in Guinea;

8. *Invites* the transitional authorities to take the necessary steps to promote the gender perspective and reinforce women's involvement in the mediation and decision-making processes in conflict resolution, peacebuilding and the promotion and defence of human rights;

9. *Strongly appeals* to the international community:

(a) To provide the transitional authorities, as soon as possible, with appropriate assistance as a contribution to a sustainable restoration of peace and the constitutional order, and to the success of the transition to democracy under the provisions of the Joint Declaration of Ouagadougou, and in particular to provide the assistance needed to support the authorities' efforts to ensure that the presidential elections planned for 27 June 2010 take place;

(b) To support the efforts of the Guinean authorities to promote respect for human rights, including the achievement of the Millennium Development Goals, combating impunity and reform of the security and justice sectors;

10. *Invites* the High Commissioner to make available to her office in Guinea the human and financial resources necessary for its establishment and smooth functioning;

11. *Invites* the High Commissioner to report to the Council at its sixteenth ordinary session on the situation of human rights and the work of her office in Guinea.

*44th meeting*

*26 March 2010*

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

## **13/22.**

### **Situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services**

*The Human Rights Council,*

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

*Recalling also its* resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008, S-8/1 of 1 December 2008 and 10/33 of 27 March 2009,

*Recalling further* its resolution 10/33 of 27 March 2009, in which it requested the international community to support the establishment of a local cooperation mechanism by the Government of the Democratic Republic of the Congo, the United Nations High

Commissioner for Human Rights and the Human Rights Section of the United Nations Organization Mission in the Democratic Republic of the Congo, referred to as the *entité de liaison des droits de l'homme*,

*Expressing its appreciation* for the role taken by the international community, in particular by the African Union, the Southern African Development Community, the Economic Community of Central African States and the European Union, in enhancing the rule of law and improving the human rights situation in the Democratic Republic of the Congo,

*Taking into consideration* the fact that the presence of the Office of the United Nations High Commissioner for Human Rights in the Democratic Republic of the Congo and that of the Human Rights Section of the United Nations Organization Mission in the Democratic Republic of the Congo have been merged with a view to their achieving more efficiency in their work on the situation of human rights in the country,

*Expressing concern* over the current human rights situation in the Democratic Republic of the Congo and calling upon the Government to respect human rights law and international humanitarian law,

*Considering* the existence of a national programme for the promotion and protection of human rights in the Democratic Republic of the Congo and the willingness of the Government of the Democratic Republic of the Congo to implement it,

*Reaffirming* that 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 the International Covenants on Human Rights and other applicable human rights instruments,

1. *Takes note* of the initiatives implemented by the Democratic Republic of the Congo, in particular the *entité de liaison des droits de l'homme*, the national agency to combat violence against women and girls, and the organization of the Second National Conference on Human Rights and the Rule of Law in the Democratic Republic of the Congo and calls on the Government to accelerate the establishment of the independent national human rights institution in accordance with the Paris Principles;

2. *Calls upon* the Democratic Republic of the Congo to ensure in all circumstances respect for human rights law and international humanitarian law, including by providing access to justice and remedy to the victims of the violations of the human rights;

3. *Requests* the Democratic Republic of the Congo to continue to ensure protection of journalists and human rights defenders in the discharge of their duties and in conformity with the relevant provisions of national law consistent with international law, and with the Declaration on Human Rights Defenders to fight against sexual violence and to prosecute the perpetrators of serious human rights violations, in the army and the national police force, within the framework of the policy of zero tolerance;

4. *Welcomes, being appalled* by the continuing incidence of sexual and gender-based violence, the announcement by the Government of Democratic Republic of the Congo of a zero tolerance policy and calls upon the Government to take concrete steps towards its full implementation;

5. *Encourages* the Democratic Republic of the Congo to pursue its reforms in the framework of consolidating peace and national reconciliation as well as the general reform of justice, the army, security and the national police force, and welcomes the determination of the Democratic Republic of the Congo with respect to continuing its cooperation with the special procedures of the Human Rights Council;

6. *Welcomes* the cooperation of the Democratic Republic of the Congo with the thematic special procedures of the Council and its invitation to a number of them, including the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on extrajudicial, summary or arbitrary executions, to make recommendations, within their respective mandates, on how best to assist technically the Democratic Republic of the Congo in addressing the situation of human rights, with a view to obtaining tangible improvements on the ground, while also taking into account the needs articulated by the Government of the Democratic Republic of the Congo;

7. *Calls on* the Government of the Democratic Republic of the Congo, with the support of the international community to inter alia, develop effective and credible monitoring and verification of the supply chain of minerals to put an end to the illegal exploitation of natural resources in the country so as to enable the people of the Democratic Republic of the Congo to freely dispose of its natural wealth in accordance with the relevant provisions of the International Covenant on Economic, Social and Cultural Rights;

8. *Also calls on* the international community to support the national efforts of the Democratic Republic of the Congo and its institutions with a view to improving the human rights situation in the country, as well as to encourage closer collaboration with relevant regional organizations;

9. *Takes note* of the second joint report (A/HRC/13/63) of the thematic special procedures on technical assistance to the Government of the Democratic Republic of the Congo, and the examination of the situation in the east of the country, and invites them to report to the Council during its sixteenth session on the developments in respect of that situation;

10. *Requests* the Government of the Democratic Republic of the Congo, with the assistance of the United Nations High Commissioner for Human Rights and the thematic special procedure, to develop a plan for prioritization and implementation of recommendations received to date, particularly in the areas of protection of women and children, combating impunity, rule of law, and the administration of justice; to set targets and benchmarks for technical assistance programmes, to develop a timeline for achieving these targets, and to identify the means to determine the amount of and locate the resources necessary to carry out the plan for implementation; and invites the Government of the Democratic Republic of the Congo to inform and update the Council on these topics at the 16th session;

11. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Democratic Republic of the Congo and the activities carried out in the country by her Office (A/HRC/13/64) and invites the High Commissioner to report to the Council, during its sixteenth session on developments in respect of that situation and the activities of her Office;

12. *Calls upon* the United Nations High Commissioner for Human Rights to increase and enhance, through her presence in the Democratic Republic of the Congo, her technical assistance programmes and activities, in consultation with the country's authorities;

13. *Decides* to continue to follow the situation of human rights in the Democratic Republic of the Congo during its sixteenth ordinary session.

*44th meeting  
26 March 2010*

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

**13/23.**

**Enhancement of international cooperation in the field of human rights**

*The Human Rights Council,*

*Reaffirming* its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights, on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights,

*Recalling* the adoption by the General Assembly of the United Nations Millennium Declaration on 8 September 2000, Assembly resolution 63/180 of 18 December 2008 and Council resolution 7/3 of 27 March 2008,

*Recalling also* the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, and the Durban Review Conference, held in Geneva from 20 to 24 April 2009, and their role in the enhancement of international cooperation in the field of human rights,

*Recognizing* that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

*Recognizing also* that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue in all relevant forums, including in the context of the universal periodic review, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

*Reiterating* the role played by the universal periodic review as an important mechanism in contributing to the enhancement of international cooperation in the field of human rights,

*Recalling* Council resolution 6/17 of 28 September 2008, in which the Council requested the Secretary-General to establish a universal periodic review Voluntary Trust Fund to facilitate the participation of developing countries, particularly least developing countries, in the universal periodic review mechanism, and to establish the Voluntary Fund for Financial and Technical Assistance, to be administered jointly with the universal periodic review Voluntary Trust Fund, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the country concerned,

*Reaffirming* that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

*Emphasizing* the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

*Underlining* the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all the activities for the promotion and protection of human rights,

1. *Reaffirms* that it is one of the purposes of the United Nations and also the primary responsibility of Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;
2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;
3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;
4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;
5. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;
6. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;
7. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;
8. *Emphasizes* the role of international cooperation in support for national efforts and in raising the capacities of Member States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request and in accordance with the priorities set by the States concerned;
9. *Requests* the Office of the United Nations High Commissioner for Human Rights to brief the Council and disseminate information to States Members of the United Nations on the progress achieved in operationalizing the universal periodic review Voluntary Trust Fund and the Voluntary Fund for Financial and Technical Assistance;
10. *Urges* Member States to support the universal periodic review Voluntary Fund and the Voluntary Fund for Financial and Technical Assistance;
11. *Takes note* of the report of the High Commissioner on the enhancement of international cooperation in the field of human rights (A/HRC/13/19);
12. *Calls upon* Member States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;
13. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

14. *Requests* the Human Rights Council Advisory Committee to explore ways and means to enhance cooperation in the field of human rights, taking into account the views contained in the above-mentioned report of the High Commissioner, and further views from States and relevant stakeholders, and to submit proposals in this regard to the Council at its nineteenth session;

15. *Decides* to continue its consideration of the matter in 2011, in accordance with its annual programme of work.

44<sup>th</sup> meeting

26 March 2010

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

## **13/24.**

### **Protection of journalists in situations of armed conflict**

*The Human Rights Council,*

*Reaffirming* the vital role played by the press in situations of armed conflict,

*Alarmed* at the large and increasing number of deaths and injuries among members of the press in armed conflict,

1. *Decides* to convene, within existing resources, a panel discussion at its fourteenth session on the issue of protection of journalists in armed conflict;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to liaise with the Special Rapporteur on the right to freedom of opinion and expression, the International Committee of the Red Cross and all concerned parties and stakeholders, including relevant press organizations and associations and United Nations bodies and agencies, with a view to ensuring their participation in the panel discussion;

3. *Also requests* the Office of the High Commissioner to prepare a report on the outcome of the panel discussion in the form of a summary.

44<sup>th</sup> meeting

26 March 2010

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

## **13/25.**

### **Situation of human rights in Myanmar**

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming also previous resolutions of the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in Myanmar, including Council resolutions 10/27 of 27 March 2009 and 12/20 of 2 October 2009, and General Assembly resolution 64/238 of 24 December 2009,

*Welcoming* the report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/13/48), urging the implementation of the recommendations contained therein and those within previous reports, and welcoming the visit of the Special Rapporteur from 15 to 19 February 2010,



*Increasingly concerned* that the urgent calls contained in the above-mentioned resolutions and reports and in those of other United Nations bodies concerning the human rights situation in Myanmar have still not been met, and emphasizing the urgent need for significant progress towards meeting those calls of the international community,

*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, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

*Reaffirming* that it is the responsibility of the Government of Myanmar to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, as stated in the Charter, the Universal Declaration of Human Rights and other applicable human rights instruments,

*Particularly concerned* by restrictions imposed on the representatives of the National League for Democracy and other political parties and other relevant stakeholders, including a number of ethnic groups, thus preventing a genuine process of dialogue, national reconciliation and transition to democracy,

*Expressing grave concern* at the trial, conviction and continued arbitrary house arrest of the General Secretary of the National League for Democracy, Daw Aung San Suu Kyi, and the rejection of her judicial appeal by the Myanmar Supreme Court,

1. *Strongly condemns* the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar;

2. *Expresses concern* that the newly adopted electoral laws do not meet the expectations of the international community regarding what is needed for an inclusive political process and calls upon the Government of Myanmar to ensure a free, transparent and fair electoral process which allows for the participation therein of all voters, all political parties, and all other relevant stakeholders in a manner of their choosing;

3. *Calls upon* the Government of Myanmar to pursue a process of national reconciliation for a credible transition to democracy and to take immediate measures to engage in a meaningful and substantive dialogue with all opposition parties and ethnic groups, including Daw Aung San Suu Kyi, and to permit her unrestricted contact with all members of the National League for Democracy and other domestic stakeholders, and notes with interest her recent contacts with the Government of Myanmar;

4. *Strongly calls upon* the Government of Myanmar to cooperate with the international community in order to achieve concrete progress as regards human rights and fundamental freedoms, and political processes;

5. *Strongly urges*, while noting the release from house arrest of U Tin Oo, the Vice-Chairman of the National League for Democracy, and of more than 100 prisoners of conscience, the Government of Myanmar to desist from carrying out further politically motivated arrests, and to release without delay and without condition all prisoners of conscience, whose number is estimated to be about 2,100, including the General Secretary of the National League for Democracy, Daw Aung San Suu Kyi, the Chairman of the Shan Nationalities League for Democracy, U Khun Tun Oo, the leader of the 88 Generation Students Group, U Min Ko Naing, and one of the founders of the 88 Generation Students Group, Ko Ko Gyi, and to allow their full participation in the political process;

6. *Strongly calls upon* the Government of Myanmar to lift restrictions on the freedom of assembly, association, movement and expression, including for free and independent media, through ensuring the openly available and accessible use of Internet

and mobile telephone services, and ending the use of censorship, including the use of the Electronic Transactions Law to prevent the reporting of views critical of the Government;

7. *Calls upon* the Government of Myanmar to undertake a transparent, inclusive and comprehensive review of compliance of all national legislation with international human rights law, while fully engaging with democratic opposition and ethnic groups, recalling that the procedures established for the drafting of the Constitution resulted in a de facto exclusion of opposition groups from the process;

8. *Urges* the Government of Myanmar to ensure the independence and impartiality of the judiciary, to guarantee due process of law, and to fulfil earlier assurances given by the authorities of Myanmar to the Special Rapporteur with respect to beginning a dialogue on judicial reform;

9. *Calls upon* the Government of Myanmar to undertake without delay a full, transparent, effective, impartial and independent investigation into all reports of human rights violations, including enforced disappearances, arbitrary detentions, rape and other forms of sexual violence, and torture and other forms of ill-treatment, and to bring to justice those responsible in order to end impunity for violations of human rights;

10. *Also calls upon* the Government of Myanmar to address as a matter of urgency consistent reports of torture and ill-treatment of prisoners of conscience, as well as to improve conditions in prisons and other detention facilities, and to avoid the dispersal of prisoners of conscience to isolated prisons far from their families where they cannot receive regular visits or deliveries of supplementary supplies, including food and medicine;

11. *Strongly urges* the Government of Myanmar to end all forms of discrimination and to protect civil, political, economic, social and cultural rights on the basis of the Universal Declaration of Human Rights and, in particular, to comply with its human rights obligations under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child in this regard;

12. *Expresses its serious concern* about the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic minorities, including, but not limited to, the Rohingya ethnic minority in Northern Rakhine State, and calls upon the Government of Myanmar to take immediate action to bring about an improvement in their respective situations, and to recognize the right of members of the Rohingya ethnic minority to nationality and to protect all of their human rights;

13. *Welcomes* the prolongation in February 2010 of the Supplementary Understanding between the International Labour Organization and the Government of Myanmar, the Government's increased willingness to apply penalties against those perpetrating forced labour, and the joint Government-International Labour Organization awareness-raising activities, but strongly condemns the continued and serious harassment of complainants and facilitators, and urgently calls for the release of those who remain in detention as well as of the International Labour Organization facilitator U Zaw Htay, and urges the Government to intensify measures to end forced labour and to strengthen its growing cooperation with the liaison officer of the International Labour Organization;

14. *Strongly calls upon* the Government of Myanmar to take urgent measures to put an end to violations of international human rights and humanitarian law, including the targeting of persons belonging to particular ethnic groups, the targeting of civilians by military operations, including in the eastern part of Myanmar, and rape and other forms of sexual violence, and to end impunity for such acts without delay;

15. *Also strongly calls upon* the Government of Myanmar to put an immediate end to the recruitment and use of child soldiers in violation of international law by all parties, welcomes the recent engagement of the Government on this issue and urges it to intensify measures to ensure the protection of children from armed conflict and to pursue its collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict, including by granting access to areas where children are recruited, for the purpose of implementing an action plan to halt this practice;

16. *Urges* the Government of Myanmar to provide, in cooperation with the Office of the United Nations High Commissioner for Human Rights, adequate human rights and international humanitarian law training for its armed forces, police and prison personnel, to ensure their strict compliance with international human rights law and international humanitarian law and to hold them accountable for any violations thereof;

17. *Calls upon* the Government of Myanmar to ensure timely, safe, full and unhindered access to all parts of Myanmar, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners, and to cooperate fully with those actors to ensure that humanitarian assistance is delivered throughout the country to all persons in need, including displaced persons;

18. *Also calls upon* the Government of Myanmar to consider acceding to the remaining international core human rights treaties, which would enable a dialogue with other human rights treaty bodies;

19. *Further calls upon* the Government of Myanmar to allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

20. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar, in accordance with Commission on Human Rights resolutions 1992/58 of 3 March 1992 and 2005/10 of 14 April 2005, and Council resolutions 7/32 of 28 March 2008 and 10/27;

21. *Urges* the Government of Myanmar to continue to respond favourably and on a more timely basis to the Special Rapporteur's requests to visit the country, to extend its full cooperation, including by providing access to all relevant information, bodies, institutions and persons, so as to enable him to fulfil his mandate effectively, and to implement the recommendations addressed to the Government contained in his reports (A/HRC/6/14, A/HRC/7/18, A/HRC/7/24, A/HRC/8/12, A/HRC/10/19 and A/HRC/13/48) and in Council resolutions S-5/1 of 2 October 2007, 6/33 of 14 December 2007, 7/31 of 28 March 2008, 8/14 of 18 June 2008, 10/27 and 12/20;

22. *Requests* the Special Rapporteur to submit a progress report to the General Assembly at its sixty-fifth session and to the Council in accordance with its annual programme of work;

23. *Calls upon* the Office of the High Commissioner to provide the Special Rapporteur with all necessary assistance and resources to enable him to discharge his mandate fully;

24. *Calls upon* the Government of Myanmar to continue to engage in a dialogue with the Office of the High Commissioner with a view to ensuring full respect for all human rights and fundamental freedoms;

25. *Expresses its strong support* for the good offices mission and commitment of the Secretary-General, and calls upon the Government of Myanmar to ensure full cooperation with the Secretary-General and the Special Rapporteur.

44<sup>th</sup> meeting

26 March 2010

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

**13/26.****Protection of human rights and fundamental freedoms while countering terrorism***The Human Rights Council,*

*Reaffirming* its decision 2/112 of 27 November 2006 and its resolutions 6/28 of 14 December 2007, 7/7 of 27 March 2008 and 10/15 of 26 March 2009, and Commission on Human Rights resolutions 2003/68 of 25 April 2003, 2004/87 of 21 April 2004 and 2005/80 of 21 April 2005, and recalling General Assembly resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004, 60/158 of 16 December 2005, 61/171 of 19 December 2006, 62/159 of 18 December 2007, 63/185 of 18 December 2008 and 64/168 of 18 December 2009, and welcoming the efforts of all relevant stakeholders to implement those resolutions,

*Recognizing* the importance of the United Nations Global Counter-Terrorism Strategy, adopted on 8 September 2006, reaffirming that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism,

1. *Calls upon* States to ensure that any measure taken to counter terrorism complies with international law, in particular international human rights, refugee and humanitarian law;

2. *Expresses serious concern* at the violations of human rights and fundamental freedoms, as well as of refugee and international humanitarian law, in the context of countering terrorism;

3. *Deeply deplores* the suffering caused by terrorism to the victims and their families and expresses its profound solidarity with them, and stresses the importance of providing them with proper assistance;

4. *Reaffirms* its unequivocal condemnation of all acts, methods, practices and financing of terrorism, in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renews its commitment to strengthen international cooperation to prevent and combat terrorism and, in that regard, calls upon States and other relevant actors, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy, which reaffirms, inter alia, respect for human rights for all and the rule of law to be the fundamental basis of the fight against terrorism;

5. *Calls upon* States, while countering terrorism, to ensure that any person whose human rights or fundamental freedoms have been violated has access to an effective remedy and that victims will receive adequate, effective and prompt reparations where appropriate, including by bringing to justice those responsible for such violations;

6. *Urges* States, while countering terrorism, to protect all human rights, including economic, social and cultural rights, bearing in mind that certain counter-terrorism measures may have an impact on the enjoyment of these rights;

7. *Calls upon* States, while countering terrorism, to safeguard the right to privacy in accordance with international law, and urges them to take measures to ensure

that interferences with the right to privacy are regulated by law, subject to effective oversight and appropriate redress, including through judicial review or other means;

8. *Urges* States, while countering terrorism, to respect the right to be equal before the courts and tribunals and to a fair trial, as provided for by international law, including international human rights law, such as article 14 of the International Covenant on Civil and Political Rights and, as applicable, international humanitarian law and refugee law;

9. *Reiterates* the concerns expressed by the General Assembly in its resolution 64/168 with regard to measures that can undermine human rights and the rule of law, and urges all States to take all necessary steps to ensure that persons deprived of liberty, regardless of the place of arrest or of detention, enjoy the guarantees to which they are entitled under international law, including the review of their detention and other fundamental judicial guarantees;

10. *Acknowledges* the report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism (A/HRC/13/37);

11. *Requests* all States to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to the urgent appeals and providing the information requested, and to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries;

12. *Regrets* that the Special Rapporteur did not submit the compilation of good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies while countering terrorism as mandated by the Council in paragraph 12 of its resolution 10/15 of 26 March 2009, and therefore reiterates the requests to the Special Rapporteur, with the support of the Secretariat, to present the compilation to the Council no later than its fifteenth session;

13. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the protection of human rights and fundamental freedoms while countering terrorism (A/HRC/13/36), as well as the work to implement the mandate given to her by the Commission on Human Rights in its resolution 2005/80 and the General Assembly in its resolution 60/158, and requests the High Commissioner to continue her efforts in this regard;

14. *Requests* the High Commissioner and the Special Rapporteur to contribute further appropriately to the ongoing discussion regarding the efforts of Member States of the United Nations to assure adequate human rights guarantees to ensure fair and clear procedures, in particular with regard to placing on, reviewing and removing individuals and entities from terrorism-related sanctions lists;

15. *Welcomes* the decision taken by the Security Council in its resolution 1904 (2009) of 17 December 2009 to establish an office of the Ombudsperson, and looks forward to an early appointment as a step to continue enhancing fair and clear procedures for persons on the consolidated list of the Security Council established and maintained by the 1267 Committee;

16. *Stresses* the importance that relevant United Nations bodies and entities and international, regional and subregional organizations, in particular those that are participating in the Counter-Terrorism Implementation Task Force, which provide technical assistance related to the prevention and suppression of terrorism to consenting States, include, as appropriate and where consistent with their mandates, the respect of international human rights law and, as applicable, international humanitarian law and refugee law, as well as the rule of law, as an important element of technical assistance that they offer to States related to counter-terrorism, including by drawing on the advice of, and

otherwise ensuring the ongoing dialogue with, the special procedures of the Council within their mandates and the Office of the High Commissioner and relevant stakeholders;

17. *Acknowledges* that the active participation of civil society can reinforce ongoing governmental efforts to protect human rights and fundamental freedoms while countering terrorism;

18. *Invites* the Office of the High Commissioner and the relevant special procedures of the Council to engage in further dialogue with the Security Council Counter-Terrorism Committee in order to promote a consistent approach to the protection of human rights and fundamental freedoms while countering terrorism, and would welcome further efforts by the Security Council Counter-Terrorism and 1267 committees, in the fulfilment of their respective mandates, to integrate a human rights approach into its counter-terrorism objectives;

19. *Requests* the High Commissioner and the Special Rapporteur to present their reports, bearing in mind the content of the present resolution, to the Council at its sixteenth session under agenda item 3, in conformity with its annual programme of work.

45th meeting  
26 March 2010

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

## **13/27.**

### **A world of sports free from racism, racial discrimination, xenophobia and related intolerance**

*The Human Rights Council,*

*Stressing* the importance of combating racism, racial discrimination, xenophobia and related intolerance in all circumstances, including in sports,

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Vienna Declaration and Programme of Action and the Durban Declaration and Programme of Action,

*Acknowledging* that, in paragraph 218 of the Durban Declaration and Programme of Action, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance urged States, in cooperation with intergovernmental organizations, the International Olympic Committee and international and regional sports federations to intensify the fight against racism in sport by, among other things, educating the youth of the world through sport practised without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity,

*Acknowledging also* that the Durban Review Conference, in paragraph 128 of its outcome document, urged all international sporting bodies to promote, through their national, regional and international federations, a world of sports free from racism, racial discrimination, xenophobia and related intolerance,

*Recognizing* the potential of sport as a universal language contributing to educating people on the values of diversity, tolerance and fairness and as a means to combat racism, racial discrimination, xenophobia and related intolerance,

*Acknowledging* the use of mass sport events to promote and support sport for development and peace initiatives and, in this regard, welcoming General Assembly

resolution 63/135 of 11 December 2008, in which the Assembly recognized the value of sport as a means to promote education, development and peace and welcomed the establishment of the United Nations Office of Sport for Development and Peace,

*Recognizing* the potential of sport in contributing to the achievement of the Millennium Development Goals, and noting that, as declared at the 2005 World Summit, sport has the potential to foster peace and development and to contribute to an atmosphere of tolerance and understanding,

*Recognizing also* the potential contribution of the Special Adviser to the Secretary-General on Sport for Development and Peace, the Office of Sport for Development and Peace, the Physical Education and Sport Unit of the United Nations Educational, Scientific and Cultural Organization and the Group of Friends of Sport for Development and Peace to combat racism, racial discrimination, xenophobia and related intolerance in sports,

*Recognizing further* the imperative need to engage women and girls in the practice of sport for development and peace and, in this regard, welcoming activities that aim to foster and encourage such initiatives at the global level,

*Welcoming* General Assembly resolution 64/4 of 19 October 2009 on the building of a peaceful and better world through sport and the Olympic ideal and, in this context, welcoming also the adoption on that date of resolution 64/3, in which the Assembly invited the International Olympic Committee to participate in its sessions and work in the capacity of observer,

*Recalling* Council resolution 9/14 of 18 September 2008, in which the Council urged the United Nations High Commissioner for Human Rights to take measures, in consultation with various international sporting and other organizations, to enable them to contribute to the struggle against racism and racial discrimination,

*Recalling also* Commission on Human Rights resolution 2005/64 of 20 April 2005, in which the Commission condemned all acts of racism in sporting events and urged all States and national, regional and international sporting associations and federations to adopt firm measures for the prevention of such acts,

*Expressing serious concern* at past and recent incidents of racism in sports and at sporting events and, in this context, welcoming efforts of sports governing bodies to combat racism, including by pursuing anti-racism initiatives and by developing and applying disciplinary codes that impose sanctions for racist acts,

*Noting with appreciation* the initiatives taken by the United Nations system, as well as national, regional and international sports federations and organizations, to promote development and peace through sport and physical education and, in this respect, acknowledging the importance of the work of grass-roots organizations,

*Welcoming* the readiness of South Africa to host the historic 2010 International Federation of Association Football World Cup, to be held for the first time on the African continent in recognition of its contribution to the advancement of world sports, and recalling the endorsement and support of the Heads of State and Government of the African Union for efforts to ensure the success of the event,

*Recalling* the invitation to the International Federation of Association Football, in connection with the 2010 Football World Cup tournament to be held in South Africa, to introduce a visible theme on non-racism in football,

*Recalling also* the request to the High Commissioner for Human Rights, in her capacity as Secretary-General of the Durban Review Conference, to bring the above-mentioned invitation to the attention of the International Federation of Association Football

and to bring the issue of racism in sport to the attention of other relevant international sporting bodies,

*Welcoming* the hosting of the 2010 and 2014 International Federation of Association Football World Cups in South Africa and in Brazil, respectively; the hosting of the inaugural 2010 Summer Youth Olympic Games in Singapore; the hosting of the 2011 International Federation of Association Football Women's World Cup in Germany; the hosting of the 2010 and 2014 Winter Olympic and Paralympic Games in the cities of Vancouver, Canada, and Sochi, Russian Federation, respectively; the hosting of the 2012 and 2016 Summer Olympic and Paralympic Games in the cities of London and Rio de Janeiro, respectively; and stressing the importance of making use of these events to promote understanding, tolerance and peace and to promote and strengthen efforts in the fight against racism, racial discrimination, xenophobia and related intolerance,

1. *Recognizes* the shared commitment to a world of sports free from racism, racial discrimination, xenophobia and related intolerance, and calls upon all States to take all necessary measures to that end;

2. *Welcomes* the historic and unique dimension of the 2010 International Federation of Association Football World Cup in South Africa, which marks the first time this major sport event will be held on the African continent;

3. *Underlines* the importance of combating impunity for racially motivated crimes in sport, and urges States to take all appropriate measures, in accordance with domestic legislation and international obligations, to prevent, combat and address all manifestations of racism, racial discrimination, xenophobia and related intolerance in the context of sporting events, and to ensure that racially-motivated crimes are punished by law, as appropriate;

4. *Stresses* the importance of combating and addressing acts of incitement to discrimination, hostility or violence in sporting events;

5. *Strongly encourages* States to organize and finance awareness-raising campaigns for preventing and combating racism, racial discrimination, xenophobia and related intolerance in sport;

6. *Encourages* relevant special procedures mandate holders to consider, within their existing mandates, the human rights dimensions and potential of sports free from racism, racial discrimination, xenophobia and related intolerance;

7. *Invites* States to consider including in their national reports, to be submitted to the Council under the universal periodic review mechanism, information on measures to combat racism, racial discrimination, xenophobia and related intolerance in sports and to promote sports as a tool to combat all forms of racism, racial discrimination, xenophobia and related intolerance;

8. *Encourages* States to share experience and best practices in fighting all forms of racism and racial discrimination, xenophobia and related intolerance in sport and in promoting integration and intercultural dialogue in and through sport;

9. *Invites* the President of South Africa, the President of the International Federation of Association Football and the Secretary-General to strengthen and reinforce the visible theme on non-racism in football at the World Cup to be held in South Africa in 2010;

10. *Invites* host countries, in cooperation with the United Nations High Commissioner for Human Rights, the Special Adviser to the Secretary-General on Sport for Development and Peace, relevant parts of the United Nations, the International Olympic Committee, the International Federation of Association Football and other relevant



international sporting bodies to seize the opportunity offered by major sports events to develop campaigns aimed at sensitizing a wide public on the eradication of racism, racial discrimination, xenophobia and related intolerance;

11. *Invites* the High Commissioner to cooperate with the Special Adviser to the Secretary-General on Sport for Development and Peace, relevant parts of the United Nations, the International Olympic Committee, the International Federation of Association Football and other relevant international, regional and national sports associations and federations, as well as non-governmental organizations and civil society, in the development of programmes to prevent and eradicate racism, racial discrimination, xenophobia and related intolerance in sports and to use sports as a tool to eliminate all forms of discrimination;

12. *Encourages* the High Commissioner, the Special Adviser to the Secretary-General on Sport for Development and Peace and other relevant parts of the United Nations to engage with relevant international sporting bodies to discuss practical measures aimed at combating racism, racial discrimination, xenophobia and related intolerance in sport, such as the development and promotion of codes of conduct against racism in sport and of international certificates for clubs and sports associations cooperating with programmes aimed at eradicating racism, racial discrimination, xenophobia and related intolerance in sports;

13. *Encourages* the High Commissioner and the President of the Council to invite, when appropriate, representatives of international sporting bodies to dialogue with the Council on these matters;

14. *Calls on* States, the United Nations and sport-related institutions to help initiate and assist in the implementation of grass-roots initiatives aimed at combating racism, racial discrimination, xenophobia and related intolerance in sports, and invites the United Nations Office of Sport for Development and Peace, where appropriate, to coordinate and facilitate the engagement of the respective stakeholders;

15. *Requests* the High Commissioner to include these matters, as appropriate, in her relevant reports submitted to the Council.

*45th meeting  
26 March 2010*

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

## **II. Decisions adopted by the Council at its thirteenth session**

### **13/101.**

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

*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 Eritrea on 30 November 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Eritrea which is constituted of the report of the Working Group on Eritrea (A/HRC/13/2), together with the views of

Eritrea 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/13/56, chapter VI and A/HRC/13/2/Add.1 ).

*28th meeting*

*17 March 2010*

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

### **13/102.**

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

*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 Cyprus on 30 November 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Cyprus which is constituted of the report of the Working Group on Cyprus (A/HRC/13/7), together with the views of Cyprus 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/13/56, chapter VI and A/HRC/13/7/Add.1 ).

*28th meeting*

*17 March 2010*

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

### **13/103.**

#### **Outcome of the universal periodic review: Dominican 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 Dominican Republic on 1 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on the Dominican Republic which is constituted of the report of the Working Group on the Dominican Republic (A/HRC/13/3), together with the views of the Dominican 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/13/56, chapter VI).

*28th meeting*

*17 March 2010*

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

### **13/104.**

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

*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 Cambodia on 1 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Cambodia which is constituted of the report of the Working Group on Cambodia (A/HRC/13/4 and A/HRC/13/4/Corr.1), together with the views of Cambodia 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/13/56, chapter VI).

*29th meeting*

*17 March 2010*

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

### **13/105.**

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

*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 Norway on 2 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Norway which is constituted of the report of the Working Group on Norway (A/HRC/13/5 and A/HRC/13/5/Corr.1), together with the views of Norway 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/13/56, chapter VI and A/HRC/13/5/Add.1).

*29th meeting*

*17 March 2010*

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

**13/106.**

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

*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 Albania on 2 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Albania which is constituted of the report of the Working Group on Albania (A/HRC/13/6), together with the views of Albania 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/13/56, chapter VI).

*29th meeting*

*17 March 2010*

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

**13/107.**

**Outcome of the universal periodic review: Democratic 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 Democratic Republic of the Congo on 3 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on the Democratic Republic of the Congo which is constituted of the report of the Working Group on the Democratic Republic of the Congo (A/HRC/13/8), together with the views of the Democratic 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/13/56, chapter VI).

*30th meeting*

*18 March 2010*

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

**13/108.****Outcome of the universal periodic review: Côte d'Ivoire**

*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 Côte d'Ivoire on 3 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Côte d'Ivoire which is constituted of the report of the Working Group on Côte d'Ivoire (A/HRC/13/9), together with the views of Côte d'Ivoire 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/13/56, chapter VI and A/HRC/13/9/Add.1/Rev.1).

*30th meeting*

*18 March 2010*

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

**13/109.****Outcome of the universal periodic review: Portugal**

*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 Portugal on 4 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Portugal which is constituted of the report of the Working Group on Portugal (A/HRC/13/10), together with the views of Portugal 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/13/56, chapter VI and A/HRC/13/10/Add.1).

*30th meeting*

*18 March 2010*

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

**13/110.****Outcome of the universal periodic review: Bhutan**

*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 Bhutan on 4 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Bhutan which is constituted of the report of the Working Group on Bhutan (A/HRC/13/11), together with the views of Bhutan 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/13/56, chapter VI and A/HRC/13/11/Add.1).

*31st meeting  
18 March 2010*

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

### **13/111.**

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

*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 Dominica on 7 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Dominica which is constituted of the report of the Working Group on Dominica (A/HRC/13/12), together with the views of Dominica 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/13/56, chapter VI).

*31st meeting  
18 March 2010*

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

### **13/112.**

#### **Outcome of the universal periodic review: Democratic People's Republic of Korea**

*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 Democratic People's Republic of Korea on 7 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on the Democratic People's Republic of Korea which is constituted of the report of the Working Group on the Democratic People's Republic of Korea (A/HRC/13/13), together with the views of the Democratic People's Republic of Korea 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/13/56, chapter VI).

*31st meeting  
18 March 2010*

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

### **13/113.**

#### **Outcome of the universal periodic review: Brunei Darussalam**

*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 Brunei Darussalam on 8 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Brunei Darussalam which is constituted of the report of the Working Group on Brunei Darussalam (A/HRC/13/14), together with the views of Brunei Darussalam 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/13/56, chapter VI and A/HRC/13/14/Add.1).

*32nd meeting  
19 March 2010*

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

### **13/114.**

#### **Outcome of the universal periodic review: Costa Rica**

*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 Costa Rica on 8 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Costa Rica which is constituted of the report of the Working Group on Costa Rica (A/HRC/13/15), together with the views of Costa Rica 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/13/56, chapter VI and A/HRC/13/15/Add.1).

*32nd meeting  
19 March 2010*

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

### **13/115.**

#### **Outcome of the universal periodic review: Equatorial Guinea**

*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 Equatorial Guinea on 9 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Equatorial Guinea which is constituted of the report of the Working Group on Equatorial Guinea (A/HRC/13/16), together with the views of Equatorial Guinea 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/13/56, chapter VI).

*32nd meeting  
19 March 2010*

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

### **13/116.**

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

*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 Ethiopia on 9 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Ethiopia which is constituted of the report of the Working Group on Ethiopia (A/HRC/13/17), together with the views of Ethiopia 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/13/56, chapter VI and A/HRC/13/17/Add.1).

*33rd meeting  
19 March 2010*

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



**13/117****Trafficking in persons, especially women and children***The Human Rights Council,*

*Reaffirming* all previous resolutions by the General Assembly, the Commission on Human Rights and the Council on the problem of trafficking in persons, especially women and children, in particular Council resolutions 8/12 of 18 June 2008 and 11/3 of 17 June 2009,

*Decides:*

(a) To hold a panel discussion at its fourteenth session to give voice to victims of trafficking in persons, with due consideration for the psychological well-being of the victims involved, with a view to reinforcing the centrality of their human rights and needs, and taking into account their recommendations when devising actions to combat human trafficking;

(b) To request the Office of the United Nations High Commissioner for Human Rights to organize the panel, within existing resources, with the participation of the High Commissioner, the Special Rapporteur on trafficking in persons, especially women and children, and the victims of trafficking in persons;

(c) To also request the Office of the High Commissioner to encourage the presence of relevant human rights mechanisms and specialized agencies and programmes, as well as civil society and national human rights institutions, in the panel session.

*45th meeting  
26 March 2010*

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

**III. President's statement made at the thirteenth session****PRST 13/1.****Reports of the Advisory Committee**

At the 44th meeting, on 26 March 2010, the President of the Human Rights Council read out the following statement:

*"The Human Rights Council,*

1. *Takes note* of the reports of the Advisory Committee on its third and fourth sessions (A/HRC/AC/3/2 and A/HRC/AC/4/4);

2. *Notes* that six recommendations were made by the Advisory Committee relating to the following:

(a) A draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members;

(b) A draft United Nations declaration on human rights education and training;

(c) A preliminary study on discrimination in the context of the right to food;

(d) The human rights of older persons;

- (e) Missing persons;
- (f) The protection of civilians in armed conflict;

3. *Also notes that:*

(a) The first and fifth recommendations have been addressed in the context of Council resolution 12/7 of 1 October 2009 and Council decision 12/117, also of 1 October 2009, respectively, while the second and third recommendations have been addressed in draft resolutions A/HRC/13/L.22 and A/HRC/13/L.17, respectively;

(b) The fourth recommendation, regarding the human rights of older persons, may be addressed in the context of the work of the Council at its future sessions;

(c) As recommended by the Advisory Committee, the participation of an expert of the Committee in the second expert consultation on the issue of protection of the human rights of civilians in armed conflict, convened in accordance with Council resolution 12/5 of 1 October 2009, is welcomed.

It is my understanding that, after consulting with Member States, this procedure does not set any precedent for the future reports of the Advisory Committee, which will be dealt with in accordance with Council resolution 5/1.”

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

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

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

1. The Human Rights Council held its thirteenth session at the United Nations Office at Geneva from 1 to 26 March 2010. The President of the Council opened the session.
2. At its 1st meeting, on 1 March 2010, the Council observed a minute of silence for the victims of the natural catastrophes that had recently struck several countries.
3. At the same meeting, the United Nations High Commissioner for Human Rights addressed the plenary.
4. At the 12th meeting, on 8 March 2010, the High Commissioner made a statement for International Women's Day.
5. At the 33rd meeting, on 19 March 2010, a statement in commemoration of the International Day of Nowruz was made by the representative of the Islamic Republic of Iran.
6. 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, the organizational meeting of the thirteenth session was held on 18 February 2010.
7. The thirteenth session consisted of 45 meetings held over 20 days (see paragraph 35 below).

#### **B. Attendance**

8. 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).

#### **C. High-level segment**

9. At the 1st to the 5th meetings, from 1 to 3 March 2010, the Council held a high-level segment, at which 60 dignitaries addressed the plenary, including 2 vice-presidents, 5 vice-prime ministers, 35 ministers, 15 vice-ministers and 3 secretaries-general or ministerial level representatives.
10. The following dignitaries addressed the Council during the high-level segment, in the order that they spoke:

(a) At the 1st meeting, on 1 March 2010: Francisco Santos Calderón, Vice-President of Colombia; Teresa Fernández de la Vega, Vice-President of Spain; Steven Vanackere, Deputy Prime Minister and Minister for Foreign Affairs of Belgium; Salomon Nguema Owono, Deputy Prime Minister in charge of Social and Human Rights Affairs of Equatorial Guinea; Ahmed Shaheed, Minister for Foreign Affairs of Maldives; Dipu Moni, Minister for Foreign Affairs of Bangladesh; Bandar bin Mohammed Al-Aiban, Chairperson

of the Human Rights Commission of Saudi Arabia; Kasit Piromya, Minister for Foreign Affairs of Thailand; Mourad Medelci, Minister for Foreign Affairs of Algeria; Manouchehr Mottaki, Minister for Foreign Affairs of the Islamic Republic of Iran; Ivan Šimonović, Minister for Justice of Croatia; Madické Niang, Minister of State and Minister for Foreign Affairs of Senegal; Ana Trišić-Babić, Deputy Minister for Foreign Affairs of Bosnia and Herzegovina; Maria Otero, Under-Secretary of State for Democracy and Global Affairs of the United States of America; Julia D. Joiner, Commissioner for Political Affairs of the African Union;

(b) At the 2nd meeting, on the same day: Sujata Koirala, Deputy Prime Minister and Minister for Foreign Affairs of Nepal; Maite Nkoana-Mashabane, Minister for International Relations and Cooperation of South Africa; Riad Malki, Minister for Foreign Affairs of Palestine; Pedro Lourtie, Secretary of State for European Affairs of Portugal; Kamallesh Sharma, Secretary-General of the Commonwealth Secretariat; Ekmeleddin Ihsanoglu, Secretary-General of the Organization of the Islamic Conference;

(c) At the 3rd meeting, on 2 March 2010: Alberto G. Romulo, Secretary for Foreign Affairs of the Philippines; Micheline Calmy-Rey, Minister for Foreign Affairs of Switzerland; Baroness Glenys Kinnock, Minister of State of the United Kingdom of Great Britain and Northern Ireland; Pham Binh Minh, First Deputy Minister for Foreign Affairs of Viet Nam; Cho Hyun, Deputy Minister for Multilateral and Global Affairs of the Republic of Korea; Vuk Jeremić, Minister for Foreign Affairs of Serbia;

(d) At the 4th meeting, on the same day: Huda Alban, Minister for Human Rights of Yemen; Ndelu Seretse, Minister for Defence, Justice and Security of Botswana; Abdel Basit Saleh Sabdarat, Minister for Justice of the Sudan; Paulo de Tarso Vannucchi, Minister for Human Rights of Brazil; Nezar Al-Baharna, Minister of State for Foreign Affairs of Bahrain; Mohamed Naciri, Minister for Justice of Morocco; Dragoljuba Benčina, State Secretary, Deputy Minister for Foreign Affairs of Slovenia; Nicholas Emiliou, Vice-Minister for Foreign Affairs of Cyprus; Gry Larsen, Deputy Minister for Foreign Affairs of Norway; Marin Raykov, Deputy Minister for Foreign Affairs of Bulgaria; Grazyna Bernatowicz, Under-Secretary of State of Poland; Selim Belortaja, Deputy Minister for Foreign Affairs of Albania; Fashion Phiri, Deputy Minister for Foreign Affairs of Zambia; Milorad Šćepanović, Deputy Minister for Foreign Affairs of Montenegro;

(e) At the 5th meeting, on 3 March 2010: Jean Asselborn, Deputy Prime Minister, Minister for Foreign Affairs of Luxembourg; Urmas Paet, Minister for Foreign Affairs of Estonia; Kanat Saudabayev, Secretary of State, Minister for Foreign Affairs of Kazakhstan; Micheál Martin, Minister for Foreign Affairs of Ireland; Salamata Sawadogo, Minister for the Promotion of Human Rights of Burkina Faso; Akmal Saidov, Chairman of the National Centre for Human Rights of Uzbekistan; Claudia Bandion-Ortner, Federal Minister for Justice of Austria; Maxime Verhagen, Minister for Foreign Affairs of the Netherlands; Diana Štrofová, State Secretary for Foreign Affairs of Slovakia; Frank Belfrage, State Secretary for Foreign Affairs of Sweden; Chinami Nishimura, Parliamentary Deputy Minister for Foreign Affairs of Japan; Vladimír Galuška, Deputy Minister of Foreign Affairs for European Affairs of the Czech Republic; Bogdan Aurescu, State Secretary for Strategic Affairs of Romania;

(f) At the 6th meeting, on 3 March 2010: Guido Westerwelle, Deputy Chancellor and Minister for Foreign Affairs of Germany; Patrick Chinamasa, Minister for Justice of Zimbabwe; Mutula Kilonzo, Minister for Justice, National Cohesion and Constitutional Affairs of Kenya; Luzolo Bambi Lessa, Minister for Justice of the Democratic Republic of the Congo; Bruno Rodríguez Parrilla, Minister for Foreign Affairs of Cuba; Alberto Hawa Januário Nkuntumula, Deputy Minister for Justice of Mozambique.

11. At the 2nd meeting, on 1 March 2010, a statement in exercise of the right of reply was made by the representative of the Democratic People's Republic of Korea.

12. At the 4th meeting, on 2 March 2010, statements in exercise of the right of reply were made by the representatives of the Democratic People's Republic of Korea and Serbia.

13. At the 6th meeting, on 3 March 2010, statements in exercise of the right of reply were made by the representatives of China, the Democratic People's Republic of Korea, Egypt, Iran (Islamic Republic of), Japan, Sri Lanka and Viet Nam.

14. At the same meeting, statements in exercise of a second right of reply were made by the representatives of the Democratic People's Republic of Korea and Japan.

**Panel on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights**

15. At the 2nd meeting, on 1 March 2010, pursuant to Council resolution 12/28, the Council held a panel discussion on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights. The United Nations High Commissioner for Human Rights made introductory remarks for the panel. At the same meeting, the following panellists made statements: Francisco Santos Calderón, Juan Somavía, Martin Ihoeghian Uhomobhi, Martin Khor and Irene Khan.

16. During the ensuing panel discussion at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Brazil, Colombia<sup>2</sup> (on behalf of the Group of Latin American and Caribbean States), Egypt, India, Indonesia, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Spain<sup>2</sup> (on behalf of the European Union), Thailand<sup>2</sup> (on behalf of the Foreign Policy and Global Health Initiative, comprising Brazil, France, Indonesia, Norway, Senegal and Thailand);

(b) Representatives of the following observer States: Republic of Moldova, Thailand, Turkey, Uzbekistan.

17. At the same meeting, the panellists Juan Somavía, Martin Ihoeghian Uhomobhi, Martin Khor and Irene Khan answered questions and made their concluding remarks.

**High-level discussion on the draft United Nations Declaration on Human Rights Education and Training**

18. At the 3rd meeting, on 2 March 2010, pursuant to Council decision 12/118, the Council held a high-level discussion on the draft United Nations Declaration on Human Rights Education and Training. The High Commissioner made introductory remarks for the panel. At the same meeting, the following panellists made statements: Micheline Calmy-Rey, Mohammed Naciri, Madické Niang, Alberto G. Romulo and Dragoljuba Bencina.

19. During the ensuing panel discussion at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Burkina Faso, China, Colombia<sup>2</sup> (on behalf of the Group of Latin American and Caribbean States), Indonesia, Italy, Lithuania<sup>2</sup> (on behalf of the Convening Group of the Community of Democracies,

<sup>2</sup> Observer of the Council speaking on behalf of Member and observer States.

comprising Cape Verde, Chile, the Czech Republic, El Salvador, India, Italy, Lithuania, Mali, Mexico, Mongolia, the Philippines, Poland, Portugal, the Republic of Korea, South Africa and the United States of America), Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Spain<sup>2</sup> (on behalf of the European Union), United States of America, Viet Nam<sup>2</sup> (on behalf of the Association of Southeast Asian Nations (ASEAN));

(b) Representatives of the following observer States: Congo, Costa Rica, Thailand, Uzbekistan.

20. At the same meeting, the panellist Mohammed Naciri made his concluding remarks.

#### **D. General segment**

21. At the 6th meeting, on 3 March 2010, a general segment was held, during which the following addressed the Council:

(a) Representatives of States Members of the Council: Chile, China, Egypt, France, Hungary, India, Indonesia, Italy, Mexico, Pakistan, Qatar, Russian Federation, Ukraine, Uruguay;

(b) Representatives of the following observer States: Australia, Azerbaijan, Belarus, Denmark, Finland, Iceland, Lithuania, Malaysia, Oman, Sri Lanka, Tunisia, Turkey, United Arab Emirates, United Republic of Tanzania;

(c) Observer for the Holy See;

(d) Observer for the Sovereign Military Order of Malta;

(e) Observer for the United Nations entities, specialized agencies and related organizations: United Nations High Commissioner for Refugees (UNHCR);

(f) Observer for a national human rights institution: International Coordinating Committee of National Human Rights Institutions.

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

22. At its 7th meeting, on 4 March 2010, the Council noted that the report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism, which has not been completed, would be submitted for consideration by the Council at its fourteenth session. It decided that the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 would also be considered at the fourteenth session. It also decided that the consideration of the joint study on global practices in relation to secret detention would be postponed to the fourteenth session. With this understanding, at the same meeting, the Council adopted the agenda and programme of work for the thirteenth session.

#### **F. Organization of work**

23. At the 2nd meeting, on 1 March 2010, the President outlined the modalities for the interactive debate of panel discussions, which would be seven minutes for panellists, three minutes for States Members of the Council and two minutes for observer States and other observers.

24. At the 5th meeting, on 3 March 2010, the President outlined the modalities for the general segment, which would be three minutes for statements by States Members of the

Council and two minutes for statements by observer States of the Council and other observers.

25. At the 7th meeting, on 4 March 2010, the President outlined the modalities for the interactive dialogue for the annual report of the High Commissioner, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.

26. At the 9th meeting, on 5 March 2010, the President outlined the modalities for the general debate for reports of the Office of the High Commissioner and the Secretary-General, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.

27. At the same meeting, 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.

28. At the 11th meeting, on 5 March 2010, the President revised the modalities for the annual interactive debate on the rights of persons with disabilities, which would be two minutes for States Members of the Council and two minutes for observer States, followed by other observers.

29. At the 17th meeting, on 10 March 2010, the President revised the modalities for the second panel of the annual full-day meeting on the rights of the child, which would be two minutes for States Members of the Council and two minutes for observer States, followed by other observers.

30. At the 19th meeting, on 11 March 2010, the President revised the modalities for the interactive dialogue with special procedures mandate holders under agenda item 3, which would be three minutes for States Members of the Council and two minutes for observer States, followed by other observers.

31. At the 20th meeting, on 10 March 2010, the President outlined the modalities for the general debate on agenda item 3, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.

32. At the 22nd meeting, on 15 March 2010, the President outlined the modalities for the interactive dialogue with special procedures mandate holders under agenda item 4, which would be 10 minutes for the presentation by the mandate holder of the report, 5 minutes for concerned countries, 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.

33. At the 24th meeting, on 15 March 2010, 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.

34. At the 24th meeting, on 15 March 2010, the President outlined the modalities for the discussion of the remaining meetings of the thirteenth session, which would be three minutes for States Members of the Council and two minutes for observer States and other observers.

## G. Meetings and documentation

35. The Council held 45 fully serviced meetings during its thirteenth session.
36. The resolutions and decisions adopted by the Council are contained in part one of the present report.
37. Annex I contains the list of attendance.
38. Annex II contains the agenda of the Council as included in part V of the annex to Council resolution 5/1.
39. Annex III contains the estimated administrative and programme budget implications of Council resolutions and decisions.
40. Annex IV contains the list of documents issued for the thirteenth session of the Council.
41. Annex V contains the list of special procedures mandate holders appointed by the Council at its thirteenth session.
42. Annex VI contains the list of members of the Advisory Committee and duration of terms of membership.

## H. Visits

43. At the 8th meeting, on 4 March 2010, the Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society of Mauritania, Mohamed Lemine Ould Dadde, delivered a statement to the Council.
44. At the 18th meeting, on 11 March 2010, the President of Timor-Leste, José Ramos-Horta, delivered a statement to the Council.

## I. Selection and appointment of mandate holders

45. At its 45th meeting, on 26 March 2010, the Council appointed special procedures mandate holders in accordance with Council resolution 5/1 (see annex V).
46. At the same meeting, the representative of India made a statement in relation to the appointment of mandate holders.

## J. Election of members of the Human Rights Council Advisory Committee

47. At the 45th meeting, on 26 March 2010, the Council elected, pursuant to its resolution 5/1, seven experts to the Human Rights Council Advisory Committee. The Council had before it a note by the Secretary-General (A/HRC/13/67 and Add.1) containing nominations of candidates for election, in accordance with Council decision 6/102, and the biographical data of the candidates.

The candidates were as follows:

### **African States**

*Nominating Member State*

Egypt

*Expert nominated*

Mona Zulficar



Uganda	Alfred Ntunduguru Karokora
<b>Asian States</b>	
<i>Nominating Member State</i>	<i>Expert nominated</i>
Japan	Shigeki Sakamoto
Republic of Korea	Chinsung Chung
<b>Eastern European States</b>	
<i>Nominating Member State</i>	<i>Expert nominated</i>
Russian Federation	Vladimir Kartashkin
<b>Latin American and Caribbean States</b>	
<i>Nominating Member State</i>	<i>Expert nominated</i>
Chile	José Antonio Bengoa Cabello
<b>Western European and other States</b>	
<i>Nominating Member State</i>	<i>Expert nominated</i>
Germany	Wolfgang Stefan Heinz

48. The number of candidates for each regional group corresponded to the number of seats to be filled. The practice of holding a secret ballot pursuant to paragraph 70 of Council resolution 5/1 was dispensed with and Mona Zulficar, Alfred Ntunduguru Karokora, Shigeki Sakamoto, Chinsung Chung, Vladimir Kartashkin, José Antonio Bengoa Cabello and Wolfgang Stefan Heinz were elected as members of the Advisory Committee by consensus.

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

49. At the 45th meeting, on 26 March 2010, the Rapporteur and Vice-President of the Council made a statement in connection with the draft report of the Council (A/HRC/13/L.10).

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

51. Also at the same meeting, the representatives of Nigeria (on behalf of the Group of African States) and Spain (on behalf of the European Union) and observers for the Human Rights Watch (also on behalf of the Asian Forum for Human Rights and Development, the Baha'i International Community, the Cairo Institute for Human Rights Studies, the Canadian HIV/AIDS Legal Network, the CIVICUS-World Alliance for Citizen Participation, the International Federation of Human Rights Leagues and the International Service for Human Rights) and Mouvement contre le racisme et pour l'amitié entre les peuples made general comments in connection with the session.

52. 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. Annual report of the United Nations High Commissioner for Human Rights

53. At the 7th meeting, on 4 March 2010, the United Nations High Commissioner for Human Rights made a statement in connection with her annual report (A/HRC/13/26).

54. During the ensuing interactive dialogue, at the 7th, 8th and 9th meetings, on 4 and 5 March 2010, the following made statements and asked the High Commissioner questions:

(a) Representatives of States Members of the Council: Argentina, Bangladesh, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt (on behalf of the Non-Aligned Movement), France, Hungary, India, Indonesia, Italy, Japan, Jordan, Mexico, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Republic of Korea, Russian Federation, Saudi Arabia, Slovenia, Slovakia, Spain<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), South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Armenia, Australia, Austria, Azerbaijan, Belarus, Canada, Colombia, Costa Rica, Czech Republic, Ecuador, Germany, Greece, Guatemala, Iran (Islamic Republic of), Ireland, Libyan Arab Jamahiriya, Maldives, Morocco, New Zealand, Peru, Sri Lanka, Switzerland, Thailand, Uzbekistan, Yemen;

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

(d) Observers for national human rights institutions: International Coordinating Committee of National Human Rights Institutions, Network of African National Human Rights Institutions;

(e) Observers for the following non-governmental organizations: Amnesty International, Cairo Institute for Human Rights Studies, Conectas Direitos Humanos, International Lesbian and Gay Association (ILGA-Europe) (also on behalf of Akina Mama Wa Afrika, Associacao Brasileira de Gays, Lesbicas e Transgeneros, the Association for Women's Rights in Development, the Canadian HIV/AIDS Legal Network, the Danish National Association for Gays and Lesbians, Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit – COC Nederland, Front Line, the International Commission of Jurists, the International Foundation for the Protection of Human Rights Defenders, the Lesbian and Gay Federation in Germany, the Swedish Federation of Lesbian, Gay, Bisexual and Transgender Rights, the Unitarian Universalist Association and the World Organization against Torture), European Union of Public Relations, General Federation of Iraqi Women (also on behalf of General Arab Women Federation and Union of Arab Jurists), Indian Council of South America, International Commission of Jurists, International Service for Human Rights, Mouvement contre le racisme et pour l'amitié entre les peuples, Nord-Sud XXI, United Nations Watch.

55. At the 7th and 8th meetings, on 4 March 2010, the High Commissioner answered questions.

56. At the 9th meeting, on 5 March 2010, the High Commissioner answered questions and made her concluding remarks.

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

57. At the 9th meeting, on 5 March 2010, the Deputy High Commissioner for Human Rights presented thematic reports prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Secretary-General.

58. During the ensuing general debate on thematic reports at the same meeting, statements were made by the following:

(a) Representatives of States Members of the Council: Brazil, Cuba, India, Mexico, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Qatar, Russian Federation, Saudi Arabia, Spain<sup>2</sup> (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Montenegro, the Republic of Moldova, the former Yugoslav Republic of Macedonia and Ukraine), Sudan<sup>1</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Malaysia;

(c) Observer for national human rights institutions: International Coordinating Committee of National Human Rights Institutions;

(d) Observers for the following non-governmental organizations: European Disability Forum, International Institute for Non-Aligned Studies, International Institute for Peace.

59. At the 40th meeting, on 24 March 2010, the Deputy High Commissioner for Human Rights presented country-specific reports prepared by the High Commissioner, the Office of the High Commissioner and the Secretary-General (see chapter X below).

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

### **Composition of staff of the Office of the United Nations High Commissioner for Human Rights**

60. At the 41st meeting, on 24 March 2010, the representative of Cuba introduced draft resolution A/HRC/13/L.18, sponsored by Cuba and co-sponsored by Algeria, Bangladesh, Belarus, Bhutan, Bolivia (Plurinational State of), Costa Rica, the Democratic People's Republic of Korea, Ecuador, Egypt, Indonesia, Iran (Islamic Republic of), Nicaragua, Nigeria, Palestine, Pakistan, Panama, the Russian Federation, Singapore, Sri Lanka, the Syrian Arab Republic, Togo, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe. Subsequently, Burkina Faso, China, the Libyan Arab Jamahiriya, the Philippines, Senegal and the Sudan joined the co-sponsors.

61. At the same meeting, statements in explanation of vote before the vote were made by 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.

62. 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. The draft resolution was adopted, by 31 votes to 12, with 3 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, India, Indonesia, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;<sup>3</sup>

*Against:*

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

*Abstaining:*

Bosnia and Herzegovina, Chile, Republic of Korea.

63. For the text as adopted, see part one, chapter I, resolution 13/1.

**Enhancement of international cooperation in the field of human rights**

64. At the 44th meeting, on 26 March 2010, the representative of Egypt (on behalf of the Non-Aligned Movement) introduced draft resolution A/HRC/13/L.7, sponsored by Egypt on behalf of the Non-Aligned Movement. Subsequently, Brazil, China and Kyrgyzstan joined the co-sponsors.

65. At the same meeting, the representative of Egypt orally revised the draft resolution.

66. 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.

67. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

68. For the text as adopted, see part one, chapter I, resolution 13/23.

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

#### **A. Panels**

**Annual interactive debate on the rights of persons with disabilities**

69. At the 11th meeting, on 5 March 2010, pursuant to Council resolution 10/7, the Council held its annual interactive debate on the rights of persons with disabilities in the form of a panel discussion. The High Commissioner made introductory remarks for the panel. At the same meeting, the following panellists made statements: Don MacKay, Mohammed Al-Tarawneh, Shuaib Chalklen, Jennifer Lynch and Regina Atalla.

70. During the ensuing panel discussion at the same meeting, the following made statements and asked the panellists questions:

- (a) Sponsor States of resolution 10/7: Mexico and New Zealand;

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<sup>3</sup> The representative of Ghana subsequently stated that the delegation had intended to vote in favour.

(b) Representatives of States Members of the Council: Belgium, Bosnia and Herzegovina, Brazil, Burkina Faso, China, Colombia<sup>2</sup> (on behalf of the Group of Latin American and Caribbean States), Cuba, Hungary, Indonesia, Jordan, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Qatar, Republic of Korea, Russian Federation, Slovakia, Slovenia, Spain<sup>2</sup> (on behalf of the European Union), Sudan<sup>2</sup> (on behalf of the Group of Arab States), Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America;

(c) Representatives of the following observer States: Algeria, Australia, Austria, Canada, Costa Rica, Democratic Republic of the Congo, Finland, Iran (Islamic Republic of), Israel, Kenya, Morocco, Peru, Sweden, Thailand, Turkey;

(d) Observer for the United Nations entities, specialized agencies and related organizations: United Nations Children's Fund (UNICEF);

(e) Observers for national human rights institutions: Advisory Council on Human Rights of Morocco, Asia Pacific Forum of National Human Rights Institutions, European Group of National Human Rights Institutions;

(f) Observers for the following non-governmental organizations: European Disability Forum, Human Rights Watch, World Federation of the Deaf.

71. At the same meeting, the panellists Don MacKay, Jennifer Lynch and Regina Atalla answered questions.

72. Also at the same meeting, the panellists Mohammed Al-Tarawneh, Shuaib Chalklen, Jennifer Lynch and Regina Atalla made their concluding remarks.

#### **Panel on the right to the truth**

73. At the 15th meeting, on 9 March 2010, pursuant to Council resolution 9/11, the Council held a panel discussion on the right to the truth. The High Commissioner made introductory remarks for the panel. At the same meeting, the following panellists made statements: Olivier de Frouville, Rodolfo Mattarollo, Yasmin Sooka and Dermot Groome.

74. During the ensuing panel discussion, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Argentina (also on behalf of Bolivia (Plurinational State of), Brazil, Colombia, Chile, Ecuador, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of)), Belgium, Bosnia and Herzegovina, Brazil, Chile, Colombia<sup>2</sup> (also on behalf of the Group of Latin American and Caribbean States), Cuba, Egypt, France, Hungary, Mexico, Spain<sup>2</sup> (on behalf of the European Union), United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay;

(b) Representatives of the following observer States: Armenia, Azerbaijan, Canada, Ecuador, Guatemala, Ireland, Latvia, Morocco, Paraguay, Peru, Switzerland, Turkey;

(c) Observers for national human rights institutions: Advisory Council on Human Rights of Morocco, Network of African National Human Rights Institutions, Procurador de los Derechos Humanos de Guatemala;

(d) Observers for the following non-governmental organizations: Conectas Direitos Humanos, Human Rights Advocates, Permanent Assembly for Human Rights.

75. At the same meeting, the panellists answered questions and made their concluding remarks.

### **Full-day meeting on the rights of the child**

76. A full-day meeting on the rights of the child was held on 10 March 2010, in accordance with Council resolutions 7/29 and 10/14. The meeting was divided into two panel discussions: the first panel discussion was held at the 16th meeting, on 10 March 2010; the second panel discussion was held at the 17th meeting, on the same day.

77. At the 16th meeting, a representative of OHCHR made introductory remarks on behalf of the High Commissioner for the first panel. At the same meeting, the following panellists of the first panel made statements: Marta Santos Pais, Tim Ekesa, Manfred Nowak, Lena Karlsson and Radhika Coomaraswamy.

78. During the ensuing panel discussion for the first panel at the 16th meeting, on the same day, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Cameroon, China, Cuba, Indonesia, Italy, Jordan, Mexico, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Saudi Arabia, Slovenia, Spain<sup>2</sup> (on behalf of the European Union), Sudan<sup>2</sup> (also on behalf of the Group of Arab States), Ukraine, United States of America, Uruguay (also on behalf of the Group of Latin American and Caribbean States), Zambia;

(b) Representatives of the following observer States: Belarus, Colombia, Kenya, Lithuania, New Zealand (also on behalf of Australia and Canada), Syrian Arab Republic, Togo, Tunisia, Turkey, United Republic of Tanzania;

(c) Observer for the United Nations entities, specialized agencies and related organizations: UNICEF;

(d) Observer for an intergovernmental organization: Organisation internationale de la Francophonie;

(e) Observer for a national human rights institution: Advisory Council on Human Rights of Morocco;

(f) Observers for the following non-governmental organizations: International Save the Children Alliance (also on behalf of Defence for Children International, Foundation ECPAT International (End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes), the International Catholic Child Bureau, Plan International, SOS Kinderdorf International, the Women's World Summit Foundation, the World Organization against Torture and World Vision International), Plan International, Inc. (also on behalf of Foundation ECPAT International (End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes), the International Catholic Child Bureau, International Federation Terre des Hommes, SOS Kinderdorf International, the Women's World Summit Foundation and World Vision International), World Organization against Torture (also on behalf of the International Catholic Child Bureau, Plan International and SOS Kinderdorf International), World Vision International (also on behalf of Foundation ECPAT International (End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes), the International Catholic Child Bureau, the International Council of Women, Plan International, SOS Kinderdorf International and the Women's World Summit Foundation).

79. At the 16th meeting, the panellists of the first panel answered questions and made comments.

80. Also at the same meeting, the panellists of the first panel made their concluding remarks.

81. At the 17th meeting, on the same day, a representative of OHCHR made introductory remarks on behalf of the High Commissioner for the second panel. The following panellists of the second panel made statements: Susana Villarán de la Puente, Victor Karunan, Najat M'jid Maalla, Maud de Boer-Buquicchio and Eliana Restrepo.

82. During the ensuing panel discussion for the second panel at the 17th meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Argentina (also on behalf of Bolivia (Plurinational State of), Brazil, Chile, Ecuador, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of)), Bangladesh, Belgium, Brazil, Egypt, India, Indonesia, Japan, Maldives<sup>2</sup> (also on behalf of Mauritius), Netherlands, Norway, Pakistan, Qatar, Republic of Korea, Senegal, Slovakia, Slovenia, South Africa, Spain<sup>2</sup> (on behalf of the European Union);

(b) Representatives of the following observer States: Algeria, Colombia, Costa Rica, Finland, Iran (Islamic Republic of), Israel, Liechtenstein, Lithuania, Morocco, Panama, Paraguay, Peru, Poland, Portugal, Thailand, United Arab Emirates;

(c) Observer for the Holy See;

(d) Observer for a non-governmental organization: Foundation ECPAT International (End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes) (also on behalf of the International Catholic Child Bureau, International Federation Terre des Hommes and the International Save the Children Alliance).

83. At the 17th meeting, the panellists of the second panel answered questions and made their concluding remarks.

## **B. Interactive dialogue with special procedures mandate holders**

### **Special Rapporteur on the right to food**

84. At the 9th meeting, on 5 March 2010, the Special Rapporteur on the right to food, Olivier De Schutter, presented his reports (A/HRC/13/33 and Add.1-6).

85. At the same meeting, the representatives of Benin, Brazil, Guatemala and Nicaragua made statements as concerned countries.

86. During the ensuing interactive dialogue, at the 10th meeting, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Argentina (also on behalf of Bolivia (Plurinational State of), Brazil, Colombia, Chile, Ecuador, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of)), Bangladesh, Brazil, China, Cuba, Egypt (on behalf of the Non-Aligned Movement), Indonesia, Mexico, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Korea, Senegal, Sudan<sup>2</sup> (on behalf of the Group of Arab States), United States of America;

(b) Representatives of the following observer States: Algeria, Luxembourg, Switzerland, Syrian Arab Republic, Venezuela (Bolivarian Republic of);

(c) Observer of an intergovernmental organization: European Union;

(d) Observer for a national human rights institution: Procurador de los Derechos Humanos de Guatemala;

(e) Observers for the following non-governmental organizations: Asian Legal Resource Centre, Centre Europe – Tiers Monde (also on behalf of Association africaine d'éducation pour le développement, Mouvement contre le racisme et pour l'amitié entre les

peoples and the World Federation of Trade Unions), Human Rights Advocates Inc., Indian Council of South America, International Club for Peace Research, Women's International League for Peace and Freedom.

87. At the same meeting, the Special Rapporteur answered questions and made his concluding remarks.

**Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context**

88. At the 9th meeting, on 5 March 2010, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, presented her reports (A/HRC/13/20 and Add.1-4).

89. At the same meeting, the representatives of Maldives and the United States of America made statements as concerned countries.

90. During the ensuing interactive dialogue, at the 10th meeting, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Bangladesh, Brazil, China, Cuba, Egypt (on behalf of the Non-Aligned Movement), India, Pakistan (on behalf of the Organization of the Islamic Conference), South Africa, Sudan<sup>2</sup> (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Algeria, Canada, Finland, Germany;

(c) Observer of an intergovernmental organization: European Union;

(d) Observer for the International Olympic Committee;

(e) Observers for the following non-governmental organizations: Centre for Housing Rights and Evictions, Indian Council of South America.

91. At the same meeting, the Special Rapporteur answered questions and made her concluding remarks.

**Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

92. At the 12th meeting, on 8 March 2010, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, presented his reports (A/HRC/13/37 and Add.1 and 2).

93. At the same meeting, the representative of Egypt made a statement as a concerned country.

94. During the ensuing interactive dialogue, at the 12th and 13th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Brazil, China, Cuba, Egypt, France, Indonesia, Mexico, Nigeria, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Russian Federation, South Africa, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Colombia, Denmark, Finland, Iran (Islamic Republic of), Liechtenstein, Malaysia, Sri Lanka, Switzerland, Tunisia;



(c) Observer of an intergovernmental organization: European Union;

(d) Observers for national human rights institutions: International Coordinating Committee of National Human Rights Institutions (also on behalf of the national human rights institutions of Afghanistan, Denmark, France, Germany, Greece, Ireland, Luxembourg, Norway, South Africa and the United Kingdom of Great Britain and Northern Ireland);

(e) Observers for the following non-governmental organizations: Cairo Institute for Human Rights Studies, Human Rights Advocates, Inc., Human Rights Watch, International Federation for Human Rights Leagues.

95. At the 13th meeting, on 8 March 2010, the Special Rapporteur answered questions and made his concluding remarks.

96. At the same meeting, a statement in exercise of the right of reply was made by the representative of Egypt.

97. Also at the same meeting, a representative of OHCHR made a statement in relation to the programme of work of the session.

#### **Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

98. At the 12th meeting, on 8 March 2010, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, presented his reports (A/HRC/13/39 and Add.1-6).

99. At the same meeting, the representatives of Equatorial Guinea, Kazakhstan and Uruguay made statements as concerned countries.

100. During the ensuing interactive dialogue, at the 12th and 13th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Angola, China, Cuba, Egypt, France, Nigeria, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Republic of Korea, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Denmark, Jamaica, Kenya, Liechtenstein, Malaysia, New Zealand, Republic of Moldova, Spain, Sri Lanka, Sweden, Switzerland, Turkey, Uzbekistan, Zimbabwe;

(c) Observer of an intergovernmental organization: European Union;

(d) Observer for a national human rights institution: Public Defender of Georgia;

(e) Observers for the following non-governmental organizations: Asian Legal Resource Centre, Centrist Democratic International, Human Rights Advocates, Inc., International Federation of ACAT (Action by Christians for the Abolition of Torture) (also on behalf of the International Rehabilitation Council for Torture Victims and the World Organization against Torture), World Organization against Torture.

101. At the 13th meeting, on 8 March 2010, the Special Rapporteur answered questions and made his concluding remarks.

102. At the same meeting, a statement in exercise of the right of reply was made by the representative of the Islamic Republic of Iran.

### **Working Group on Enforced or Involuntary Disappearances**

103. At the 13th meeting, on 8 March 2010, the Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Jeremy Sarkin, presented the reports of the Working Group (A/HRC/13/31, Corr.1 and Add.1).

104. At the same meeting, the representative of Morocco made a statement as a concerned country.

105. During the ensuing interactive dialogue, at the 13th and 14th meetings, on 8 and 9 March 2010, the following made statements and asked the Chairperson-Rapporteur questions:

(a) Representatives of States Members of the Council: Argentina, Bosnia and Herzegovina, Brazil, China, Colombia, Cuba, France, India, Indonesia, Japan, Mexico, Pakistan (also on behalf of the Organization of the Islamic Conference), United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Azerbaijan, Congo, Cyprus, Iraq, Montenegro, Sri Lanka, Yemen;

(c) Observer of an intergovernmental organization: European Union;

(d) Observer for a national human rights institution: Advisory Council on Human Rights of Morocco;

(e) Observers for the following non-governmental organizations: Amnesty International, Asian Legal Resource Centre, General Arab Women Federation, International Commission of Jurists, International Human Rights Association of American Minorities, Nord-Sud XXI (also on behalf of the Arab Lawyers Union and the Union of Arab Jurists), Reporters Without Borders International.

106. At the 14th meeting, on 9 March 2010, the Chairperson-Rapporteur answered questions and made his concluding remarks.

107. At the 15th meeting, on the same day, statements in exercise of the right of reply were made by the representatives of the Democratic People's Republic of Korea and Japan.

108. At the same meeting, statements in exercise of a second right of reply were made by the representatives of the Democratic People's Republic of Korea and Japan.

### **Working Group on Arbitrary Detention**

109. At the 13th meeting, on 8 March 2010, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, El Hadji Malick Sow, presented the reports of the Working Group (A/HRC/13/30 and Add.1-3).

110. At the same meeting, the representatives of Malta and Senegal made statements as concerned countries.

111. During the ensuing interactive dialogue, at the 13th and 14th meetings, on 8 and 9 March 2010, the following made statements and asked the Chairperson-Rapporteur questions:

(a) Representatives of States Members of the Council: China, Cuba, France, Japan, Mexico, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Australia, Austria, Ecuador, Ethiopia, Sweden, Venezuela (Bolivarian Republic of), Yemen;

(c) Observer of an intergovernmental organization: European Union;

(d) Observers for the following non-governmental organizations: Amnesty International, General Arab Women Federation, Human Rights Advocates, International Commission of Jurists, International Human Rights Association of American Minorities, Nord-Sud XXI (also on behalf of the Arab Lawyers Union and the Union of Arab Jurists), Reporters Without Borders International.

112. At the 15th meeting, on 9 March 2010, the Chairperson-Rapporteur answered questions and made his concluding remarks.

113. At the same meeting, statements in exercise of the right of reply were made by the representatives of the Democratic People's Republic of Korea, the Islamic Republic of Iran and Japan.

114. Also at the same meeting, statements in exercise of a second right of reply were made by the representatives of the Democratic People's Republic of Korea and Japan.

115. At the 22nd meeting, on 15 March 2010, a statement in exercise of the right of reply was made by the representative of Uzbekistan.

**Representative of the Secretary-General on the human rights of internally displaced persons**

116. At the 13th meeting, on 8 March 2010, the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, presented his reports (A/HRC/13/21 and Add.1-5).

117. At the same meeting, the representatives of Chad, Georgia and Serbia made statements as concerned countries.

118. During the ensuing interactive dialogue, at the 13th and 14th meetings, on 8 and 9 March 2010, the following made statements and asked the Representative of the Secretary-General questions:

(a) Representatives of States Members of the Council: Angola, Bosnia and Herzegovina, Brazil, China, Egypt, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Republic of Korea, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Armenia, Australia, Austria, Azerbaijan, Colombia, Cyprus, Democratic Republic of the Congo, Montenegro, Nepal, Sri Lanka, Switzerland, Turkey, Yemen;

(c) Observer of an intergovernmental organization: European Union;

(d) Observers for national human rights institutions: Network of African national human rights institutions, Public Defender of Georgia;

(e) Observer for a non-governmental organization: International Educational Development, Inc. (also on behalf of Mouvement contre le racisme et pour l'amitié entre les peuples).

119. At the 14th meeting, on 9 March 2010, the Representative of the Secretary-General answered questions and made his concluding remarks.

120. At the 15th meeting, on the same day, statements in exercise of the right of reply were made by the representatives of Cyprus and Turkey.

**Special Rapporteur on the situation of human rights defenders**

121. At the 18th meeting, on 11 March 2010, the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, presented her reports (A/HRC/13/22 and Add.1-4).

122. At the same meeting, the representatives of Colombia and the Democratic Republic of the Congo made statements as concerned countries.

123. During the ensuing interactive dialogue, at the 18th and 19th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Bangladesh, Belgium, Brazil, Chile, China, Djibouti, Egypt, France, Hungary, Indonesia, Mexico, Netherlands, Nicaragua, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Slovenia, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Ireland, Iran (Islamic Republic of), Kenya, Malaysia, Morocco, Sri Lanka, Sweden, Switzerland, Uzbekistan;

(c) Observer of an intergovernmental organization: European Union;

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

(e) Observers for the following non-governmental organizations: Asian Forum for Human Rights and Development (FORUM-ASIA) (also on behalf of the Asian Legal Resource Centre and the International NGO Forum on Indonesian Development), Colombian Commission of Jurists, Conectas Direitos Humanos, Human Rights First (also on behalf of the Observatory for the Protection of Human Rights Defenders), International Service for Human Rights.

124. At the 19th meeting, on the same day, the Special Rapporteur answered questions and made her concluding remarks.

125. At the same meeting, statements in exercise of the right of reply were made by the representatives of Colombia and the Islamic Republic of Iran.

126. At the 22nd meeting, on 15 March 2010, a statement in exercise of the right of reply was made by the representative of Kyrgyzstan.

**Special Rapporteur on freedom of religion or belief**

127. At the 18th meeting, on 11 March 2010, the Special Rapporteur on freedom of religion or belief, Asma Jahangir, presented her reports (A/HRC/13/40 and Add.1-4).

128. At the same meeting, the representatives of the Lao People's Democratic Republic, Serbia and the former Yugoslav Republic of Macedonia made statements as concerned countries.

129. During the ensuing interactive dialogue, at the 18th and 19th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Bangladesh, Belgium, Brazil, Chile, China, Egypt, France, Hungary, India, Indonesia, Italy, Netherlands, Nigeria, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Korea, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Armenia, Australia, Austria, Azerbaijan, Belarus, Canada, Denmark, Iran (Islamic Republic of), Malaysia, Poland, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic;

(c) Observer for Palestine;

(d) Observer of an intergovernmental organization: European Union;

(e) Observers for the following non-governmental organizations: Asian Forum for Human Rights and Development (FORUM-ASIA) (also on behalf of the Asian Legal Resource Centre and the International NGO Forum on Indonesian Development), Centre for Human Rights and Peace Advocacy (also on behalf of the European Union for Public Relations and the International Institute for Peace), Franciscans International (also on behalf of Dominicans for Justice and Peace – Order of Preachers), Nord-Sud XXI.

130. At the 19th meeting, on the same day, the Special Rapporteur answered questions and made her concluding remarks.

131. At the same meeting, statements in exercise of the right of reply were made by the representatives of Armenia, Azerbaijan, Iraq and the Islamic Republic of Iran.

#### **Independent expert on minority issues**

132. At the 25th meeting, on 16 March 2010, the independent expert on minority issues, Gay McDougall, presented her reports (A/HRC/13/23 and Add.1-3).

133. At the same meeting, the representatives of Canada and Kazakhstan made statements as concerned countries.

134. During the ensuing interactive dialogue, at the 26th meeting, on the same day, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: China, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Hungary, Sudan<sup>2</sup> (on behalf of the Group of Arab States), United States of America;

(b) Representatives of the following observer States: Armenia, Austria, Belarus, Greece, Haiti, Latvia;

(c) Observer for an intergovernmental organization: European Union;

(d) Observer for a national human rights institution: Canadian Human Rights Commission;

(e) Observers for the following non-governmental organizations: Minority Rights Group, Syriac Universal Alliance, Commission to Study the Organization of Peace.

135. At the same meeting, the independent expert answered questions and made her concluding remarks.

### **C. Interactive dialogue with the Special Representative of the Secretary-General on violence against children**

136. At the 19th meeting, on 11 March 2010, the Special Representative of the Secretary-General on violence against children, Marta Santos Pais, presented her report (A/HRC/13/46).

137. During the ensuing interactive dialogue, at the 19th and 20th meetings, on 11 and 12 March 2010, the following made statements and asked the Special Representative questions:

(a) Representatives of States Members of the Council: Belgium, Brazil, China, Djibouti, Egypt, Hungary, Indonesia, Mexico, Netherlands, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Korea, Russian Federation, Slovakia, Slovenia, Uruguay;

(b) Representatives of the following observer States: Austria, Canada, Colombia, Congo, Denmark, Lebanon, Portugal, Switzerland, Thailand, Uzbekistan;

(c) Observer for the United Nations entities, specialized agencies and related organizations: UNICEF;

(d) Observer for an intergovernmental organization: European Union;

(e) Observers for the following non-governmental organizations: General Federation of Iraqi Women (also on behalf of the General Arab Women Federation, International Educational Development and the Union of Arab Jurists), International Save the Children Alliance (also on behalf of the International Catholic Child Bureau, International Federation Terre des Hommes, Myochikai (Arigatou Foundation)), Women's World Summit Foundation (also on behalf of the American Association of Jurists and the World Vision International).

138. At the 20th meeting, on 12 March 2010, the Special Representative answered questions and made her concluding remarks.

139. At the same meeting, on the same day, a statement in exercise of the right of reply was made by the representative of Iraq.

#### **D. Report of the open-ended working group to explore the possibility of elaborating an optional protocol to the Convention on the Rights of the Child to provide a communications procedure**

140. At the 20th meeting, on 12 March 2010, the Chairperson-Rapporteur of the open-ended working group to explore the possibility of elaborating an optional protocol to the Convention on the Rights of the Child to provide a communications procedure, Drahoslav Štefánek, presented the report of the working group on its first session, held from 16 to 18 December 2009 (A/HRC/13/43).

#### **E. General debate on agenda item 3**

141. At the 20th and 21st meetings, on 12 March 2010, and at the 22nd meeting, on 15 March 2010, the Council held a general debate on agenda item 3, during which the following made statements:

(a) Representatives of States Members of the Council: Angola, Argentina (also on behalf of Bolivia (Plurinational State of), Brazil, Colombia, Chile, Ecuador, Paraguay, Peru, Uruguay and Venezuela (Bolivarian State of)), China, Finland<sup>2</sup> (also on behalf of Chile, Egypt, France, Kenya, Maldives, Slovakia, Slovenia, Thailand and Uruguay), Netherlands, Nigeria, Norway, Pakistan (also on behalf of the Organization of the Islamic Conference), Russian Federation, Spain<sup>2</sup> (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Ukraine), Slovakia, Ukraine, United States of America;

(b) Representatives of the following observer States: Algeria, Canada, Denmark, Georgia, Iceland, Iran (Islamic Republic of), Kuwait, Thailand;

- (c) Observer for the Holy See;
- (d) Observer for the International Criminal Court;
- (e) Observer for the United Nations entities, specialized agencies and related organizations: University for Peace;
- (f) Observer for the International Federation of Red Cross and Red Crescent Societies;
- (g) Observers for national human rights institutions: Advisory Council on Human Rights of Morocco, National Commission on Human Rights of Korea (also on behalf of the Advisory Council on Human Rights of Morocco, the Commission on Human Rights of Indonesia (Komnas Ham), the Equality and Human Rights Commission of Great Britain, the Commission on Human Rights of the Philippines, the German Institute for Human Rights, the Irish Human Rights Commission, the National Commission on Human Rights of Togo, the Ombudsman of Namibia and the Ukrainian Parliament Commissioner for Human Rights);
- (h) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Agence internationale pour le développement, Al-Hakim Foundation, Amnesty International, Asian Legal Resource Centre, Association for World Education (also on behalf of the International Humanist and Ethical Union and the World Union for Progressive Judaism), Baha'i International Community, Becket Fund for Religious Liberty, Cairo Institute for Human Rights Studies, Centre for Human Rights and Peace Advocacy, Centre on Housing Rights and Evictions, Centrist Democratic International, Charitable Institute for Protecting Social Victims, Comité international pour le respect et l'application de la Charte Africaine des droits de l'homme et des peuples, Commission to Study the Organization of Peace, Co-ordinating Board of Jewish Organizations, European Disability Forum, European Union of Public Relations, Federation of Cuban Women (also on behalf of the American Association of Jurists, Centre Europe – Tiers Monde, the Indian Council of South America, the International Association of Democratic Lawyers, Mouvement contre le racisme et pour l'amitié entre les peuples, Nord-Sud XXI, the World Federation of Democratic Youth and the World Federation of Trade Unions), Foundation of Japanese Honorary Debts, Freedom House, Fundación Para La Libertad – Askatasun Bidean, General Arab Women Federation (also on behalf of Mouvement contre le racisme et pour l'amitié entre les peuples and Nord-Sud XXI), Human Rights Advocates, Inc., Human Rights First, Human Rights Watch, Indian Council of South America, Institute for Women's Studies and Research, Interfaith International, International Club for Peace Research, International Commission of Catholic Prison Pastoral Care, International Commission of Jurists, International Educational Development, Inc., International Fellowship of Reconciliation, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Institute for Non-Aligned Studies, International Institute for Peace, International Islamic Federation of Student Organizations, International Organization for the Right to Education and Freedom of Education (OIDEI) (also on behalf of the Al-Hakim Foundation, Association Points-Coeur, CIVICUS-World Alliance for Citizen Participation, the Equitas International Centre for Human Rights Education, Human Rights Education Associates, the Institute for Planetary Synthesis, Instituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, the International Alliance of Women, the International Association for Religious Freedom, the International Movement against All Forms of Discrimination and Racism, the International Organization for the Elimination of All Forms of Racial Discrimination, the International Volunteerism Organization for Women, New Humanity, Servas International, Soka Gakkai International, the Universal Peace Federation, the Women's Federation for World Peace International, the Women's International League for Peace and Freedom, the Women's World Summit Foundation and

the World Federation for Mental Health, Education and Development – VIDES), International Union of Socialist Youth, Islamic Women’s Institute of Iran, Jubilee Campaign, Liberation, Marangopoulos Foundation for Human Rights, Mouvement contre le racisme et pour l’amitié entre les peuples (also on behalf of Centre Europe – Tiers Monde – Europe, France Libertés: Fondation Danielle Mitterrand, the General Arab Women Federation, International Educational Development, Inc., Nord-Sud XXI, the Women’s International League for Peace and Freedom and the World Federation of Trade Unions), Nord-Sud XXI, Norwegian Refugee Council, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale (OCAPROCE Internationale), Organization for Defending Victims of Violence, Society for Threatened Peoples, SOS Kinderdorf International (also on behalf of Defence for Children International, Help for Children in Need, Human Rights Watch, International Federation Terre des Hommes, Kindernothilfe, the International Save the Children Alliance, Plan International, the World Organization against Torture and World Vision International), Union de l’action féminine, Union of Arab Jurists, United Nations Association of San Diego, United Nations Watch, World for World Organization, World Muslim Congress, World Union for Progressive Judaism, World Vision International.

142. At the 20th meeting, on 12 March 2010, a statement in exercise of the right of reply was made by the representative of the Russian Federation.

143. At the 22nd meeting, on 15 March 2010, statements in exercise of the right of reply were made by the representatives of Algeria, China, Iraq and Morocco.

144. At the same meeting, statements in exercise of a second right of reply were made by the representatives of Algeria and Morocco.

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

### **Human rights and arbitrary deprivation of nationality**

145. At the 41st meeting, on 24 March 2010, the representative of the Russian Federation introduced draft resolution A/HRC/13/L.4, sponsored by Belarus and the Russian Federation and co-sponsored by Bolivia (Plurinational State of), Cuba and Peru. Subsequently, Kazakhstan, Kyrgyzstan, Nicaragua and Serbia joined the co-sponsors.

146. At the same meeting, the representative of the Russian Federation orally revised the draft resolution by modifying the fourth and twelfth preambular paragraphs, adding a new fourteenth preambular paragraph and modifying paragraphs 4, 7, 10, 13 and 15.

147. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote.

148. For the text as adopted, see part one, chapter I, resolution 13/2.

### **Open-ended working group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure**

149. At the 41st meeting, on 24 March 2010, the representative of Thailand (on behalf of the main sponsors) introduced draft resolution A/HRC/13/L.5, sponsored by Chile, Egypt, Finland, France, Kenya, Maldives, Slovakia, Slovenia, Thailand and Uruguay and co-sponsored by Austria, Belarus, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Colombia, Costa Rica, Croatia, Cyprus, the Dominican Republic, Germany, Honduras, Hungary, Italy, Liechtenstein, Lithuania, Malta, Morocco, the Netherlands, the Niger, Paraguay, Peru, Portugal, Romania, Spain, Uganda, Ukraine, the United Republic of Tanzania and Zimbabwe. Subsequently, Albania, Andorra, Belgium, Ecuador, Greece,



Guatemala, Iceland, Kazakhstan, Kyrgyzstan, Montenegro, Senegal, Serbia, Timor-Leste and the former Yugoslav Republic of Macedonia joined the co-sponsors.

150. At the same meeting, the representative of Thailand orally revised the draft resolution by introducing technical corrections to paragraphs 3 and 4.

151. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote.

152. For the text as adopted, see part one, chapter I, resolution 13/3.

### **The right to food**

153. At the 41st meeting, on 24 March 2010, the representative of Cuba introduced draft resolution A/HRC/13/L.17, sponsored by Cuba and co-sponsored by Algeria, Austria, Bangladesh, Belarus, Bolivia (Plurinational State of), Bosnia and Herzegovina, China, Costa Rica, Croatia, the Democratic People's Republic of Korea, Djibouti, the Dominican Republic, Ecuador, Egypt, Guatemala, Haiti, Indonesia, Iran (Islamic Republic of), the Lao People's Democratic Republic, Luxembourg, Malaysia, Morocco, Nicaragua, Nigeria, Norway, Palestine, Panama, Pakistan, Peru, the Philippines, Portugal, Serbia, Slovenia, Sri Lanka, Switzerland, Togo, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe. Subsequently, Belgium, Brazil, Burkina Faso, Cyprus, Finland, Germany, Hungary, Ireland, Japan, Kyrgyzstan, Mauritius, Mexico, the Russian Federation, Senegal, Spain, the Sudan, Thailand and Turkey joined the co-sponsors.

154. At the same meeting, the representatives of Argentina and Chile made general comments on the draft resolution.

155. Also at the same meeting, 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. Also at the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

157. Also at the same meeting, the draft resolution was adopted without a vote.

158. For the text as adopted, see part one, chapter I, resolution 13/4.

### **Adequate housing as a component of the right to an adequate standard of living, in the context of mega-events**

159. At the 42nd meeting, on 25 March 2010, the representatives of Germany and Finland introduced draft resolution A/HRC/13/L.6, sponsored by Germany and Finland and co-sponsored by Albania, Austria, Belarus, Bolivia (Plurinational State of), Bosnia and Herzegovina, Canada, Costa Rica, the Dominican Republic, Estonia, France, Greece, Hungary, Ireland, Italy, Luxembourg, Mexico, Montenegro, Morocco, the Netherlands, Norway, Peru, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Switzerland, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Belgium, Brazil, Chile, Ecuador, Guatemala, Iceland, Japan, Kazakhstan, Lithuania, Nicaragua, Poland, the Republic of Moldova, the former Yugoslav Republic of Macedonia, Tunisia, Turkey and Ukraine joined the co-sponsors.

160. At the same meeting, the representative of Finland orally revised the draft resolution by modifying the title, the sixth preambular paragraph and paragraphs 2, 3 and 4.

161. Also at the same meeting, the representative of Cuba made general comments in relation to the draft resolution.

162. At the same meeting, the representatives of South Africa and the United States of America made statements in explanation of vote before the vote.

163. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote.

164. For the text as adopted, see part one, chapter I, resolution 13/10.

**Human rights of persons with disabilities: national implementation and monitoring and introducing as the theme for 2011; the role of international cooperation in support of national efforts for the realization of the rights of persons with disabilities**

165. At the 42nd meeting, on 25 March 2010, the representative of Mexico (also on behalf of New Zealand and all co-sponsors) introduced draft resolution A/HRC/13/L.8, sponsored by Mexico and New Zealand and co-sponsored by Argentina, Armenia, Australia, Austria, Bolivia (Plurinational State of), Brazil, Canada, Chile, Costa Rica, Croatia, the Czech Republic, Ecuador, Egypt, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Morocco, Norway, Panama, Paraguay, Peru, the Philippines, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Albania, Algeria, Andorra, Belgium, Bosnia and Herzegovina, Burkina Faso, Colombia, Cuba, Denmark, Estonia, Greece, Guatemala, Iceland, Indonesia, Israel, Italy, Japan, Jordan, Kenya, Kyrgyzstan, Maldives, the Netherlands, Nicaragua, the Niger, Poland, Qatar, the Republic of Korea, the Republic of Moldova, Senegal, South Africa, the former Yugoslav Republic of Macedonia, Thailand, Tunisia, the United States of America and Venezuela (Bolivarian Republic of) joined the co-sponsors.

166. At the same meeting, the representative of Mexico orally revised the draft resolution by modifying paragraph 1.

167. Also at the same meeting, 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).

168. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

169. For the text as adopted, see part one, chapter I, resolution 13/11.

**Rights of persons belonging to national or ethnic, religious and linguistic minorities**

170. At the 42nd meeting, on 25 March 2010, the representative of Austria introduced draft resolution A/HRC/13/L.11, sponsored by Austria and co-sponsored by Albania, Argentina, Armenia, Bosnia and Herzegovina, Brazil, Canada, Chile, Colombia, Costa Rica, Croatia, the Czech Republic, Denmark, Finland, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Luxembourg, Malta, the Netherlands, Norway, Peru, Poland, Romania, the Russian Federation, Serbia, Slovakia, Slovenia, Switzerland, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Andorra, Australia, Belarus, the Dominican Republic, Haiti, Iceland, Kyrgyzstan, Mexico, Montenegro, Nicaragua, Pakistan, the Republic of Korea, the Republic of Moldova, the former Yugoslav Republic of Macedonia and the United States of America joined the co-sponsors.

171. At the same meeting, the draft resolution was adopted without a vote.

172. For the text as adopted, see part one, chapter I, resolution 13/12.

**Protection of human rights defenders**

173. At the 42nd meeting, on 25 March 2010, the representative of Norway introduced draft resolution A/HRC/13/L.24, sponsored by Norway and co-sponsored by Argentina, Brazil, Mexico, Norway, Paraguay, Peru, Switzerland, the United States of America and Uruguay. Subsequently, Albania, Armenia, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Kyrgyzstan, Latvia, Liechtenstein, Luxembourg, the Netherlands, New Zealand, Nicaragua, Poland, Portugal, the Republic of Moldova, Romania, Serbia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine and the United Kingdom of Great Britain and Northern Ireland joined the co-sponsors.

174. At the same meeting, the representative of Norway orally revised the draft resolution by deleting the fifth and sixth preambular paragraphs and paragraph 12, modifying paragraphs 1, 3, 4, 6, and adding new paragraphs 8, 9 and 11.

175. Also at the same meeting, the representative of the Russian Federation made a statement in explanation of vote before the vote.

176. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

177. For the text as adopted, see part one, chapter I, resolution 13/13.

178. At the 45th meeting, on 26 March 2010, the representative of Algeria made comments in relation to the resolution.

**Torture and other cruel, inhuman or degrading treatment or punishment: the role and responsibility of judges, prosecutors and lawyers**

179. At the 44th meeting, on 26 March 2010, the representative of Denmark introduced draft resolution A/HRC/13/L.19, sponsored by Denmark and co-sponsored by Argentina, Austria, Belgium, Brazil, Bulgaria, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Mexico, Monaco, the Netherlands, Norway, Peru, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Andorra, Armenia, Australia, Burkina Faso, Canada, Colombia, Ecuador, El Salvador, Guatemala, Iceland, Israel, Italy, Japan, Jordan, Liechtenstein, Maldives, Montenegro, New Zealand, the Republic of Korea, the Republic of Moldova, Serbia, Turkey, Ukraine and the United States of America joined the co-sponsors.

180. At the same meeting, the representative of Denmark orally revised the draft resolution by deleting the sixth preambular paragraph and by modifying the second preambular paragraph and paragraph 13.

181. Also at the same meeting, the representative of Norway made general comments in relation to the draft resolution.

182. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

183. For the text as adopted, see part one, chapter I, resolution 13/19.

**Rights of the child: the fight against sexual violence against children**

184. At the 44th meeting, on 26 March 2010, the representative of Uruguay introduced draft resolution A/HRC/13/L.21, sponsored by Spain (on behalf of the European Union) and Uruguay (on behalf of the Group of Latin American and Caribbean States) and co-sponsored by Armenia, Belarus, Canada, Japan, Monaco, Montenegro, Morocco, Norway, Serbia, Sri Lanka, Switzerland and Ukraine. Subsequently, Algeria, Andorra, Australia, Burkina Faso, Croatia, Djibouti, Haiti, Iceland, Jordan, Kenya, Maldives, Lebanon, Liechtenstein, New Zealand, the Republic of Korea, the Republic of Moldova, the Russian Federation, Senegal, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo and Turkey joined the co-sponsors.

185. At the same meeting, the representative of Uruguay orally revised the draft resolution by deleting the fifteenth preambular paragraph.

186. Also at the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

187. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

188. For the text as adopted, see part one, chapter I, resolution 13/20.

**Protection of journalists in situations of armed conflict**

189. At the 44th meeting, on 26 March 2010, the representative of Egypt (also on behalf of Bangladesh and Mexico) introduced draft resolution A/HRC/13/L.12, sponsored by Bangladesh, Egypt and Mexico. Subsequently, Angola, Australia, Austria, Bosnia and Herzegovina, Burkina Faso, Canada, Colombia, Denmark, Djibouti, Finland, France, Greece, Guatemala, Iceland, Italy, Lithuania, Mauritius, Nigeria, Norway and the Sudan (on behalf of the Group of Arab States) joined the co-sponsors.

190. At the same meeting, the representative of Mexico orally revised the draft resolution by modifying the third preambular paragraph.

191. Also at the same meeting, 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).

192. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

193. For the text as adopted, see part one, chapter I, resolution 13/24.

**Protection of human rights and fundamental freedoms while countering terrorism**

194. At the 45th meeting, on 26 March 2010, the representative of Mexico introduced draft resolution A/HRC/13/L.20, sponsored by Mexico and co-sponsored by Argentina, Chile, Costa Rica, Ireland, Norway, Peru, Switzerland and Uruguay. Subsequently, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, Colombia, Croatia, the Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Germany, Guatemala, Hungary, Iceland, Israel, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, the Netherlands, New Zealand, Poland, Portugal, Romania, Serbia, Slovenia, Sweden, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the co-sponsors.

195. At the same meeting, the representative of Mexico orally revised the draft resolution by modifying paragraphs 13 and 19.

196. Also at the same meeting, the representatives of China, Cuba, Pakistan and the Russian Federation made general comments in relation to the draft resolution.

197. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

198. For the text as adopted, see part one, chapter I, resolution 13/26.

199. At the same meeting, a statement in explanation of vote after the vote was made by the representative of Norway.

200. Also at the same meeting, the representative of Algeria made comments in relation to the resolution.

#### **Trafficking in persons, especially women and children**

201. At the 45th meeting, on 26 March 2010, the representative of Brazil (on behalf of the main sponsors) introduced draft decision A/HRC/13/L.25, sponsored by Bosnia and Herzegovina, Brazil, Egypt, Germany, Nigeria and the Philippines and co-sponsored by Armenia, Austria, Belarus, Bolivia (Plurinational State of), Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Ecuador, Finland, France, Greece, Hungary, Latvia, Lithuania, Luxembourg, Mexico, Montenegro, the Netherlands, Nicaragua, Norway, Panama, Peru, Portugal, Serbia, Slovakia, Slovenia, Switzerland, Togo, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Viet Nam. Subsequently, Albania, Angola, Argentina, Australia, Bangladesh, Belgium, Benin, Bulgaria, Burkina Faso, Burundi, China, Congo, the Democratic Republic of the Congo, Denmark, Djibouti, the Dominican Republic, El Salvador, Estonia, Guatemala, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kyrgyzstan, Mali, Morocco, Poland, the Republic of Korea, the Republic of Moldova, Romania, Rwanda, Senegal, Spain, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United States of America and Zimbabwe joined the co-sponsors.

202. At the same meeting, 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 decision (see annex III).

203. At the same meeting, the draft decision was adopted without a vote.

204. For the text as adopted, see part one, chapter II, decision 13/117.

## **IV. Human rights situations that require the Council's attention**

### **A. Interactive dialogue with special procedures mandate holders**

#### **Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea**

205. At the 22nd meeting, on 15 March 2010, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Vitit Muntarbhorn, presented his report (A/HRC/13/47).

206. At the same meeting, the representative of the Democratic People's Republic of Korea made a statement as the concerned country. During the ensuing interactive dialogue at the 23rd meeting, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Angola, Belgium, Chile, China, Cuba, Japan, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Australia, Canada, Myanmar, Sudan, Switzerland, Syrian Arab Republic, Thailand;

(c) Observer for an intergovernmental organization: European Union;

(d) Observer for a non-governmental organization: Human Rights Watch.

207. At the same meeting, the Special Rapporteur answered questions and made his concluding remarks.

#### **Special Rapporteur on the situation of human rights in Myanmar**

208. At the 23rd meeting, on 15 March 2010, the Special Rapporteur on the situation of human rights in Myanmar, Thomás Ojea Quintana, presented his report (A/HRC/13/48).

209. At the same meeting, the representative of Myanmar made a statement as the concerned country.

210. 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: Argentina, Bangladesh, Belgium, China, Cuba, Italy, Japan, Norway, Philippines, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Australia, Canada, Democratic People's Republic of Korea, Lao People's Democratic Republic, Malaysia, Switzerland, Thailand, Viet Nam;

(c) Observer for an intergovernmental organization: European Union;

(d) Observers for the following non-governmental organizations: Amnesty International, Asian Forum for Human Rights and Development (FORUM-ASIA) (also on behalf of Conectas Direitos Humanos and the Worldview International Foundation), Asian Legal Resource Centre, Human Rights Watch, International Federation for Human Rights Leagues, Reporters Without Borders International.

211. At the same meeting, the Special Rapporteur answered questions and made his concluding remarks.

### **B. General debate on agenda item 4**

212. At the 24th meeting, on 15 March 2010, a representative of OHCHR introduced the report of the High Commissioner on the violations of human rights in Honduras since the coup d'état on 28 June 2009 (A/HRC/13/66), submitted in accordance with Council resolution 12/14.

213. At the same meeting, the representative of Honduras made a statement as the concerned country.

214. At the 24th and 25th meetings, on 15 and 16 March 2010, the Council held a general debate on agenda item 4, during which the following made statements:

(a) Representatives of States Members of the Council: Belgium, China, Colombia<sup>2</sup> (on behalf of the Group of Latin American and Caribbean States), Cuba, France,

Ghana, Japan, Netherlands, Nicaragua, Norway, Slovakia, Spain<sup>2</sup> (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Iceland, 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, Democratic People's Republic of Korea, Denmark, Germany, Ireland, Iran (Islamic Republic of), Israel, Luxembourg, Morocco, Romania, Sweden, Switzerland, Venezuela (Bolivarian Republic of);

(c) Observers for the following non-governmental organizations: Action internationale pour la paix et développement dans la région des Grands Lacs, Agence internationale pour le développement, Agir ensemble pour les droits de l'homme, American Association of Jurists, Amnesty International, Asian Forum for Human Rights and Development, Asian Legal Resource Centre, Association for World Education, Baha'i International Community, Becket Fund for Religious Liberty, Cairo Institute for Human Rights Studies, Centre Europe – Tiers Monde – Europe-Third World Centre (also on behalf of France Libertés: Fondation Danielle Mitterrand and Mouvement contre le racisme et pour l'amitié entre les peuples), Centre on Housing Rights and Evictions, Centrist Democratic International, Charitable Institute for Protecting Social Victims, Comité international pour le respect et l'application de la Charte Africaine des droits de l'homme et des peuples (also on behalf of the Institute for Planetary Synthesis), Coordinating Board of Jewish Organizations, France-Libertés: Fondation Danielle Mitterrand, Franciscans International (also on behalf of Dominicans for Justice and Peace – Order of Preachers and Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students)), Freedom House, General Federation of Iraqi Women (also on behalf of the Arab Lawyers Union, the General Arab Women Federation, the International Organization for the Elimination of All Forms of Racial Discrimination, Nord-Sud XXI and the Union of Arab Jurists), Helsinki Foundation for Human Rights, Human Rights Watch, Indian Council of South America, International Association of Schools of Social Work, International Commission of Jurists, International Educational Development, Inc., International Federation for Human Rights Leagues, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Islamic Federation of Student Organization, International Movement against All Forms of Discrimination and Racism, International Union of Socialist Youth, Latin American Federation of Associations of Relatives of Disappeared Detainees, Liberation, Mbororo Social and Cultural Development Association, Mouvement contre le racisme et pour l'amitié entre les peuples (also on behalf of Women's International League for Peace and Freedom), Nonviolent Radical Party, Transnational and Transparty, Observatoire national des droits de l'enfant, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale (OCAPROCE Internationale), Organization for Defending Victims of Violence, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), Society for Threatened Peoples, Union de l'action féminine, United Nations Association of San Diego, United Nations Watch, Women's International League for Peace and Freedom, World Muslim Congress, World Organization against Torture, World Union for Progressive Judaism.

215. At the 24th meeting, on 15 March 2010, statements in exercise of the right of reply were made by the representatives of China, the Democratic People's Republic of Korea, Ethiopia, Honduras, the Islamic Republic of Iran, Iraq, Japan, the Russian Federation and the Sudan.

216. At the 25th meeting, on 16 March 2010, statements in exercise of the right of reply were made by the representatives of Algeria, Burundi, China, Cuba, Morocco, Sri Lanka, Uzbekistan, Venezuela (Bolivarian Republic of) and Yemen.

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

#### **Situation of human rights in the Democratic People's Republic of Korea**

217. At the 42nd meeting, on 25 March 2010, the representative of Japan and Spain (on behalf of the European Union) introduced draft resolution A/HRC/13/L.13, sponsored by Japan and Spain (on behalf of the European Union) and co-sponsored by Canada, Croatia, Liechtenstein, Monaco, Montenegro, New Zealand, Norway, the Republic of Korea, Switzerland, Turkey and the United States of America. Subsequently, Australia, Iceland, Israel and the former Yugoslav Republic of Macedonia joined the co-sponsors.

218. At the same meeting, the representative of Brazil made general comments in relation to the draft resolution.

219. Also at the same meeting, the representative of the Democratic People's Republic of Korea made a statement as the concerned country.

220. At the same meeting, 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).

221. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of Cuba, Egypt, India and Indonesia.

222. At the same meeting, at the request of the representative of Cuba, a recorded vote was taken on the draft resolution. The draft resolution was adopted, by 28 votes to 5, with 13 abstentions. The voting was as follows:

*In favour:*

Argentina, Bahrain, Belgium, Bosnia and Herzegovina, Brazil, Burkina Faso, Chile, Djibouti, France, Ghana, Hungary, Italy, Japan, Jordan, Madagascar, Mauritius, Mexico, Netherlands, Norway, Republic of Korea, Saudi Arabia, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia;

*Against:*

China, Cuba, Egypt, Indonesia, Russian Federation;

*Abstaining:*

Angola, Bangladesh, Bolivia (Plurinational State of), Cameroon, India, Kyrgyzstan, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Senegal, South Africa.

223. For the text as adopted, see part one, chapter I, resolution 13/14.

224. At the 44th meeting, on 26 March 2010, statements in explanation of vote after the vote were made by the representatives of Bangladesh and China.

#### **Situation of human rights in Myanmar**

225. At the 44th meeting, on 26 March 2010, the representative of Spain (on behalf of the European Union and co-sponsors) introduced draft resolution A/HRC/13/L.15, sponsored by Spain (on behalf of the European Union) and co-sponsored by Canada, Croatia, Liechtenstein, Monaco, Montenegro, New Zealand, Norway, Peru, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America.



Subsequently, Australia, Bosnia and Herzegovina, Iceland, Israel, the Republic of Korea, the Republic of Moldova and the former Yugoslav Republic of Macedonia joined the co-sponsors.

226. At the same meeting, the representative of Spain (on behalf of the European Union and co-sponsors) orally revised the draft resolution by deleting the eighth preambular paragraph and modifying paragraphs 1, 2, 3, 12 and 13.

227. Also at the same meeting, the representative of Myanmar made a statement as the concerned country.

228. At the same meeting, 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).

229. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of China, Cuba, India, Indonesia, Japan and the Russian Federation.

230. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

231. For the text as adopted, see part one, chapter I, resolution 13/25.

## **V. Human rights bodies and mechanisms**

### **A. Complaint procedure**

232. At the 21st meeting, on 10 March 2010, and at the 41st meeting, on 24 March 2010, the Council held two closed meetings of the complaint procedure.

233. At the 41st meeting, on 24 March 2010, the President made a statement on the outcome of the meetings, stating that the Human Rights Council had, in closed meetings, examined the human rights situation in Guinea under the complaint procedure established pursuant to Council resolution 5/1, and had decided to discontinue considering the situation in Guinea.

### **B. Advisory Committee**

234. At the 26th meeting, on 16 March 2010, the Chairperson of the Advisory Committee, Halima Embarek Warzazi, introduced the Advisory Committee's reports on its third and fourth sessions, held from 3 to 7 August 2009 and 26 to 30 January 2010 (A/HRC/13/49 and A/HRC/13/50).

### **C. Forum on Minority Issues**

235. At the 26th meeting, on 16 March 2010, the independent expert on minority issues, Gay McDougall, introduced the recommendations adopted by the Forum on Minority Issues, held on 12 and 13 November 2009 (A/HRC/13/25).

## D. Social Forum

236. At the 26th meeting, on 16 March 2010, the Chairperson-Rapporteur of the Social Forum, Andrej Logar, introduced the report of the Social Forum, held from 31 August to 2 September 2009 (A/HRC/13/51).

## E. General debate on agenda item 5

237. At its 26th and 27th meetings, on 16 March 2010, the Council held a general debate on agenda item 5, during which the following made statements:

(a) Representatives of States Members of the Council: Argentina, Bangladesh, Brazil, Burkina Faso, China, Cuba, Ghana, Indonesia, Japan, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Slovenia, Spain<sup>2</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 and Ukraine), Sudan<sup>2</sup> (on behalf of the Group of African States), Morocco<sup>2</sup> (also on behalf of Costa Rica, Italy, Philippines, Senegal, Slovenia and Switzerland), the Republic of Korea and the United States of America;

(b) Representatives of the following observer States: Armenia, Austria, Canada, Luxembourg, Kuwait, Libyan Arab Jamahiriya, Switzerland, Venezuela (Bolivarian Republic of);

(c) Observers for the following national human rights institutions: International Coordinating Committee of National Human Rights Institutions, National Council on Human Rights of Morocco;

(d) Observers for the following non-governmental organizations: Amnesty International (also on behalf of the International Service for Human Rights), Arab Lawyers Union, Association for World Education, Azerbaijan Women and Development Center, Centre de recherche sur les droits et devoirs de la personne humaine (CRED) (also on behalf of the Indian Council of South America), Cairo Institute for Human Rights Studies, Centre Europe-Tiers Monde, CIVICUS-World Alliance for Citizen Participation, European Union of Public Relations, Federación de Asociaciones para la Promoción y Defensa de los Derechos Humanos, Indian Council of South America, Indian Movement Tupaj Amaru, International Club for Peace Research, International Institute for Non-Aligned Studies, International Movement ATD Fourth World (also on behalf of Associazione Comunità Papa Giovanni XXIII, Caritas Internationalis (International Confederation of Catholic Charities), the Center on Housing Rights and Evictions, Dominicans for Justice and Peace-Order of Preachers, Franciscans International, the International Council of Women/Conseil international des femmes and the International Federation of Social Workers), International Service for Human Rights, Interfaith International, Liberation, Mbororo Social and Cultural Development Association, Nord-Sud XXI, Soka Gakkai International (also on behalf of the Al-Hakim Foundation, the Association for World Education, the Association of World Citizens, Association Points-Coeur, CIVICUS-World Alliance for Citizen Participation, the Equitas International Centre for Human Rights Education, Human Rights Education Associates (HREA), the Institute for Planetary Synthesis, the International Alliance of Women, the International Association for Religious Freedom, the International Federation of University Women, the International Movement against All Forms of Discrimination and Racism (IMADR), the International Organization for the Elimination of All Forms of Racial Discrimination, the International Organization for the Right to Education and Freedom of Education (OIDE), Servas International, the Universal Peace Federation, the

Women's Federation for World Peace International, the Women's International League for Peace and Freedom, the Women's International Zionist Organization, the Women's World Summit Foundation, the World Federation for Mental Health (WFMH) and the World Movement of Mothers), Syriac Universal Alliance, Universal Esperanto Association, World Association for the School as an Instrument of Peace, World Union for Progressive Judaism.

238. At the 27th meeting, on 16 March 2010, statements were made by the Chairperson of the Advisory Committee and the independent expert on minority issues.

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

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

239. At the 42nd meeting, on 25 March 2010, the representative of Morocco (also on behalf of Costa Rica, Italy, the Philippines, Senegal, Slovenia and Switzerland) introduced draft resolution A/HRC/13/L.22, sponsored by Costa Rica, Italy, Morocco, the Philippines, Senegal, Slovenia and Switzerland and co-sponsored by Angola, Argentina, Austria, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, the Central African Republic, Chad, Chile, Colombia, Congo, Côte d'Ivoire, Croatia, Cyprus, the Democratic Republic of the Congo, Djibouti, the Dominican Republic, Egypt, El Salvador, Ethiopia, France, Gabon, Germany, Guinea, Greece, Honduras, Hungary, Indonesia, Ireland, Jordan, Kenya, Kyrgyzstan, Lesotho, Lithuania, Luxembourg, Malta, Mauritania, Mexico, Monaco, the Niger, Nigeria, Norway, Pakistan, Palestine, Panama, Paraguay, Peru, Portugal, Romania, Rwanda, Serbia, Slovakia, Somalia, Spain, the Sudan, Togo, Tunisia, Turkey, Uganda, the United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of) and Zimbabwe. Subsequently, Andorra, Australia, Bahrain, Belarus, Cambodia, Ecuador, Guatemala, Japan, Kazakhstan, the Lao People's Democratic Republic, Lebanon, Mauritius, Montenegro, Poland, the Republic of Korea, the Republic of Moldova, Sri Lanka, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, the United States of America and Viet Nam joined the co-sponsors.

240. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland made general comments in relation to the draft resolution.

241. Also at the same meeting, 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).

242. At the same meeting, the draft resolution was adopted without a vote.

243. For the text as adopted, see part one, chapter I, resolution 13/15.

244. At the 44th meeting, on 26 March 2010, the representative of Japan made a statement in explanation of vote after the vote.

### **The Social Forum**

245. At the 43rd meeting, on 25 March 2010, the representative of Cuba introduced draft resolution A/HRC/13/L.16, sponsored by Cuba and co-sponsored by Algeria, Bangladesh, Belarus, Bolivia (Plurinational State of), the Democratic People's Republic of Korea, Ecuador, Indonesia, Iran (Islamic Republic of), Nicaragua, Nigeria, Palestine, Peru, Sri Lanka, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe. Subsequently, Brazil, China, Kyrgyzstan, Maldives, the Philippines, Senegal, Serbia and the Sudan joined the co-sponsors.

246. At the same meeting, the representative of Cuba orally revised the draft resolution by modifying paragraphs 2 and 5.

247. 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.

248. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

249. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote.

250. For the text as adopted, see part one, chapter I, resolution 13/17.

#### **Reports of the Advisory Committee**

251. At the 44th meeting, on 26 March 2010, the President of the Council made a statement in relation to the reports of the Advisory Committee on its third and fourth sessions (for the text of the President's statement, see part one, chapter III, PRST/13/1).

## **VI. Universal periodic review**

252. Pursuant to General Assembly resolution 60/251, Council resolution 5/1 and President's statements PRST/8/1 and PRST/9/2 on modalities and practices for the universal periodic review process, the Council considered the outcome of the reviews conducted during the sixth session of the Working Group on the Universal Periodic Review, held from 30 November to 11 December 2009.

### **A. Consideration of the universal periodic review outcomes**

#### **Eritrea**

253. The review of Eritrea was held on 30 November 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Eritrea in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/ERI/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/6/ERI/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/ERI/3).

254. At its 28th meeting, on 17 March 2010, the Council considered and adopted the outcome of the review on Eritrea (see section C below).

255. The outcome of the review on Eritrea comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/2), the views of Eritrea 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/13/2/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*

256. The delegation of Eritrea noted that, given the time restriction, it would only focus on a few elements of its written responses, which had been distributed to all stakeholders.

257. The delegation recalled that, during its review, 137 recommendations had been made. Eritrea grouped the recommendations into 28 clusters and after careful consideration, it had accepted close to 50 per cent of them; around 15 per cent of them did not enjoy its support.

258. Although around 40 per cent of the recommendations were not labelled accepted or rejected, Eritrea had made clear statements in that regard.

259. Regarding the accession of Eritrea to the Convention against Torture, the delegation noted that the recommendations had been accepted. The recommendations relating to its accession to the Convention on the Rights of Persons with Disabilities had also been accepted.

260. Concerning the ratification or accession to the Optional Protocols to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and the acceptance of the jurisdiction of the Committee on enforced disappearance, the delegation indicated that these recommendations did not enjoy the support of Eritrea.

261. The delegation indicated that the recommendations relating to the ratification of the Rome Statute of the International Criminal Court, including its accession to the privileges and immunities, did not enjoy the support of Eritrea. It noted that the Rome Statute raised various unanswered questions in terms of contents, scope and practical implementation, especially with regard to Africa.

262. Concerning the abolition of the death penalty, the delegation stated that the death penalty could be a deterrent in extreme cases. In Eritrea, the death penalty had been applied only in extreme and limited cases. Taking into account the particularities and the historical and cultural background of Eritrea, the abolition of the death penalty was not warranted at the present time.

263. The delegation indicated that the recommendations relating to the accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the ratification of the International Labour Organization (ILO) Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) had both been accepted.

264. The delegation also indicated its acceptance of the principle of establishing a national institute to promote and protect human rights. It stated that article 32, sub article 11 of the Constitution of Eritrea provided for the National Assembly to establish a standing committee in order to promote and protect the rights of Eritrean citizens through, inter alia, the establishment of forums where the complaints and petitions of citizens were heard and addressed.

265. Regarding children's rights, the delegation indicated that recommendations 25, 42, and 73 to 78 had been accepted.

266. Turning to the issue of standing invitation to human rights special procedures, the delegation indicated that requests for an invitation by special procedures were considered on a case-by-case basis.

267. The delegation noted that the recommendations on the cooperation with special procedures and United Nations treaty bodies (the Committee on the Elimination of Racial Discrimination and the Committee on Economic, Social and Cultural Rights), and follow-up to universal periodic review recommendations had been accepted.

268. Regarding the issue of same-sex activity between consenting adults, the delegation indicated that these recommendations were in direct conflict with the values and traditions of the Eritrean people and did not, therefore, enjoy the support of the Government.

269. On the right to life, physical integrity and security, on gender equality and female genital mutilation, and domestic and sexual violence, the delegation stated that the recommendations had been accepted.

270. Regarding national service, underage military conscription and torture, the delegation indicated that these recommendations did not enjoy the support of Eritrea. It noted that members of the Eritrean Defence Forces were highly disciplined and humane. In the rare cases of abuse, severe punishment was imposed on offenders. There was no underage recruitment into the national military and no one was tortured or subjected to cruel and degrading or inhuman treatment by the police or the military as a general practice. Nevertheless, the Government spared no effort in prosecuting anyone found guilty of subjecting people to inhuman and degrading treatment, torture or exacting forced and/or free labour of youth in the national service programme.

271. The recommendations regarding national service did not enjoy the support of Eritrea, since the national service, which is enshrined in the Constitution, was established with the sacred duty and responsibility of defending the country's sovereignty and independence. Eritrea remained under military threat; as long as it existed, Eritrea would protect its sovereignty and independence the way it deemed appropriate. The inability or unwillingness of the international community in general and the sponsors of the Algiers Peace Agreement in particular to enforce respect of the ruling of the Eritrea-Ethiopia Boundary Commission and international law had been a serious cause for the deterioration of peace and security in the Horn of Africa. The delegation denounced the double standards with which the international community treated Eritrea.

272. The delegation highlighted the fact that Eritrea had begun its demobilization process in 2002. In the past five years in particular, graduates of the Sawa school had been (depending on their academic performance) provided with basically three career opportunities: joining degree programme institutions; joining one-to-three-year diploma or certificate schools; or joining the civil service.

273. Concerning detention centres, torture, involuntary disappearances and due process of law, the delegation stated that torture was illegal in Eritrea and there were no secret detention centres in the country. Due process was the law of the land. Any transgressor in these areas was accountable before the law. The Special Court had been established by law to implement the Government's zero-tolerance policy on corruption, theft and embezzlement, and it was carrying out its duties in line with those mandates. Nevertheless, the Special Court was currently under review with regard to procedure and substance.

274. Regarding the rights of returnees, the delegation indicated that recommendation 107 had been accepted.

275. Concerning social services, poverty reduction and the Millennium Development Goals, the delegation noted that recommendations 116 to 125 had been accepted.

276. The delegation also indicated that the recommendations relating to technical assistance had been accepted. Eritrea welcomed the building of partnerships that enhanced its human, development and institutional capacity, enabling it to further and deepen its commitment to promote and protect the rights and dignities of its citizens. Its efforts in this

regard were hampered by the failure to respect the ruling of the Eritrea-Ethiopia Boundary Commission. Eritrea called upon the international community to take steps to ensure that the illegal occupation of its sovereign territory was stopped.

2. *Views expressed by Member and observer States of the Council on the review outcome*

277. Cuba viewed positively the fact that Eritrea had accepted the recommendations it had made, in particular those relating to improving the quality and accessibility of health services for all. Cuba noted that, in spite of the problems it faced, Eritrea had made progress in the areas of health and education. It congratulated Eritrea on the policies and programmes adopted, in particular those on increasing the budget for education and the strengthening of efforts to eradicate poverty. Cuba considered that the actions taken by Eritrea, a developing country, must be supported by the international community. In this context, it called for the intensification of the cooperation and financial assistance extended to Eritrea, as this would contribute to the implementation of programmes to promote human rights.

278. The United States of America welcomed Eritrea's decision to allow official visits of international human rights organizations. It concurred with concerns expressed by the delegations of the United Kingdom, Austria and Australia that Eritrea continued to arbitrarily arrest, detain, abuse and torture political dissenters and religious adherents, forcibly returned asylum-seekers and independent journalists. It requested Eritrea to give due consideration to conducting a national review to examine the need to maintain the national state of emergency that had curbed its citizens' basic human rights.

279. Saudi Arabia thanked Eritrea for its statement, which clarified its position on recommendations made in the Working Group. It considered that the report reflected Eritrea's engagement with the Council mechanism. Eritrea was cooperating with all mechanisms and special procedures, which was a clear indication of the interest paid to human rights and its keenness to uphold and develop economic, social, cultural, civil and political rights. It noted that the review of the situation was an opportunity to learn of the efforts made to develop laws and institutions to promote human rights; it urged Eritrea to continue such efforts.

280. Italy stated that Eritrea had been open to the suggestions and recommendations put forward during the interactive dialogue. It however noted with concern that Eritrea had rejected important recommendations for further progress. Italy noted that, although it was needed for a meaningful follow-up, Eritrea had not provided a clear position on all recommendations, and thus encouraged Eritrea to provide replies to all recommendations.

281. Algeria stated that Eritrea's participation in the universal periodic review process testified to its commitment to human rights despite the challenges faced after 30 years of conflict. Algeria congratulated Eritrea on its positive reaction and clear responses to the recommendations, including those made by Algeria. The latter related to the establishment of an independent national human rights institution, the improvement of programmes for children, awareness-raising to combat female genital mutilation and the partnership to be built to enhance human development and institutional capacity, to realize the full enjoyment of human rights by its citizens.

3. *General comments made by other relevant stakeholders*

282. The Network of African National Human Rights Institutions expressed its satisfaction regarding the recommendation on the establishment of a national human rights institution in accordance with Paris Principles. It also referred to the recommendation calling for the development of a wide political dialogue aimed at involving all stakeholders in the national political process, including through the independence of the judiciary and

freedom of expression and press freedom. The Network encouraged Eritrea to set up an efficient and inclusive partnership aimed at getting technical assistance, and called upon regional and international partners to support Eritrea in areas relating to human rights protection.

283. Reporters Without Borders estimated that some 30 journalists were being held in Eritrean prisons without having been convicted, and that sources indicated that they had been submitted to torture and other cruel treatment. It noted that, during the review, Eritrea had stated that no one had been imprisoned for expressing their opinion. However, Eritrea had then declared that freedom of the press was “another issue”, adding that, after having initially recognized freedom of the press to private enterprises, it had been forced to take “corrective measures”. Reporters Without Borders noted that four imprisoned journalists had died in recent years, and that it had sent a letter to the Special Rapporteur on torture to ask him to do everything in his power to improve conditions of detention of imprisoned journalists in Eritrea. It affirmed that witnesses had described the existence of underground isolation cells where prisoners were chained to the walls. Witnesses also reported incidents of detainees being exposed for long periods to the scorching sun and of being held in metal containers.

284. The International Fellowship of Reconciliation stated that enforced indefinite national service was an increasing element of the human rights crisis in Eritrea. The compulsory 18 months of national service could be extended until the age of 50 in cases of mobilization or emergency. It highlighted the lack of any rights to conscientious objection, the incidence of forced labour and the threats to families of those who deserted. As a consequence, many people fled or attempted to flee the country, and mentioned the special situation of Jehovah’s Witnesses in this regard.

285. Human Rights Watch urged Eritrea to implement the universal periodic review outcome, including by issuing a standing invitation to special procedures. It stated that scores of Eritreans experienced arbitrary detention and ill-treatment because they were unwilling to perform indefinite military service or declared themselves conscientious objectors. It urged Eritrea to implement the recommendations to establish the right to conscientious objection. It also expressed concern at the secret detention of persons, without access to appropriate medical care, lawyers or family. It requested that Eritrea implement recommendations to permit access to all detention facilities by independent international monitors. It requested that Eritrea, in the implementation of the review outcome, allow independent voices to be established and to pursue their rights to free expression and association. Regarding the violation of freedom of opinion and worship, Eritrea should repeal its ban on religions, cease its practice of arresting individuals who meet and practise other faiths, and end discrimination against Jehovah’s Witnesses.

286. Interfaith International, in a joint statement with *Rencontre africaine pour la défense des droits de l’homme*, stated that the presence of Eritrea was testimony to its willingness to establish dialogue with the international community after the end of the armed conflict. It noted that Eritrea had rejected half of the recommendations. It expressed concern at the increasing numbers of training camps in Eritrea for military groups spreading terror in the subregion and at the presence of pirates on Eritrean coasts. It urged Eritrea to cooperate with the international community to end the instability in the subregion, to develop a national plan of action for the rehabilitation of the victims of the successive conflicts and to revise the rules applicable to press bodies and human rights organizations.

287. The Canadian HIV/AIDS Legal Network considered that the criminalization of consensual same-sex conduct under the Penal Code was an issue of concern. It reminded Eritrea of its primary obligation to respect international law, noting that the treaty bodies had repeatedly affirmed that laws criminalizing homosexuality violated international rights to privacy and non-discrimination. It urged Eritrea to repeal all legislative provisions that



criminalized activity between consenting adults of the same sex, to take measures to recognize and protect the rights of sexual and gender minorities, and to extend its HIV intervention programmes to include same-sex practising people.

288. Conscience and Peace Tax International stated that Eritrea had rejected all recommendations relating to military service, except those included under the heading of domestic and sexual violence and exploitation of female soldiers, without addressing their prevention. It added that the current military service system was an important cause of the flood of refugees from Eritrea in recent years. It added that Eritrea should take effective measures to prevent the recruitment of persons under 18 years of age into the military forces. It stated that conscientious objectors had been imprisoned, and made reference to the specific situation of Jehovah's Witnesses. It called on States to give adequate protection to all Eritreans who had fled the country, and particularly to conscientious objectors.

4. *Concluding remarks of the State under review*

289. The delegation indicated that Eritrea firmly believed that promoting, establishing and protecting the freedom, liberty and dignity of the human person was a process achieved only through time. No nation had been automatically created as a bastion of human rights. Ensuring human rights in all its forms entailed a process, struggle and paying a price. On that score, Eritrea was on the right path and was willing to bet that its record could stack up with that of most nations.

290. In its short history as an independent State, Eritrea had made progress in the sectors of the rights of children, women and youth, the justice system, food security, education, health, human welfare, transportation, energy, and water and sanitation, to name a few. All this was testimony to its commitment to the promotion and protection of the rights of its citizens.

291. Eritrea recognized the challenges it faced in the human rights area. These challenges emanated from two sources: insufficiency of human, financial and institutional capacity; and interference of certain outside forces that disregarded Eritrea's legitimate national and regional interests.

292. Despite these challenges, the delegation assured the Council and other human rights stakeholders that the people and Government of Eritrea were committed to the promotion and protection of human rights and to engage with the international community in this area, in the spirit of dialogue and on the basis of mutual respect. Eritrea was convinced that the advancement in human rights critically hinged upon peace and security. In this regard, the delegation stated that Ethiopia's continued illegal occupation of Eritrea's sovereign territory was an impediment to peace and security and, therefore, to the promotion of human rights.

293. Before the adoption of the outcome of the review, and in compliance with paragraph 32 of Council resolution 5/1, the President of the Council invited Eritrea to clarify the status of a number of recommendations for which the country indicated that it had not taken a position. The delegation stated that the recommendations made had many parts; for instance, one recommendation stated that a clear order should be given to the security forces in Eritrea not to arrest anybody, or to that effect. The country already had laws that regulated the behaviour of the security forces. It was therefore very difficult to say categorically that Eritrea had rejected or accepted it. The recommendations did not lend themselves to that kind of response; the delegation therefore chose to provide substantive responses rather than to accept or reject recommendations. The President then indicated that he would therefore take it that, since Eritrea could not yet support these recommendations, they had been noted.

## Cyprus

294. The review of Cyprus was held on 30 November 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Cyprus in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/CYP/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/6/CYP/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/CYP/3).

295. At its 28th meeting, on 17 March 2010, the Council considered and adopted the outcome of the review on Cyprus (see section C below).

296. The outcome of the review on Cyprus comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/7), the views of Cyprus 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/13/7/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*

297. The President of the Council made an opening statement, welcoming the presence of the delegation of the Republic of Cyprus for the adoption of the report on their UPR review and clarifying that as a subsidiary body of the United Nations General Assembly, the Human Rights Council adheres to the official United Nations position as reflected in relevant General Assembly and Security Council resolutions, and therefore respects the sovereignty, independence, territorial integrity and unity of the Republic of Cyprus.

298. The delegation of Cyprus stated that its presence was due to the seriousness Cyprus gives to its international commitments and responsibilities, particularly in relation to human rights international and intergovernmental mechanisms, among which the universal periodic review was the latest and, potentially, the most promising. However, the acceptance to be subjected to the review by peers was on the understanding that the process was based on clearly defined and universal rules.

299. Cyprus had taken a self-critical look and accepted to discuss the challenges it faced and, where necessary, to take steps to improve its human rights situation, naturally expecting to be treated in accordance with the principles and objectives of the universal periodic review process. The delegation regretted that that was not the case. Despite this, the Government had decided to respond to the recommendations out of respect of those States that had adopted a constructive and serious approach. Its response to the recommendations was without prejudice to its declared position towards the report, as adopted by the Working Group, and could not be interpreted as endorsing in any way the content of paragraph 38 of that report.

300. Cyprus accepted the overwhelming majority of a total number of 70 recommendations, as enumerated in section B of the document submitted (A/HRC/13/7/Add.1). Cyprus was not in a position to accept the recommendations concerning the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, since this issue required further consideration,

bearing in mind the limitations posed by European Union jurisdiction and competence on the matter.

301. The delegation of Cyprus noted that there were four recommendations referred to in section E of the above-mentioned document, which could neither be accepted nor rejected. With regard to the recommendation on the International Convention for the Protection of All Persons from Enforced Disappearance, Cyprus reiterated the importance it attaches to the Convention. The competent authorities were currently evaluating the possible ramifications of its ratification on national legislation. Recommendations 25, 54 and 69 were not confined to the human rights perspective, but were rather linked to the overall political issue of Cyprus, and its comments were included in section E of the document.

302. Cyprus indicated having received all the recommendations with an open spirit and a genuine intention to engage in a meaningful internal evaluation. Through this process, it recognized that, despite the substantial progress achieved, additional and continuous effort was required, as reflected in the number of recommendations accepted.

303. In this context, Cyprus announced that (a) the instrument of ratification for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict would be submitted within three months; (b) the instrument of ratification for the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as well as the Convention on the Rights of Persons with Disabilities, would be submitted within the next 18 months; (c) the Government undertook the commitment to submit all reports due to the human rights mechanisms within the next 24 months; and (d) within the next 24 months, Cyprus undertook to make its national human rights institution fully compatible with the Paris Principles, including its financial independence, as the relevant bill had to go through parliamentary procedures.

304. Cyprus reiterated that it had already ratified the Optional Protocol to the Convention against Torture on 29 April 2009.

305. The delegation noted that the rights of children were of prime concern. The relevant monitoring mechanism of the Commissioner for Children's Rights had been established in 2007, in full compliance with the Paris Principles and general comment No. 2 of the Committee on the Rights of the Child. Its recommendations had been duly taken into consideration by the Government, which was committed to reviewing and improving its policies constantly.

306. The promotion of women's rights and wider gender equality was a major priority. The first five-year national plan of action on gender equality incorporated a holistic approach to gender equality in addressing employment, education, decision-making, social rights, violence and gender stereotypes. This was made possible through close collaboration of all Government departments, local authorities, women's and relevant non-governmental organizations, academic institutions and human rights mechanisms. A ministerial committee on gender equality had been set up to monitor its implementation.

307. With regard to human rights education and training, Cyprus announced that, within the framework of the annual work programme 2012 of the Fundamental Rights Agency, a series of actions under the title "Human rights assessment of curricula and teaching materials" would be undertaken.

308. In relation to domestic violence, Cyprus noted that the concerted actions of governmental and non-governmental agencies were based on the relevant law and on the manual of interdepartmental procedures, which was being revised. A five-year national plan of action was in the final stage of deliberation. Concerning cases of police misconduct, the Government was taking measures to comply fully with the standards set by the Council of Europe. Several mechanisms were already in place to investigate allegations of police

misconduct and/or to impose sanctions where appropriate. These include criminal procedures, the Independent Authority for the Investigation of Allegations against the Police, the appointment of independent investigators by the Attorney-General, the Ombudsman, the Commissioner for Children's Rights, the Police Audit and Inspection Directorate, and internal police disciplinary procedures. In 2009, the Directorate of Professional Standards was established by the police as an internal self-monitoring mechanism. The police had recently incorporated specialized courses, lectures and workshops on human rights, racism and diversity at all levels of police training.

309. The Government was determined to prevent and combat trafficking in human beings for the purpose of sexual or labour exploitation. In addition to the legal and other measures that the Government was taking, Cyprus extended an open invitation to countries of origin to cooperate in combating trafficking in human beings.

310. An unprecedented influx of irregular migrants in the last decade had placed extreme pressure on the financial and human resources of the country. Nevertheless, Cyprus recognized the challenges and would continue to honour its relevant international commitments. Cyprus was fully aware of the human dimension of migration and the need to ensure that individuals, in whatever circumstances, receive respect and enjoy their dignity.

311. The delegation was available to provide further clarifications.

2. *Views expressed by Member and observer States of the Council on the review outcome*

312. Turkey considered that the integrity of the universal periodic review must be upheld, the rules must be fully respected, and its politicization must be avoided. It welcomed the appeals made and hoped that they would discourage countries under review from attempting to exploit the process for political goals. Turkey stated that countries should refrain from including accusations against other countries in their national reports and in other presentations. One of the virtues of the universal periodic review was the equal treatment of all States, without any privilege. It hoped that this practice would endure and no other precedents would be set, but observed with regret the unusual treatment applied. Turkey had no intention to repeat the statement made at the Working Group session, which could constitute a response to the questions raised in the introductory remarks, and would further elaborate its views during the general debate on agenda item 6. Turkey had noticed the incorrect comments made in its Working Group statement in the additional information submitted. In order to save time, it would distribute its views later as a Council document. The report to be adopted included important recommendations aimed at promoting and protecting human rights; Turkey recommended that the concerned authorities focus on their implementation.

313. India considered that, without any prejudice to the position taken by the State under review not to be present at the time of the adoption of the report by the Working Group, or the reasons thereof, there was a failure in the collective responsibility to ensure that things did not come to such a pass. More time should have been allowed for consultations before the adoption of the report. This had set a difficult precedent, with wide-ranging implications to the extent that the obligations of the report on the State under review and the validity of the adoption of the report in such circumstances were unclear. This general concern held regardless of whether or not the absentee State under review subsequently decided to accept the universal periodic review outcome. It stressed that, while respecting and valuing the principle of freedom of expression during the interactive dialogue, it was equally important to emphasize that such freedom had to be exercised specifically and only within the ambit and purpose of the universal periodic review and in strict conformity with the principles laid down in Council resolution 5/1.

314. The United States of America noted favourably the establishment of the directory of professional standards, and stated it was an important step for the training of police on human rights, racism and diversity. It encouraged Cyprus to ensure application of these professional standards as a mechanism for promoting accountability among the security forces. It considered that the Independent Authority for the Investigation of Allegations against the Police was a positive step for combating police abuses, and encouraged the dissemination of information on these mechanisms to promote professionalism. It welcomed the steps taken to tackle issues of gender inequality and domestic violence, and applauded the establishment of the women's multicultural centre, as well as the increased support given to the national machinery for women's rights. It looked forward to further dialogue on the issue of domestic violence and curbing the reported increase. It would appreciate Cyprus's continued attention to the recommendations concerning discrimination, particularly against Turkish Cypriots living in Government-controlled areas, Roma and other ethnic minorities, as well as violence and intolerance directed at lesbian, gay, bisexual or transgender individuals.

315. Armenia stated that Cyprus deserved sincere appreciation for its participation in the universal periodic review in good faith, and its sincere desire to discuss its human rights record without politicization, despite the obstacles. This reflected a genuine commitment to international cooperation and the protection of human rights in Cyprus and elsewhere. Armenia also stressed that the universal periodic review clearly demonstrated the international community's acknowledgement of the accomplishments of Cyprus in the area of human rights. Along with similar recognition at the regional level, it might further enable Cyprus to meet its new commitments. Armenia commended Cyprus for accepting an overwhelming number of recommendations. It was particularly pleased to note that the recommendations regarding further promotion of political representation of members of traditional religious groups and the promotion of their identity and culture had received the full attention and agreement of the Government.

316. The Russian Federation took note of the constructive approach taken by Cyprus with regard to most recommendations, its expressed readiness to further the protection of human rights without any discrimination and its intention to implement universal human rights standards. This approach confirmed the position of Cyprus as a responsible State Member of the United Nations, committed to its international human rights obligations. It noted with satisfaction the positive response with regard to strengthening democratic procedures and institutions and harmonizing legislation and practice with universal human rights standards. The Russian Federation noted that the universal periodic review process was an intergovernmental mechanism intended to develop cooperation, with the full participation of the State under review, and counted upon continuing constructive interaction with Cyprus in the Council. The settlement of problems, particularly humanitarian problems, should be in conformity with the relevant resolutions of the United Nations, first of all of the Security Council, while bearing in mind the communities of Cyprus.

317. Algeria noted the observations and recommendations it had made in relation to the improvement of wage differences between men and women; the promotion of the rights of migrant workers and of migrants in an irregular situation, to the situation of refugees and asylum-seekers as well as to children's rights; and to the prevention of discrimination, in particular against minorities and foreigners, and in the area of education. Although Algeria expressed full appreciation to Cyprus for accepting most of the recommendations, it regretted the fact that the recommendations on accession to the International Convention on the Rights of All Migrant Workers and Members of Their Families and on the continuation of efforts to promote and guarantee freedom of movement had not been accepted. It hoped that the intercommunity situation in Cyprus would make it possible for the authorities to respect the principle of freedom of movement in the near future. The absence of Cyprus

during the adoption of its report by the Working Group had led to a difficult situation that the Council should avoid in future.

318. Greece congratulated Cyprus on having participated very constructively at all stages of the universal periodic review and for its detailed responses, accepting all recommendations, with one exception. Greece regretted that, during the sixth Working Group session, the very existence of the State under review had been questioned, along with its sovereignty, independence, territorial integrity and unity. Greece added that this question lay outside Council resolution 5/1 stipulating the principles and objectives of the universal periodic review. It firmly considered that the universal periodic review was a very important Council mechanism that should focus on human rights issues.

3. *General comments made by other relevant stakeholders*

319. Interfaith International hoped that the universal periodic review would be the opportunity to lay the foundations for unification and reconciliation among the various families of the island. Interfaith International was surprised at the absence of Cyprus during the adoption of the report of the Working Group. Nevertheless, it considered that the presence of the delegation during the adoption of the outcome in the Council gave rise to hope for fresh dynamics in the social and political dialogue in Cyprus, in order to build true rule of law based upon fundamental freedoms. Interfaith International encouraged Cyprus to set up favourable conditions for the removal of restrictive measures, which would make it possible for the faithful to exercise their religious freedom and to visit places of pilgrimage annually, and to combat trafficking in women by setting up a mechanism for the reintegration of victims in social and economic life.

320. The European Region of the International Lesbian and Gay Association commended Cyprus for accepting the recommendation to strengthen existing non-discrimination legislation and to take all necessary measures to prevent discrimination on the grounds of sexual orientation, as well as for the law preventing discrimination of all vulnerable groups. It highlighted the research demonstrating that homophobic attitudes prevailed, and that lesbians, gays, bisexual and transsexuals were not only marginalized but treated as outcasts. It asked what steps were planned to give effect to the recommendation relating to education and awareness-raising campaigns for the general public and law enforcement officials. It also stated that, while recognizing that the northern part of the island fell outside the effective control of the Government, it reminded the Council that homosexual acts were still criminalized there, and called upon the Council, the Government and all concerned to work together to end this practice.

4. *Concluding remarks of the State under review*

321. Cyprus welcomed the comments made by States and international organizations, which would all be duly taken into consideration. The delegation thanked the States that had contributed to the review process with genuine human rights recommendations, and expressed its commitment to work for their implementation. In closing, Cyprus clarified that it had taken note of the four recommendations referred to in section E of the addendum for the time being.

**Dominican Republic**

322. The review of the Dominican Republic was held on 1 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Dominican Republic in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/DOM/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/6/DOM/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/DOM/3).

323. At its 28th meeting, on 17 March 2010, the Council considered and adopted the outcome of the review of the Dominican Republic (see section C below).

324. The outcome of the review on the Dominican Republic comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/3), the views of the Dominican 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*

325. Rhadys Abreu de Polanco, in charge of the Human Rights Section at the Ministry of Foreign Affairs, made an opening statement, thanking all delegations and civil society organizations for their interest in the universal periodic review of the Dominican Republic, which was truly committed to the review mechanisms.

326. With regard to the recommendations regarding the signature and ratification of certain human rights treaties, conventions and protocols,<sup>4</sup> the Dominican Republic would continue to analyse these instruments with a view to ratifying them as soon as possible.

327. With regard to the recommendations made on children and adolescents, the Dominican Republic indicated that, with a view to eradicate corporal punishment of children, Law 136-03 had been adopted.

328. With regard to the problem of exploitation of children, including prostitution and pornography, the Dominican Republic referred to Law 137-03 and related structures, such as the National Commission to Combat Trafficking and People Smuggling, the Inter-Agency Commission to Combat Abuse and Sexual Exploitation of Children for Commercial Purposes, and others.

329. With regard to the recommendations on gender issues, reference was made to the national plan on gender equality and equity as the framework for the incorporation of a gender perspective in all public policies, and ensuring coordination with different actors. The plan complied with the international obligations of the Dominican Republic. Reference was also made to Law 24-97, the main legislation addressing domestic and gender violence.

330. Concerning the recommendations in the area of education, the stimulus to quality education with equity was fundamental to the educational system of the country, in accordance with general law 66-97.

331. Regarding the recommendations on racial discrimination, the Dominican Republic reiterated that the State did not have a discriminatory policy. The Constitution prohibited such acts. It further reiterated that the Dominican Republic was a multicultural and multiracial society.

332. With regard to the recommendations on the issue of illegal smuggling and trafficking in persons,<sup>5</sup> Law 137-03 criminalized illegal smuggling and trafficking in

<sup>4</sup> A/HRC/13/3, para. 88, recommendations 1–12 and 22 (partially).

persons. The General Directorate of Migration General had also taken measures in accordance with international standards to guarantee the human rights of immigrants.

333. With regard to civil registration, the Ministry of Foreign Affairs, the Ministry of the Interior and the Central Electoral Board were elaborating a plan for the identification of foreign nationals entering or who had already entered the Dominican Republic through the collection of biometric data, with a view to providing them with an identity number as foreigners.

334. With regard to the recommendations on extrajudicial executions, when such cases occurred, they were dealt with by the competent judicial and other bodies, and those responsible were sanctioned through judicial means, respecting the norms of due process and in line with a “zero tolerance to impunity” policy.

2. *Views expressed by Member and observer States of the Council on the review outcome*

335. Venezuela (Bolivarian Republic of) noted the Dominican Republic’s cooperation with the universal periodic review, which reaffirmed its commitment to human rights. It welcomed the participation of civil society in the elaboration of the national report. Venezuela noted that the new Constitution resulted from the dialogue of citizens and strengthened fundamental rights. It highlighted the advances of the Dominican Republic in the area of social rights, in particular education. It encouraged the Dominican Republic to continue its efforts against exclusion and poverty.

336. Cuba noted that the Dominican Republic had accepted many of the recommendations and mentioned the efforts taken to implement them. It indicated that, as a small country, the Dominican Republic was striving to develop in difficult circumstances, aggravated by an international crisis and under the threat of natural phenomena, such as hurricanes. It highlighted efforts to combat discrimination, the measures establishing quotas for women participation in public positions, and the national plan on gender equality and the measures taken for victims of discrimination to have preferential access to tribunals. It also highlighted the programmes to address all forms of exclusion, and the important assistance provided by the Dominican Republic to the victims of the earthquake in Haiti.

337. Algeria appreciated the Dominican Republic’s commitment to the universal periodic review and its openness in dealing with the recommendations made. It commended the national report for acknowledging that inequality was a historical socio-economic characteristic of the Dominican Republic. It noted with appreciation the acceptance by the Dominican Republic of its recommendation on promoting equality. While noting the efforts of the authorities to eradicate corruption, it encouraged them to accede to the United Nations Convention against Corruption. It welcomed the announcement that the Dominican Republic was working towards ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, an example to be followed by countries claiming leadership in human rights but still reluctant to ratify this core human rights instrument. It also encouraged the Government to request the assistance of relevant international institutions.

338. The United States of America encouraged the implementation of the work of the Commission to Combat Human Trafficking and People Smuggling and of the Gender Equity and Equality Plan. It welcomed the fact that the Dominican Republic was considering establishing an independent national human rights institution. It commended the assistance provided to Haiti after the earthquake and expressed its support for the recommendations relating to cooperation with Haiti, to ensure that Haitians living in the

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<sup>5</sup> A/HRC/13/3, para. 88, recommendation 22.



Dominican Republic had adequate access to civil and birth registration mechanisms to establish their Haitian citizenship. It shared concerns about child labour, migratory reform and gender-based violence. It noted the concerns about the continued occurrence of arbitrary and summary executions, and supported recommendations to consider favourably the request for a visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions. It commended the proclamation of a new Constitution expanding the catalogue of fundamental rights and giving special consideration to vulnerable groups.

339. Haiti thanked the Dominican Republic for accepting the recommendation to relaunch the joint Haitian-Dominican Commission, an important mechanism of consultation, cooperation and negotiation between the two countries. It indicated that the recent earthquake resulted in the slowing down of the activities of the Commission, and expressed its sincere hope that the Commission would meet in 2010. The Dominican Republic had shown solidarity and fraternity, welcoming several of the injured from the earthquake and opening a humanitarian corridor to facilitate humanitarian aid to Haiti. The Dominican police had cooperated with the United Nations Stabilization Mission in Haiti in tracking escaped prisoners after the earthquake. Haiti expressed its gratitude and hoped the cooperation put in place after 12 January would continue, and would strengthen relations between the two countries.

340. Morocco noted the determination of the Dominican Republic to strengthen its policies to protect and promote human rights by accepting an important number of the recommendations made. It welcomed the acceptance of Morocco's recommendations on education and training in human rights, and the protection of the rights of migrant workers through implementation of the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families. The Dominican Republic was engaged in adhering to that Convention. Morocco noted the measures to consolidate the system to address extreme poverty, reduce the problems of hunger and help the families in precarious situations. It noted the efforts made to protect vulnerable groups, notably through innovative measures and actions for women and children. It highlighted the need for technical assistance from the international community.

3. *General comments made by other relevant stakeholders*

341. While appreciating that a number of recommendations had been accepted, the Canadian HIV/AIDS Legal Network regretted that the response of the Government to more than 30 recommendations had not been available before the plenary meeting, thus limiting the capacity of stakeholders to engage meaningfully at this stage of the process. The general references in the oral statement of the delegation made it difficult to know the position of the country on some key recommendations still under consideration. It thus enquired whether the Government would distribute an addendum 1, a document matching its responses to the recommendations still pending. In that regard, it asked whether recommendation 25 of paragraph 88 of the Working Group report made by France was accepted. It commended the Dominican Republic for its support for the resolution of the Organization of American States (OAS) on sexual orientation, gender identity and human rights.

342. Amnesty International welcomed the Dominican Republic's commitment to promptly designate the Ombudsman. It also noted the Dominican Republic's support for the recommendations relating to the improvement of the legislative and policy framework for the protection of women and girls from violence, and urged its early and full implementation. It welcomed the Government's commitment to adopt comprehensive strategies to combat racism, including specific measures to protect the status and protection of persons of Haitian origin, and further action to protect the rights of migrants. Amnesty International believed that these commitments would be strengthened by the prompt

ratification of the Migrant Workers Convention, as recommended by several States. It regretted the fact that the Dominican Republic did not support the recommendation to take measures to ensure that Dominicans of Haitian descent were not denied citizenship or access to civil and birth registration procedures and not arbitrarily subjected to retroactive cancellation of identity document, and urged the Government to reconsider this important recommendation. It also urged the Dominican Republic to support explicitly the recommendations to investigate all reports of human rights violations and to suspend persons suspected of such violations from active duty, to establish an independent body to deal with complaints of abuse by police and to ratify the Convention against Torture and the Convention on Enforced Disappearances.

343. Conectas Direitos Humanos thanked the authorities for giving impetus to the setting-up of the Ombudsman office as follow up to the Working Group recommendation 2 from Peru, which partially complied with the Paris Principles on national human rights institutions. However, it expressed concern at the fact that the Government had not accepted a number of important recommendations, in particular the recommendation made by the United Kingdom on impunity and the investigation of killings by the security forces. Reference was made to the lack of confidence in the justice system, caused mainly by cases of administrative corruption, sentences that could be called into question by national courts, extrajudicial killings and enforced disappearances. Conectas invited the Government to accept and implement all the recommendations related to the rights of people in vulnerable situations and/or minorities.

344. Action Canada for Population and Development, while acknowledging the progress made in the area in the last decade, welcomed the Government's acceptance of a large number of recommendations, many of which related to women's rights and the elimination of violence against women. In implementing a number of recommendations, it called on the Government to allocate a larger budget to public policies aimed at the promotion of women's rights through the effective implementation of the national plan for gender equity (PLANEG II), which had not yet been implemented. It underscored the importance of recommendation 26 in paragraph 88 of the Working Group report, and urged the Government to use a wide and dynamic interpretation of article 37 of the new Constitution, dealing with the right to life from conception to death. It also requested that, in conformity with its obligations under the Convention on the Elimination of All Forms of Discrimination against Women and other human rights treaties, the Dominican Republic ensured that the new Penal Code included exceptions to the criminalization of abortion, at least in cases where the life or health of a woman was in danger, or in cases of pregnancy resulting from rape or incest. Such exceptions would contribute to decreasing maternal mortality and to protecting women's right to health. It called upon the Government to ensure that judicial measures of due process were applied to cases of discrimination against, physical attacks on, and murders of gay, lesbian, transgender and transsexual persons.

#### 4. *Concluding remarks of the State under review*

345. The Dominican Republic thanked all delegations that had recognized all its efforts. It also recognized and congratulated the human rights organizations for their work.

346. With reference to recommendation 13 in paragraph 88 of the Working Group report, the Dominican Republic was up to date with all its reporting obligations.

347. With regard to the recommendation to extend a standing invitation to special procedures, the Dominican Republic noted that it had never rejected the request of any rapporteur wishing to visit the country. The Dominican Republic considered favourably the visit of the Special Rapporteur on extrajudicial, summary or arbitrary executions, which would need to be organized carefully.

348. In accordance with the Vienna Declaration and Plan of Action, and with the participation of the civil society, the Dominican Republic had already established an independent national human rights institution in accordance with the Paris Principles, though it had a different name.

349. The recent Constitution provided for equality between men and women. Although the marriage of persons of the same sex was not prohibited, the Constitution indicated that the family was made up of a man and a woman, while articles 36 and 37 stated that everyone had equal rights. It also noted that the Constitution protected the right to life from the time of conception, in accordance with international instruments.

350. The Dominican Republic reiterated its commitment to continue cooperating with international organizations with the goal of strengthening its national institutions, and to comply with human rights requirements as set forth in the Declaration of Human Rights and all international human rights conventions.

351. In concluding, the Dominican Republic wished to clarify that it had accepted 74 of 79 recommendations; it had only rejected 5 recommendations, as noted in paragraph 89 of the report of the Working Group.

### **Cambodia**

352. The review of Cambodia was held on 1 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Cambodia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/KHM/1 and A/HRC/WG.6/6/KHM/1/Corr.1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/6/KHM/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/KHM/3).

353. At its 29th meeting, on 17 March 2010, the Council considered and adopted the outcome of the review on Cambodia (see section C below).

354. The outcome of the review on Cambodia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/4), the views of Cambodia 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*

355. The delegation of Cambodia welcomed the constructive participation of States, international and non-governmental organizations in its review, and the adoption of its outcome. The Government had examined the issues raised in Cambodia's review with a view to ensuring the smooth and practical implementation of recommendations.

356. The delegation informed the Council that Cambodia had responded positively and accepted all the recommendations made, adding, however, that it had reservations and comments in some areas.

357. Cambodia viewed most of the recommendations, addressing a wide range of challenges it faces, as essential to the promotion of human rights in the country. Some of

the recommendations were already partly being implemented, while others reinforced existing policies and actions being taken in relevant national plans for the coming years. A number of recommendations required study, reflection and pragmatic consideration to ensure their successful implementation within the time frame of the universal periodic review process. The delegation indicated that the Government had shown its political will by accepting all the recommendations for the sake of the improvement of human rights for its people.

358. On recommendations for Cambodia to accede to international treaties, the State would consider accession in a practical manner, despite resource constraints. The Government expressed a desire for more active engagement with United Nations human rights bodies in identifying priority issues that demand attention in the country.

359. With regard to land issues, the Government would continue to address challenges according to the existing reform programme and policies, ensuring further success. The efforts made to date should be recognized, the delegation added.

360. The delegation informed the Council of practical steps taken by the Government following the review of Cambodia in the Working Group. It cited the adoption of the draft anti-corruption law the previous week. The ratification of the law would proceed according to constitutional requirements, and promulgation would follow in due course. The law would be an important tool to combat corruption and go hand-in-hand with the penal code.

361. In the spirit of strengthening cooperation between the Government and OHCHR, the delegation noted that the Government had agreed to extend the term of the memorandum of understanding with the Office for two years, until the end of 2011. It cited the important role of OHCHR in providing relevant technical support to enhance human rights in Cambodia.

362. The delegation also cited the completion of the second visit of the Special Rapporteur on the situation of human rights in Cambodia in January 2010, who took note with encouragement of the progress in some areas, namely the strengthening of the legal framework, the completion of the first case in the Khmer Rouge Tribunal, the continued effort to reform the prison system, the adoption of the Penal Code, and an improved regime for public demonstrations. The delegation also noted that the Special Rapporteur had identified a number of areas of concern, including the need to develop binding national guidelines to address land reform; making the legislative process more transparent by sharing draft legislation with an impact on human rights issues with the wider community; and creating a Government and civil society forum to foster an environment of cooperation to strengthen democracy and human rights in the country.

363. Regarding the Khmer Rouge Tribunal, smooth progress was being made. After completion of the first case before the tribunal, the Office of the Co-Investigating Judges had recently announced the closure of the judicial investigation in case file 002. The delegation stressed that the Extraordinary Chambers in the Courts of Cambodia were established at the request of the Government and were within the Cambodian court system. The Government would work cooperatively with the United Nations to ensure their independence. While obtaining justice for the tragic events of the past, emphasis would be placed on the compelling need for national reconciliation in order to build durable peace, democracy and prosperity for the Cambodian people.

364. With regard to cooperation with treaty bodies, the delegation noted that the Subcommittee on the Prevention of Torture had recently visited Cambodia and it would enhance its cooperation with the body and comply with the relevant instrument.

365. Cambodia also took upon itself implementation of universal periodic review recommendations addressing socio-economic development issues, such as poverty

reduction, education, health, gender, the rights of the child and other economic, social and cultural rights. Such issues would remain top priorities for the Government.

366. The delegation expressed Cambodia's commitment to the fundamental freedoms guaranteed by its Constitution, citing a recommendation made for the Government to pursue its efforts to constantly improve the level of enjoyment and protection of fundamental rights, consistent with the process of democratic development and national interests.

367. On tackling gender discrimination, the Government would strive further to implement important existing legislative and other regulatory measures and plans of action. A national strategy for equality and gender equity (gender mainstreaming strategy-phase II) was a top priority. Many other initiatives had been taken to support and improve the situation of women, such as programmes to increase schooling for girls and the promotion of women in leadership positions, including awareness-raising and human rights education. Cambodia would intensify efforts to improve human rights for women and children to combat key problems such as human trafficking, sexual violence, domestic violence and the exploitation of women and children.

368. Cambodia was also working to address issues affecting the indigenous community. A policy plan of action in this regard was being implemented at the national and local levels.

369. Acknowledging that the tasks ahead were challenging, the delegation noted that sustained efforts would be required, with a long-term perspective. The Government would strive for further progress by accelerating the implementation of its current plan and agenda to improve human rights in all relevant areas by its next universal periodic review.

2. *Views expressed by Member and observer States of the Council on the review outcome*

370. Algeria thanked Cambodia for the additional information provided and welcomed its acceptance of all recommendations, including those made by Algeria. It valued the cooperation between Cambodia and United Nations mechanisms, particularly the Special Rapporteur on human rights in Cambodia. Algeria commended the recent adoption of the anti-corruption law, the reform of the prison system and the Criminal Code as well as the importance attached to implementing recommendations relating to poverty reduction, education, health, children and women. It acknowledged the political will demonstrated by the Government and called for the international community to support Cambodia in implementing the recommendations.

371. Viet Nam commended Cambodia's acceptance of the recommendations submitted by Viet Nam, namely to improve its legal reforms and pay particular attention to poverty reduction, education, health, the rights of the child, the poor and disadvantaged groups. Viet Nam applauded Cambodia for its efforts to combat corruption and its ongoing active cooperation with United Nations human rights mechanisms. It noted that Cambodia had acted in a responsible manner in responding to the recommendations and encouraged it to continue to do so.

372. Malaysia thanked Cambodia for its update on the latest human rights developments in the country. Malaysia was pleased to note Cambodia's acceptance of a large number of recommendations and that it had started to take steps to implement many of them. Malaysia welcomed the mechanisms established to guarantee the protection of fundamental rights, including economic, social and cultural rights, and in particular the promotion of gender equality, employment, economic growth and poverty alleviation. It encouraged the Government to continue to take necessary measures for the effective implementation of recommendations.

373. Thailand recognized Cambodia's unfortunate legacy and expressed admiration for the progress achieved in moving the country forward. It commended the adoption of the anti-corruption law and the extension of the memorandum of understanding with OHCHR in Cambodia. It also noted that Cambodia had become party to most core international human rights instruments, particularly the Convention on the Rights of Persons with Disabilities. Thailand expressed support for Cambodia's efforts to tackle poverty and improve the lives of its people and welcomed the progress in the clearance of landmines. Thailand was pleased to note Cambodia's acceptance of all the recommendations made in the Working Group. Reiterating the recommendations made by Thailand, it added that it would work with Cambodia towards their implementation.

374. Indonesia commended Cambodia's efforts to strengthen democratic institutions, good governance and the rule of law. It acknowledged the role of the Cambodian Human Rights Committee and the Government's efforts to foster an environment of cooperation, transparency and accountability. It highlighted the recent adoption of the anti-corruption law. It hoped that combating domestic violence and trafficking in women and children would continue to be priorities. Indonesia shared the view that wider socio-economic development, such as poverty reduction and better access to education and health care, was necessary. It hoped that Cambodia would further enhance the work of the ASEAN Intergovernmental Human Rights Commission.

375. The Lao People's Democratic Republic commended Cambodia for its acceptance of all the recommendations, despite the reservations on some of them. It appreciated the fact that, after the review, Cambodia had taken all necessary measures to address pending issues on human rights. It recognized that Cambodia had overcome tremendous obstacles and achieved significant progress. It also commended the implementation of its national strategic development plan.

376. Japan welcomed Cambodia's commitment to address all universal periodic review recommendations and hoped it would follow up on them, including through measures to address land issues. Japan appreciated Cambodia's efforts towards democratization and its cooperation with the Special Rapporteur. It commended the efforts to establish a working relationship between the Special Rapporteur and the Government based on mutual trust, essential to improve the situation with effective assistance and cooperation from the international community. Japan hoped for the continued efforts of Cambodia and called on the international community for continued support and assistance. Japan pledged its full support through constructive dialogue with the Government.

377. The Philippines commended Cambodia's commitment to advancing the socio-economic development of its people by addressing issues of poverty reduction, gender equality, education, health and children's rights, and for making these the Government's priority issues. It noted that a national strategy for equality and gender equity was now in place, and welcomed Cambodia's commitment to intensify efforts to improve the human rights of women and children, to combat human trafficking, sexual violence, domestic violence and the exploitation of women and children. It applauded the Government's constructive engagement with OHCHR and the Special Rapporteur. The Philippines also called on the international community to increase its development cooperation and support for Cambodia.

378. Nepal commended Cambodia's engagement with the international community and the United Nations, as well as the positive changes on the political and socio-economic fronts, gradually overcoming the bitterness of the past. It noted that Nepal was also making a peaceful transition from armed conflict to sustainable peace and inclusive democracy, and was engaged in the process of recovery, reconstruction and reconciliation; it wished success to Cambodia in its process. Nepal expressed appreciation for Cambodia's commitment to democratic principles and to the promotion and protection of human rights.

379. Sri Lanka noted that Cambodia was building a strong democracy that promoted and protected civil and political rights, and expressed appreciation for its significant efforts towards the eradication of poverty. It noted that this achievement was particularly important in the context of a country on the road to peacebuilding and national reconciliation. Sri Lanka believed the recommendations made at the universal periodic review would enable Cambodia to further its efforts. It commended the ongoing preparation of laws essential to enhancing the rule of law and democracy and Cambodia's commitment to establish an independent human rights institution.

380. The United States of America expressed appreciation for the establishment of the Extraordinary Chambers as well as of a national torture prevention mechanism. Expressing support for Cambodia's cooperation with the United Nations in establishing a programme to combat trafficking and sexual abuse, it remained concerned about the well-being of children, particularly with respect to the worst forms of child labour. The United States reiterated the recommendations made in the Working Group relating to child labour, workers' freedom of association, freedom of expression and the inclusion of women in the political process.

381. China noted that the Government of Cambodia had prioritized economic progress and social development, and had achieved important visible progress in protecting economic, social and cultural rights and the right to development. It also cited the establishment of many mechanisms to promote and protect human rights. China noted that Cambodia had accepted virtually all the recommendations and urged the international community to continue to supply financial and technical assistance to the country.

3. *General comments made by other relevant stakeholders*

382. The International Federation for Human Rights Leagues regretted that several recommendations made to Cambodia were of a general and vague nature. It expressed concern that at least 150,000 Cambodians lived under the threat of forced eviction, supporting recommendations for a moratorium on evictions until fair and transparent mechanisms to resolve land disputes and issue land titles were put in place. It noted that human rights defenders continued to face harassment and intimidation and increasing restrictions on the right to freedom of expression and assembly were imposed by the Law on Demonstrations. It highlighted concerns about ongoing political interference and allegations of corruption in the judiciary, noting that the lack of independence further eroded access to justice and perpetuated a culture of impunity. It urged Cambodia to take concrete measures to implement the universal periodic review recommendations.

383. The World Association for the School as an Instrument of Peace, citing recommendations made, called on Cambodia to abide strictly by international standards of justice, particularly respect for the independence of the Extraordinary Chambers by facilitating its prosecution of perpetrators of crimes of genocide. It urged Cambodia to protect the rights of vulnerable people, notably through the equal distribution of wealth, and to reform the immigration law to preserve the fundamental rights of the Khmer people. It underlined the need to protect freedom of expression in conformity with international standards, noting recommendations that urged the Government to respect the 1991 Paris Peace Agreement on Cambodia. It urged the international community, particularly donor countries and signatory countries to the Paris Peace Agreement, to hold the Government of Cambodia to account for pledges made.

384. The Asian Forum for Human Rights and Development sought clarification on Cambodia's reservations to the recommendations. It urged the Government to widely disseminate the universal periodic review report and take genuine steps to engage with civil society organizations in the follow-up. It noted the recent crackdown in Dangkor District, Phnom Penh, on 1 March 2010, against demonstrators protesting against the alleged seizure

of their farmland. Legitimate activities of human rights defenders were also obstructed when monitors from human rights groups had had their cameras confiscated and all photo evidence deleted. The Forum echoed the recommendations to implement fully the 2001 Land Law and institute a moratorium on evictions until safeguards, such as prior consultation, full compensation and access to basic services and infrastructure in relocation areas, could be guaranteed.

385. Interfaith International welcomed Cambodia's efforts to update its treaty body reports, encouraging the Government to abide by its commitments to systematically eliminate discrimination against indigenous groups and minorities. It urged Cambodia to ensure adherence to international standards on asylum procedures, urging that immediate attention be paid to the forced repatriation of Khmer Krom, who faced arbitrary arrest and torture. Interfaith noted that the Khmer Krom, upon arrival from a neighbouring country into Cambodia, were treated neither as citizens nor as refugees, rarely granted identity papers, forced to change their names and asked to provide impossible documentation such as Cambodian birth certificates. The situation was compounded by widespread corruption. Without identity papers, the Khmer Krom were in legal limbo. Interfaith also expressed concern about the deportation in December 2009 of 20 Uyghur asylum-seekers, identified as persons of concern by UNHCR. Their location and well-being remained unknown.

386. Lawyers' Rights Watch expressed concern about reports of political interference and corruption in courts, and that advocates representing villagers in land rights cases had been targeted with threats, harassment and defamation charges. It called for the implementation of recommendations for judicial and legal reform to address impunity and guarantee independence. It underscored the recommendation to ensure protection for human rights defenders and lawyers working on land rights. It urged Cambodia to observe fully the Declaration on Human Rights Defenders, and to take steps to ensure that lawyers are not subject to inappropriate influence or corruption, and the Bar Association is protected from interference. It also urged Cambodia to implement the Basic Principles on the Role of Lawyers, and to accept requests for visit by the Special Rapporteur on the independence of judges and lawyers.

387. The International Commission of Jurists called for prompt action to implement recommendations. It expressed grave concern at the persistent reports of the improper use of legal processes by the executive to arbitrarily restrict freedom of expression and intimidate political opponents, particularly from the Sam Rainsy Party, journalists, human rights defenders and lawyers. It expressed concern that the Government undermined judicial and legal independence, noting reports of corruption and improper exercise of political influence over the judiciary, including in cases relating to forced evictions without appropriate compensation. It cited similar concerns relating to the Extraordinary Chambers and endorsed recommendations made in this regard. The Commission called upon the Government to respect the rights to freedom of expression, assembly and association of political opponents, journalists, lawyers and human rights defenders and to ensure their safety.

388. Franciscans International appreciated Cambodia's commitment to persons with disabilities, to endorsing the recommendation to ratify the Convention on the Rights of Persons with Disabilities and to ensure its full implementation in domestic law, and to protect the rights of vulnerable people, including children with disabilities, to provide them with the same educational opportunities as others. It noted Cambodia's recognition of the importance of education as a major tool for national development of human resources and its ambitions in this regard, and stressed that children with disabilities must not be left out of these strategies. It recommended giving priority to children with disabilities in such strategies, suggesting initiatives for teacher training, especially in rural and remote areas, and to ensure that all schools provide proper resources that cater for special needs. It further



recommended effective human rights education programmes with specific attention to the Convention on the Rights of the Child.

4. *Concluding remarks of the State under review*

389. In its concluding statement, the delegation of Cambodia reiterated its gratitude to the intervening States for their constructive comments and critical concerns with regard to the human rights situation in the country.

390. With regard to issues raised by non-governmental organizations, such as land issues and the freedom of expression in Cambodia, the delegation stated that it had already responded to these on many occasions, both during the universal periodic review process and in various treaty body sessions.

391. It commended the universal periodic review process as one that offered the Government an opportunity to assess and reflect on its achievements and shortcomings in the promotion and protection of human rights. The process had laid the groundwork for further implementation of Government policies and plans of action to enhance human rights in Cambodia. Cambodia had learned to share the values of tolerance and freedom in society with all the attributes of its own uniqueness and characteristics of its own to overcome the challenges ahead. These were a source of strength and would lead to progress.

392. The delegation expressed appreciation for the technical assistance and support provided by development partners in its human rights endeavours. It reaffirmed Cambodia's commitment to striving for the strengthening of the rule of law and the promotion of good governance, integrity and accountability, as reflected in relevant laws, policies and plans of action of the Government. It also reiterated Cambodia's commitment to the success of the universal periodic review process and the development of the Council into a true global forum on human rights. Cambodia would thus join other Member States in working constructively on the review of the Council for its further improvement.

**Norway**

393. The review of Norway was held on 2 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Norway in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/NOR/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/6/NOR/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/NOR/3).

394. At its 13th meeting, on 17 March 2010, the Council considered and adopted the outcome of the review on Norway (see section C below).

395. The outcome of the review on Norway comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/5), the views of Norway 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/13/5/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*

396. Norway welcomed the universal periodic review as a unique opportunity to undertake a general, critical review of the human rights situation in the country. In that regard, Norway expressed its strong support for the review mechanism as a vital institution of the new Human Rights Council, which would have a real impact on the awareness and development of human rights in Norwegian society. The universal periodic review process had received considerable attention in Norway and the discussions on many of the issues raised would surely continue.

397. Norway highlighted the insightful and constructive comments and recommendations made by States, some of which would also rely on the groundwork of many civil society organizations. Norway referred to the role of civil society, which provided substance to the universal periodic review. The delegation noted that 115 recommendations were made for Norway, which clustered them into 91 on a number of issues focusing on the rights to equality and non-discrimination, racism and intolerance, the human rights of migrants, domestic violence, detention, human rights education and on the legislative framework for human rights. In the Working Group, Norway had accepted 44 recommendations and rejected one. The remaining recommendations were subject to careful consideration at the national level and were to be found in the addendum to the Working Group report.

398. The delegation highlighted that Norway accepted, in total, 66 recommendations in full and 5 in part; 2 recommendations had been converted into voluntary commitments.

399. The delegation mentioned the efforts made to fight against discrimination, as this issue was raised by several delegations, and remained high among the priorities of the authorities. Almost all the recommendations in this area were accepted, since the fight against discrimination, racism and xenophobia represented a matter of human dignity, respect and tolerance.

400. The delegation recognized the challenges the country faced in relation to domestic violence and violence against women and children, and reiterated its clear position that this should not be considered a private matter and should be dealt with by the authorities. Norway mentioned its full commitment to follow up on related recommendations.

401. The delegation referred to the 18 recommendations it could not currently support. For most of these issues, disagreement did not relate to substance, as this was the case for recommendations where the Government, owing to the constitutional separation of powers, did not have any mandate or possibility to exert influence on the process, such as the constitutional human rights revision. Other recommendations asked for the revision of plans of action, which Norway considered were in the process of being implemented, and regarding which review could only come at a later stage.

402. Despite the importance of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families noted by many delegations, after careful consideration of its provisions, Norway confirmed that it was not in a position to ratify it. Norway was committed to improving labour standards, also of migrants and foreign nationals residing in the country, and had, to this effect, ratified all the key human rights instruments and the ILO core conventions on workers' rights.

403. Norway regretted not being in a position to provide a clear answer with regard to the signature and ratification of the Optional Protocol to the Covenant on Economic, Social and Cultural Rights, since it was still in the process of examining the legal implications, which should be completed within the year.

404. Norway acknowledged that the success of the universal periodic review would require sustained efforts and political will, and looked forward to an open and inclusive dialogue on all the issues and recommendations that could not be currently supported.

405. Norway pledged to apply the same inclusive approach in the preparation of the national report to the review follow-up. Indeed, it would establish a comprehensive, systematic and coordinated process in partnership with all relevant stakeholders. Norway underlined that the universal periodic review process complemented the other international human rights mechanisms, in particular the treaty bodies.

2. *Views expressed by Member and observer States of the Council on the review outcome*

406. Algeria congratulated Norway on having accepted other recommendations. It expressed appreciation at Norway's sponsorship of the "retreat of Algiers" on the Human Rights Council review process. It reiterated its satisfaction with Norway's assistance to developing countries, which had been raised to 1.09 per cent of its gross national income. It encouraged Norway to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Algeria welcomed the importance given to the Millennium Development Goals in Norway's development policy. It commended Norway's commitment to combat racism and xenophobia, especially through the action plan for the period 2009–2012, and encouraged it to give further consideration to recommendation 19 made by Algeria.

407. Pakistan thanked Norway for its frank and elaborate presentation, including its detailed comments on the recommendations that were pending. As a troika member for the review of Norway, Pakistan commended the delegation's positive approach to the universal periodic review mechanism and the fact that it had accepted most recommendations. Pakistan appreciated Norway's strong commitment to the promotion and protection of human rights and acknowledged its contributions in helping to build consensus on controversial and difficult issues. It encouraged Norway to continue its constructive engagement on all human rights issues.

408. The Islamic Republic of Iran appreciated Norway's acceptance of its recommendations. It requested clarification about the implementation of recommendations on ensuring that foreign students were not arbitrarily deprived of their right to education in universities; on the implementation of the United Nations Declaration on the Rights of Indigenous Peoples; as well as regarding recommendations on incorporating the content of the International Convention on the Elimination of All Forms of Racial Discrimination in the Human Rights Act. It remained concerned at the rising incidence of domestic violence, violence against women and children and sexual abuse, and the high number of rapes, as well as increasing racist and xenophobic political speech and stereotypes against Muslims. Iran was worried at the broad definition of terrorism in the penal code. It was also concerned about and requested clarification on the capacity to address issues such as child pornography on the Internet, the rising number of rapes, and measures and legislation that endangered the foundation of the family.

409. Nepal noted with appreciation the achievements made by Norway in developing a strong foundation for democracy, pluralism, the rule of law and human rights. Nepal congratulated the country on its top ranking in the United Nations human development index. It also welcomed Norway's commitment to fighting global poverty. It commended its efforts to develop a pragmatic approach to several pressing and difficult issues of our time.

410. The United States of America appreciated Norway's commitment to promoting human rights, and commended it for implementing the Anti-Discrimination and Accessibility Act. It welcomed Norway's commitment to consider ratifying the Convention

on the Rights of Persons with Disabilities, and favourably noted the programmes for migrant juveniles and their focus on secondary education and labour market inclusion. It reiterated the importance of the Ombudsman for children's cooperation in addressing ethnic youth's distrust of law enforcement officers as part of its ongoing efforts to combat racism and xenophobia. It commended Norway for steps taken to introduce restorative justice programmes for juveniles, and the attention and resources committed to unaccompanied asylum-seeking minors.

411. Hungary appreciated Norway's exemplary efforts to protect and promote human rights, and highlighted the importance it attached to the fight against all forms of discrimination. Hungary welcomed Norway's willingness to consider ratifying the Optional Protocol to the Convention against Torture and signing the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. It also highlighted Norway's pledge to uphold the policy of allocating a minimum of 1 per cent of its GDP for development assistance. Hungary also underscored Norway's pioneering role in the promotion and protection of woman's rights and programmes regarding social inclusion, as well as its international efforts aimed at ensuring that States fulfil their obligations regarding the rights of human rights defenders. Hungary underlined that Norway's cooperation with the universal periodic review, and its transparency and openness during the preparation and the review process, could serve as a model to other countries, and highly appreciated its voluntary commitment to provide information annually on the implementation of the recommendations it accepted.

412. Botswana welcomed Norway's acceptance of the majority of the recommendations and appreciated the additional information provided. It commended Norway's decision to convert some of the recommendations into voluntary commitments, as an action-oriented approach. It noted with appreciation Norway's leadership in the fields of promoting human rights and combating racism, as well as its constructive participation in the work of the Council.

3. *General comments made by other relevant stakeholders*

413. The Norwegian Centre for Human Rights commended Norway for its self-critical and constructive approach to the universal periodic review. It highlighted two concerns. The first was the lack of response to requests for a new national plan of action for human rights. It regretted that Norway did not have a clear policy; indeed, no specific goals had been set; and no overall measures were initiated. There was no coordination of ministry initiatives, no plan for competence-building in State bureaucracy and no overall mechanism for political follow-up of decisions taken. Hence, the plan of action was seen as weakening the Government's accountability when it came to its human rights commitments. The Centre was of the view that the current case-by-case, fragmented approach to the use of religious garments, primarily *hijab*, exemplified the challenges of policy coordination. It recommended that Norway commit to formulate and implement a plan of action for human rights and establish a high level inter-ministerial coordinating mechanism for its follow-up consultation with the Centre and civil society. The second concern referred to the ratification of international human rights instruments to which Norway is not yet a State party. In this regard, the Centre recommended that the authorities of Norway continue to set a good example internationally by giving priority to ongoing ratification processes, by ratifying the Optional Protocols to the Convention against Torture, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities.

414. The Charitable Institute for Protecting Social Victims stated that a nationwide survey showed that 9 per cent of girls of the age of 15 years had been victims of gender-based violence, and that a Government committee's estimations of early 2008 showed that

there were 8,000 to 16,000 rape victims. It was concerned about the lack of comprehensive statistics on rape and the lack of prioritization by the Government of gender-based violence perpetrated by present or former partners. It recommended that Norway should facilitate women's access to the justice system and emergency centres in police stations, and should train law enforcement officials dealing with gender-based violence considering the impact of weakening the economic welfare or societies.

415. In its joint statement, the Organization for Defending Victims of Violence and the Iranian Elite Research Centre referred to official statistics on domestic violence against women in Norway, and asked the Government to maintain a strong focus on the issue, including systematic measures to protect victims as well as to prevent rape and domestic violence through effective policies and targeted prevention campaigns, education and awareness-raising efforts, among others. The Organization was concerned at the methods used by the Government to deal with minority issues, especially in relation to Muslims, and requested the Government to take all necessary measures to eliminate discrimination faced by persons belonging to racial, religious or ethnic minorities, as well as persons with an immigrant background, in particular in the context of counter-terrorism measures.

416. The Institute for Women's Studies and Research recalled Council resolution 10/22 on combating defamation of religion, and expressed deep concern at the increasing spread of Islamophobia in Norway, and that the media, by linking terrorism to Muslims and drawing shocking images of Muslims, was endangering peace and stability. It stated that Norway had a fundamental role to play in preventing the spread of Islamophobia.

417. The European Region of the International Lesbian and Gay Association commended Norway's engagement in the Durban review process, its leadership in issues of sexual orientation and gender identity and its efforts to enhance the Council's capacity to fulfil its mandate. The organization asked Norway if it would be willing to accept recommendations to provide appropriate health-care services for transgender people and to ensure that they had access to official documentation in accordance with their self-defined gender identity. It also asked if the Government would be willing to endorse the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity. Finally, it noted with regret that the Government was not yet ready to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and enquired about the deliberations planned and whether Norway would be reporting back to the Council on its conclusions in this regard.

418. The International Save the Children Alliance noted with interest the scope of recommendations enjoying the support of Norway. Concerning trafficking, it urged the Government of Norway to act on the recommendations of the Committee on the Rights of the Child, to set focus on child victims of trafficking and identify and competently treat child victims of trafficking. Concerning asylum-seeking children, it recalled the recent recommendations of the Committee calling on the Government to give primary consideration to the best interest of the child whenever decisions about the child's future were under consideration. It expected further action on juvenile justice to guarantee that justice standards were fully implemented, and that deprivation of liberty was used as a last resort. It commended the continued focus of the Government on combating violence against children, and requested that special attention be paid to adequate legal provisions and regulations, to ensure that child victims and/or witness of crime were protected against both physical and psychological violence. This called for a stronger holistic approach and amendments to the penal code.

419. Amnesty International welcomed Norway's support for recommendations to prevent gender-based violence and to strengthen efforts to combat domestic violence and violence against women. Amnesty International also welcomed its support for recommendations to ensure conformity of pretrial detention with international standards and access to

appropriate care for all detainees. It expressed concern at reports in the national media indicating violations of domestic legislations of one in five persons arrested in Oslo in police cells. It noted with concern that two groups of Iraqi asylum-seekers had been forcibly returned to their country of origin on 6 December 2009 and 26 January 2010, contrary to UNHCR recommendations. Amnesty International welcomed Norway's support for recommendations to respect the rights of refugees and to guarantee a proper analysis of each petition on a case-by-case base, while noting the partial support to show flexibility towards the irregular situations of persons who might face expulsion. It also acknowledged the positive contribution of Norway to the Durban Review Conference, and encouraged it to pursue efforts to address racism.

4. *Concluding remarks of the State under review*

420. Norway noted that many important issues had been raised and thanked the representatives of the civil society who had taken the floor. Norway considered that most of the issues raised had been addressed in the review report and by the Minister during the review in the Working Group. Many interventions addressed crucial issues concerning racism, discrimination, domestic violence and trafficking. Norway respectfully drew attention to the comprehensive addendum circulated for more details. All concerns raised were seen as requiring continuous and systematic efforts, which justified the setting-up of concrete plans of action on various issues, such as equality and discrimination, living standards for Roma people, domestic violence, integration and social inclusion of immigrant population and social dumping.

421. Norway assured the Council that it was fully committed to continuing the discussion on all these issues in the follow-up to the report. Norway looked forward to continuing dialogue with everyone, and reaffirmed its support for the crucial role of treaty bodies. Norway also reaffirmed its strong commitment to the promotion of the Millennium Development Goals and to international solidarity. Norway expressed sincere gratitude to OHCHR for its invaluable support in the universal periodic review process and to the President for his able leadership. Norway also thanked the troika for its smooth and effective cooperation with the delegation of Norway.

**Albania**

422. The review of Albania was held on 2 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Albania in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/ALB/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/6/ALB/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/ALB/3).

423. At its 29th meeting, on 17 March 2010, the Council considered and adopted the outcome of the review of Albania (see section C below).

424. The outcome of the review on Albania comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/6), the views of Albania 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*

425. The head of the delegation, Edith Harxhi, the deputy Minister for Foreign Affairs, stated that the Council enjoyed the full-fledged support of the Government of Albania, and extended its thanks to all delegations that in the universal periodic review session of December 2009 had highlighted Albania's accomplishments in the human rights area, and suggested legal and structural improvements. A special thanks went to the troika of delegations from the United States of America, the Russia Federation, Mauritius and the secretariat.

426. Since the December session, the activities of the Government had been intense, a large part of them being a follow-up to the recommendations made by delegations.

427. In early January 2010, the Government announced that it would conduct a population census in 2011, which will also include the question of ethnic and religious affiliation. To that end, the Central Census Commission had held a series of meetings with representatives of associations of minorities and religious communities. With regard to the definition of ethnic and religious affiliation, the census would comply with Albania's international commitments. In particular, regarding the definition of national affiliation, it would refer to the requirements specified in article 32 of the European Convention on the Protection of Minorities.

428. At the end of January 2010, the Government of Albania decided to set up the Institute for the Crimes of Communism. This initiative related to the necessity of bringing to light and punishing the crimes committed in Albania during the 50 years of communist rule. During that period, the bloodiest regime ever of all Eastern European countries adopted a repressive internal policy against all political opponents, and imposed a total isolation of the country from the rest of the world. The terrible toll of those days was tens of thousands of persons executed and hundreds interned.

429. Indeed, a great effort had been made in the past 20 years to integrate into the political, economic and social life former politically persecuted persons by communism. Nonetheless, a thorough investigation and punishment of crimes perpetrated by that regime was an absolute necessity. Accordingly, the establishment of the Institute for the Crimes of Communism served to keep intact the memories, and to inform new generations, of the suffering under that regime.

430. In early February 2010, Parliament adopted the Law on Protection from Discrimination. In the universal periodic review session of December 2009, several delegations highlighted the absence of an exhaustive legal framework aimed at the protection of all categories vulnerable to discrimination. Today, in legal terms, Albania had met this commitment. The relevant legislative activity broke new ground in Albania. The elaboration of the anti-discrimination law was a contribution by an Albanian non-governmental organization, which had worked on it for over three years with the help of the best international expertise in the field. The final version of the draft law was elaborated with almost all groups of interest and then referred to Parliament for endorsement. Since under the Constitution, a non-governmental organization does not enjoy the right of legislative initiative, a group of members of Parliament from the governing majority supported this initiative. Subsequently, the draft was reviewed by various parliamentary commissions and was unanimously adopted on 4 February 2010.

431. The anti-discrimination law governs the implementation and compliance with the principle of equality on the grounds of gender, race, colour, ethnicity, gender identity, sexual orientation, political, religious, philosophical, economic, education or social status, pregnancy, parental affiliation, health status, domicile and others.

432. The law is designed to ensure equality before the law and equal legal protection to each individual, equality of opportunity in exercising human rights, protection from discrimination or any other form or behaviour that incites discrimination, and to encourage active participation in public life. Beneficiaries of this law are Albanian nationals and foreign physical and juridical persons.

433. To protect victims of discrimination, an institution called the commissioner for the protection from discrimination would be set up, employing the most renowned experts in the field of human rights and providing effective protection from discrimination and incitation to discrimination.

434. The commissioner would be elected by Parliament and should be an individual with a notable role and expertise in the human rights field; apart from other requirements, he or she should not be engaged in political activity. The commissioner's powers ranged from the administrative verification of violations, recommendations for restoration of rights and court representation of aggrieved parties to imposing administrative sanctions against persons infringing the principle of equality among nationals.

435. According to the Government, the adoption of the law, and particularly its implementation, would essentially help produce a climate in which each individual would feel an equal part of the society. Of course, discrimination would not end with the adoption of the law. Combating discrimination and respect for human rights as a whole was a long process, whereby the civil society, the Ombudsman, the commissioner against discrimination, the Government and all its structures had their own tasks and goals, which are clearly specified in the Constitution and other legal acts.

436. At the universal periodic review session in December 2009, the delegation of Albania officially extended an open invitation to all special procedures mandate holders to visit the country. In this regard, the Special Rapporteur for extrajudicial, arbitrary and summary executions, Philip Alston, had visited Albania from 14 to 23 February 2010. The Government wished to express its highest appreciation for the professional competence, commitment and objectivity of the Special Rapporteur and his staff.

437. The delegation highlighted the special significance of transparency towards international institutions. From this perspective, verification of human rights standards by other special rapporteurs should be a normal practice in the activities of the Council.

438. Furthermore, Albania had also passed a draft law on children's rights, and a child and family protection unit had been established within the Ministry of Labour and Social Affairs. In November and December 2009, a national campaign aimed at raising awareness for combating violence against women was conducted. Reports to police on violence against women were increasing and the building of the first shelter for women had been completed.

439. Concerning recommendation 3 included in paragraph 69 of the Working Group report (A/HRC/13/6), the delegation stated that Albania had made changes relevant to the legal framework of the definition of sale of children and child pornography in its Criminal Code in 2008. Recommendation 4 was rejected on the ground that the institute of the Ombudsman and a national human rights commission had already been established. Action on recommendations 9, 11, 12, 14 and 16 would soon be implemented.

440. The delegation reiterated that the conclusions of the review of Albania would be part and parcel of the Government agenda for the forthcoming period.

2. *Views expressed by Member and observer States of the Council on the review outcome*

441. Algeria welcomed the efforts of Albania to promote and protect human rights, as well as to ensure the gradual establishment of legal and institutional mechanisms. Algeria



was delighted by the fact that Albania had accepted 85 recommendations, including all recommendations put forward by Algeria. More than half of those recommendations were already in the process of implementation, a sign of Albania's commitment to the promotion of human rights. Algeria expressed its confidence in the actions being conducted by Albania to consolidate and strengthen measures to continue the fight against trafficking in human beings, and would like to see other countries benefiting from the Albanian experience.

442. The delegation of the United States of America welcomed the acceptance of recommendation 13, paragraph 69, of the Working Group report (A/HRC/13/6) regarding the media monitoring board. It urged Albania to follow up with a robust reform and strengthening of the board. The United States welcomed the fact that Albania had indicated its support for additional measures to eliminate the worst forms of child labour. While expressing its support to the recommendations made by Belgium and Slovenia (recommendations 25 and 26) on improving the effectiveness of combating corruption of State officials, the United States welcomed the endorsement of those recommendations by Albania. It welcomed the development of an anti-corruption strategy, and looked forward to hearing about the progress in its implementation. Finally, it commended Albania for its commitment to the universal periodic review process.

443. Senegal noted that Albania's acceptance of most recommendations was a clear indication of the country's determination to improve its human rights situation. It noted particularly the positive responses given by Albania to recommendations with regard to strengthening institutional and legislative frameworks, and bringing them into line with international standards. Senegal highlighted the spirit of openness with which Albania addressed issues regarding smuggling of persons and the protection of the rights of women and children. Senegal wished Albania success in the implementation of the recommendations accepted.

444. Montenegro congratulated Albania on its constructive cooperation and engagement in the universal periodic review process. It commended Albania for its responsible attitude towards the recommendations proposed. Albania and Montenegro had maintained fruitful bilateral relations, with particular emphasis on enhancing the protection of minorities living in both countries. The continuity of Albania's activities aimed at the affirmation of fundamental rights and freedoms demonstrated the commitment of Albania to the promotion and protection of universal values. Montenegro encouraged Albania to continue to protect and promote human rights and freedoms.

445. The former Yugoslav Republic of Macedonia saluted the openness of Albania and the country's readiness to cooperate in the universal periodic review process, which demonstrated the determination of Albania to continue to fulfil human rights standards and further their implementation. It noted with satisfaction the commitment of Albania to improve the human rights situation, in particular the rights of minorities, persons with disabilities and children, and to take steps to address regional disparities, in particular in the fields of education, health and the environment.

446. Morocco congratulated Albania on the openness displayed throughout the process of the universal periodic review and for its comprehensive presentation. It noted with satisfaction that Albania had accepted a large number of recommendations, reflecting the country's commitment to a modern society determined to address the challenges of development and human rights, in particular the rights of vulnerable persons. It noted with interest the national policy and accompanying measures that had been taken to ensure the rights of children fully by focusing on the fight of universally recognized phenomena, which could undermine those rights. It noted the interest shown for the protection of the rights of national minorities, in particular the right to preserve and develop the ethnic, cultural, linguistic and religious identity of individuals. Albania's determination to continue

bringing its legislation into line with international human rights standards had been expressed by the acceptance of all relevant recommendations.

3. *General comments made by other relevant stakeholders*

447. The European Region of the International Lesbian and Gay Association commended the Government of Albania for having accepted the recommendation to include sexual orientation and gender identity specifically in anti-discrimination legislation. It called for effective implementation of the anti-discrimination law, also with a view to guaranteeing respect for human rights related to sexual orientation and gender identity, and encouraged Albania to establish a commissioner on equality. It also commended Albania for having accepted recommendations relating to human rights education and awareness-raising, including with regard to sexual orientation and gender identity, and asked about steps taken to fulfil this commitment. Lastly, it urged the Government to accept the recommendation to consider applying the Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity as a guide to assist in policy development.

448. Amnesty International welcomed Albania's support for many recommendations made in the Working Group, including the recommendation to promote the enforcement of the Law on Gender Equality and Domestic Violence and increase public awareness in this regard, to implement the Guidelines for the Alternative Care of Children and to take further measures to protect the human rights of children leaving care. It expressed particular concern about the situation of orphans and other young people after leaving care and called on Albania to increase protection for them, including by ensuring that they had access to adequate housing. It regretted Albania's rejection of two recommendations on the prohibition of corporal punishment of children as a disciplinary method, noting that, according to press reports, a free national child line opened in 2009 received about 400 calls a day from children reporting ill-treatment. In the light of information that physical and psychological violence was still often regarded in Albania as having a positive effect on a child's education and development, Amnesty International urged Albania to review the two recommendations.

4. *Concluding remarks of the State under review*

449. The delegation of Albania stated that recommendation 13 by the United States of America on the media monitoring body had been accepted, as well as recommendations 9 by Belgium and 11 by Slovenia on the independence of the judiciary. The delegation also noted that Albanian anti-corruption legislation and policies were among the best. Albania would, however, continue its efforts on this issue as well as in the fight against organized crime. Additional information on minorities, child rights, anti-discrimination policies and legislation on domestic violence was provided.

**Democratic Republic of the Congo**

450. The review of the Democratic Republic of the Congo was held on 3 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by the Democratic Republic of the Congo in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/COD/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/6/COD/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/COD/3).

451. At its 30th meeting, on 18 March 2010, the Council considered and adopted the outcome of the review on the Democratic Republic of the Congo (see section C below).

452. The outcome of the review on the Democratic Republic of the Congo comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/8), the views of Democratic Republic 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*

453. The delegation indicated that the Government of the Democratic Republic of the Congo, respectful of its international commitments, had submitted a national report in the context of the universal periodic review. Furthermore, it had already accepted in the Working Group 124 of 163 recommendations made during the review.

454. With regard to the implementation of the recommendations already accepted, the delegation noted that most of the needed legislative reforms would be considered during the parliamentary session to be held between March and June 2010, or at the latest, the September 2010 session, with particular attention paid to the law implementing the Rome Statute of the International Criminal Court, the law on the creation, organization and functioning of the national human rights institution, in accordance with the Paris Principles, the law on parity between men and women, the ongoing reform of the criminal and family codes and the laws allowing ratification of international human rights treaties.

455. Regarding the promotion of peace, the Government had put an end to the Kimia II operation and officially launched the new *Amani Leo* programme for consolidating peace in the east with the assistance of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). This joint operation aimed at bringing under control the remaining resistance to the peace process, with particular attention to the protection of the civilian population. Other operations were under way to bring peace back throughout the territory, such as the Rudia II operation in the eastern province, where the Lord's Resistance Army continued to violate the fundamental rights of Congolese citizens.

456. The delegation stressed that awareness-raising campaigns on the need to combat sexual violence were still under way in workshops. Mention was made of the campaign jointly put in place with MONUC since January 2010. Impunity for crimes of sexual violence was being fought, and military courts had convicted a number of soldiers and officers found guilty of sexual violence. Ordinary courts were also attempting to combat this scourge; the national agency to combat sexual violence against women and girls set up in 2009 was being put in place.

457. The Government was stepping up efforts to ensure access to education, health and an adequate standard of living, including through the building of hospitals, the improvement of the business climate and the electricity supply, and the progressive increase in remuneration. Efforts to bring an end to the initiative for heavily indebted poor countries were part of the same vision, and resources allocated to debt servicing would be reoriented to programmes to fight poverty with a view to eradicating it.

458. With regard to the fight against the recruitment of children in the army and the rehabilitation of former child soldiers, remarkable progress had been made through the unit for implementation of the national programme for disarmament, demobilization and

rehabilitation. As at 31 December 2009, the concrete implementation of rehabilitation programmes for 5,700 demobilized persons, with contributions from the African Development Fund, had begun. CARITAS and the Food and Agriculture Organization had identified 4,200 demobilized persons, who were referred to them. Also, pilot agricultural farms had been set up in 10 selected sites for community rehabilitation.

459. The aim of the Government was to increase the efficiency of justice. Approximately 2,000 magistrates would be recruited: 1,000 in 2010, 1,000 in 2011. This would allow for optimal functioning of the judiciary, and would strengthen the fight against impunity, including for crimes of sexual violence and corruption. In the meantime, existing courts were ready to deal with different criminal cases, including with regard to sexual violence. In combating the overcrowding of penitentiary institutions, a new central prison in line with international standards had been inaugurated on 30 December 2009, and the Government was rehabilitating two other prisons. In addition, there would shortly be areas for girls in the Beni and Goma establishments for child custody. The Beni military court was being set up. These actions were part of the implementation of the overall justice system reform plan, in particular the creation of 145 peace courts all over the territory, by June 2010, to allow people to be close to the courts and to ensure the effectiveness of the justice system.

460. With regard to combating impunity within the army and the police, the zero tolerance policy, announced by the Head of State, continued its irrevocable path. Any officer found guilty was systematically prosecuted at the disciplinary or court levels, irrespective of rank. Regarding the recommendations on which the State had reservations, the delegation reaffirmed its full readiness to cooperate with the seven special thematic rapporteurs and with other special procedures, and to issue them an invitation whenever such request was made. It recalled the invitation made by the Government for a visit by the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights.

461. The delegation assured the Council of the readiness of its Government to cooperate in view of the implementation of the recommendations by the Special Rapporteur on extrajudicial, summary or arbitrary executions following his visit to the country. With regard to the recommendation on the creation of a joint commission, including international staff, to combat arbitrary detentions, this structure already existed in the framework of the joint justice committee. With regard to the recommendations relating to the internal functioning of the armed forces, these issues were part of national policy. The Government awaited the results of the mapping carried out by the United Nations for the period 1993–2003 before expressing its opinion on the recommendations on transitional justice.

462. With regard to recommendations on elaborating laws specifically protecting human rights defenders, the delegation reaffirmed its commitment to continue discussions to set up a specific legal framework for them.

2. *Views expressed by Member and observer States of the Council on the review outcome*

463. Algeria commended the commitment of the Government to improve human rights, particularly of vulnerable groups such as women and children, with the support of human rights mechanisms. Algeria noted with satisfaction that the State supported the recommendations made by its delegation and had accepted 124 recommendations made in the Working Group. Algeria encouraged the authorities to pursue the consolidation of the peace process in the context of a crisis exit strategy, adapted to its particular circumstances within the framework of existing mechanisms, and noted that a country mandate would have little practical effect if not established at the request of the concerned country.

464. Cuba expressed appreciation at the State's acknowledgement of the problems it faced and its resolve to continue its efforts to overcome them. Cuba noted that the country's colonial past and structural poverty were the root causes of the existing conflict and instability. Punitive actions would not constitute the solution, and priority should be given to development strategy and long-term cooperation, in particular from developed countries, to overcome structural poverty and improve living conditions.

465. The United States of America commended the Democratic Republic of the Congo for accepting several recommendations. It noted the State's will to cooperate with the International Criminal Court, and expected the country to reconsider its refusal to support the recommendation to deliver General Bosco Ntaganda to the Court. It expressed concerns about impunity and justice and supported a number of recommendations in this regard. It expressed its regret that the State had rejected several recommendations relating to access to detention facilities and to serious cases of impunity, and encouraged it to reconsider its position in this regard.

466. China noted the importance the State attached to the universal periodic review process. Many measures had been adopted to enhance human rights, including the rights to education, health and housing, and to incorporate human rights education in the curricula and spread human rights. China understood the special difficulties faced by the country due to protracted wars and poverty and believed that, with the support of the international community, the State would improve its human rights and humanitarian situation.

467. Senegal noted that the large amount of recommendations made to the country revealed the importance the Council attached to the improvement of the human rights situation and to the challenges faced by the State under review. Senegal encouraged the international community to support the country through technical assistance, in accordance with the needs it expressed, and taking into consideration the fact that the Government had accepted recommendations on violence against women and children and prosecution of the perpetrators of these acts.

468. Italy noted that numerous forms of discrimination and violations of the rights of the child persisted and that many children, in particular street children, were exposed to exploitation and abuse. Children accused of witchcraft were those who probably suffered the worst treatment. Italy appealed to the authorities to take more efficient measures to fight this phenomenon, in particular by adopting legislation to criminalize accusations of witchcraft against children, raising awareness on this issue and implementing a rehabilitation and reintegration programme with the help of the international community.

469. Belgium noted that the acceptance of 124 of 163 recommendations made in the Working Group, including 3 by Belgium on the fight against sexual violence, the protection of "witch" children and human rights defenders' protection, showed the authorities' commitment to enhance human rights protection. Belgium noted with appreciation the acceptance of a number of recommendations under consideration, and expressed the hope that the possible adoption of a law to protect human rights defenders would allow for a positive response to the recommendations made on the subject. Belgium encouraged the authorities to implement all the recommendations rapidly, and reiterated its full support in this respect.

470. Cameroon welcomed the additional information provided and praised the efforts made by the State for the promotion and protection of human rights. It welcomed the acceptance of 124 recommendations, noting that many were already being implemented. It made an appeal to the Council and the international community to strengthen its technical assistance to the country.

471. Morocco highlighted the commitment displayed by the country to promote and protect human rights, particularly illustrated by the open and frank debate on the human

rights situation in the country and the acceptance of the great majority of recommendations. Morocco welcomed its willingness to cooperate with the international community to promote the human rights situation, and called for technical and financial assistance to the country, at its request and with its consent. Morocco thanked the delegation for having accepted its two recommendations relating to the national human rights institution and to education, particularly human rights education and training.

3. *General comments made by other relevant stakeholders*

472. The International Federation for Human Rights Leagues welcomed the commitments made by the State in the universal periodic review, but expressed surprise that recommendations made for the protection of human rights defenders were regarded as implemented. It deplored the rejection of recommendations to arrest Bosco Ntaganda and transfer him to The Hague and to create a mechanism to exclude from the army and security forces persons responsible for serious human rights violations. Lastly, it requested the implementation not only of recommendations accepted but also of those made by the special procedures and the High Commissioner, as well as the country's obligations under international law.

473. Franciscans International, in a joint statement with the Swiss Catholic Lenten Fund, the International Federation of ACAT and the Lutheran World Federation, mentioned that more than 60 national and international non-governmental organizations had expressed concern at the high number of rejected recommendations, and urged the Government to reconsider its position. Regarding the recommendations already implemented, they noted the slow pace of the authorities in carrying them through, including in relation to women's rights, the abolition of the death penalty, the implementation of the Rome Statute and the establishment of the national human rights commission. They encouraged the State to create favourable conditions for the implementation of recommendations, in effective cooperation with the special procedures and periodic follow-up evaluation by the Council.

474. Action internationale pour la paix et le développement dans la région des Grands Lacs stated that the past two United Nations reports revealed that violence against the civilian population in the East was continuing with impunity. The root causes of the Congolese tragedy were the illicit exploitation of natural resources and the role of neighbouring countries. It took note of the role of multilateral companies, which had transformed the country into a lawless place. It recommended that criminal prosecution be initiated against individuals and multinational companies involved in the illegal looting of resources, in crimes against humanity and war crimes.

475. The International Commission of Jurists requested the Government of the Democratic Republic of the Congo to take prompt measures to implement all recommendations. Members of the armed forces, the intelligence services and armed groups had been implicated in gross and systematic human rights abuses. It regretted that the Government had rejected the recommendations to arrest and transfer Bosco Ntaganda to the International Criminal Court. It stressed the prevalent grave human rights concerns, particularly those relating to the culture of impunity and deficiencies of the judicial system. It reiterated its call to the Council to re-establish a comprehensive country mandate and a group of independent experts to help the Government to address gross human rights violations and violations of international humanitarian law.

476. Comité international pour le respect et l'application de la Charte Africaine des droits de l'homme et des peuples recalled the existence of numerous serious abuses and violations, including massacres, corruption, sexual violence against women and children, the recruitment of child soldiers, murders of members of civil society, the looting of minerals by multinationals and neighbouring countries, and the persistence of extrajudicial executions with impunity. The different military operations had contributed to the

occupation of the east of the country. The complacency of the Government revealed the lack of political will to put an end to the suffering of the population.

477. Interfaith International, in a joint statement with Rencontre africaine pour la défense des droits de l'homme and the Al-Hakim Foundation, encouraged the Democratic Republic of the Congo to combat the culture of impunity, discrimination against Bambeto pygmies, the rape of women and the stigmatization of "witch" children, and to take appropriate measures to build transparency and good management of mining resources to achieve the Millennium Development Goals. Interfaith International congratulated the country on its openness to Council mechanisms.

478. The International Voluntarism Organization for Women, Education, Development and the International Institute of Mary our help of the Salesians of Don Bosco welcomed the achievements in human rights made in the country. It noted that measures taken by the Government in relation to combating grave economic and sexual exploitation of children, as well as putting an end to impunity of those responsible for sexual crimes against children, were insufficient. It stressed that serious situations of exploitation persisted, in particular in the Katanga region. Mines were still places of economic and sexual exploitation of children, including young girls under the age of 12. The Organization expressed the hope that more adequate and effective measures be taken in this regard.

479. The International Institute of Mary our help of the Salesians of Don Bosco and the International Voluntarism Organization for Women, Education, Development welcomed the efforts to reinforce the national legal framework of child protection. The Institute stressed the serious violations of the Convention on the Rights of the Child in the Katanga region, particularly due to extreme poverty. The Organization noted the increase of street children and children accused of witchcraft, who were exposed to abuse. It hoped that the State would pay special attention to this vulnerable group. With regard to the right to education, the Organization suggested that the country ensure free education.

480. The Canadian HIV/AIDS Legal Network noted the decision of the Human Rights Committee, which considered that criminalizing homosexual conduct violated the International Covenant on Civil and Political Rights. It urged the Democratic Republic of the Congo to ensure that the Penal Code was not applied to criminalize homosexual activity between consenting adults; adopt measures and programmes for the prevention of HIV/AIDS; and provide law enforcement and judicial officials with training on the protection of human rights of sexual minorities.

481. Amnesty International hoped that the eight recommendations supported by the country and related to human rights defenders would be given high priority. It noted that the issue of arbitrary and incommunicado detention by security services and the army had not received sufficient attention. Amnesty International regretted that the Government had not supported the recommendation to grant access to the Joint United Nations Human Rights Office, the special rapporteurs and other independent mechanisms to places of detention. It was concerned that some national army officers suspected of serious violations of human rights and human rights law still served in operations in the east, and hoped that the universal period review would give renewed impetus to the Government to show political will to implement the national "zero tolerance" policy .

#### 4. *Concluding remarks of the State under review*

482. With regard to the 28 recommendations contained in paragraph 96 of the Working Group report, the delegation stated that it had accepted recommendations 1, 4, 5, 8, 9, 13, 14 and 19, and that it had noted the remaining ones. The delegation stressed that country mandates could only be set up at the request of the country concerned. The authorities renewed their invitations to the various thematic procedures. The delegation mentioned that

all the particular questions mentioned during the debate were a matter of concern to the Democratic Republic of the Congo, especially sexual violence, exploitation of resources, violence against children and combating impunity.

### **Côte d'Ivoire**

483. The review of Côte d'Ivoire was held on 3 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Côte d'Ivoire in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/CIV/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/6/CIV/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/CIV/3).

484. At its 30th meeting, on 18 March 2010, the Council considered and adopted the outcome of the review on Côte d'Ivoire (see section C below).

485. The outcome of the review on Côte d'Ivoire comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/9), the views of Côte d'Ivoire 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/13/9/Add.1/Rev.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*

486. Mr. Tia Koné, President of the Supreme Court, recalled that Côte d'Ivoire had left 39 recommendations for further consideration after the Working Group session. He stated that the responses were based on the commitment of Côte d'Ivoire to promote and protect human rights. The country attached the greatest importance to the universal periodic review, and would therefore report to the Council on achievements made in implementing these recommendations under item 6 of the agenda, once democratic, inclusive and transparent elections were completed. Côte d'Ivoire also drew the attention of the Council to the document containing its responses to the recommendations (A/HRC/13/9/Add.1/Rev.1). The delegation provided update on issues addressed by the above-mentioned recommendations.

487. Côte d'Ivoire recalled its commitment to the ongoing crisis exit process aimed at helping the effective implementation of all human rights. Initiatives and commitments already set down in the national report attested to that resolve.

488. Regarding the 20 recommendations inviting Côte d'Ivoire to ratify various international instruments, the Government regretted that, despite its will in this regard, the current crisis was an impediment to their implementation. As indicated in the national report (para. 141) and the Working Group report (para. 93), Côte d'Ivoire would proceed to such ratifications as soon as the current crisis had ended, as some required constitutional revisions to be adopted, not possible in the current situation.

489. Concerning the invitation to special procedures mandate holders, Côte d'Ivoire was committed to the special procedures and, as indicated in the national report (paras. 152 and 153), was ready to study any request on a case-by-case basis.



490. With regard to sexual violence, Côte d'Ivoire referred to the Working Group report mentioning challenges linked to gender equality (paras. 94 and 95). A ministerial directorate was devoted to this issue and Côte d'Ivoire was the first African country to adopt a national plan of action to implement Security Council resolution 1325 (2000), in addition to the establishment of a national committee to combat violence against women and children. Côte d'Ivoire also referred to its national report regarding major strategies aimed at preventing HIV/AIDS (para. 110). On gender identity and sexual orientation, Côte d'Ivoire did not criminalize same-sex relations between consenting adults.

491. On judicial matters and impunity, Côte d'Ivoire referred to the Working Group report (paras. 10 and 49) and to the national report (paras. 146 and 154). It had initiated a programme aimed at creating new jurisdictions and had taken various steps to building the capacity of judiciary staff, but remained open to any form of technical and financial assistance in this regard.

492. With regard to statelessness, Côte d'Ivoire referred to the Working Group report (para. 45) that specified that the code of nationality applied the *jus sanguinis* principle, and that statelessness could not exist, as the code governs the acquisition of nationality, in addition to the above-mentioned principle, through naturalization, marriage or adoption.

493. Côte d'Ivoire mentioned its national report relating to the right to education and to economic and social rights more generally (paras. 15, 86 and 89), which indicated that it continuously invested in these fields. The priority given to education and training was also illustrated by the establishment of an educational system taking into consideration its available resources. The Constitution set forth the right to education as a priority, a plan to combat illiteracy had been established and primary education, in particular of girls, was promoted.

494. Given its constraints and difficulties, Côte d'Ivoire wished to benefit from technical assistance in the following areas: (a) technical capacity-building to draft reports to catch up on treaty reporting obligations; (b) support to align domestic legislation with international human rights instruments; (c) organization of human rights training seminars for judiciary and security forces staff; (d) support for the establishment of a national human rights plan; (e) support for human rights education and sensitization activities for the population, including through the dissemination of related documents in the main national languages; (f) support for the modernization and consolidation of the civil registry; (g) operational capacity-building for the Ministry for human rights; (h) support for human rights training for locally elected representatives, opinion leaders and parliamentarians; (i) capacity-building for the national human rights commission; (j) support for the modernization, equipping and operational capacities of the military fire brigade unit and civil protection; and (k) support for the establishment of a national consumer body.

## 2. Views expressed by Member and observer States of the Council on the review outcome

495. Algeria thanked Côte d'Ivoire for the additional information submitted during the session. It supported the Government's efforts for national reconciliation and the restoration of public authority towards the organization of free and credible elections. It welcomed the acceptance of many recommendations, including those made by Algeria, in particular the launching of awareness programmes on human rights and international humanitarian law for security, legal and judiciary officers. It called for international community assistance and acknowledged the role played by Côte d'Ivoire in the Council, particularly regarding the resolutions on toxic waste and human rights, and the human rights of migrants.

496. Cuba commended Côte d'Ivoire's presentation, which highlighted efforts to implement universal periodic review recommendations. It applauded Côte d'Ivoire for accepting many recommendations, including those made by Cuba in connection to

universal access to health and child protection and to child trafficking and exploitation. It highlighted comments made to various recommendations, in particular those related to children rights, sexual orientation and gender identity, education and social and economic rights in general. Despite difficulties, Côte d'Ivoire had implemented programmes for human rights promotion and was encouraged to continue to do so.

497. The United States of America stated that widespread sexual violence continued, with women and children often targeted on the basis of their nationality and ethnicity, despite the efforts of Côte d'Ivoire to address this issue. It remained concerned at the prevalence of arbitrary detentions, the conditions of detention facilities and the detention of innocent civilians. The United States also expressed concern at the persistence of trafficking in persons and the exploitation of child labour. While the United States acknowledged Côte d'Ivoire's commitment to continue anti-trafficking efforts, it reiterated the importance of eliminating the worst forms of child labour.

498. Burkina Faso congratulated Côte d'Ivoire on its interest in the universal periodic review and felt confident the recommendations that had been accepted would be adequately addressed in order to benefit all inhabitants of Côte d'Ivoire. Burkina Faso declared its readiness to share with Côte d'Ivoire positive experiences that were mutually beneficial. It commended the role played by the delegation of Côte d'Ivoire in Geneva in various projects.

499. Senegal was pleased by the number of recommendations accepted by Côte d'Ivoire, in particular the recommendation on the promotion of human rights education and on children and women protection, which confirmed Côte d'Ivoire's commitment to ensure better enjoyment of human rights and fundamental freedoms for all its citizens. This attitude constituted an appeal to the international community to provide Côte d'Ivoire with all the support it clearly requested.

500. Cameroon acknowledged the efforts of Côte d'Ivoire to promote and protect human rights, in particular those related to reducing maternal mortality, extending vaccination coverage and combating malaria and HIV/AIDS. It noted the importance given to the social development of children and fighting the trafficking of children, despite a difficult context characterized by a decade of political and military crisis. It highlighted the cooperation between Côte d'Ivoire and UNICEF. It commended Côte d'Ivoire for accepting 108 recommendations, many of them already being implemented, and called on the international community to assist Côte d'Ivoire.

501. Botswana stated that Côte d'Ivoire had demonstrated its commitment to constructive engagement in human rights over the years, which was further amplified by its cooperation during the universal periodic review. It commended Côte d'Ivoire for accepting many of the recommendations. Botswana extended its continued support to Côte d'Ivoire, and encouraged the international community to also continue its support and cooperation with Côte d'Ivoire.

502. Morocco commended the full cooperation of Côte d'Ivoire during the universal periodic review, the establishment of a new Government in accordance with the Ouagadougou agreement and the efforts to organize open and transparent elections. It acknowledged Côte d'Ivoire for having accepted Morocco's recommendations regarding the statute of the national human rights institution and the setting-up of human rights education and training programmes. It called for financial and technical assistance to accompany Côte d'Ivoire in its review follow-up, in consultation with and with the consent of Côte d'Ivoire.

503. Djibouti welcomed the efforts made by Côte d'Ivoire to promote and protect human rights, despite the difficult socio-political climate in the country. It also welcomed Côte

d'Ivoire's acceptance of most of the recommendations, and called upon the international community to support Côte d'Ivoire in the implementation of its recommendations.

504. Congo stated that Côte d'Ivoire had shown its readiness and resolve to work with the international community to promote and protect fundamental human rights. The additional information provided by Côte d'Ivoire showed that substantial action had been taken to improve the human rights situation, and it welcomed the efforts made in this regard. Congo stated that, given the particular situation in Côte d'Ivoire, it would be most appropriate for the international community to provide support in order to consolidate the progress already made.

505. The Central African Republic urged the international community to respond to Côte d'Ivoire's call for technical assistance and cooperation. It acknowledged the Government's efforts to end the troubles that had shaken the country. It remained convinced that African wisdom would allow Côte d'Ivoire to prevail. It called upon all parties in Côte d'Ivoire to build peace and national reconciliation, without which human rights would be meaningless.

### 3. *General comments made by other relevant stakeholders*

506. The International Federation for Human Rights Leagues commended the Government's acceptance of the recommendation related to toxic waste. Nevertheless, it remained concerned at the way reparations to victims of the spill over of the Probo Koala ship had been carried out to date. It also noted the Government's commitment to improve prison conditions, specially the separation of minors from adults and women from men. It regretted the fact that Côte d'Ivoire had not accepted some recommendations, such as the ratification of several human rights instruments. It deplored the decision to postpone, once again, the elections. Fair and free elections would set off durable peace, national reconciliation, the rule of law and respect for human rights.

507. Franciscans International and Front Line, in a joint statement, regretted that key human rights instruments had not been ratified, and that requests for visits by special procedures would be examined on a case-by-case basis. They stated that the social and political climate in Côte d'Ivoire could adversely affect the implementation of recommendations. They called for the strengthening of legislation in relation to sexual and domestic violence, and for the setting-up of psychological and medical care for victims. Primary school education should be free; they requested Côte d'Ivoire to increase its support for the World Programme for Human Rights Education.

508. Interfaith International, Rencontre africaine pour la défense des droits de l'homme and the Al-Hakim Foundation, in a joint statement, stated that they had been following with interest the human rights situation in Côte d'Ivoire since the beginning of the political and military crisis, which had caused many problems and split the country in two. The syndrome of "Ivoirité" continued despite the statements before the Council. The organization of free and transparent elections had been postponed six times and the recent withdrawal of alleged foreign electors from the rolls had led to violence. They took note of the various recommendations made by several countries and considered that their effective implementation would improve the human rights situation in Côte d'Ivoire.

509. The Canadian HIV/AIDS Legal Network commended Côte d'Ivoire for its acceptance of the recommendation in relation to non-discrimination on the grounds of sexual orientation or gender identity. However, Côte d'Ivoire had not accepted the recommendation to implement awareness-raising programmes in this regard, as this was not viewed as a "current priority". Côte d'Ivoire was encouraged to consider the implementation of such programmes. The Canadian HIV/AIDS Legal Network expressed its willingness to work with Côte d'Ivoire to develop and implement initiatives to ensure non-discrimination on the grounds of sexual orientation and gender identity.

510. Rencontre africaine pour la défense des droits de l'homme had followed closely Côte d'Ivoire's human rights situation and commended it for its political will in signing the peace accords. It expressed concerns regarding widespread human rights violations perpetrated during the crisis by private militias, the police, Congolese militants, the military and Liberian mercenaries. The adoption of the recommendations would contribute to elucidate these crimes. It urged Côte d'Ivoire to combat impunity, improve prison conditions, redress the victims of the spillage of the Probo Koala ship and organize free and transparent elections.

511. Action Canada for Population and Development expressed its appreciation for the recommendations accepted by Côte d'Ivoire, in particular those relating to women. Regarding recommendation 83 on sexual violence, it called on Côte d'Ivoire to allocate additional resources for free medical assistance to victims of sexual violence, and the establishment of a national plan for sexual and reproductive health. It urged the Government to punish female genital mutilation and to carry out awareness-raising campaigns on this matter, as stated in recommendations 47 to 50. It requested the Government to reconsider its position on recommendation 28 in order to, at least, criminalize acts against the rights of persons belonging to sexual minorities.

#### 4. *Concluding remarks of the State under review*

512. The head of the delegation recalled that, regarding treaty ratifications, the priority of Côte d'Ivoire was to overcome the current crisis before making the necessary constitutional changes enabling such ratifications.

513. With regard to the "Ivoirité" syndrome, Côte d'Ivoire disagreed with the interpretation made. The latest decisions taken concerning the electoral rolls did not concern the withdrawal of persons with Ivorian nationality from the rolls but were aimed at removing those who were not Ivorian and were not entitled to vote. This had led to the postponement of the ballots because there was a need to submit a transparent list to have truly transparent elections.

514. Concerning the rejected recommendations, Côte d'Ivoire referred to recommendation 23 (Belgium) and indicated that its legal order did not give investigative powers to a national committee, as only courts were vested with that competence. Such investigations were carried out daily, the results of which were made known, and offenders were punished if an offence had been committed.

515. With regard to gender identity and sexual orientation, Côte d'Ivoire recalled that there was no urgent need to take special measures since same-sex relations between consenting adults were not criminalized.

516. Regarding the recommendation on toxic wastes, punitive measures had been initiated against those responsible for the spilling of toxic wastes and some people had been imprisoned and sentenced to stiff penalties. With regard to civil damages being awarded to victims, Côte d'Ivoire had initiated proceedings that allowed victims to obtain financial compensation, which was shared among the victims. The State used some of that money to undertake protective actions for its population. The victims themselves had initiated proceedings with the London courts and were able to obtain a sum, which was distributed among them. Although there had been difficulties in sharing the money between two groups of victims and this case was heard by the Supreme Court, the victims had reached a gentleman's agreement to share this money. Therefore the victims had received suitable compensation.

517. Côte d'Ivoire reassured all Member States that human rights were an indicator of its good governance. The delegation thanked the Council for all the recommendations and the troika members for their assistance.

## Portugal

518. The review of Portugal was held on 4 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Portugal in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/PRT/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/6/PRT/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/PRT/3).

519. At its 30th meeting, on 18 March 2010, the Council considered and adopted the outcome of the review on Portugal (see section C below).

520. The outcome of the review on Portugal comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/10), the views of Portugal 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/13/10/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*

521. Portugal recalled that 71 recommendations had been accepted out of the 89 recommendations made during the review in the Working Group, many of which corresponded to areas that Portugal had already identified in the course of the preparation of the national report, as crucial areas of attention. A total of 21 recommendations corresponded to the recommendations that Portugal had already implemented or was in the process of implementing. There were 17 remaining recommendations, the consideration of which had been deferred. Portugal had expressed its position on each of them in an addendum to the national report. It was pleased to announce that it had accepted almost all of the recommendations, bringing the final number of accepted recommendations to 86 of 89. It would report regularly on the implementation of these recommendations. Portugal also recalled that it had already rejected the recommendation to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

522. Portugal updated the Council on its voluntary commitment to establish a national human rights commission, which would be an inter-ministerial body with the competence to coordinate the implementation at the national level of all its international human rights obligations and voluntary commitments. It would ensure not only the follow-up to the universal periodic review exercise, but also the timely and adequate reporting to all international human rights bodies. It would also ensure the translation of all its international commitments into obligations at the national level, thus leading to national legislation and to the set-up of concrete policies and plans. The institutional set-up of the commission would be approved by the Council of Ministers on 18 March 2010.

523. Portugal noted that its rejection of the recommendation to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families did not imply any lack of importance of the rights of migrants. Indeed, all rights of migrants were already protected in its legal system through other international conventions to which Portugal was a party, and also European instruments and national law, which provided for extensive protection of all the rights envisaged in the

Convention. Portuguese law guaranteed the basic human rights of all migrant workers and members of their families, regardless of their status, such as access to health services and education.

524. Regarding the accepted recommendations to become a party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which Portugal had signed on 24 September 2009, to ratify as soon as possible the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to ratify as soon as possible the International Convention for the Protection of All Persons from Enforced Disappearance, Portugal stated that, since December 2009, it had been initiating the procedure of ratification, involving the Government, Parliament and the President of the Republic, and was hoping that their instruments of ratification would be deposited by the next session of the General Assembly.

525. With regard to the Optional Protocol to the Convention against Torture, Portugal stated that an intergovernmental working group had been set up to identify the national preventive mechanism for the monitoring of detention facilities in compliance with the criteria laid down in the Optional Protocol. This process was proceeding simultaneously with the ratification procedure.

526. With regard to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and in line with the recommendation to continue to play an important role in multilateral forums in support of the promotion and protection of these rights, Portugal has initiated diplomatic efforts to promote its ratification with the aim of ensuring a prompt entry into force.

527. Portugal had deposited the instruments of ratification of both the International Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto on 23 September 2009. They had come into force on 23 October 2009, and the National Institute for Rehabilitation was the national focal point. It had progressively been adopting legislation in this area in recent years.

528. Regarding the recommendation to establish a national human rights institution, Portugal stated that the Ombudsman (*Provedor de Justiça*) had been accredited as a national human rights institution with "A" status by the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights, in conformity with the Paris Principles, since 1999. It was an independent organ dedicated to the defence of the legitimate rights and interests of citizens. Citizens could submit complaints about actions or omissions of the public authorities to the Ombudsman, who would investigate them and make recommendations to the competent bodies to prevent or redress cases of injustice.

529. Portugal also recalled that a national initiative for childhood and adolescence, based on the Convention on the Rights of the Child, the recommendations of the Committee on the Rights of the Child and the United Nations study on violence against children had been elaborated in 2007. The national initiative took into account the transversal nature of issues relating to children's rights and the need to define adequate resources, establish priorities and allocate budgets, which were all essential to create favourable conditions to guarantee these rights.

530. Regarding the phenomenon of street children, Portugal stated that numerous initiatives and efforts had been undertaken and the problem was no longer a significant issue.

531. Portugal set up, in 2008, an inter-ministerial working group to review and elaborate all overdue reports to treaty bodies. Portugal expressed hope that, with the new impetus that

the national human rights commission would bring to inter-ministerial coordination in the field of human rights, it would be able to deliver all overdue reports by the end of 2010.

532. In 2005, a victim unit for immigrants and victims of racial and ethnic discrimination had been set up in cooperation with a Portuguese non-governmental organization. The unit received public financing on a yearly basis from the High Commission for Immigration and Intercultural Dialogue, and provided support free of charge to victims of racial discrimination and to immigrant victims in general. It was also possible to file a complaint for acts of racial discrimination constituting administrative infractions before the Commission for Equality and against Discrimination, and a discriminatory act or practice could also constitute a crime, according to criminal law.

533. The Plan for the Integration of Immigrants, adopted in 2007, which set the guidelines for public policy in the area of integration, covering areas such as employment, education, health and the prevention of and the fight against racial discrimination, sought to stimulate the participation of immigrants in the design, development and evaluation of immigration policies. The Plan was based on the clear assumption of responsibility by the State towards the integration of immigrant citizens, with special emphasis on the reinforcement of social cohesion and improving integration and the management of cultural diversity.

534. Portugal had set up national support immigrant centres and local support immigrant offices that provided information and support to immigrants.

535. On the issue of domestic violence, Portugal stated that the legal framework had been completed in September 2009 by the adoption of a law on compensation to victims of domestic violence, and another law on the legal regime applicable to the prevention of domestic violence and to the protection and assistance to its victims. These laws aimed to develop awareness, increase victims' protection and ensure the prosecution and conviction of the perpetrators. A national network of domestic violence centres was set up in 2005 to provide an integrated response to cases of domestic violence, complementing the existing shelters network. Coverage of the whole country was achieved in January 2010. A growing investment in awareness-raising campaigns and in the training of police and prosecutors in the specific area of domestic violence had been taking place, which resulted in considerable progress in police and judicial practices.

536. Regarding the plan of action to combat human trafficking, the first national plan included a total of 63 measures, of which more than two thirds had already been taken. It had already begun the elaboration of a second national plan. Portugal has been sharing the model of signalization, identification and integration of victims and the model of the Observatory on Trafficking in Human Beings with other States members of the European Union and Portuguese-speaking countries. The OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking had been used as a reference in the development of anti-trafficking policy.

537. Portugal ensured the protection of the rights of children of prisoners in accordance with the principle of the best interest of the child. An amendment to allow children up to 5 years of age to stay with their mothers in prison, instead of the current 3-year limit, was envisaged.

538. Portugal had rejected the recommendation to develop a national human rights plan in accordance with the Vienna Declaration because it considered that it could not prejudge the work that would be carried out by its national human rights commission. Portugal noted that, even though it did not have a global national human rights plan, it had several sector plans. This would be one of the issues at the top of the agenda of the new human rights commission, and Portugal would later inform the Council on the results of its deliberations.

539. Portugal also rejected the recommendation to incorporate representatives of ethnic minorities into the security forces, because the Constitution established the principle of equality as one of the fundamental principles guiding the public administration. This principle was fully applied through a horizontal and legally-binding approach, encompassing the recruitment and classification of law enforcement officers. There was no specific programme for the selection or recruitment of ethnic minority members for the security forces, just as there were no barriers to their entry. All applicants were subject to the defined requirements and criteria, equal for all citizens, in accordance with the general principles of equality and fairness.

540. Portugal stated that the universal periodic review recommendations would be translated into Portuguese and disseminated within its national institutions, in partnership with Parliament and civil society. It would also strive to inform the Council, on an annual basis, on the implementation of the recommendations.

2. *Views expressed by Member and observer States of the Council on the review outcome*

541. Algeria applauded the fact that Portugal had accepted 71 of a total of 89 recommendations received. It appreciated the acceptance of one of Algeria's recommendations in favour of taking additional measures in the areas of housing, employment, education and access to social services, for all the segments of society. Algeria was saddened that joining the block position of a group of countries, Portugal had not accepted the recommendation of Algeria and many other countries to adhere to a core human rights instrument, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, although Portugal had long been a country of origin of migrant workers and was well placed to understand the suffering and indignity to which migrants were exposed. It recommended that Portugal should exercise leadership in this regard.

542. The Islamic Republic of Iran appreciated Portugal's positive approach in accepting most of its recommendations. It sought more elaboration on the reasons that Portugal had provided on the recommendation concerning the development of a national human rights plan in accordance with the Vienna Declaration and Programme of Action. It encouraged the Government to continue efforts to eliminate all forms of discrimination and to take a comprehensive set of measures to tackle racism and racial discrimination, and to combat more resolutely all its forms and manifestations. It requested Portugal to elaborate further on its policies and programmes to tackle the problems of ill-treatment and the excessive use of force by the police against immigrants and the Roma. It also sought an update on the measures to improve the condition of prisons and detention centres, including overcrowding, inadequate facilities, health problems and cases of physical and sexual abuse. It encouraged Portugal to update the Council on Government policies to combat trafficking in persons for the purposes of forced labour and sexual exploitation.

543. The United States of America commended Portugal's continued support for human rights in the country. It expressed satisfaction that all prisoners had access to sanitary installations at all times, and that alternative sentencing programmes had been utilized to avoid imprisonment. It noted that few allegations of prisoner abuse were recognized by the European Committee for the Prevention of Torture. It looked forward to responses to its previous recommendations regarding implementation of the 2004 guidelines and reforms for the prison system and the Ministry of Labour's efforts to prevent child labour.

544. Nepal recognized Portugal's commitment to promote and protect human rights, and congratulated Portugal on its being recognized by the United Nations as the best country in the area for the provision of support services and immigrant's rights. Nepal noted with appreciation that the existing asylum law enshrined the fundamental rights of immigrants and protected the interests of asylum-seekers. Nepal appreciated the measures taken to curb



violent crimes, domestic violence and trafficking in human beings. Nepal applauded the efforts to promote gender equality and encourage women's entrepreneurship.

3. *General comments made by other relevant stakeholders*

545. The Ombudsman of Portugal noted the achievements made by Portugal in the effective implementation of human rights, but underlined the importance of furthering work in some fields. He commended the Government for accepting a significant number of recommendations. Concerning the situation in prisons, while acknowledging the improvements achieved, he encouraged the Government to take further steps, particularly by pursuing ratification of the Optional Protocol to the Convention against Torture and establishing the national preventive mechanism. He also encouraged the continuation of efforts to strengthen the protection of vulnerable groups, including children and women, and called for further efforts to provide assistance and to ensure full integration of immigrants. He expressed his commitment to following closely the implementation stage of universal periodic review recommendations.

546. Interfaith International, in a joint statement with the Al-Hakim Foundation, noted that the acceptance of most of the recommendations showed the openness of Portugal to all Council mechanisms. It noted that Portugal was one of the few countries in the European Union that had provided specific treatment for nationals of its former colonies in terms of administrative regularization. It urged the Government to combat domestic violence effectively and to take appropriate measures to punish those responsible for such acts. It encouraged Portugal to set up a programme on education to citizenship concerning the rights and duties of citizens for migrants living in the territory.

547. The Charitable Institute for Protecting Social Victims, in a joint statement with the Institute for Women's Research and Studies and the Islamic Women's Institute of Iran, commended the efforts made for the promotion and improvement of gender equality and the implementation of the national campaign on combating domestic violence against women and children over the period 2007–2009, but it noted that domestic violence remained an ongoing concern. It called upon the Government to continue its activities to increase awareness of all forms of violence against women and children and to continue its campaign through a prevention policy as one of the priorities of the Government's plans. It condemned the cases of racism and racial discrimination against migrants and ethnic minorities and the unsuitable conditions of prisons and detentions centres. It called upon the Council to investigate these issues and the Government to plan and create a mechanism for the elimination of racism and to fight against all its forms. It also stressed the need to strengthen efforts for the integration of the Roma community.

548. The Organization for Defending Victims of Violence, in a joint statement with the Iranian Elite Research Centre, invited the Government, in addition to intensifying its efforts to create a culture of tolerance in society, to increase efforts to strengthen programmes, projects and other measures to prevent discrimination against vulnerable groups, including Roma women, asylum-seekers and migrants. It called on the Government to expand and strengthen training of law enforcement officials, and to enhance public awareness in relation to respect for the human rights and fundamental freedoms of immigrants, refugees and ethnic minorities. It also called on the Government to consider strengthening efforts to combat violence against women, including domestic violence and trafficking in persons, especially women and children by, inter alia, ensuring the full implementation of related laws and legislation, and also through the continued provision of adequate funding and the creation of a monitoring mechanism.

549. The European Region of the International Lesbian and Gay Federation, in a joint statement with Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit and COC Netherland, commended Portugal for accepting the

recommendation to take further measures to provide police, prison and judicial staff with human rights training, with a focus on the protection of rights of women, children, ethnic or national minorities, and persons of minority sexual orientation or gender identity, and to strengthen the accountability of such personnel for their conduct, particularly when dealing with cases of hate crimes. It also commended Portugal for accepting the recommendation to continue efforts to raise public awareness on human rights and to effectively combat racism, racial discrimination and intolerance, recommending explicit inclusion of gender identity as a ground in anti-discrimination legislation. It recognized the positive steps taken to counter discrimination on the basis of sexual orientation and gender identity, and encouraged Portugal to share best practices in this field and to consider applying the Yogyakarta Principles as a guide to assist in policy development.

4. *Concluding remarks of the State under review*

550. Portugal had embraced the universal periodic review as an opportunity to take stock of its accomplishments and the challenges that lay ahead. Portugal regarded the review as a valuable road map to keep improving human rights, nationally and internationally. Its preparation allowed for the identification of areas where progress had been accomplished and others where improvement could still be achieved, thus representing an added value in identification of current and future priorities in the field of human rights at the national level.

**Bhutan**

551. The review of Bhutan was held on 4 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Bhutan in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/BTN/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/6/BTN/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/BTN/3).

552. At its 31st meeting, on 18 March 2010, the Council considered and adopted the outcome of the review on Bhutan (see section C below).

553. The outcome of the review on Bhutan comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/11), the views of Bhutan 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/13/11/Add.1 and A/HRC/13/11/Add.1/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*

554. The head of the delegation, Ambassador Yeshey Dorji, Permanent Representative of Bhutan to the United Nations in Geneva, stated that Bhutan, along with other States, recognized the universal periodic review mechanism as an excellent opportunity to undertake a review of the human rights situations on the ground in all countries, in a constructive and cooperative spirit, guided by the principles of universality and non-selectivity. Bhutan thus considered the review a productive and rewarding experience. It underlined the inclusive approach that it had taken in drafting its national report, noting its

intention to pursue the follow-up to the review also in a spirit of openness, transparency and partnership.

555. Bhutan expressed its gratitude for the high level of interest shown by delegations in the Working Group, and expressed satisfaction at the recognition of its efforts, particularly its holistic approach to development, guided by the philosophy of gross national happiness, and its efforts in strengthening civil and political rights through the transformation of its system of governance and the rule of law. With regard to the comments and recommendations made during the review, including with regard to the scope of Bhutan's international human rights commitments, the strengthening of support for civil society organizations, measures to combat domestic violence and trafficking, and complex humanitarian issues, Bhutan expressed its commitment to addressing these issues.

556. Reaffirming its conviction that human rights must be viewed in a holistic manner, as indivisible, interrelated and mutually reinforcing, Bhutan stated that the universal periodic review process had imbued a sense of growing confidence among many national agencies involved in the protection and promotion of human rights. Bhutan had considered all 99 recommendations made during the interactive dialogue in a constructive spirit, it had responded to each of the recommendations in writing, and had accepted the vast majority of them. Many recommendations were already in various stages of implementation, and some were already adequately addressed by existing legal provisions. The remaining recommendations were taken note of, with comments reflected in the addendum to the Working Group report.

557. Bhutan also noted that the universal periodic review had allowed it to take a closer look at persisting challenges in its efforts to meet its international human rights obligations. As a small, landlocked and least developed country in the process of consolidating its political and institutional transition, great efforts and investments would still be required to fulfil those obligations. However, Bhutan was determined to meet those challenges and strive for further progress, with the support and cooperation of the international community.

2. *Views expressed by Member and observer States of the Council on the review outcome*

558. Algeria welcomed the open and transparent manner in which Bhutan had engaged in the universal periodic review process. Bhutan had endorsed most of the recommendations made, including those made by Algeria. Algeria also noted that Bhutan had achieved encouraging results in resolving problems related to food security, particularly in rural areas. It encouraged Bhutan to formulate, if needed, requests for assistance from relevant United Nations funds and programmes in order to consolidate its national strategy for food security. Algeria commended Bhutan for its efforts to ensure equality between men and women. It also reiterated its recommendation on the continuation of efforts to ensure that the right to health could be enjoyed by all, within the context of attaining the Millennium Development Goals. It encouraged Bhutan to search for a sustainable solution to the issue of refugees.

559. Cuba noted that Bhutan had accepted a significant number of recommendations and made significant efforts to implement them, which showed the will of the Government to promote the human rights of its citizens. Bhutan was making positive efforts to promote and protect human rights in spite of being a small developing country and a victim of an unjust international economic order. Bhutan had demonstrated its commitment to eliminating all forms of discrimination against women and guaranteeing equal rights for women and men. Cuba appreciated the fact that Bhutan had accepted its recommendation in a spirit of cooperation and constructive dialogue. Cuba encouraged Bhutan to continue its efforts in the field of human rights

560. India expressed its appreciation for the approach taken by Bhutan to the universal periodic review mechanism. The review had benefited from a wide participation by States, with 53 statements and 99 recommendations made. India was encouraged by the fact that Bhutan had accepted most recommendations made, and that it had provided detailed responses on each one. India congratulated Bhutan on its successful review and expressed confidence that Bhutan would further intensify its efforts within the next four years to implement the recommendations that it had accepted.

561. Pakistan thanked the delegation of Bhutan for the comprehensive presentation, which reaffirmed the country's resolve to work constructively for the realization of all human rights. Pakistan noted that Bhutan had accepted the majority of the recommendations made and welcomed its frank and realistic approach to implementation. Pakistan appreciated Bhutan's intention to establish a multisectoral task force to consider the possible ratification of specific human rights treaties, as recommended during the review process. It shared Bhutan's views on the importance of first evaluating domestic feasibility before taking a decision to establish a national human rights institution. Pakistan expressed the hope that the international community would extend all possible assistance to Bhutan to help implement universal periodic review recommendations.

562. The United States of America commended Bhutan's constructive engagement with the committees on the rights of the child and on the elimination of discrimination against women, as well as with regional human rights bodies, noting that these engagements had contributed to the development of legislative instruments and the principles embodied in the promotion of "gross national happiness". The United States supported the recommendations that Bhutan should promote and protect the rights of persons belonging to the ethnic Nepalese minority. It also shared the opinion that Bhutan should enhance efforts to implement a durable solution for the refugees currently residing in seven camps in a neighbouring State, and that it resume dialogue with that State and enhance cooperation with UNHCR and the core group in order to allow some refugees of special humanitarian concern to return immediately to Bhutan. It appreciated Bhutan's expressed commitment to women's rights, but shared concerns expressed by several other States regarding the levels of domestic violence in the country.

563. Sri Lanka commended Bhutan's cooperation in the universal periodic review process and noted with satisfaction that the Government had provided its views on recommendations in an addendum to the report of the Working Group. Bhutan had made significant efforts in the area of economic, social and cultural rights, consistent with its philosophy of gross national happiness, while at the same time building a strong democracy that promoted and protected civil and political rights. Sri Lanka believed that the recommendations contained in the report would facilitate the intensification of the Government's efforts to build a harmonious society based on the principle of non-discrimination, which had been central to all Government policies and actions. It added that, through the universal periodic review process, Bhutan had concretized its commitment to constructive engagement with the international community on human rights issues.

564. China thanked Bhutan for its presentation, which showed its commitment to effective cooperation in the universal periodic review process. It appreciated the importance that Bhutan attached to the review outcome and to seeking active feedback with a view to implementation. China welcomed Bhutan's commitment to promoting economic, social and cultural rights and to achieving the Millennium Development Goals, including in areas such as poverty reduction and primary education. It supported the priority accorded by Bhutan to the promotion of human rights in these fields. China acknowledged the challenges faced by Bhutan, but expressed confidence that it would succeed in its efforts to implement universal periodic review recommendations with the support of the international community.

565. Saudi Arabia noted Bhutan's commitment to human rights, as illustrated by its acceptance of most recommendations contained in the universal periodic review report, as well as its cooperation with all mechanisms and procedures of the United Nations human rights system. Bhutan's commitment to human rights was also shown by its willingness to continue international cooperation and a true dialogue on human rights. Saudi Arabia encouraged Bhutan to continue along this path.

566. Botswana welcomed the comprehensive presentation by Bhutan as well as its decision to accept most of the recommendations made. Botswana commended the efforts made by Bhutan, noting in particular its commitment to strengthen its institutional framework. It hoped that Bhutan, a landlocked and developing country like Botswana, would benefit from the support of the international community.

3. *General comments made by other relevant stakeholders*

567. The Canadian HIV/AIDS Legal Network addressed recommendation 60 of the Working Group report, aimed at repealing provisions in the Penal Code criminalizing sexual activities between consenting adults of the same sex. The organization recalled the view of the Human Rights Committee in *Toonen v. Australia* (1994), that laws criminalizing homosexual conduct violated the rights to privacy and non-discrimination, even if not actively enforced, as they stigmatized marginalized populations and undermined human dignity, in addition to compromising HIV/AIDS prevention programmes. It welcomed the Government's willingness to review these provisions in the future and urged that necessary steps should be taken to bring them into line with international laws as soon as possible.

568. The Lutheran World Federation appreciated the concerns expressed and recommendations made by many States regarding the unresolved refugee crisis and issues concerning the treatment of minorities in Bhutan. It recalled that Bhutan had reiterated its commitment to finding a lasting solution to the refugee problem through a process of bilateral negotiations. It noted Bhutan's participation in a joint verification process in one of the refugee camps, which had resulted in the verification of hundreds of refugees who should have been allowed to return to Bhutan, but were still unable to do so. The organization urged Bhutan to demonstrate its true commitment to resolving this issue, and to assume its responsibility for the voluntary repatriation of refugees in conditions of safety and dignity, with full guarantees for their human rights.

4. *Concluding remarks of the State under review*

569. Bhutan thanked the President of the Council, all States participating in the review, the troika and the Secretariat. Bhutan also thanked the representatives of civil society who had taken the floor. Bhutan's own civil society was growing quickly. In this regard, Bhutan expressed regret that representatives from its own community of non-governmental organizations had been unable to attend owing to the lack of resources. In the light of the potential value that these organizations could add to the process, Bhutan suggested that the Council consider means to facilitate the participation of non-governmental organizations from developing and least developed countries in the universal periodic review process, particularly during the plenary phase.

570. Bhutan emphasized that its legal framework, administrative machinery and growing civil society provided a sound environment for the promotion and protection of human rights. The Government expressed its determination to ensure that the principles of the new Constitution were upheld, that the rule of law was respected and that all Bhutanese could benefit from the democratic transformation. In this spirit, the Government would continue to strive for the realization of all human rights by its people.

**Dominica**

571. The review of Dominica was held on 7 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Dominica in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/DMA/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/6/DMA/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/DMA/3).

572. At its 31st meeting, on 18 March 2010, the Council considered and adopted the outcome of the review on Dominica (see section C below).

573. The outcome of the review on Dominica comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/12), the views of Dominica 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*

574. The Permanent Representative of Dominica to the United Nations stated that the issue of universal human rights had always been and continued to be a matter of great significance to the Government and people of Dominica. Dominican institutions — executive, legislative and judiciary — continued to hold high the ideals of the rule of law and had been very responsive to international norms, conventions and customs.

575. Over the years, Dominica had signed, ratified and acceded to several documents aimed at protecting human rights, especially the rights of the most vulnerable members of the population. Despite technical and financial constraints, Dominica had clearly demonstrated its willingness to work with hemispheric and international institutions.

576. With reference to the recommendations made during the review in the Working Group, Dominica provided the comments below.

577. With regard to conventions and protocols, the Government was committed to make every possible effort to complete the following steps in the next three months:

(a) To ratify the Convention on the Rights of Persons with Disabilities;

(b) To accede to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(c) To ratify the International Convention for the Protection of All Persons from Enforced Disappearance;

(d) To ratify the International Convention on the Elimination of All Forms of Racial Discrimination;

(e) To accede to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

(f) To ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto.

578. The Government was committed to the international principles of human rights, social justice and equity; however, it was constrained by the absence of resources, both technical and financial, to meet its commitments (a) to give domestic legal effect to international human rights norms and standards as contained in the United Nations conventions, and (b) to submit reports to the respective bodies in a timely manner.

579. Dominica called on the United Nations, and in particular on OHCHR, to provide technical and financial resources to assist it to meet its commitments, especially those currently outstanding. This would enable the Government to make a plan for the submission of all overdue reports to treaty bodies. In that regard, the Permanent Representative reported that the United Nations Development Fund for Women was currently providing assistance for reporting under the Convention on the Elimination of Discrimination against Women, and that efforts were made to meet reporting obligations under the Convention on the Rights of the Child.

580. With regard to the recommendation relating to the ratification of the second Optional Protocol to the International Covenant on Civil and Political Rights, the Representative recalled that Dominica, as an English-speaking Caribbean country, had not abolished the death penalty, although there had been a self-imposed moratorium on the use of the death penalty since 1986.

581. The current law on the death penalty was based on the 2003 ruling of the Privy Council of England, the final court of appeal for Dominica, which made the death penalty the maximum penalty for murder, to be imposed only for the most serious killings, rather than as a mandatory penalty.

582. While the death penalty had not been used in Dominica since 1986, there was a popular sentiment in the country in favour of reinstating executions for persons convicted of murder. The Cabinet of Dominica had indicated that, as a democratically elected Government elected by the people to represent the people, the laws it would submit to the Parliament should, to the extent possible, reflect the sentiments and desires of the people. The Government decided to maintain the death penalty in its legislation.

583. As a signatory of the Convention on the Rights of Persons with Disabilities, signed on 30 March 2007, the Government of Dominica remained committed to the full inclusion of persons with disabilities into the mainstream, and efforts had been made to ratify the Convention. There had been a series of stakeholder and wider public consultations. Based on the plan of action, the ratification process would be completed in the next three months, although, owing to resources constraints, Dominica faced difficulties in meeting the spirit and obligations of the Convention.

584. With regard to discrimination based on sexual orientation, the Constitution of Dominica guaranteed the protection of all citizens from discrimination based on their race, place of origin, political opinions, colour, creed or sex. The Constitution also provided for a legal mechanism to be utilized by persons who felt discriminated against. The Government promoted non-discrimination against all its citizens, and called on institutions and individuals to do the same. It also recognized that laws were to be enforced and could not be seen to condone the violation of the law. Through its national HIV/AIDS programme, Dominica provided support for persons who had been infected and affected by the disease. This was done without any request for the disclosure on the part of the victim of their sexual orientation.

585. The position of the Government of Dominica remained the same with regard to the criminalization of sexual relations between consenting adults of the same sex. The laws of Dominica, which have been on the statute books since colonial times, remained unchanged. The Government was not prepared to introduce to Parliament any legislation to decriminalize sexual relations between consenting adults of the same sex. Thus, it was

difficult to promote a public-awareness campaign, which would seek a sensitization to persons who have been considered to have violated the laws. Dominica remained sensitive to people affected and infected by HIV/AIDS, and treatment continued to remain available to persons infected regardless of their sexual orientation.

586. On corporal punishment, the Educational Act No. 11 (1997), which set out the policies for dealing with student behavioural and discipline problems, allowed for the administration of corporal punishment. The contents of section 49 (2) stated that corporal punishment could be administered where no other punishment was considered suitable or effective, and only by the principal, deputy principal or any teacher appointed in writing by the principal for the purpose, in a manner in conformity with the guidelines issued in writing by the chief education officer.

587. Corporal punishment was therefore not applied arbitrarily, and was seen as a measure of last resort for serious offences in the school system. Those who applied corporal punishment were guided by the code developed by the Ministry of Education. Corporal punishment was also used in the family, while there had been a tremendous effort to assist parents in the parenting of children and the use of alternative measures of discipline. Fully aware of the risk of abuse, the Welfare Department of the Ministry of Social Services was constantly engaged with parents and children who had complained of abuse. While recognizing the position taken in the Working Group, Dominica was not prepared to remove corporal punishment from its statute books.

588. The Government of Dominica remained committed to the principles of universal human rights established by the United Nations conventions, covenants and declarations, as well as international norms and customs. These rights were also guaranteed by the Constitution. Dominica's inability to submit reports to the relevant bodies and organizations of the United Nations was by no means due to a lack of interest in human rights. The reality was that Dominica was constrained by a lack of technical and financial resources. It was extremely difficult to meet the demands of the population, especially in the areas of education, health care, housing, sanitation, basic infrastructure and services, while providing, at the same time, the resources to meet its obligations. Dominica recognized the need to enhance its institutional capacity to meet its obligations under the conventions; it therefore called on the United Nations and all its organs to provide assistance in this regard. This must not be limited to technical assistance and training in the areas relevant to United Nations conventions, but must also extend to the areas of adaptation and mitigation to climate change, as well as recognition of Dominica's special and differential position with regard to trade.

2. *Views expressed by Member and observer States of the Council on the review outcome*

589. Algeria noted the efforts made by Dominica to ensure the full and effective implementation of economic, social and cultural rights, despite its economic and environmental challenges. Algeria reiterated its call to United Nations programmes and institutions to provide Dominica with the technical and financial assistance necessary to overcome these challenges. It commended the efforts to promote the right to education, including the establishment of special programmes and the allocation of funds, particularly for poor children. Algeria encouraged Dominica to continue to promote and protect women's rights as part of its plan of action for gender equality. Algeria welcomed Dominica's acceptance of its recommendation regarding the establishment of a juvenile justice system.

590. Cuba noted that Dominica, throughout the universal periodic review process, had demonstrated the will of its people and the Government to fully respect human rights for all, despite the difficulties caused by powerful and devastating hurricanes. The presentation of Dominica reflected its Government's commitment to the promotion and protection of



human rights. Cuba noted the priority areas identified in the field of human rights and the measures taken to protect vulnerable groups, as well as the considerable progress made to empower women and to promote women's rights. Cuba reiterated its appeal to developed countries and relevant United Nations programmes to meet the request for cooperation and assistance contained in the national report of Dominica.

591. Venezuela (Bolivarian Republic of) noted the challenges faced by Dominica in its exposure to the vicissitudes of nature, as well as the economic difficulties now aggravated by the world financial crisis. It acknowledged the Government's efforts to prepare the national report with the participation of various sectors of civil society. Venezuela expressed satisfaction at Dominica's reply regarding the improvement in living conditions of indigenous populations, particularly the Kalinago people, with considerable investment being made in housing and the water supply.

592. The United States of America commended the progress made in the advancement and promotion of women's rights and gender mainstreaming, and the efforts to curb gender-based violence and discrimination in the areas of health, economic development, education and decision-making. It reiterated its strong support for the recommendation regarding the creation of public campaigns to combat social discrimination against those with HIV/AIDS. It urged Dominica to consider promoting legislation to guarantee the protection of citizens who had been discriminated against on the basis of their sexual orientation, gender identity or the fact that they had HIV/AIDS. It appreciated Dominica's commitment to improve prison and detention conditions, its acceptance of the recommendations for the separation of prisoners based on the severity of crimes committed and the creation of a separate judicial and detention system for minors.

3. *General comments made by other relevant stakeholders*

593. The Canadian HIV/AIDS Legal Network, in a joint statement with the International Lesbian and Gay Association (Europe), noted the recommendations to ensure non-discrimination on the grounds of sexual orientation, gender identity and HIV status, and to develop awareness programmes on these grounds, urging Dominica to accept these recommendations. It regretted that Dominica had not accepted the recommendations to decriminalize sexual relations between consenting adults of the same sex. It commended Dominica's support for the Organization of American States resolution on sexual orientation, gender identity and human rights, adopted by consensus in 2009. It urged the Government to fulfil the commitment by bringing its criminal legislation into conformity with international law and ensuring that all Dominicans were protected from discrimination, including on the grounds of sexual orientation and gender identity.

4. *Concluding remarks of the State under review*

594. The Permanent Representative of Dominica thanked Member States and civil society for their comments. He reiterated the constraints faced by Dominica, particularly with regard to the issues of trade, which had seriously affected the country's ability to survive economically. He also referred to the impact of climate change and the enormous financial amounts spent on the coastal areas owing to the severity of the hurricanes.

595. In response to recommendations 3, 6, 7 and 8 of paragraph 71 of the Working Group report, the Representative reiterated Dominica's position that the Government provided social services to those affected by HIV/AIDS, irrespective of their sexual orientation, and that there was no policy of discrimination. It was extremely difficult, however, to promote sensitivity to persons who had been affected by this disease because of a particular sexual orientation, by virtue of the fact that same-sex relations were a criminal offence in Dominica. The Government of Dominica was not currently in a position to support recommendations 3, 6, 7 and 8.

596. In response to the United States, the Permanent Representative stated that efforts were being made vigorously with regard to the issue of separate detention centres and the separation of prisoners. However, because of limited resources, it was extremely difficult to provide the kind of facilities that had been called for in order to separate prisoners. Recently, an additional prison block had been constructed, which would improve the separation of prisoners significantly.

597. Dominica was also engaged in judicial reform with the other member States of the Eastern Caribbean to implement a family court system, which would see the prosecution, litigation and correction of juveniles being dealt with in accordance with the Convention on the Rights of the Child. A detention centre would also be completed for juveniles who faced problems with the law.

### **Democratic People's Republic of Korea**

598. The review of the Democratic People's Republic of Korea was held on 7 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by the Democratic People's Republic of Korea in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/PRK/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/6/PRK/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/PRK/3).

599. At its 31st meeting, on 18 March 2010, the Council considered and adopted the outcome of the review on the State under review (see section C below).

600. The outcome of the review on the Democratic People's Republic of Korea comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/13), the views of the Democratic People's Republic of Korea 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*

601. The head of the delegation of the Democratic People's Republic of Korea, Mr. Ri Tcheul, Ambassador and Permanent Representative, expressed his sincere thanks to many countries for their constructive recommendations. He also thanked the troika members, South Africa, Mexico and Norway, and the secretariat.

602. The universal periodic review mechanism was the most innovative and cooperative mechanism in the Council. The State participated in the sixth session of the Working Group in December 2009, and had had open and frank dialogue with the international community. Since then, it had distributed the report of the Working Group to Government agencies and more than 20 social and academic institutions engaged in the drafting of the universal periodic review national report. A group of officials and experts had held a series of consultations on the recommendations received.

603. Several countries recommended that the Government of the State under review put emphasis on measures to promote the economic and social rights of people by overcoming

economic difficulties, while consolidating and developing its political, economic and social system.

604. The Government deemed it essential to bring about early solutions to the difficulties in people's everyday lives, caused by consecutive natural disasters in the 1990s and by the ongoing economic blockade and sanctions by the hostile forces against the State. To that end, in 2010, the Government was working towards a radical turn in improving the living standards of its people.

605. The Democratic People's Republic of Korea was pushing ahead with measures for a great productive increase in all fields of national economy. It was also taking practical steps to give full play to people-oriented policies, including complete and universal medical care and 11 years of free and compulsory education.

606. With regard to the recommendations on the rights of women and children, the policy consistently maintained by the State since its foundation was that children were the future of the country.

607. Women actively participated in State and social affairs. Additional measures would be taken to increase the ratio of women in public offices and to promote them to important positions of State and public institutions; comprehensive laws aimed at guaranteeing the rights of children and women would also be adopted.

608. The livelihood of vulnerable groups, including women, children and the elderly, was being considerably improved. Their rights and welfare would be further promoted as the overall economy was revitalized and raised to a higher standard.

609. The Government would continue to study the recommendations, such as the strengthening of human rights education, attaining the Millennium Development Goals and improving education and public health. Simultaneously, it would strive to take necessary legal, judicial and administrative measures to implement them.

610. The Democratic People's Republic of Korea had rejected 50 recommendations at the Working Group stage, since they were in total conflict with its principled stand against the politicization of human rights; they therefore did not enjoy its support. Regrettably, those recommendations focused on issues that were extraneous to genuine human rights issues and were purely put forward out of hostility towards the country.

611. The Democratic People's Republic of Korea wished to emphasize the question of discrimination raised in comments and recommendations by certain countries. Discrimination did not exist in the country, where equal rights and freedoms were fully guaranteed to all people in all fields of State and social life. No discrimination was stipulated or allowed in laws or norms.

612. With regard to the recommendations on cooperation with international human rights mechanisms and special procedures, the Democratic People's Republic of Korea rejected politicization and pursued genuine dialogue and cooperation. It did not recognize and therefore categorically rejected the so-called "resolutions" against the Democratic People's Republic of Korea, as well as the mandate of "special rapporteur" imposed by them.

613. The so-called "resolutions" and the mandate of "special rapporteur" were confrontational in nature and not conducive to cooperation on human rights, because they were politically motivated. The practice of anachronistic "resolutions" and the "special rapporteur" on the Democratic People's Republic of Korea must no longer be tolerated in the Council.

614. The Democratic People's Republic of Korea attached importance to the role that thematic special rapporteurs played, and would continue to pay special attention to the

pursuit of genuine cooperation with them, on the basis of the principle of non-politicization, non-selectivity, impartiality and objectivity.

615. The Democratic People's Republic of Korea needed technical cooperation in various fields of human rights, and sought its realization to complement sector-specific legislation, draft reports on the implementation of the international human rights instruments to which the country was a party, and to prepare human rights education curricula. Regrettably, in the case of the country, technical cooperation in human rights was being imposed as a means of pressure.

616. The State had acceded to several international human rights instruments and honoured its obligations, including the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women.

617. The State was implementing core elements of the Convention on the Rights of Persons with Disabilities and the International Convention on the Elimination of All Forms of Racial Discrimination, of which the State was not a party, by incorporating them into sector laws. The State would further intensify studies on the possibility of accession to instruments to which it was not a party.

618. With regard to the reunification of separated families and relatives, the root of the question had its origins in the continued division of Korea imposed by outside forces and foreign interference for the last 65 years. Since the first day of division, the Government had spared no effort to translate reunifications into reality. In the new century alone, dozens of investigations on the fates of separated family members had been undertaken.

619. The year 2010 marked the tenth anniversary of the North-South Joint Declaration of 15 June 2008. The Democratic People's Republic of Korea would do its best to pave the way for improved inter-Korean relations and to achieve national reconciliation and unity.

620. The people of the Democratic People's Republic of Korea had themselves embodied the philosophy of *Juche*, thereby making themselves the masters of their own destiny. The State would further develop its human rights protection system in keeping with the country's reality and people's aspirations, while vigorously pushing ahead with the building of an economically powerful country.

2. *Views expressed by Member and observer States of the Council on the review outcome*

621. Japan acknowledged the participation of the Democratic People's Republic of Korea in the universal periodic review, but noted that it was not clear which recommendations had been accepted, and requested the State to express clearly its position on the recommendations. Japan referred to the country's statement made in the Working Group asserting that the issue of the abduction of Japanese nationals had been completely settled. Such a statement contradicted the facts. Japan reiterated its call to the State to change its position on the abduction issue and to establish a committee to commence investigations in accordance with the agreement reached between the two countries in 2008. Japan urged the State to take concrete steps to improve the situation of human rights in the country.

622. Algeria recalled that the Democratic People's Republic of Korea had participated in the interactive dialogue on issues such as the harmonization of domestic legislation with international instruments, women, agriculture production and education. It welcomed the State's readiness to benefit from technical cooperation and noted that the country was facing natural disasters, a food crisis and the international financial crisis, which complicated its ability to respond to the needs of its citizens. The Council should take into account the situation and think of ways to be more helpful instead of showing an attitude of confrontation.

623. The Republic of Korea expressed its disappointment at the statement of the Democratic People's Republic of Korea, which demonstrated the absence of specific commitment to improve the human rights situation. The Republic of Korea remained concerned about the State's refusal to cooperate with the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea. It was disappointed that the State had rejected the recommendation to end public and extrajudicial executions, torture, arbitrary detention, labour camps and punishment of those forced to return from abroad. It was also disappointed at its negative response regarding the issues of prisoners of war and abductees. The Republic of Korea called upon the international community to respect the principle of non-refoulement, refraining from returning a person to a territory where he or she would be in danger of being subject to torture or punishment.

624. Cuba regretted that some recommendations were politically motivated, thus confirming the counterproductive nature of the confrontational approach. There was no justification to the ongoing mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, a manifestation of politicization, selectivity and double standards. Through its participation in the Working Group, the State had demonstrated its commitment to the Council, respect for human rights, the Charter of the United Nations and international human rights instruments.

625. Venezuela (Bolivarian Republic of) noted that the participation of the State in the universal periodic review demonstrated its Government's readiness to cooperate with human rights mechanisms for the realization of human rights. The review enabled it to register progress in the field of education, with a 100 per cent school enrolment rate at the primary level and illiteracy completely eradicated. Venezuela acknowledged the efforts made by the State in human rights, despite the economic difficulties as a result of the blockade.

626. Pakistan expressed its appreciation for the constructive engagement of the State in the universal periodic review. Pakistan took note of its willingness to elaborate existing legislation and mechanisms to advance the rights of the child and women in line with the recommendations. Pakistan was confident that the State would give due attention to all rights while introducing necessary legislative and administrative reforms. Pakistan was encouraged to note that the State was ready to improve the quality of life of its citizens by putting special emphasis on economic and agricultural development. Pakistan was confident that the State would take steps to improve the human rights situation by involving all stakeholders.

627. The Sudan thanked the Democratic People's Republic of Korea for its commitment to the universal periodic review process. It noted the State's achievements in guaranteeing free education and access to health care on the basis of figures of enrolment rates and health-care coverage. The economic blockade on the State had a negative impact on the Government's efforts to promote social, economic, civil and political rights, including the rights to food and education, and the situation had been exacerbated by a series of national disasters. The Sudan encouraged the State to continue to promote human rights.

628. The Islamic Republic of Iran took note of the measures taken by the State, particularly in the field of economic, social and cultural rights and the advancement of the rights of women and children. Nevertheless, it noted that the Democratic People's Republic of Korea, like all countries, had areas that required further action. It encouraged the State to intensify its efforts to make the necessary improvements with a view to achieving the Millennium Development Goals. It supported the international community in its constructive cooperation with the State and emphasized that countries should always seek to solve their differences in the field of human rights on the basis of equality and mutual respect.

629. The United States of America hoped that the State's engagement in the universal periodic review process represented an opportunity to begin an in-depth dialogue on human rights issues. It remained concerned by reports of human rights abuses, including of extrajudicial execution, torture, the systematic deprivation of due process, the denial of freedom of speech, expression, movement and religion, forced labour and government-led mobilization campaigns, and about the abduction issue. It noted the State's willingness to consider establishing an independent human rights mechanism and urged it to accept technical assistance from OHCHR and seek accreditation from the International Coordinating Committee of National Institutions. It also urged the State to join ILO, ratify its core conventions and allow related monitoring. It further urged the State to expand its efforts to protect women's rights and to invite the special rapporteurs on violence against women and on torture to visit the country.

630. Qatar noted the effective participation of the State in the universal periodic review. It encouraged the State to continue its efforts to promote and protect human rights. It hoped for a dialogue and strengthened cooperation between the State and United Nations mechanisms in order to protect human rights and preserve the dignity of all.

631. China was pleased to note that the Democratic People's Republic of Korea attached importance to the universal periodic review outcome and continued to pay great attention to the development of social, economic and cultural rights, building the education system, the medical system, protecting the rights of vulnerable groups and achieving the Millennium Development Goals. National disasters, food and financial crises had had a negative impact on development. China therefore hoped that the international community would objectively assess the human rights situation in the country and support it in its efforts to achieve economic development and improve living standards.

632. France stated that, like other delegations, it failed to understand which of the 117 recommendations had been accepted. It recalled that, at this stage of the process, the position on recommendations should be clear and transparent and thus put the question to the State delegation, expecting an immediate reply to allow the Council to give its views on the adoption of the Working Group report. France concluded that, without a clear response, the State could not be seen as having cooperated with the Council.

633. Sri Lanka hoped that the State would continue to make all efforts to implement the conclusions and recommendations of the report. The creation of a conducive environment was essential to further the promotion and protection of human rights, and Sri Lanka hoped that international mechanisms, such as the universal periodic review, would facilitate the achievement of this end.

### 3. *General comments made by other relevant stakeholders*

634. Human Rights Watch stated that the Democratic People's Republic of Korea had demonstrated neither the political commitment nor the requisite understanding of what it meant to comply with international human rights standards. Repression was so severe that the country lacked any independent civil society organizations. Numerous people who had escaped had testified how the Government systematically suppressed freedom of speech, the press, assembly and other freedoms. It expressed concern about the existence of labour camps, public executions and torture, and called on the Council to extend the mandate of the Special Rapporteur.

635. Interfaith International, in a joint statement with Rencontre africaine pour la défense des droits de l'homme, stated that the rejection of half of the recommendations did not reassure the Council about the political will to implement the accepted recommendations. It urged the State to cooperate with the special procedures of the Council, and exhorted it to respect ILO standards and ensure freedom of the press.

636. Amnesty International urged the State to implement the recommendations on the right to food by facilitating the effective distribution of international humanitarian aid to people in need and cooperating constructively with humanitarian agencies. It had not had access to the State since 1995, and requested the Government to extend an invitation, together with other human rights and humanitarian organizations, to visit the country. It urged the State to implement the recommendations on cooperation with the special procedures and to reconsider the recommendations it had rejected, with a view to supporting them in due course.

637. The Indian Movement “Tupaj Amaru”, in a joint statement with the World Peace Council, stated that the European Union, the United States, Japan and their allies supported a resolution that had yet once again put the Democratic People’s Republic of Korea in the dock for supposed human rights violations, and imposed a special rapporteur to the detriment of the State’s sovereignty. The European Union, Japan and the United States were maintaining hostility and harassment against the State. The North Korean Human Rights Act, promulgated by the United States Senate in 2004, was a clear intention of threatening the State’s sovereignty.

638. The Organization for Defending Victims of Violence asked the State to intensify efforts to promote a human rights culture, ensure that goals of economic development by 2012 contributed to a decisive turn in human rights, increase efforts in human rights for specific groups, increase cooperation with international humanitarian and human rights bodies and mechanisms, and try to reach a balance between the enjoyment of civil and political rights with that of economic, social and cultural rights.

#### 4. *Concluding remarks of the State under review*

639. The delegation of the Democratic People’s Republic of Korea stated that recommendations made in good faith would be considered as a sign of encouragement and support. Conversely, some comments were made based on groundless information, which seriously distorted reality. Should these comments be due to lack of knowledge, the State were ready to provide assistance for their proper understanding; but if they were based on dishonest intent, which had nothing to do with human rights, the State would categorically reject them.

640. In its introductory statement, the State had provided responses to the recommendations in a clustered manner for easier coverage. It had taken note of those recommendations for which, in some countries’ views, it did not present a clear position despite its efforts. The delegation reaffirmed the State’s compliance with international instruments and the promotion of sincere dialogue and cooperation through international mechanisms such as the universal periodic review.

641. Statements were made before the adoption of the outcome of the review.

642. With reference to the recommendations, Norway failed to understand which recommendations had been accepted and which rejected, thus remaining unclear as to the outcome of the interactive dialogue. Norway sought the advice of the President and proposed a brief suspension of proceedings.

643. Although it was not opposed to a suspension of proceedings, Cuba believed that the head of delegation had clearly stated the position of his country on the recommendations.

644. The delegation of the Democratic People’s Republic of Korea stated that, as a sovereign country, it had the right to decide which recommendations could be accepted, further studied or rejected. It reiterated that it had taken note of those recommendations that, in some countries’ opinion, were not properly reflected.

645. France stated that it understood that none of the recommendations included in the Working Group report had been accepted.

646. Cuba agreed with the State's interpretation on the implementation of recommendations, which belonged to States. Consequently, it was up to them to decide which recommendations to accept and which to reject.

### **Brunei Darussalam**

647. The review of Brunei Darussalam was held on 8 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Brunei Darussalam in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/BRN/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/6/BRN/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/BRN/3).

648. At its 32nd meeting, on 19 March 2010, the Council considered and adopted the outcome of the review on Brunei Darussalam (see section C below).

649. The outcome of the review on Brunei Darussalam comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/14), the views of Brunei Darussalam 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/13/14/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*

650. The delegation of Brunei Darussalam reiterated its support for the universal periodic review process as an integral part of the work of the Council. It welcomed the opportunity to engage in a dialogue with other delegations and members of non-governmental organizations.

651. Following its review, the Government of Brunei Darussalam had held several consultations with all relevant agencies to examine the recommendations made. Specific discussions were also held to review Brunei Darussalam's reservations to articles under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. A detailed study was under way with regard to the reservations to the Convention on the Rights of the Child.

652. With regard to ratification of human rights treaties, Brunei Darussalam was progressively reviewing the situation and was presently in the process of ratifying or acceding to the Convention on the Rights of Persons with Disabilities; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the International Convention against Apartheid in Sports; and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. It would also consider looking into other related human rights instruments.

653. Another significant development cited by the delegation since its review in December 2009 was the entry into force of the Children and Young Persons Order on 1 March 2010, replacing the Children Order 2000. The new Order included the establishment



of juvenile courts and action teams on child protection. It further enhanced the rights of children and safeguarded their welfare, and also provided for approved homes and approved schools for children in need of protection, and proper remand homes and places of detention for children admitted to legal custody. There were also provisions ensuring the recovery and social reintegration of child victims of crimes.

654. In response to questions raised during the interactive dialogue, the delegation informed the Council that, with regard to articles 37, 39 and 40 of the Convention on the Rights of the Child, those provisions had been included in chapter 22 of the Penal Code, chapter 7 of the Criminal Procedure Code and in the recently enforced Children and Young Persons Order 2006.

655. On human rights training and education in schools and society, the Government had taken several measures. Training and education were undertaken to raise society's perspective on human rights through electronic and print media, roadshows and ongoing talks.

656. Regarding the protection of women's rights, the delegation cited various laws, including the Women and Girls Protection Act (chapter 120), the Married Women Act (chapter 190), the Islamic Family Law Order 1999, the Penal Code (chapter 22) and the Criminal Procedure Code (chapter 7). To enhance women's active participation in national development, the country's long-term development plan (Brunei Vision 2035) also encouraged equal opportunities for women in the workforce and in nation-building. The new Employment Order 2009 and Employment (Domestic Workers) Regulations 2009 did not discriminate on the basis of age, gender or race. Citing figures indicating that women constituted 56.9 per cent of the civil service force, where they occupied 28 per cent of senior management posts, the delegation added that more women were now employed in male-dominated fields such as the army, police force and fire and rescue services.

657. Brunei Darussalam fully recognized the important role of women in the country's socio-economic development. More than half of the small and medium-sized enterprises in the country were owned by women, and this sector was responsible for 92 per cent of employment opportunities in the private sector. Furthermore, nearly two thirds of women were beneficiaries of financial assistance schemes provided by the Government, including the enterprise facilitation scheme, the microcredit financial scheme and the working capital credit fund.

658. With regard to the work of the National Council on Social Issues, the delegation informed the Council that it comprised six special committees looking into poverty, societal mentality, immoral activities, crime prevention, women's issues and the family, as well as the elderly and persons with special needs. In line with Brunei Darussalam's national vision to achieve zero poverty by 2035, several tasks were currently under way, including defining poverty within the context of Brunei Darussalam; studying and analysing the root causes of poverty in the country; making recommendations on how to address them appropriately; and setting up a comprehensive database on the sectors of the population living in poverty, such as the elderly, persons with special needs, single parents and the unemployed.

2. *Views expressed by Member and observer States of the Council on the review outcome*

659. Algeria expressed appreciation for Brunei Darussalam's commitment to further consolidate the enjoyment of human rights, and commended its acceptance of the recommendation to ratify the remaining core international human rights instruments. Algeria welcomed the Government's efforts in the areas of health, education, adequate housing and employment, as well as in promoting the role of women and their participation in society. In line with measures already taken in favour of foreign workers, Algeria encouraged the Government to consider ratifying the International Convention on the

Protection of the Rights of All Migrant Workers and Members of Their Families, and welcomed Brunei Darussalam's intention to further examine the possibility of doing so.

660. The Lao People's Democratic Republic commended Brunei Darussalam's acceptance of recommendations made during its review. It hoped that the Government would take all necessary measures to address pending human rights issues and fulfil its commitment to promote and protect human rights in the country in accordance with its tradition, culture and specific situation, to ensure well-being, stability, peace, development and prosperity, and to achieve the national vision of zero poverty by 2035.

661. Venezuela (Bolivarian Republic of) celebrated the openness and constructive attitude of Brunei Darussalam during its review. The delegation had given concrete responses, particularly about achievements in the implementation of health policies. The Government had spared no effort to provide citizens with an excellent system of total health care, offering basic and free services to all, preventive and curative services, and medical attention for rehabilitation. It encouraged the Government to maintain and increase its support for social policies, particularly in the field of health and in protecting and guaranteeing the well-being of its population.

662. Cambodia appreciated Brunei Darussalam's inclusive and constructive approach in preparing its national report and in the follow-up to recommendations, citing the country as a good example. Cambodia was pleased by the Government's acceptance of most recommendations relating to achieving equitable socio-economic development. It praised the steps taken to consider ratification of, *inter alia*, the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Cambodia was confident that Brunei Darussalam would spare no effort to ensure that accepted recommendations would be translated into concrete actions, especially regarding the improvement of living standards, social welfare and gender equity, as reflected in its national vision to achieve zero poverty by 2035.

663. Viet Nam commended Brunei Darussalam for its positive engagement with the Council and appreciated its response to the recommendations made by Viet Nam. It welcomed the steps already taken by the Government to implement accepted recommendations, particularly in the areas of child protection, the participation of women in national development, the protection of the elderly, of persons with special needs and the unemployed, poverty reduction and active cooperation with the human rights treaties. Viet Nam encouraged Brunei Darussalam to realize its national plan to implement the recommendations.

664. Thailand welcomed Brunei Darussalam's establishment of a ministerial-level national council on social issues and its efforts to promote free access to services satisfying its citizens' basic needs, particularly in education and health care. Thailand appreciated the fact that its recommendations enjoyed the support of Brunei Darussalam, and noted with satisfaction the Government's efforts to become party to the Convention on the Rights of Persons with Disabilities. Thailand hoped that Brunei Darussalam would consider implementing the other recommendations as well. It pledged close cooperation with Brunei Darussalam to promote and protect human rights, particularly at the regional level, with the recently established ASEAN Intergovernmental Commission on Human Rights.

665. The Philippines congratulated Brunei Darussalam for its constructive engagement, and noted with appreciation its acceptance of a number of recommendations. It welcomed the Government's intention to become party to international human rights instruments, such as the Convention on the Rights of Persons with Disabilities. Acknowledging progress in socio-economic development and the high ranking in the Human Development Index of the United Nations Human Development Report, it also noted the priority the Government

placed in fulfilling the Millennium Development Goals, which it was close to achieving. It encouraged Brunei Darussalam to continue its efforts to promote and protect the rights of its people, especially of vulnerable groups.

666. Cuba commended Brunei Darussalam's commitment to the universal periodic review. It noted the country's commitment to economic and social development, as shown by the excellent chance it had of achieving the Millennium Development Goals by 2015. The delegation of Brunei Darussalam had provided detailed information in the course of its review on human rights. Cuba welcomed Brunei Darussalam's decision to accept the recommendations made by Cuba in a spirit of cooperation and constructive dialogue.

667. Indonesia expressed appreciation for Brunei Darussalam's acceptance of recommendations, particularly Indonesia's recommendation for harmonization of national legislation with international norms. Indonesia fully supported recommendations calling for the establishment of a legal and institutional framework to provide better human rights protection in Brunei Darussalam, and encouraged the State to consider accession to other international human rights instruments. Indonesia commended the efforts of Brunei Darussalam to fulfil its human rights obligations regarding socio-economic development, and appreciated the Government's voluntary pledges to strengthen cooperation with civil society on human rights issues. It encouraged Brunei Darussalam to enhance and strengthen the work of the ASEAN Intergovernmental Commission on Human Rights.

668. Pakistan valued the efforts and commitments of the Government of Brunei Darussalam in human rights promotion and protection, particularly in shaping pertinent social policies to improve the welfare of its citizens. Pakistan was encouraged to note that Brunei Darussalam was considering taking the necessary steps to develop technical expertise to gain a better understanding of its obligations to ensure effective implementation of human rights instruments. Pakistan welcomed the fact that the country was in the process of establishing an effective and inclusive mechanism to follow up on recommendations.

669. The United States of America commended Brunei Darussalam's enforcement of labour statutes protecting workers from abusive employers, and supported the recommendation to enforce such statutes to protect immigrant and temporary migrant workers. It strongly supported the recommendation to rescind the Sedition Act and the Newspaper Act, and appreciated Brunei Darussalam's attention to the recommendations to allow religious groups to proselytize and practise their beliefs freely. It also expressed appreciation for the Government's acceptance of recommendations to increase protection for women, children and vulnerable groups and underlined the importance of recommendations to criminalize all acts of rape and sexual violence against women and children. It supported recommendations for the further strengthening of human rights infrastructure and training for officials.

670. Nepal applauded Brunei Darussalam's candid commitment to human rights and fundamental freedoms. It appreciated the emphasis on inter-religious and inter-ethnic harmony, and traditional family values as the fundamentals of social fabric. It noted Brunei Darussalam's policy of providing a healthy environment, quality education, adequate housing, food and job security. It was pleased to see developments on the economic, social, cultural and political fronts, contributing to the realization of human rights, and congratulated Brunei Darussalam on ranking high in the United Nations Human Development Index.

671. China noted Brunei Darussalam's careful response to the universal periodic review recommendations and measures taken to follow up on them. It supported the Government's vision to further develop economic, social and cultural rights to eliminate poverty and improve the living standards of its people. China appreciated the attention given to the

rights of vulnerable groups such as children, women and the elderly. It was convinced that Brunei Darussalam would continue to work on the basis of the realities of the country and make further progress in human rights.

3. *General comments made by other relevant stakeholders*

672. Federatie Van Nederlandse Verenigingen Tot Integratie Van Homoseksualiteit COC Nederland addressed the recommendation made by a number of States calling for the repeal of or amendment to the Penal Code section providing for criminal sanctions against “carnal intercourse against the order of nature”. It noted that such ambiguous language was often used to criminalize sexual activity between same-sex consenting adults, and urged Brunei Darussalam to bring its legislation into conformity with international human rights standards by repealing such provisions. It noted that legislation criminalizing same-sex activities also created a dangerous impediment to the effective prevention and treatment of HIV/AIDS, citing figures that HIV transmission could be up to 10 times greater in countries with repressive laws against homosexuality, as they made it less likely for gays and lesbians to seek treatment.

4. *Concluding remarks of the State under review*

673. The delegation of Brunei Darussalam expressed its sincere gratitude to all States Members and observers of the Council and to the non-governmental organizations that participated in its review. It also thanked the delegations that recognized Brunei Darussalam’s achievements in the promotion and protection of human rights.

674. The delegation reiterated that the universal periodic review had been very useful for Brunei Darussalam, and stated that it had learned much on the importance of this mechanism in promoting and protecting human rights and fundamental freedoms through the interactive dialogue. The constructive comments and recommendations would help Brunei Darussalam further in its efforts to promote and protect the human rights of its people. Brunei Darussalam assured that it would continue to work and cooperate with the related United Nations bodies, including on matters relating to the rights of women and children.

**Costa Rica**

675. The review of Costa Rica was held on 8 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Costa Rica in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/CRI/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/6/CRI/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/CRI/3).

676. At its 32nd meeting, on 19 March 2010, the Council considered and adopted the outcome of the review on Costa Rica (see section C below).

677. The outcome of the review on Costa Rica comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/15), the views of Costa Rica 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/13/15/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*

678. The delegation of Costa Rica thanked Member and observer States for their active participation and interest in the universal periodic review of Costa Rica. It wished to provide additional information and responses on issues raised during the dialogue, and to share its views on the functioning of the review, hoping to contribute in this regard to the analysis of the Council as a whole.

679. As a country with a long-standing democracy and recognized respect for the human rights of its people, Costa Rica stated that the universal periodic review process allowed it to undertake an assessment of its reality with an external perception.

680. The delegation reiterated Costa Rica's firm conviction about the value and potential of the universal periodic review, noting in particular the usefulness of the mechanism with regard to enriching the debate between countries, the sharing of good practices and the contribution to the improvement of human rights situations. Costa Rica supported the view that the review mechanism should evolve in order to become a more meaningful and useful tool for States under review, in terms of the focus, pertinence and realities of each situation.

681. In the internal process of analysis, review and dissemination of the recommendations, it became clear to Costa Rica that a good number of recommendations referred to situations already or being addressed; others were of a general nature and/or were aimed at encouraging Costa Rica to continue in the same direction in the promotion and protection of human rights. Costa Rica considered that recommendations should focus more on areas where countries might have problems and/or to address gaps in public policies. It shared the concern expressed by many States and stakeholders and wished to make some suggestions for the universal periodic review to be a more balanced, just and effective exercise for all.

682. The delegation reported that from the 101 recommendations contained in the Working Group report (A/HRC/13/15, paras. 89, 91 and 92), 3 had already been fully implemented. These were those referring to the ratification of the Convention on the Rights of Persons with Disabilities (para. 89, recommendation 1), submission of the fifth and sixth reports to the Committee on the Elimination of Discrimination against Women (recommendation 11) and the strengthening of criminal legislation with regard to trafficking of children and women (recommendation 40). A total of 77 other recommendations coincided with decisions and State policies already adopted and were already being implemented before the review. These included, for example, some referring to the ratification of international instruments, such as the International Convention for the Protection of All Persons from Enforced Disappearance, which was signed by Costa Rica in 2007, and for which the legislative approval process had been under way since September 2009 (recommendation 2). The same applied to the ratification process of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions being considered by the Legislative Assembly (recommendation 4).

683. With regard to gender issues, Costa Rica provided information on the objectives of the inter-institutional/sectoral committee known as Women's Legislative Agenda, established in 2006, the work of the Women's National Institute and the national strategy and system to prevent and address violence against women and domestic violence (PLANOVI 2010–2015).

684. The delegation also provided information on the national policy for children and adolescents for the period 2009–2021, as well as related legislation to prohibit corporal punishment against children approved in 2008, and amendments to the penal legislation through the law to strengthen the fight against the sexual exploitation of children.

685. On the issue of trafficking in persons, the delegation referred to important measures taken to address the issue, in particular the law for the protection of victims and witnesses, as well as a new law on migration, which contemplated the regularization of victims of trafficking migration.

686. Costa Rica had been a strong advocate of the eradication of torture and other cruel and inhumane treatment, according high priority to its prevention. In this regard, the national preventive mechanism conducted periodic visits to detention centres, including administrative detention centres for irregular migrants.

687. Regarding the issue of migrant workers, the delegation referred to the new law on migration, which included a human rights perspective, and guaranteed closer supervision of enterprises and employers for the effective respect of labour rights, also setting a limit of 24 hours for the detention of foreigners in irregular situations.

688. Costa Rica did not accept two recommendations, 1 and 5 of paragraph 92. The delegation explained that it had not, nor would it in the near future consider the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as this instrument did not reflect a common interest between countries of origin with important migration movements and recipient countries. Costa Rica had legislation and jurisprudence that reflected the principles of the Convention, guaranteeing the full enjoyment of their rights to migrant workers and their families. It did not accept a recommendation which would refer to a provision within the Central American regional integration system, as it considered it not to be applicable to the sphere of human rights, but more to the regional political framework.

689. The delegation referred to the recommendation to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (para. 92, recommendation 3), which it had initially not accepted, but did now.

690. Costa Rica took note of four recommendations that remained pending (see A/HRC/13/15/Add.1). Since the country had recently elected a new president, a number of decisions were pending the definition of new policies and actions by the new administration. Three of the recommendations related to the rights of homosexuals and transgender persons. The fourth referred to granting the same status to all religious marriages, which had to be evaluated by the Legislative Assembly, which would have a new composition in May 2010.

691. Costa Rica stressed that it remained committed to its development model and the social rule of law.

692. In conclusion, the delegation highlighted Costa Rica's commitment to the universal periodic review, noting that it was important, within the framework of the review, to develop the necessary modalities for the recommendations to be more useful and of a better quality. In line with the provisions contained in Council resolution 5/1, Costa Rica suggested that the troika, with the assistance of OHCHR, should filter and group the recommendations better. It suggested the elimination of recommendations on issues already implemented, those that referred to issues on the normal functioning of government, those that had no relevance to human rights, as well as all congratulatory statements. It was also important not to duplicate or replicate recommendations from the treaty bodies and special procedures mechanisms. Costa Rica supported the idea put forward by the High Commissioner to establish a follow-up mechanism to the universal periodic review outcomes, and hoped that more support in this regard would be provided, including to systematize the recommendations and to establish follow-up mechanisms.

2. *Views expressed by Member and observer States of the Council on the review outcome*

693. Algeria thanked Costa Rica for providing additional information and for replying to recommendations, including those made by Algeria. It noted Costa Rica's positive approach to the universal periodic review, which demonstrated its commitment to human rights. It also noted with appreciation the measures taken by Costa Rica to reduce poverty, improve the status of disadvantaged groups, promote the status of women and gender equality, as well as the implementation of the right to education of all to achieve the Millennium Development Goals, and the extension of that right to cover the children of irregular migrants.

694. The United States of America welcomed Costa Rica's decision to support recommendations relating to combating trafficking in persons, and the amendment of its Penal Code, which defined trafficking as a crime and increased penalties. The United States supported Austria's recommendations that Costa Rica should continue its efforts to reduce all forms of violence against women by providing sufficient resources to the police and the judiciary, as well as training to law enforcement officials. It commended Costa Rica for having supported recommendations on the strengthening of measures to protect children against prostitution and other forms of sexual exploitation, the prevention of child labour and the prosecution and punishment of perpetrators. Lastly, it commended Costa Rica's constant engagement with the promotion of human rights and the universal periodic review.

695. Nepal commended Costa Rica for its active cooperation with the universal periodic review process and for further explaining its position regarding several recommendations. It noted with appreciation that in the State's Constitution, human rights took precedence over other regulations. It praised Costa Rica for its recognized human rights record as well as for public investment in social sectors. Free education, health care and programmes focused on disabled persons were also noteworthy. Nepal praised Costa Rica for its experience in fighting poverty.

696. Morocco welcomed the exemplary cooperation of Costa Rica in accepting almost all recommendations. Morocco noted with satisfaction that two of its recommendations relating to human rights education and to development were among those the implementation of which had already started. It congratulated Costa Rica on its success in the review, and encouraged it to continue its cooperation with international human rights bodies. Morocco shared Costa Rica's view regarding the lack of clarity of some recommendations, an issue to be addressed during the review process.

3. *General comments made by other relevant stakeholders*

697. The European Region of the International Lesbian and Gay Federation congratulated Costa Rica on having accepted recommendations to join the 2008 General Assembly statement on human rights, sexual orientation and gender identity and to pursue efforts to favour LGBT people. It was encouraged by Costa Rica's decision to allocate sufficient resources to its preventive mechanism within the framework of the Optional Protocol to the Convention against Torture. It encouraged Costa Rica to accept recommendations to intensify measures for the protection of sexual orientation and identity and to facilitate the issuance of identification documents to transsexuals. It also encouraged Costa Rica to accept the recommendation to address discriminations against homosexuals and transgender persons. It commended Costa Rica for its support to OAS resolution on sexual orientation, gender identity and human rights.

4. *Concluding remarks of the State under review*

698. Costa Rica thanked States and other stakeholders participating in the process. The delegation reiterated its commitment to the work of the Council and to find ways to make

the universal periodic review an effective and useful tool, with a view to implementing the human rights agenda in individual countries. It remained committed to continue working with the Council in this regard.

### **Equatorial Guinea**

699. The review of Equatorial Guinea was held on 9 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Equatorial Guinea in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/GNQ/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/6/GNQ/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/GNQ/3).

700. At its 32nd meeting, on 19 March 2010, the Council considered and adopted the outcome of the review on Equatorial Guinea (see section C below).

701. The outcome of the review on Equatorial Guinea comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/16), the views of Equatorial Guinea 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*

702. The delegation recalled that, during its review by the Working Group in December 2009, the Government of Equatorial Guinea made a detailed report to the Council on the human rights situation in the country and endeavoured to show its unequivocal commitment to the ideals and values of the promotion and protection of the rights inherent to human dignity.

703. During the interactive dialogue, delegations had expressed their recognition of the achievements regarding the promotion and protection of human rights and made recommendations. Equatorial Guinea committed itself to study each and every recommendation carefully, with the will to implement them.

704. A total of 86 recommendations (75 per cent of the total number of recommendations) had already been included in the Government's plan of action on this matter. The plan was an incentive that would undoubtedly encourage the Government to redouble its efforts to implement the recommendations.

705. The legal process needed for the possible incorporation into national law of the majority of human rights international treaties not yet ratified by Equatorial Guinea had been triggered, in particular with regard to the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

706. The authorities had redoubled their efforts to effectively enforce the law against torture, bringing to justice the alleged perpetrators of acts of torture. In some cases, trials were still ongoing, and in others, sentences had been passed, some of which had been made



available to the Council. The delegation emphasized that the effective implementation of the law against torture was a political priority for the Government of Equatorial Guinea.

707. The delegation stressed that a number of political and legal measures aimed at combating discrimination against women were in an advanced stage of preparation and would be approved once finalized. The delegation drew attention to a bill against gender violence recently drafted and presented by the Ministry of Social Affairs and Promotion of Women.

708. The process to approve a criminal code in line with modern standards had been initiated. It would replace the current code inherited from colonial times.

709. The institutional mechanism to protect and shelter minors in need had been reinforced within the framework of the general policy of the promotion of the rights of the child. Access to public subsidies by the relevant specialized associations had been made flexible.

710. Many other measures were being developed and taken in line with the recommendations received. As an example, the delegation mentioned the areas of the freedom of expression, freedom of the press, freedom of association, detention conditions, the judiciary, juvenile delinquency and the eradication of poverty.

711. With regard to the remaining recommendations, their possible incorporation into the plan of action of the Government would continue to be carefully studied, considering the concrete circumstances of the country. The Government had accepted all universal periodic review recommendations received, except for three of them, namely, one on the ratification of the statute of the International Criminal Court, one on the ratification of the Optional Protocol to the Covenant on Civil and Political Rights on the abolition of the death penalty and one on granting access to the Special Rapporteur on torture to military facilities. The Government had serious difficulties on a legal and a social conscience basis with these three recommendations, and therefore it was not able to accept them.

712. In conclusion, the delegation renewed its readiness to continue working, with the technical assistance and cooperation of the Council and OHCHR, for the elimination of the legal, institutional, political, economic, social and cultural obstacles that continued to prevent or limit the full enjoyment of internationally and nationally recognized human rights in Equatorial Guinea.

2. *Views expressed by Member and observer States of the Council on the review outcome*

713. Algeria noted with satisfaction the endorsement by Equatorial Guinea of many recommendations, including all those made by Algeria, which reflected its commitment to promote and protect human rights. It appreciated measures to reduce poverty and achieve the Millennium Development Goals, and referred in particular to the free education system ensuring compulsory primary education. Algeria appreciated the efforts made to promote women and their participation in decision-making processes, as well as the measures taken to facilitate their access to justice.

714. Cuba commended Equatorial Guinea for accepting the majority of the recommendations. Despite being a developing country, victim of the unjust international economic order, Equatorial Guinea had made advances in areas such as education, health, the promotion of gender equality and the protection of children. Cuba stressed also the efforts made in the areas of infrastructure building, social accommodation, drinking water, energy, telecommunications and access to information. These efforts should be supported through cooperation and financial assistance, especially from developed countries.

715. The United States of America recognized the steps taken to strengthen the judiciary. However, the people of Equatorial Guinea were still denied their human rights by the

judiciary. It encouraged the Government to develop an independent judiciary, end arbitrary detention and provide detainees with immediate access to a judicial authority. It also encouraged the Government to follow through and seek assistance on the implementation of recommendations relating to ending the use of torture, eliminating impunity and reforming the penal, law enforcement and judicial systems. It urged the Government to accept the recommendation calling to stop the requirement for non-governmental organizations to seek approval from and report to the Ministry of the Interior, and to reconsider the recommendation to allow political parties and the media to operate freely.

716. China took note of the Government's positive attitude to present the efforts and difficulties faced in ensuring human rights, and of Equatorial Guinea's political will to further protect human rights. It also took note of the acceptance of most of the recommendations. China appreciated the commitment of the Government to the universal periodic review follow-up, and expressed its support to Equatorial Guinea's continued efforts to combat poverty, raise living standards, improve the quality of education and provide better health care. China expressed its hope that the international community would help the Government to address its challenges and achieve progress in human rights.

717. Senegal welcomed the acceptance of the recommendations regarding the realization of economic and social rights, in particular access to education and combating maternal mortality and poverty. It congratulated the Government on its efforts to improve the condition of women and children, as well as its relations with civil society. It appealed to the relevant institutions to provide technical support to Equatorial Guinea in its initiatives to promote and protect human rights.

718. Morocco appreciated Equatorial Guinea's sincere commitment to the universal periodic review and the acceptance of its recommendation regarding the strengthening of synergy and coordination among the various national human rights institutions. Equatorial Guinea's resolve to respect its international human rights commitments should be supported by the international community, which should work with this country to identify ways and means to ensure sustainable development for the people. Morocco reiterated its full support for Equatorial Guinea's efforts to promote and protect human rights.

719. Cameroon welcomed the efforts made by Equatorial Guinea to promote and protect human rights, in particular economic, social and cultural rights, namely through the establishment of free primary education and the progress in women and children's rights. Cameroon encouraged Equatorial Guinea to implement all the recommendations accepted. It called on the Council and the community of the United Nations to provide Equatorial Guinea with strengthened technical assistance to ensure better human rights protection in the country.

720. The Congo appreciated the acceptance of the majority of recommendations and welcomed the support for the question of the promotion and protection of the rights of women and children and the fight against cultural stereotypes and customs that hinder the full enjoyment of women's rights. By renewing its commitment to work closely with human rights mechanisms, Equatorial Guinea showed its keenness to promote and protect human rights. The Congo called on the international community to provide the necessary technical assistance to the Government for the implementation of the recommendations.

### 3. *General comments made by other relevant stakeholders*

721. The International Commission of Jurists expressed its support for the recommendations calling on the Government of Equatorial Guinea to guarantee the independence of the judiciary through institutional and legal reforms to put an end to the culture of impunity. The protection of human rights would not be possible if lawyers were attacked in representing their clients. The Government's acceptance of the

recommendations to address the lack of judicial independence was a first positive step. The Commission highlighted the fact that the fulfilment of the Government's human rights obligations would require guaranteeing the rule of law.

722. The Open Society Institute noted Equatorial Guinea's support for recommendations to combat corruption and improve accountability and transparency. The Government had to be encouraged to fully carry out these recommendations. It urged the Government to monitor and report, in consultation with civil society, on progress made in relation to the implementation of recommendations, in particular the extension of transparency principles to the budgetary process, the publication of the national budget, the clear identification of foreign bank accounts, verifiable declaration of assets by Government representatives and accession to the United Nations Convention against Corruption.

723. The Centre for Economic and Social Rights noted that the Government should implement recommendations calling for the distribution of national resources to eradicate poverty and guarantee economic and social rights to the entire population. Implementation should be accompanied by the establishment of an international and national monitoring system, with the participation of civil society. It regretted the rejection of recommendations regarding the implementation of the Declaration on Human Rights Defenders and the elimination of requirements for legalizing non-governmental organizations. It encouraged the Government to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and to issue a standing invitation to special procedures mandate holders.

724. Human Rights Watch noted that the universal periodic review had served to highlight the conditions of repression and deprivation in Equatorial Guinea. The Government had failed to engage with civil society in the universal periodic review process and used, *inter alia*, burdensome non-governmental organization registration and reporting requirements to hinder the capacity of civil society to engage in human rights. There was no legally registered human rights group in the country. It acknowledged that the Government had accepted many of the recommendations, but noted with concern that promises made in the past had failed to affect the Government's behaviour. It highlighted the need for follow-up mechanisms with civil society participation and international monitoring to translate the recommendations into action.

725. Rencontre africaine pour la promotion des droits de l'homme welcomed the acceptance of most of the recommendations, but regretted that the authorities had not authorized the Special Rapporteur on torture to visit detention centres to investigate real detention conditions and the inhumane treatment inflicted upon certain politicians and opponents to the authorities. Several human rights defenders and press organs had paid a heavy price for their commitment to open the country to democratic processes. It called on Equatorial Guinea to guarantee the independence of the judiciary and the national human rights commission, authorize without unjustified restriction the registration of human rights organizations and commit to human rights awareness-raising and education.

726. The Canadian HIV/AIDS Legal Network commended Equatorial Guinea for accepting the majority of the recommendations. It welcomed the acceptance of the recommendation in support of human rights education and training, which would help ensure that authorities would be able to respond more effectively to the needs of all members of society, including women, children and those who had been marginalized because of their sexual orientation or gender identity. It encouraged Equatorial Guinea to take steps to ensure that there was no legal and social discrimination on these grounds.

727. Amnesty International welcomed the support of the Government for a number of recommendations, including on ending the practice of abducting Equatorial Guineans exiled in neighbouring countries, which were relevant in the light of reports of the

abduction in late January 2010 of four Equatorial Guineans from a neighbouring country. It acknowledged the reduction in reported instances of torture, but noted that the practice persisted. Amnesty International urged the Government to allow access to places of detention for lawyers and national and international human rights monitors, including the Special Rapporteur on torture. It called on reconsidering the rejection of the recommendation to allow political parties and the media to operate freely.

728. Human Rights First noted that violence against women remained a common practice and that the Government had not made significant progress to end the gender gap. Ethnic minorities were underrepresented and excluded from meaningful participation in political and economic affairs. It acknowledged the Government's support for recommendations to remedy these ongoing abuses and hoped that they were not, like in the past, empty promises. It urged the members of the Council to ensure that the Government work with civil society, take steps to end ethnic and gender-based discrimination and promote freedom of expression, opinion and the press.

729. Conectas Direitos Humanos noted that the Government had not involved any independent non-governmental organization in the universal periodic review process. While there were fewer restrictions than in the past, many civil society organizations were unable to have their legal status recognized. It called for the implementation of recommendations on creating an environment conducive to the establishment and functioning of non-governmental organizations, and promoting dialogue with civil society and the participation of all civil society groups in the implementation of the *Iniciativa de Transparencia en la Industria Extractiva*. It also called on the Council to promote and monitor the implementation of the recommendations.

#### 4. *Concluding remarks of the State under review*

730. The delegation had listened in good faith to every statement and would make every effort to implement the suggestions thereon. For that purpose, it called for technical assistance and was committed to inform the Council regularly on new human rights developments. The delegation concluded by reiterating the sincere political will of Equatorial Guinea to promote and protect human rights.

#### **Ethiopia**

731. The review of Ethiopia was held on 9 December 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Ethiopia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/6/ETH/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/6/ETH/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/ETH/3).

732. At its 33rd meeting, on 19 March 2010, the Council considered and adopted the outcome of the review of Ethiopia (see section C below).

733. The outcome of the review on Ethiopia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/13/17), the views of Ethiopia 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/13/17/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*

734. The delegation stated that, by actively participating in the review, the Government had demonstrated its readiness to cooperate with United Nations human rights mechanisms. It appreciated the questions, comments and recommendations. Some recommendations had required further consideration and deliberation among relevant authorities.

735. Ethiopia was encouraged that many delegations had appreciated, inter alia, the federal arrangement which allowed for greater protection of diverse nations, nationalities and peoples, the strengthening of democratic and human rights institutions, the human rights education policy and the generous refugee policy. Delegations had also highlighted Ethiopia's efforts to broaden freedom of expression by issuing licences to a number of press outlets, encouraged the continued expansion of social services, welcomed efforts to reduce child and maternal mortality and supported the food security policy.

736. On 7 March 2010, the Council of Ministers had recommended that the House of Peoples Representatives should consider ratifying the Convention on the Rights of Persons with Disabilities. Ethiopia therefore accepted this recommendation; the ratification of one of the Optional Protocols to the Convention on the Rights of the Child was also considered favourably. Furthermore, Ethiopia pledged to consider the ratification of additional instruments to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. Ethiopia was also committed to signing the International Convention for the Protection of All Persons from Enforced Disappearance and was considering its ratification in due course.

737. Ethiopia had one of the most progressive constitutions, particularly in ensuring cultural diversity. The delegation admitted that, occasionally, resource competition, particularly in the lowlands of the country, had triggered communal tension and conflicts. Measures at the federal and local levels had been taken to find an effective solution to these conflicts, including by the House of Federation and the Ministry of Federal Affairs. Ethiopia therefore considered favourably the recommendation requesting the Government to strengthen efforts made to address the causes of ethnic conflicts.

738. Regarding the recommendation to raise the minimum age for criminal responsibility, the revised federal criminal code stipulated that different categories, namely of youths 9–15 and 15–18 years of age, may assume certain responsibilities. Reforming criminal law would require deliberate consideration, which Ethiopia would continue to undertake.

739. The delegation stated that, contrary to some unfounded allegations, Ethiopia had a well-disciplined national army. Legislation provided for the minimum age for recruitment, and the armed forces did not recruit children below the age of 18 years. Regular training had been held, often in cooperation with the International Committee of the Red Cross, to train the national defence force in human rights and humanitarian law. Necessary constitutional and legal frameworks ensured civilian control of the military. In a few cases where credible cases indicated a possible involvement of individual members of the military in human rights violations, the Government had taken unequivocal steps, including the creation of an independent inquiry. In the case of the conflict in Gambella in 2003, the outcome of that inquiry had resulted in the criminal prosecution of some members of the defence forces. While these exceptional situations were swiftly handled, the Government found it difficult to accept recommendations implying that members of the defence forces often violated human rights with impunity.

740. The Government had taken measures to ensure that the upcoming elections were free and fair. Both the ruling party and most opposition parties had signed a code of

conduct. A free and unrestricted political campaign, based on a mutually agreed framework on a fair and equitable use of publicly owned media, had already commenced. An independent and well-funded national electoral board had been established. Vibrant private media were engaged in the process, and the Government had invited international observers to observe the elections.

741. Ethiopia referred to questions raised on laws regarding the media, non-governmental organizations and charities, and combating terrorism. While willing to engage in dialogue, the Government had found no merit in recommendations to repeal laws for which enormous resources had been spent to articulate and were considered vital. Sufficient time should be given to the implementation of these laws to identify possible gaps, if any, and consider how these gaps could be filled. Some of the criticisms expressed with respect to the proclamation on charities and societies were quite unfounded. All existing non-governmental organizations had been registered without any restrictions, in line with the procedures of the proclamation. The Government believed that the civil society law helped to further implement international norms and principles governing the role of human rights defenders, including the Declaration on Human Rights Defenders.

742. The delegation addressed questions raised regarding the “detention and arrest of prisoners”, including the case of Birtukan Midekssa, who was among a number of opposition leaders arrested in 2005 and released after being granted a conditional pardon in line with proclamation 395/2004. While Ms. Midekssa had chosen to publicly proclaim that she had never requested a pardon, relevant Government officials, consistent with the procedure for revocation of pardon as stipulated in the proclamation, had given sufficient warning and opportunity for Ms. Midekssa to rectify her statement.

743. With regard to recommendations to abolish the death penalty, pursuant to the revised federal criminal code, the death penalty was only applied for exceptionally grave crimes, and actual executions rarely occurred, amounting to a de facto moratorium.

744. The Federal Constitution explicitly guaranteed the right of the child to be free from corporal punishment. The Criminal Code provided for measures and penalties applicable to young persons, and these enumerations did not include corporal punishment.

745. The delegation recalled that Ethiopia was unable to accept only a small number of recommendations. It emphasized that not being able to accept for the time being some recommendations did not necessarily amount to reservations or policy pronouncements cast in stone. The Government’s position was to continue to study and consider seriously all recommendations, and had taken note of the recommendations in question.

746. While highlighting the fact that many shortcomings stemmed from underdevelopment and poverty, the delegation stated that the Government continued, nevertheless, to improve its capacity even further. It accepted all recommendations calling for greater collaboration with OHCHR. In this regard, a national consultative workshop on devising a road map for the development of a national action plan for the promotion and protection of human rights in Ethiopia had been held in Addis Ababa on 15 March 2010, organized by the Ethiopian Human Rights Commission in collaboration with the OHCHR Regional Office for East Africa. Specific measures would be taken as a follow-up to the recommendations of the workshop, which had enjoyed the participation of all levels of Government, national human rights institutions, members of civil society and other stakeholders.

747. According to the delegation, the review process had proven an important venue for the assessment of human rights performance, and hoped that all engaged would continue to support endeavours to implement the outcome.

2. *Views expressed by Member and observer States of the Council on the review outcome*

748. Algeria thanked Ethiopia for the additional information provided and welcomed Ethiopia's acceptance of a number of recommendations. Algeria encouraged the Government to continue poverty reduction efforts, while acknowledging that this represented a major challenge for many developing countries. Algeria welcomed the continuous progress made in the realization of economic, social and cultural rights and the Government's determination to persevere in protecting and promoting human rights.

749. Cuba congratulated Ethiopia on having accepted many recommendations. It highlighted Ethiopia's advances in health, education and culture, and with regard to persons with disabilities, children and women, areas that had been affected by the world financial and economic crisis. One way of implementing human rights programmes was through support, cooperation and financial assistance from countries of the developed world. Cuba congratulated Ethiopia on the results achieved to date and urged it to continue its efforts.

750. Pakistan was encouraged by the fact that Ethiopia had accepted most recommendations and was willing to implement them with the involvement of all stakeholders. Pakistan appreciated the efforts made to improve the quality of life by introducing relevant social and economic policies, which would ensure sustainable development. The international community should extend support in this regard. Pakistan commended Ethiopia's readiness to consider ratifying a number of human rights instruments, which would improve its national human rights infrastructure.

751. Canada appreciated Ethiopia's acceptance to formulate a national plan of action on human rights and to strengthen the Ethiopian Human Rights Commission, but was deeply concerned by its refusal to amend the 2009 charities and societies proclamation. It expressed disappointment at Ethiopia's refusal to release imprisoned opposition party members and to allow their participation in the May 2010 election. It welcomed the continued efforts made to address female genital mutilation. Canada urged Ethiopia to consider becoming a party to the Rome Statute of the International Criminal Court and the optional protocols to the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

752. China stated that Ethiopia had adopted a positive approach in presenting its achievements and challenges, and had conducted a constructive dialogue. It was pleased that Ethiopia had accepted most recommendations and was preparing for the follow-up. It hoped that Ethiopia would make greater progress in the areas of poverty reduction, health and education, and reach the Millennium Development Goals at an early date. China was convinced that Ethiopia would implement in earnest the universal periodic review outcome and make real headway in the human rights field.

753. Djibouti welcomed the willingness demonstrated by Ethiopia to promote and protect human rights. It also welcomed the fact that most recommendations had been accepted. Djibouti looked forward to continuing its cooperation with Ethiopia, with a view to protecting and promoting human rights, and the rights to peace, international solidarity and regional security in the Horn of Africa.

754. The Congo congratulated Ethiopia on its commitment to implement the recommendations concerning the signing and ratification of several international instruments, and the recommendations related to combating sexual violence committed by members of the armed forces. It noted with satisfaction that Ethiopia had accepted to increase efforts in the area of women's rights and had accepted most other recommendations. It encouraged Ethiopia to continue the dialogue with the Council with a view to strengthening respect for human rights.

755. Morocco welcomed Ethiopia's openness throughout the process and its acceptance of a large number of recommendations, including with regard to the signing and ratification of a number of international human rights treaties. It expressed satisfaction at Ethiopia's long-standing positive approach to promoting the principles of tolerance, coexistence and respect for religious freedom and cultural diversity. Morocco welcomed Ethiopia's intention to elaborate a national plan of action for the promotion and realization of human rights, including through the implementation of the universal periodic review outcome.

756. Italy welcomed Ethiopia's acceptance of most recommendations, and had noted the explanations given. It recalled that it was in the interest of States under review to provide a clear status of recommendations accepted and not accepted, since this was also necessary for a meaningful follow-up. Italy hoped that Ethiopia would reconsider its position on the death penalty and encouraged it to apply a legal moratorium with a view to its abolition. Italy also looked forward to a more positive working environment for civil society and non-governmental organizations.

757. Saudi Arabia noted that Ethiopia had demonstrated its commitment to human rights by accepting most recommendations and by cooperating with all mechanisms and procedures of the United Nations human rights system. Ethiopia's commitment was also shown by its willingness to continue international cooperation and constructive dialogue.

758. Botswana stated that Ethiopia's commitment to meet its human rights obligations was evident from the constructive engagement during the review, the information provided and the many recommendations accepted. Ethiopia had clearly acknowledged the challenges and accepted all recommendations relating to collaboration with relevant institutions to continue endeavours in the promotion and protection of human rights.

759. Cameroon welcomed Ethiopia's efforts, particularly those to combat all forms of discrimination through legislative amendments aimed at reducing gender inequality, including amendments to the family law enabling women to enjoy the same rights as men in marriage and child custody matters. Cameroon welcomed Ethiopia's acceptance of recommendations, many of which were already being implemented. Cameroon called on the Council and the international community to work towards increasing technical assistance to strengthen human rights protection in Ethiopia.

760. The Russian Federation expressed its satisfaction at the comprehensive presentation and the detailed comments on the recommendations. It welcomed the constructive approach of the delegation during the consideration of the report by the Working Group and at the present session. It highlighted the high quality of the national report submitted, in which Ethiopia had approached all issues covered by the review with great sincerity.

### 3. *General comments made by other relevant stakeholders*

761. Human Rights Watch expressed disappointment at Ethiopia's rejection of important recommendations. The environment for independent voices, such as those of human rights defenders, had dramatically worsened, and reversing this trend should be a major priority throughout the implementation of the universal periodic review outcome. It urged Ethiopia to amend the charities and societies proclamation, which violated the Constitution and had resulted in broader governmental hostility towards independent civil society. It called for the immediate and unconditional release of political opposition members. The security forces continued to commit serious abuses, and it therefore called for an investigation by United Nations special procedures and other independent investigators.

762. The Cairo Institute for Human Rights Studies stated that the Government was failing to protect the rights of human rights defenders, and that intimidation of defenders was widespread. The proclamation on charities and societies was restrictive and already had a significant impact on the ground, and the anti-terrorism proclamation contained a very



broad definition of what constituted encouragement of terrorism and terrorist acts. It called on the Government to respect and promote the rights of human rights defenders, notably by significantly amending these laws. It asked whether the Government would be willing to extend an invitation to the special rapporteurs on the situation of human rights defenders and on the right to freedom of opinion and expression.

763. Amnesty International urged Ethiopia to review the rejection of recommendations to amend the charities and societies proclamation, as well as the rejection of amending the anti-terrorism proclamation to make it consistent with international human rights standards. It welcomed the acceptance of the recommendations to upgrade land and water resources and to request technical assistance in relation to education, health, housing and food security. It encouraged Ethiopia to facilitate the visits of the Special Rapporteur on torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions, requested in 2005 and 2008 respectively.

764. The Canadian HIV/AIDS Legal Network stated that the criminal prohibitions on sexual activity between consenting adults of the same sex under article 629 of the Penal Code were a violation of established international human rights law. It urged Ethiopia to repeal legislative provisions that criminalized sexual activity between consenting adults of the same sex. It also urged Ethiopia to take measures to recognize and protect the rights of sexual and gender minorities, and to extend HIV intervention programmes in this regard.

765. Interfaith International congratulated Ethiopia on the institutional reforms undertaken in recent years, and encouraged it to engage in a sincere dialogue to consider the possibility of implementing recommendations that it had not accepted. It recalled that, after the parliamentary elections in 2005, many cases of violence, torture and arrests of protesters had taken place. Interfaith International called upon Ethiopia to shed light on the grave violation of human rights committed against demonstrators, and encouraged it to conduct an investigation with a view to prosecuting all those responsible for crimes and grave violations of human rights during the prior administration.

766. The World Alliance for Citizen Participation (CIVICUS) regretted that Ethiopia was unwilling to repeal or amend the recently enacted civil society law, and urged it to reconsider its rejection of recommendations 23 to 27. This law violated Ethiopia's obligations under international human rights law. The impact of this law was that many human rights organizations had abandoned their work or had ceased to exist. It referred to the code of conduct for political parties, and stated that one of the leading opposition parties had been left out of the negotiations on the code, but had raised issues of the fairness of the electoral platform.

#### 4. *Concluding remarks of the State under review*

767. The delegation appreciated the positive comments and observations, which would encourage Ethiopia to persevere in the promotion and protection of human rights. Regarding the non-governmental organizations that had spoken, it could not reply because they were outside the rules of procedure of the Council with regard to the universal periodic review. The issues should have been raised under other agenda items, so the delegation would not respond to them. The delegation regarded some of the non-governmental organizations as well-known detractors. It had asked them to be fair, objective and constructive, but this had repeatedly failed. The delegation thanked the non-governmental organizations that had made constructive comments.

768. In closing, the delegation stressed that, in general, it would take all recommendations into consideration. It took note of all recommendations, including those that, for the time being, it had rejected, but which would be further studied. With regard to the recommendations on the two optional protocols to the Convention on the Rights of the

Child, the Government had taken note of both and was favourably inclined to ratifying one of them.

## **B. General debate on agenda item 6**

769. At its 33rd meeting, on 19 March 2010, the Council held a general debate on agenda item 6, during which the following made statements:

(a) Representatives of States Members of the Council: Bolivia (Plurinational State of), China, Cuba, Ghana, India, Japan, Nigeria (on behalf of the Group of African States), Norway, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Azerbaijan, Canada, Colombia, Czech Republic, Ecuador, Israel, Morocco, Turkey, United Arab Emirates;

(c) Observers for the following non-governmental organizations: Amnesty International, Cairo Institute for Human Rights Studies, Canadian HIV/AIDS Legal Network, Colombia Commission of Jurists, Indian Movement Tupaj Amaru, International Federation of Action by Christians for the Abolition of Torture, International Humanist and Ethical Union, International Service for Human Rights.

770. At the same meeting, statements in exercise of the right of reply were made by the representatives of Benin, the Democratic People's Republic of Korea and the United States of America.

771. Also at the same meeting, statements in exercise of a second right of reply were made by the representatives of the Democratic People's Republic of Korea and the United States of America.

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

### **Eritrea**

772. At the 28th meeting, on 17 March 2010, the Council adopted draft decision 13/101 without a vote (for the text as adopted, see part one, chapter II).

### **Cyprus**

773. At the 28th meeting, on 17 March 2010, the Council adopted draft decision 13/102 without a vote (for the text as adopted, see part one, chapter II).

### **Dominican Republic**

774. At the 28th meeting, on 17 March 2010, the Council adopted draft decision 13/103 without a vote (for the text as adopted, see part one, chapter II).

### **Cambodia**

775. At the 29th meeting, on 17 March 2010, the Council adopted draft decision 13/104 without a vote (for the text as adopted, see part one, chapter II).

### **Norway**

776. At the 29th meeting, on 17 March 2010, the Council adopted draft decision 13/105 without a vote (for the text as adopted, see part one, chapter II).

**Albania**

777. At the 29th meeting, on 17 March 2010, the Council adopted draft decision 13/106 without a vote (for the text as adopted, see part one, chapter II).

**Democratic Republic of the Congo**

778. At the 30th meeting, on 18 March 2010, the Council adopted draft decision 13/107 without a vote (for the text as adopted, see part one, chapter II).

**Côte d'Ivoire**

779. At the 30th meeting, on 18 March 2010, the Council adopted draft decision 13/108 without a vote (for the text as adopted, see part one, chapter II).

**Portugal**

780. At the 30th meeting, on 18 March 2010, the Council adopted draft decision 13/109 without a vote (for the text as adopted, see part one, chapter II).

**Bhutan**

781. At the 31st meeting, on 18 March 2010, the Council adopted draft decision 13/110 without a vote (for the text as adopted, see part one, chapter II).

**Dominica**

782. At the 31st meeting, on 18 March 2010, the Council adopted draft decision 13/111 without a vote (for the text as adopted, see part one, chapter II).

**Democratic People's Republic of Korea**

783. At the 31st meeting, on 18 March 2010, the Council adopted draft decision 13/112 without a vote (for the text as adopted, see part one, chapter II).

**Brunei Darussalam**

784. At the 32nd meeting, on 19 March 2010, the Council adopted draft decision 13/113 without a vote (for the text as adopted, see part one, chapter II).

**Costa Rica**

785. At the 32nd meeting, on 19 March 2010, the Council adopted draft decision 13/114 without a vote (for the text as adopted, see part one, chapter II).

**Equatorial Guinea**

786. At the 32nd meeting, on 19 March 2010, the Council adopted draft decision 13/115 without a vote (for the text as adopted, see part one, chapter II).

**Ethiopia**

787. At the 33rd meeting, on 19 March 2010, the Council adopted draft decision 13/116 without a vote (for the text as adopted, see part one, chapter II).

## **VII. Human rights situation in Palestine and other occupied Arab territories**

### **A. Follow-up to Human Rights Council resolutions S-9/1 and S-12/1**

788. At the 34th meeting, on 22 March 2010, the United Nations High Commissioner for Human Rights introduced her report on the follow-up to the ninth and twelfth special sessions (A/HRC/13/54), the report of the Secretary-General on the implementation of Council resolution S-12/1 (A/HRC/13/55), and other reports submitted under agenda item 7.

789. At the same meeting, the representatives of Israel and Palestine made statements as concerned parties.

790. During the ensuing general debate, at the same meeting, the following made statements:

(a) Representatives of States Members of the Council: Bahrain, Bangladesh, Brazil, Chile, China, Cuba, Djibouti, Egypt (also on behalf of the Non-Aligned Movement), Japan, Jordan, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Saudi Arabia, Senegal, South Africa, Spain<sup>2</sup> (on behalf of the European Union), Sudan<sup>2</sup> (on behalf of the Group of Arab States);

(b) Observers for the following States: Algeria, Iran (Islamic Republic of), Iraq, Libyan Arab Jamahiriya, Malaysia, Sudan, Switzerland, Syrian Arab Republic, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen;

(c) Observer for the following intergovernmental organizations: African Union, League of Arab States, Organization of the Islamic Conference;

(d) Observers for the following non-governmental organizations: Al-Haq, Law in the Service of Man, Amnesty International, BADIL Resource Center for Palestinian Residency and Refugee Rights, Cairo Institute for Human Rights Studies, General Arab Women Federation, Human Rights Watch, International Association of Jewish Lawyers and Jurists, International Commission of Jurists, Mouvement contre le racisme et pour l'amitié entre les peuples, Nord-Sud XXI, Palestinian Centre for Human Rights, Union of Arab Jurists, United Nations Watch, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Union for Progressive Judaism.

### **B. General debate on agenda item 7**

791. At its 35th and 36th meetings, on 22 and 23 March 2010, the Council held a general debate on agenda item 7, during which the following made statements:

(a) The representatives of Israel, Palestine and the Syrian Arab Republic made statements, as concerned parties;

(b) Representatives of States Members of the Council: Bahrain, Bangladesh, Cuba, Egypt (also on behalf of the Non-Aligned Movement), Indonesia, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Russian Federation, Saudi Arabia, Spain<sup>2</sup> (on behalf of the European Union), Albania, Armenia, Croatia, Iceland, Montenegro, Serbia, the former Yugoslav

Republic of Macedonia and Turkey), Sudan<sup>2</sup> (on behalf of the Group of Arab States), United States of America;

(c) Representatives of the following observer States: Algeria, Democratic People's Republic of Korea, Iceland, Iran (Islamic Republic of), Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Morocco, Oman, Sri Lanka, Sudan, Switzerland, Tunisia, Turkey, United Arab Emirates, Yemen;

(d) Observer for an intergovernmental organization: League of Arab States;

(e) Observers for the following non-governmental organizations: Al-Haq, Law in the Service of Man, BADIL Resource Center for Palestinian Residency and Refugee Rights (also on behalf of the Palestine Centre for Human Rights and the Women's Centre for Legal Aid and Counselling), Cairo Institute for Human Rights Studies, Charitable Institute for Protecting Social Victims, Commission of the Churches on International Affairs of the World Council of Churches, European Union of Jewish Students, General Arab Women Federation, Hadassah, the Women's Zionist Organization of America, Institute for Women's Studies and Research, Nord-Sud XXI, Organization for Defending Victims of Violence, Palestinian Centre for Human Rights, Union de l'action feminine, Union of Arab Jurists, World Union for Progressive Judaism.

792. At the 35th meeting, on 22 March 2010, statements in exercise of the right of reply were made by the representatives of Algeria, Iran (Islamic Republic of), Israel, Lebanon and Palestine.

## C. Consideration of and action on draft proposals

### Human rights situation in the occupied Syrian Golan

793. At the 41st meeting, on 24 March 2010, the representative of Pakistan (on behalf of the Group of Arab States and the Organization of the Islamic Conference) introduced draft resolution A/HRC/13/L.2, sponsored by the Syrian Arab Republic and co-sponsored by Cuba, the Democratic People's Republic of Korea, Pakistan (on behalf of the Organization of the Islamic Conference), the Sudan (on behalf of the Group of Arab States), Venezuela (Bolivarian Republic of) and Zimbabwe. Subsequently, Belarus, Bolivia (Plurinational State of), Egypt and Nicaragua joined the co-sponsors.

794. At the same meeting, the representative of the Syrian Arab Republic made a statement as a concerned country.

795. At the same meeting, statements in explanation of vote before the vote were made by the representatives of France (on behalf of States members of the European Union that are members of the Council).

796. 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. The draft resolution was adopted, by 31 votes to 1, with 15 abstentions. The voting was as follows:

#### *In favour:*

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

#### *Against:*

United States of America;

*Abstaining:*

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

797. For the text as adopted, see part one, chapter I, resolution 13/5.

**The right of the Palestinian people to self-determination**

798. At the 41st meeting, on 24 March 2010, the representative of Pakistan (on behalf of the Group of Arab States and the Organization of the Islamic Conference) introduced draft resolution A/HRC/13/L.27, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference), Palestine and the Sudan (on behalf of the Group of Arab States), and co-sponsored by Austria, Bolivia (Plurinational State of), Cuba, El Salvador, Ireland, Malta, Morocco, Portugal, Slovenia, Spain, Sri Lanka and Venezuela (Bolivarian Republic of). Subsequently, Algeria, Bahrain, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Cyprus, Egypt, Djibouti, Finland, France, Greece, Iceland, Luxembourg, Nicaragua, the Niger, Nigeria, Norway, Spain, Switzerland, Turkey and Yemen joined the co-sponsors.

799. At the same meeting, the representative of Palestine made a statement as a concerned party.

800. Also at the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

801. At the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution. The draft resolution was adopted, by 45 votes to 1, with no abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, France, Gabon, Ghana, Hungary, India, Indonesia, Italy, Japan, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

*Against:*

United States of America.

802. For the text as adopted, see part one, chapter I, resolution 13/6.

**Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan**

803. At the 41st meeting, on 24 March 2010, the representative of Pakistan (on behalf of the Group of Arab States and the Organization of the Islamic Conference) introduced draft resolution A/HRC/13/L.28, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference), Palestine and the Sudan (on behalf of the Group of Arab States) and co-sponsored by Austria, Bolivia (Plurinational State of), Cuba, El Salvador, Ireland, Malta, Morocco, Slovenia, Sri Lanka and Venezuela (Bolivarian Republic of). Subsequently, Algeria, Bahrain, Belarus, Belgium, Bosnia and Herzegovina, Cyprus, Djibouti, Egypt, Finland, Greece, Luxembourg, Nicaragua, the Niger, Nigeria, Portugal, Switzerland, Turkey and Yemen joined the co-sponsors.

804. At the same meeting, the representatives of Palestine and the Syrian Arab Republic made statements as concerned parties.

805. Also at the same meeting, statements in explanation of vote before the vote were made by 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.

806. At the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution. The draft resolution was adopted by 46 votes to 1. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, France, Gabon, Ghana, Hungary, India, Indonesia, Italy, Japan, Jordan, Kyrgyzstan, Madagascar, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

*Against:*

United States of America.

807. For the text as adopted, see part one, chapter I, resolution 13/7.

**The grave human rights violations by Israel in the Occupied Palestinian Territory, including East Jerusalem**

808. At the 41st meeting, on 24 March 2010, the representative of Pakistan (on behalf of the Group of Arab States and the Organization of the Islamic Conference) introduced draft resolution A/HRC/13/L.29, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference), Palestine and the Sudan (on behalf of the Group of Arab States) and co-sponsored by Bolivia (Plurinational State of), Cuba, Morocco, Sri Lanka and Venezuela (Bolivarian Republic of). Subsequently, Algeria, Bahrain, Belarus, Djibouti, Egypt, Nicaragua, the Niger, Nigeria, Turkey and Yemen joined the co-sponsors.

809. At the same meeting, the representative of Palestine made a statement as a concerned party.

810. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of Argentina, France (on behalf of States members of the European Union that are members of the Council) and the United States of America.

811. At the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution. The draft resolution was adopted, by 31 votes to 9, with 7 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Brazil, 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, France, Hungary, Italy, Netherlands, Norway, Slovakia, United Kingdom of Great Britain and Northern Ireland, United States of America;

*Abstaining:*

Bosnia and Herzegovina, Burkina Faso, Cameroon, Japan, Republic of Korea, Slovenia, Ukraine.

812. For the text as adopted, see part one, chapter I, resolution 13/8.

**Follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict**

813. At the 41st meeting, on 24 March 2010, the representative of Pakistan (on behalf of the Group of Arab States, the Non-Aligned Movement with the exception of Chile and Panama and the Organization of the Islamic Conference) introduced draft resolution A/HRC/13/L.30, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference), Palestine and the Sudan (on behalf of the Group of Arab States) and co-sponsored by Bolivia (Plurinational State of), El Salvador, Morocco and Venezuela (Bolivarian Republic of). Subsequently, Algeria, Bahrain, Cuba, Djibouti, Egypt (on behalf of the Non-Aligned Movement with the exception of Chile and Panama), the Niger, Nigeria, the former Yugoslav Republic of Macedonia, Turkey and Yemen joined the co-sponsors.

814. At the same meeting, the representative of Pakistan orally revised the draft resolution by modifying paragraphs 9, 11 and 12 and adding a new paragraph 13.

815. At the 42nd meeting, on 25 March 2010, the representatives of Israel and Palestine made statements as concerned parties.

816. At the same meeting, 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).

817. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of Argentina, Chile, Italy, Japan, the Netherlands (also on behalf of Hungary and Slovakia), Mexico, Norway, the United States of America and Uruguay.

818. At the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution. The draft resolution, as orally revised, was adopted, by 29 votes to 6, with 11 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, China, Cuba, Djibouti, Egypt, Ghana, India, Indonesia, Jordan, Kyrgyzstan, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Slovenia, South Africa, Uruguay, Zambia;

*Against:*

Hungary, Italy, Netherlands, Slovakia, Ukraine, United States of America;

*Abstaining:*

Belgium, Burkina Faso, Cameroon, Chile, France, Japan, Madagascar, Mexico, Norway, Republic of Korea, United Kingdom of Great Britain and Northern Ireland.

819. For the text as adopted, see part one, chapter I, resolution 13/9.

820. At the same meeting, the President announced that draft resolution A/HRC/12/L.12, which had been deferred for consideration from the twelfth session of the Council, had been superseded by the adopted resolution 13/9.



## VIII. Follow-up to and implementation of the Vienna Declaration and Programme of Action

821. At its 36th meeting, on 23 March 2010, the Council held a general debate on agenda item 8, during which the following made statements:

(a) Representatives of States Members of the Council: Argentina (also on behalf of Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of)), China, Colombia<sup>2</sup> (on behalf of the Group of Latin American and Caribbean States), Côte d'Ivoire<sup>2</sup> (on behalf of the Group of African States, the Group of Latin American and Caribbean States and the Philippines), Indonesia, Italy, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Spain<sup>2</sup> (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Liechtenstein, Montenegro, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Sudan<sup>2</sup> (on behalf of the Group of Arab States), United States of America, Viet Nam<sup>2</sup> (on behalf of ASEAN);

(b) Representatives of the following observer States: Algeria, Australia (also on behalf of Canada and New Zealand), Morocco, Paraguay;

(c) Observers for the following national human rights institutions: Advisory Council on Human Rights of Morocco, Comisión Nacional de los Derechos Humanos de Honduras, Comisión Nacional de los Derechos Humanos de México, Commission nationale des droits de l'homme du Togo, National Human Rights Committee of Qatar, Network of National Human Rights Institutions of the Americas, New Zealand Human Rights Commission;

(d) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Amnesty International, Association for World Education (also on behalf of the World Union for Progressive Judaism), Centrist Democratic International, Commission to Study the Organization of Peace, Indian Council of Education, Indian Council of South America, 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 Service for Human Rights (also on behalf of Al-Haq, Law in the Service of Man, Amnesty International, the Cairo Institute for Human Rights Studies, the Canadian HIV/AIDS Legal Network and Human Rights Watch), Latin American Federation of Associations of Relatives of Disappeared Detainees, Nord-Sud XXI, United Nations Watch, World Peace Council, World Union for Progressive Judaism (also on behalf of the Association for World Education).

822. At the same meeting, the representative of Iran (Islamic Republic of) made a statement in exercise of the right of reply.

## **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**

823. At the 37th meeting, on 23 March 2010, the Acting Chairperson-Rapporteur of the Working Group of Experts on People of African Descent, Mirjana Najcevska, presented the report of the Working Group on its mission to Ecuador (A/HRC/13/59).

824. At the same meeting, the representative of Ecuador made a statement as the concerned country.

825. During the ensuing interactive dialogue at the same meeting, the following made statements and asked the Chairperson-Rapporteur questions:

- (a) Representative of a Member State of the Council: United States of America;
- (b) Representative of an observer State: Libyan Arab Jamahiriya;
- (c) Representative of a national human rights institution: Defender del Pueblo del Ecuador;
- (d) Observer for a non-governmental organization: International Youth and Student Movement for the United Nations.

826. At the same meeting, the Chairperson-Rapporteur answered questions and made his concluding remarks.

### **B. Reports presented under agenda item 9 and general debate on that item**

827. At the 37th meeting, on 23 March 2010, the Chairperson-Rapporteur of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, Mohamed Siad Doualeh, presented the report of the Working Group on its seventh session (A/HRC/13/60).

828. At the same meeting, the Chairperson-Rapporteur of the Ad Hoc Committee on the elaboration of complementary standards, Idriss Jazaïry, presented the report of the Ad Hoc Committee on its second session (A/HRC/13/58).

829. Also at the same meeting, and at the 38th meeting, on the same day, the Council held a general debate on agenda item 9, during which the following made statements:

- (a) Representatives of States Members of the Council: Argentina (also on behalf of Brazil), China, Cuba, Egypt, Indonesia, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Russian Federation, Saudi Arabia, South Africa, Spain<sup>2</sup> (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Georgia, Montenegro and the former Yugoslav Republic of Macedonia), Sudan<sup>5</sup> (on behalf of the Group of Arab States), Switzerland<sup>2</sup> (also on behalf of Argentina, Armenia, Brazil, Chile, Colombia, the Dominican Republic, Guatemala, Japan, Mexico, the Republic of Korea and Uruguay), United States of America;
- (b) Representatives of the following observer States: Algeria, Armenia, Azerbaijan, Iran (Islamic Republic of), Iraq, Kuwait, Libyan Arab Jamahiriya, Singapore, Syrian Arab Republic, Turkey, Venezuela (Bolivarian Republic of);
- (c) Observer for the Holy See;

(d) Observer for an intergovernmental organization: African Union;

(e) Observers for the following non-governmental organizations: Association for World Education, Becket Fund for Religious Liberty, Cairo Institute for Human Rights Studies, Charitable Institute for Protecting Social Victims, Comité international pour le respect et l'application de la Charte africaine des droits de l'homme et des peuples, Commission to Study the Organization of Peace, European Union of Public Relations, Fraternité Notre Dame, Indian Council of Education, Indian Council of South America, Indian Movement Tupaj Amaru, Institute for Women's Studies and Research, Interfaith International, International Humanist and Ethical Union, International Movement against All Forms of Discrimination and Racism, International Youth and Student Movement for the United Nations, Liberation, Nord-Sud XXI, Organization for Defending Victims of Violence, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), Rencontre africaine pour la défense des droits de l'homme (also on behalf of the Al-Hakim Foundation and Interfaith International), Union of Arab Jurists (also on behalf of the International Organization for the Elimination of All Forms of Racial Discrimination), United Nations Watch, World Union for Progressive Judaism.

830. At the 38th meeting, the Chairperson-Rapporteur of the Ad Hoc Committee made his concluding remarks.

## C. Consideration of and action on draft proposals

### Combating defamation of religions

831. At the 42nd meeting, on 25 March 2010, the representative of Pakistan (also on behalf of co-sponsors) introduced draft resolution A/HRC/13/L.1, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference with the exception of Cameroon). Subsequently, Belarus and Venezuela (Bolivarian Republic of) joined the co-sponsors.

832. At the same meeting, the representatives of Chile, China, Cuba, Egypt, Kyrgyzstan, Mexico, the Russian Federation, Saudi Arabia, Senegal and Uruguay made general comments in relation to the draft resolution.

833. Also at the same meeting, 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).

834. At the same meeting, statements in explanation of vote before the vote were made by the representatives of Argentina, Brazil, France (on behalf of States members of the European Union that are members of the Council), Japan and the United States of America.

835. 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. The draft resolution, as orally revised, was adopted, by 20 votes to 17, with 8 abstentions. The voting was as follows:

#### *In favour:*

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

#### *Against:*

Argentina, Belgium, Chile, France, Hungary, Italy, Mexico, Netherlands, Norway, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of

Great Britain and Northern Ireland, United States of America, Uruguay, Zambia;

*Abstaining:*

Bosnia and Herzegovina, Brazil, Cameroon, Ghana, India, Japan, Madagascar, Mauritius.

836. For the text as adopted, see part one, chapter I, resolution 13/16.

837. At the 45th meeting, on 26 March 2010, statements in explanation of vote after the vote were made by the representatives of Cameroon and Nigeria.

838. At the same meeting, the representative of Switzerland made comments in relation to the resolution.

**Ad Hoc Committee on the elaboration of complementary standards**

839. At the 43rd meeting, on 25 March 2010, the representative of the United States of America made a statement withdrawing draft resolution A/HRC/13/L.3.

840. At the same meeting, the President announced that draft resolution A/HRC/13/L.3 had been withdrawn.

**Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination**

841. At the 43rd meeting, the representative of Nigeria (on behalf of the Group of African States) introduced draft resolution A/HRC/13/L.9, sponsored by Nigeria (on behalf of the Group of African States). Subsequently, Venezuela (Bolivarian Republic of) joined the co-sponsors.

842. At the same meeting, the representative of Nigeria orally revised the draft resolution by amending its second preambular paragraph and paragraphs 1 and 2.

843. Also at the same meeting, the representative of Argentina (also on behalf of Brazil, Chile, Mexico and Uruguay), France (on behalf of States members of the European Union that are members of the Council), Japan, Pakistan and the United States of America made general comments in relation to the draft resolution.

844. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

845. For the text as adopted, see part one, chapter I, resolution 13/18.

846. At the 45th meeting, on 26 March 2010, the representative of Algeria made comments in relation to the resolution.

**A world of sports free from racism, racial discrimination, xenophobia and related intolerance**

847. At the 45th meeting, on 26 March 2010, the representative of Nigeria (on behalf of the Group of African States) introduced draft resolution A/HRC/13/L.26, sponsored by Brazil and Nigeria (on behalf of the Group of African States) and co-sponsored by Argentina, Belarus, Bolivia (Plurinational State of), Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, Panama, Paraguay, Peru, the Russian Federation, Serbia, Singapore, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Burkina Faso, Canada, China, Croatia, Denmark, France, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Japan, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Mexico, Monaco, Montenegro, the Netherlands, Nicaragua, Norway, Pakistan, Poland, Portugal, Romania,

Slovakia, Slovenia, Spain, Sri Lanka, Switzerland, Turkey and the United Kingdom of Great Britain and Northern Ireland joined the co-sponsors.

848. At the same meeting, the representatives of South Africa and the United Kingdom of Great Britain and Northern Ireland made general comments in relation to the draft resolution.

849. At the same meeting, the draft resolution was adopted without a vote.

850. For the text as adopted, see part one, chapter I, resolution 13/27.

## **X. Technical assistance and capacity-building**

### **A. Interactive dialogue with special procedures mandate holders**

#### **Independent expert on the situation of human rights in Somalia**

851. At the 39th meeting, on 24 March 2010, the independent expert on the situation of human rights in Somalia, Shamsul Bari, presented his report (A/HRC/13/65).

852. At the same meeting, the representative of Somalia made a statement as the concerned country.

853. 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, Belgium, China, Djibouti, Italy, Nigeria (on behalf of the Group of African States), Norway, Sudan<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, Kuwait, United Arab Emirates, Yemen;

(c) Observer for an intergovernmental organization: European Union;

(d) Observers for the following non-governmental organizations: Cairo Institute for Human Rights Studies, Human Rights Watch, International Federation of Journalists.

854. At the same meeting, the independent expert answered questions and made his concluding remarks.

#### **Joint report of special procedures mandate holders on the situation of human rights in the Democratic Republic of the Congo**

855. At the 39th meeting, on 24 March 2010, the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, presented the combined report of seven thematic special procedures mandate holders on technical assistance to the Government of the Democratic Republic of the Congo (A/HRC/13/63).

856. At the same meeting, the representative of the Democratic Republic of the Congo made a statement as the concerned country.

857. During the ensuing interactive dialogue, at the same meeting, the following made statements and asked the Representative of the Secretary-General questions:

(a) Representatives of States Members of the Council: Belgium, Brazil, China, Japan, Nigeria (on behalf of the Group of African States), Norway, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Canada, Sweden, Switzerland;

(c) Observer for an intergovernmental organization: European Union;

(d) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs (also on behalf of Comité international pour le respect et l'application de la Charte africaine des droits de l'homme et des peuples), Amnesty International, Femmes Afrique Solidarité, Franciscans International, International Commission of Jurists, International Federation for Human Rights Leagues, Women's International League for Peace and Freedom.

858. At the same meeting, the Representative of the Secretary-General answered questions and made his concluding remarks.

## **B. General debate on agenda item 10**

859. At the 40th meeting, on 24 March 2010, the Deputy High Commissioner for Human Rights introduced country-specific reports submitted under agenda items 2 and 10.

860. At the same meeting, representatives of Afghanistan, Bolivia (Plurinational State of), Colombia, Cyprus, the Democratic Republic of the Congo, Guatemala and Nepal made statements as concerned countries.

861. During the ensuing general debate at the same meeting, the following made statements:

(a) Representatives of States Members of the Council: Brazil, Egypt, Ghana, India, Italy, Pakistan, Spain<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 and Ukraine), United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Algeria, Canada, Greece, Kuwait, New Zealand, Switzerland, Turkey;

(c) Observer for a national human rights institution: Afghanistan Independent Human Rights Commission;

(d) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Association for World Education (also on behalf of the World Union for Progressive Judaism), Cairo Institute for Human Rights Studies, Centre Europe – Tiers Monde (also on behalf of France Libertés: Fondation Danielle Mitterrand, the International Educational Development, Mouvement contre le racisme et pour l'amitié entre les peuples and the Women's International League for Peace and Freedom), Centre for Human Rights and Peace Advocacy, Colombian Commission of Jurists, Comité international pour le respect et l'application de la Charte africaine des droits de l'homme et des peuples, Commission to Study the Organization of Peace, European Union of Public Relations, Human Rights Watch, International Club for Peace Research, International Institute for Peace, United Nations Watch.

862. At the same meeting, the representative of Nepal made a statement in exercise of the right of reply.

## C. Consideration of and action on draft proposals

### **Strengthening of technical cooperation and consultative services in the Republic of Guinea**

863. At the 44th meeting, on 26 March 2010, the representative of Nigeria, on behalf of the Group of African States, introduced draft resolution A/HRC/13/L.14, sponsored by Nigeria (on behalf of the Group of African States). Subsequently, Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the co-sponsors.

864. At the same meeting, the representative of Nigeria orally revised the draft resolution.

865. Also at the same meeting, the representative of Guinea made a statement as the concerned country.

866. At the same meeting, the draft resolution, as orally revised, was adopted without a vote.

867. For the text as adopted, see part one, chapter I, resolution 13/21.

### **Situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services**

868. At the 44th meeting, on 26 March 2010, the representative of Nigeria, on behalf of the Group of African States, introduced draft resolution A/HRC/13/L.23, sponsored by Nigeria, on behalf of the Group of African States. Subsequently, Israel and the former Yugoslav Republic of Macedonia joined the co-sponsors.

869. At the same meeting, the representative of Nigeria orally revised the draft resolution.

870. Also at the same meeting, the representative of the Democratic Republic of the Congo made a statement as the concerned country.

871. At the same meeting, statements in explanation of vote before the vote were made by 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.

872. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote.

873. For the text as adopted, see part one, chapter I, resolution 13/22.

## Annexes

### Annex I

#### Attendance

##### Members

Angola	Egypt	Pakistan
Argentina	France	Philippines
Bahrain	Ghana	Qatar
Bangladesh	Hungary	Republic of Korea
Belgium	India	Russian Federation
Bolivia (Plurinational State of)	Indonesia	Saudi Arabia
Bosnia and Herzegovina	Italy	Senegal
Brazil	Japan	Slovakia
Burkina Faso	Jordan	Slovenia
Cameroon	Madagascar	South Africa
Chile	Mauritius	Ukraine
China	Mexico	United Kingdom of Great Britain and Northern Ireland
Cuba	Netherlands	United States of America
Djibouti	Nicaragua	Uruguay
	Nigeria	Zambia
	Norway	

##### States Members of the United Nations represented by observers

Afghanistan	Cyprus	Iceland
Albania	Czech Republic	Iran (Islamic Republic of)
Algeria	Democratic People's Republic of Korea	Iraq
Andorra	Democratic Republic of the Congo	Ireland
Armenia	Denmark	Israel
Australia	Dominica	Jamaica
Austria	Dominican Republic	Kazakhstan
Azerbaijan	Ecuador	Kenya
Belarus	El Salvador	Kuwait
Benin	Equatorial Guinea	Lao People's Democratic Republic
Bhutan	Eritrea	Latvia
Botswana	Estonia	Lebanon
Brunei Darussalam	Ethiopia	Lesotho
Bulgaria	Finland	Libyan Arab Jamahiriya
Cambodia	Georgia	Liechtenstein
Canada	Germany	Lithuania
Chad	Greece	Luxembourg
Colombia	Guatemala	Malaysia
Congo	Guinea	Maldives
Costa Rica	Haiti	Malta
Côte d'Ivoire		Mauritania
Croatia		



Monaco	Rwanda	Timor-Leste
Montenegro	Serbia	Togo
Morocco	Singapore	Tunisia
Mozambique	Somalia	Turkey
Myanmar	Spain	Uganda
Nepal	Sri Lanka	United Arab Emirates
New Zealand	Sudan	United Republic of Tanzania
Oman	Swaziland	Uzbekistan
Panama	Sweden	Venezuela (Bolivarian Republic of)
Paraguay	Switzerland	Viet Nam
Peru	Syrian Arab Republic	Yemen
Poland	Tajikistan	Zimbabwe
Portugal	Thailand	
Republic of Moldova	The former Yugoslav Republic of Macedonia	
Romania		

### **Non-Member States represented by observers**

Holy See

### **Other observers**

Palestine

### **United Nations**

United Nations Educational, Scientific and  
Cultural Organization

United Nations Children's Fund  
United Nations Relief and Works Agency  
for Palestine in the Near East

### **Specialized agencies and related organizations**

International Criminal Court  
International Federation of Red  
Cross and Red Crescent Societies

International Labour Office  
World Health Organization  
World Trade Organization

### **Intergovernmental organizations**

African Union  
Commonwealth Secretariat  
Council of Europe  
European Union  
European Union Agency for  
Fundamental Rights

International Humanitarian  
Fact-Finding Commission  
International Olympic Committee  
International Organization of the  
Francophonie  
League of Arab States  
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

Asia Pacific Forum of National Human Rights Institutions  
 Bangladesh Human Rights Commission  
 Commission nationale consultative de promotion et de protection des droits de l'homme d'algerie  
 Comision de Derechos Humanos del Distrito Federal – Mexico  
 Comisionado Nacional de los Derechos Humanos en la Republica de Honduras  
 Conseil consultative des droits de l'homme du Royaume du Maroc

Equality and Human Rights Commission of Great Britain  
 Ethiopian Human Rights Commission  
 International Coordinating Committee  
 Jordanian National Centre for Human Rights  
 National Human Rights Commission of Thailand  
 National Human Rights Commission of the Republic of Korea  
 National Human Rights Committee of Qatar  
 Office of the Public Defender of Georgia  
 Northern Ireland Human Rights Commission  
 Portuguese National Human Rights Institution

## Non-governmental organizations

Action Internationale pour la paix et le développement dans la région des Grands Lacs  
 African Association of Education for Development  
 African-American Society for Humanitarian Aid and Development  
 Agence Internationale pour le Développement (Aide-Fédération)  
 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  
 Anti-Slavery International  
 Arab Lawyers Union  
 Article 19 – The International Centre against Censorship  
 Asia-Pacific Human Rights Information Centre (Hurights Osaka)  
 Asian Forum for Human Rights and Development (Forum-Asia)  
 Asian Indigenous and Tribal Peoples Network  
 Asian Legal Resource Centre  
 Association des Badinga du Congo  
 Association Points-Coeur  
 Association for the Prevention of Torture

Association Tunisienne de la Communication  
 Association for World Education  
 Association of World Citizens  
 Azerbaijan Women and Development Centre  
 B'nai B'rith International  
 Badil Resource Center for Palestinian Residency and Resource Rights  
 Baha'i International Community  
 Bahrain Women Association  
 Becket Fund For Religious Liberty  
 Cairo Institute for Human Rights Studies  
 Canadian HIV/AIDS Legal Network  
 Catholic Organisation for Relief and Development  
 Center for Economic and Social Rights  
 Centre on Housing Rights and Evictions  
 Centre for Human Rights and Peace Advocacy  
 Centre indépendant de recherches et d'initiatives pour le dialogue  
 Centrist Democratic International  
 Cercle de recherche sur les droits de la personne humaine  
 Charitable Institute for Protecting Social Victim  
 China Association for Preservation and Development of Tibetan Culture  
 China NGO Network for International Exchanges  
 China Society for Human Rights Studies  
 Christian Action Research and Education  
 Christian Blind Mission International  
 Civicus – World Alliance for Citizen Participation

Colombian Commission of Jurists  
 Commission of the Churches on  
 International Affairs of the World  
 Council of Churches  
 Commission to Study the  
 Organization of Peace  
 Company of the Daughters of  
 Charity of St. Vincent de Paul  
 Conectas Direitos Humanos  
 Congregation of our Lady of  
 Charity of the Good Shepherd  
 Coordinating Board of Jewish  
 Organizations  
 December 18 VZM  
 Defense for Children International  
 Democracy Coalition Project  
 Dominicans for Justice and Peace  
 (Order of Preachers)  
 Earthjustice  
 ECPAT International  
 Europe Third World Centre  
 European Disability Forum  
 European Union of Jewish Students  
 European Union of Public Relations  
 Federación de Asociaciones de Defensa  
 y Promoción de los Derechos Humanos  
 Federatie van Nederlandse Verenigingen  
 tot Integratie van Homoseksualiteit  
 COC Nederland  
 Federation of Cuban Women  
 Femmes Africa Solidarité  
 Foundation of Japanese Honorary Debts  
 France Libertés: Fondation  
 Danielle Mitterrand  
 Franciscans International  
 Fraternité Notre Dame  
 Freedom House  
 Friedrich Ebert Foundation  
 Friends World Committee for  
 Consultation (Quakers)  
 Front Line  
 Fundacion para la Libertad  
 General Arab Women Federation  
 General Federation of Iraqi Women  
 General Italian Confederation of Labour  
 Geneva for Human Rights  
 Hadassah, the Women's Zionist  
 Organization of America, Inc.  
 Hawa Society for Women  
 Helsinki Foundation for Human Rights  
 Himalayan Research and Cultural  
 Foundation  
 Hudson Institute  
 Human Rights Advocates, Inc.  
 Human Rights First  
 Human Rights Information and  
 Training Centre  
 Human Rights Watch  
 Indian Council of Education  
 Indian Council of South America  
 Indian Movement Tupaj Amaru  
 Indigenous Peoples' Center for Documentation,  
 Research and Information  
 Ingénieurs du Monde  
 Institute for Women's Studies and Research  
 Inter-African Committee on Traditional  
 Practices Affecting the Health of  
 Women and Children  
 Interfaith International  
 International Association of Democratic Lawyers  
 International Association of Jewish  
 Lawyers and Jurists  
 International Association for Religious Freedom  
 International Association of Schools of  
 Social Work  
 International Bridges to Justice, Inc.  
 International Catholic Child Bureau  
 International Club for Peace Research  
 International Commission of Catholic  
 Prison Pastoral Care  
 International Commission of Jurists  
 International Committee for the Respect  
 and Application of the African Charter  
 on Human and People's Rights  
 International Educational Development, Inc.  
 International Federation of ACAT  
 (Action by Christians for the Abolition  
 of Torture – FIACAT)  
 International Federation of Business and  
 Professional Women  
 International Federation for Family Development  
 International Federation of Human  
 Rights Leagues  
 International Federation of Journalists  
 International Federation of Social Workers  
 International Federation Terre des Hommes  
 International Federation of University Women  
 International Fellowship of Reconciliation  
 International Human Rights Association of  
 American Minorities  
 International Humanist and Ethical Union  
 International Institute of Humanitarian Law  
 International Institute for Non-Aligned Studies  
 International Institute for Peace  
 International Investment Center

International Islamic Federation  
 of Student Organizations  
 International Lesbian and Gay  
 Association  
 International Movement ATD Fourth  
 World  
 International Movement against All  
 Forms of Discrimination and Racism  
 International NGO Forum on  
 Indonesian Development  
 International Movement for Fraternal  
 Union among Races and Peoples  
 International Organization for the  
 Elimination of All Forms of  
 Racial Discrimination  
 International Organization for the Right  
 to Education and Freedom of Education  
 International Peace Bureau  
 International Pen  
 International Rehabilitation Council for  
 Torture Victims  
 International Rescue Committee  
 International Save the Children Alliance  
 International Service for Human Rights  
 International Social Service  
 International Special Dietary  
 Foods Industries  
 International Union of Latin Notariat  
 International Union of Socialist Youth  
 International Volunteerism Organization  
 for Women, Education and Development  
 International Women Bond  
 International Work Group for  
 Indigenous Affairs  
 International Youth and Student  
 Movement for the United Nations  
 Iranian Elite Research Center  
 Islamic Human Rights Commission  
 Islamic Women's Institute of Iran  
 Istituto Internazionale Marie Ausiliatrice  
 Japanese Workers' Committee for  
 Human Rights  
 Jubilee Campaign  
 Latin American Federation of  
 Associations of Relatives of  
 Disappeared Detainees  
 Lawyers' Rights Watch Canada  
 Liberal International (World Liberal  
 Union)  
 Liberation  
 Lutheran World Federation  
 Mandat International  
 Marangopoulos Foundation for  
 Human Rights  
 Mbororo Social and Cultural  
 Development Association  
 Migrants Rights International  
 Minority Rights Group International  
 Mouvement contre le racisme et pour  
 l'amitié entre les peuples  
 New Humanity  
 Nonviolent Radical Party, Transnational  
 and Transparty  
 Nord-Sud XXI  
 Norwegian Refugee Council  
 Open Society Institute  
 Organisation pour la communication en  
 Afrique et de promotion de la coopération  
 économique internationale  
 Organization for Defending Victims of Violence  
 Pax Romana  
 Peace Worldwide  
 Penal Reform International  
 Permanent Assembly for Human Rights  
 Plan International, Inc.  
 Planetary Association for Clean Energy, Inc.  
 Prison Fellowship International  
 Rencontre africaine pour la défense  
 des droits de l'homme  
 Reporters without Borders – International  
 Society for the Protection of Unborn Children  
 Society Studies Center  
 Society for Threatened Peoples  
 Soka Gakkai International  
 SOS Kinderdorf International  
 Sudan Council of Voluntary Agencies  
 Sudanese Women General Union  
 Susila Dharma International Association, Inc.  
 Syriac Universal Alliance  
 Tchad – agir pour l'environnement  
 Union of Arab Jurists  
 Union de l'action féminine  
 United Nations Association of San Diego  
 United Nations Watch  
 Universal Esperanto Association  
 Universal Peace Federation  
 Vivat International  
 Women's Federation for World  
 Peace International  
 Women's International League for  
 Peace and Freedom  
 Women's International Zionist Organization  
 Women's World Summit Foundation  
 World Association for the School as  
 an Instrument of Peace

World Federation of the Deaf  
World Federation of Democratic Youth  
World Federation for Mental Health  
World Federation of Trade Unions  
World Federation of United  
Nations Associations  
World Medical Association  
World Muslim Congress

World Organization against Torture  
World Peace Council  
World Student Christian Federation  
World Union for Progressive Judaism  
World Vision International  
Worldwide Organization for Women  
World for World Organization

## 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 thirteenth session**

#### **13/4.**

##### **The right to food**

1. In paragraphs 36 and 38 of draft resolution A/HRC/13/L.17 (adopted as resolution 13/4), the Human Rights Council:

(a) Decided to extend the mandate of the Special Rapporteur on the right to food for a period of three years, to continue to work in accordance with the mandate established by the Council in its resolution 6/2;

(b) Requested the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur.

2. Should the draft resolution be adopted by the Council, \$55,800 per annum or \$111,600 per biennium would be required to implement the activities.

3. The estimated requirements of \$111,600 have been included under section 23 of the programme budget for the biennium 2010–2011. Since the period of the terms of the draft resolution extends into the biennium 2012–2013, it is considered that the requirements for that period will be met within the provisions to be included in the proposed programme budget for the biennium 2012–2013. No additional appropriations would be required as a result of the adoption of the draft resolution.

4. With regard to paragraph 38, 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 64/243 of 24 December 2009, 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.

#### **13/9.**

##### **Follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict**

5. In paragraphs 9, 10, 11, 12, 14 and 15 of draft resolution A/HRC/13/L.30 (adopted as resolution 13/9), the Council:

(a) Decided to establish a committee of independent experts in international humanitarian and human rights laws to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side in accordance with General Assembly resolution 64/254, including the independence, effectiveness, genuineness of these investigations and their conformity with international standards;

(b) Requested the High Commissioner to appoint the members of the committee of independent experts and to provide them with all the administrative, technical and

logistical assistance required to enable them to fulfil their mandate promptly and efficiently;

(c) Requested the committee of independent experts to present its report to the Council at its fifteenth session;

(d) Requested the Secretary-General to transmit all the information submitted by the Government of Israel and the Palestinian side pursuant to paragraphs 2 and 3 of General Assembly resolution 64/254 to the committee of independent experts;

(e) Also requested the Secretary-General to present a comprehensive report on the progress made in the implementation of the recommendations of the Fact-Finding Mission by all concerned parties, including United Nations bodies, in accordance with paragraph 3 of section B of Council resolution S-12/1, to the Council at its fifteenth session;

(f) Requested the High Commissioner to present a report on the implementation of the resolution to the Council at its fifteenth session;

(g) Also requested the High Commissioner to submit to the Council, at its fourteenth session, a progress report on the implementation of the present resolution.

6. Should the draft resolution be adopted by the Council, an estimated additional amount of \$531,100 would be required to provide for pre-session documentation and interpretation, travel of the experts and staff, general temporary assistance for one and a half months and general operating expenses to implement the activities called for, as follows.

<i>United States dollars</i>	
Section 2, General Assembly and Economic and Social Council Affairs and Conference Management	\$169 500
Section 23, Human Rights	\$361 600
<b>Total</b>	<b>\$531 100</b>

7. Provisions have not been made to meet the estimated additional requirements under the 2010–2011 programme budget. Additional resources are not required at this time, however, as the Secretariat will, to the extent possible, seek to identify areas from where the anticipated additional requirements of \$531,100 can be redeployed within the provisions approved for sections 2 and 23 for the biennium 2010–2011.

8. The additional requirements of \$531,100 to implement the activities called for in the draft resolution will be presented to the General Assembly at its sixty-fifth session in a revised estimates report resulting from resolutions and decisions adopted by the Council, in the context of its consideration on the absorption capacity within the approved appropriations for the biennium 2010–2011, or the additional requirements will be subject to the procedures that govern the use of the contingency fund for the biennium 2010–2011.



**13/11.****Human rights of persons with disabilities: national implementation and monitoring and introducing as the theme for 2011 the role of international cooperation in support of national efforts for the realization of the rights of persons with disabilities**

9. In paragraphs 10, 11, 13 and 14 of draft resolution A/HRC/13/L.8 (adopted as resolution 13/9), the Council:

(a) Decided that its next annual interactive debate on the rights of persons with disabilities would be held at its sixteenth session;

(b) Requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a study to enhance awareness of the role played by international cooperation in support of national efforts for the realization of the purpose and objectives of the Convention on the Rights of Persons with Disabilities, in consultation with relevant stakeholders, including States, regional organizations, including regional integration organizations, the Special Rapporteur on Disability of the Commission for Social Development, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, and requested that the study be made available on the OHCHR website, in an accessible format, prior to the sixteenth session of the Council;

(c) Requested the Secretary-General to continue to ensure that OHCHR, in its mandates on the rights of persons with disabilities, and the Committee on the Rights of Persons with Disabilities be adequately resourced for the fulfilment of their tasks;

(d) Requested the Secretary-General and the High Commissioner to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, also taking into account relevant provisions of the Convention on the Rights of Persons with Disabilities, and underlined that the Council, including its Internet resources, should be fully accessible to persons with disabilities.

10. Should the draft resolution be adopted by the Council, it is anticipated that a total amount of \$50,100 would be required in respect of the provision of sign language interpretation and simultaneous text translation and travel of experts to participate in the interactive dialogue called for in paragraph 10, as follows.

	<i>United States dollars</i>
Section 2, General Assembly and Economic and Social Council Affairs and Conference Management	\$1 600
Section 23, Human Rights	\$48 500
<b>Total</b>	<b>\$50 100</b>

11. The secretariat does not have in-house capacity for specialized translation nor international sign language interpretation; however, on the basis of recent experience, it is estimated that, for the one-day interactive debate, the cost would amount to \$1,600. Although provision has not been made in the programme budget for the biennium 2010–2011 to provide for the associated costs of the event outlined in paragraph 3 above, the secretariat will, to the extent possible, seek to identify areas from where the anticipated additional requirements of \$50,100 can be redeployed within the provisions approved for sections 2 and 23 for the biennium 2010–2011. Hence, additional appropriations would not be required as a result of adoption of the draft resolution.

12. With regard to paragraph 11, the requested study would be carried out within resources available under section 23 (Human Rights) for the biennium 2010–2011.

13. With regard to paragraph 14 of the draft resolution, it is recalled that, in paragraph 14 of the report of the Secretary-General on the revised estimates resulting from the entry into force of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto (A/63/583), it was stated that comprehensive arrangements in accordance with article 9 of the Convention, including standards and guidelines for the accessibility of facilities and services by the United Nations system, would be progressively developed. In his seventh annual progress report on the implementation of the capital master plan (A/64/346), the Secretary-General informed the General Assembly on measures taken to eliminate physical communication or technical barriers to persons with disabilities at Headquarters. To date, no standards have been established for the production of official documentation for persons with sight disabilities, including which languages and/or formats of Braille should be utilized. Likewise, standards for simultaneous interpretation for persons with hearing disabilities are yet to be formalized, including languages/type of sign language interpretation and/or simultaneous text translation. Access to Internet-based resources is another question. Until these fundamental issues are addressed so that official standards of accessibility for United Nations meetings can be promulgated, measures for the implementation of standards and guidelines for accessibility as requested by the Council in the draft resolution can only be ad hoc in nature and scope. Determination of the full financial implications of a comprehensive programme of accessibility equally requires an agreed set of standards for provisions of services to be costed. It is hoped that this issue of establishment of standards and guidelines for accessibility will be taken up by the Assembly as a matter of priority.

14. 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 64/243 of 24 December 2009, 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.

### **13/14.**

#### **Situation of human rights in the Democratic People's Republic of Korea**

15. In paragraphs 3, 7 and 8 of draft resolution A/HRC/13/L.13 (adopted as resolution 13/14), the Council:

(a) Decided to extend the mandate of the Special Rapporteur, in accordance with Council resolution 10/16, for a period of one year;

(b) Requested the Secretary-General to provide the Special Rapporteur with all the assistance and adequate staffing necessary to carry out his mandate effectively and to ensure that the mechanism worked with the support of OHCHR;

(c) Invited the Special Rapporteur to submit regular reports on the implementation of his mandate to the Council and the General Assembly.

16. Should the draft resolution be adopted by the Council, a total amount of \$60,100 per annum would be required under section 23 to support the activities of the Special Rapporteur.

17. The activities and the related requirements of the Special Rapporteur are part of the programme of work envisaged under section 23 of the programme budget for the biennium

2010–2011. No additional appropriations would therefore be required should the draft resolution be adopted.

18. 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 64/243 of 24 December 2009, 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.

### **13/15.**

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

19. In paragraphs 1, 2, 4 and 5 of draft resolution A/HRC/13/L.22 (adopted as resolution 13/15), the Council:

(a) Decided to establish an open-ended intergovernmental working group with the mandate of negotiating, finalizing and submitting to the Council the draft United Nations Declaration on Human Rights Education and Training on the basis of the draft submitted by the Advisory Committee;

(b) Also decided that the working group should meet for a maximum of five working days before its sixteenth session;

(c) Requested OHCHR to provide the working group with the necessary assistance for it to fulfil its mandate, including by circulating to all Member States and in all official languages of the United Nations the draft declaration contained in the study of the Advisory Committee (A/HRC/13/41);

(d) Requested the President of the Council to invite the Rapporteur of the Advisory Committee drafting group on the draft declaration to participate in the meetings of the working group.

20. Should the draft resolution be adopted by the Council, an additional \$181,200 would be required to provide for conference servicing, travel of the Rapporteur of the Advisory Committee and general temporary assistance at the P-4 level for one month to implement the activities called for under its terms, as follows.

	<i>United States dollars</i>
Section 2, General Assembly and Economic and Social Council Affairs and Conference Management	\$154 000
Section 23, Human Rights	\$23 500
Section 28 E, Administration, Geneva	\$3 700
<b>Total</b>	<b>\$181 200</b>

21. Since no provisions have been made to meet the estimated requirements, additional resources are not required at this time, as the secretariat will, to the extent possible, seek to identify areas whence the anticipated additional requirements of \$181,200 can be redeployed within the provisions approved for sections 2, 23 and 28 E for the biennium 2010–2011.

22. The additional requirements of \$181,200 to implement the activities called for in the draft resolution will be presented to the General Assembly at its sixty-fifth session in a revised estimates report resulting from resolutions and decisions adopted by the Council, in

the context of its consideration on the absorption capacity within the approved appropriations for the biennium 2010–2011, or the additional requirements will be subject to the procedures that govern the use of the contingency fund for the biennium 2010–2011.

### **13/16.**

#### **Combating defamation of religions**

23. In paragraph 21 of draft resolution A/HRC/13/L.1 (adopted as resolution 13/16), the Council requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to report on all manifestations of defamation of religions, and in particular on the ongoing serious implications of Islamophobia, on the enjoyment of all rights by their followers, to the Council at its fifteenth session.

24. Should the draft resolution be adopted by the Council, an amount of \$36,000 would be required under section 23 (Human Rights) for (a) travel of the Special Rapporteur to present the report to the Council (\$8,000); and (b) general temporary assistance at the P-3 level for two months (\$28,000).

25. The requirements for the Special Rapporteur are part of the programme of work envisaged under section 23 of the programme budget for the biennium 2010–2011. Although it is anticipated that an additional sum of \$36,000 will be required for the programme budget for the biennium 2010–2011 in order for the Special Rapporteur to implement the activities called for under the draft resolution, no additional resources are requested, as the secretariat will seek to identify areas from which resources can be redeployed to meet the requirements within the provisions approved for section 23 for the biennium 2010–2011.

### **13/24.**

#### **Protection of journalists in situations of armed conflict**

26. In paragraphs 1 and 2 of draft resolution A/HRC/13/L.12 (adopted as resolution 13/24), the Council:

(a) Decided to convene, within existing resources, a panel discussion at its fourteenth session on the issue of protection of journalists in armed conflict;

(b) Requested OHCHR to liaise with the Special Rapporteur on the right to freedom of opinion and expression, the International Committee of the Red Cross (ICRC) and all concerned parties and stakeholders, including relevant press organizations and associations and United Nations bodies and agencies, with a view to ensuring their participation in the panel discussion.

27. Should the draft resolution be adopted by the Council, the participation of the Special Rapporteur on the right to freedom of opinion and expression in the panel would be absorbed within existing resources, as he is scheduled to present his annual report to the Council at its fourteenth session. The participation of a Geneva-based representative of ICRC will be arranged without financial implications to the United Nations.

28. It is estimated, however, that an additional \$18,000 would be required in the biennium 2010–2011 for the travel to Geneva of three additional representatives of concerned parties and stakeholders, including relevant press organizations and associations and United Nations bodies and agencies to sit on the panel. Should the draft resolution be adopted by the Council, no additional resources would be requested, as the secretariat will

seek to identify areas from which resources can be redeployed to meet the requirements within the provisions approved for section 23 for the biennium 2010–2011.

29. 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 64/243 of 24 December 2009, 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.

### **13/25.**

#### **Situation of human rights in Myanmar**

30. In paragraphs 20, 22 and 23 of draft resolution A/HRC/13/L.15 (adopted as resolution 13/25), the Council:

(a) Decided to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar, in accordance with Commission on Human Rights resolutions 1992/58 and 2005/10 and Council resolutions 7/32 and 10/27;

(b) Requested the Special Rapporteur to submit a progress report to the General Assembly at its sixty-fifth session and to the Council in accordance with its annual programme of work;

(c) Called upon OHCHR to provide the Special Rapporteur with all necessary assistance and resources to enable him to discharge his mandate fully.

31. Should the draft resolution be adopted by the Council, a total amount of \$70,200 per annum would be required under section 23 to support the activities of the Special Rapporteur.

32. The activities and related requirements of the Special Rapporteur are part of the programme of work envisaged under section 23 of the programme budget for the biennium 2010–2011. No additional appropriations would therefore be required should the draft resolution be adopted.

33. With regard to paragraph 23, 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 64/243 of 24 December 2009, 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.

### **13/117.**

#### **Trafficking in persons, especially women and children**

34. Under the terms of paragraphs (a) and (b) of draft decision A/HRC/13/L.25 (adopted as decision 13/117), the Council:

(a) Decided to hold a panel discussion at its fourteenth session to give voice to victims of trafficking in persons, with due consideration for the psychological well-being of the victims involved, with a view to reinforcing the centrality of their human rights and needs, and taking into account their recommendations in devising actions to combat human trafficking;

(b) Requested OHCHR to organize the panel discussion within existing resources, with the participation of the High Commissioner, the Special Rapporteur on trafficking in persons, especially women and children, and the victims of trafficking in persons.

35. It is estimated that an additional sum of \$20,300 would be required under section 23 (Human Rights) in the biennium 2010–2011 to provide for the travel of five victims/survivors of trafficking from five different regions to participate in the panel discussion. Additional requirements would not arise for travel of the Special Rapporteur, as provision has been made in the 2010–2011 programme budget.

36. Should the draft resolution be adopted by the Council, no additional resources would be required, as the secretariat will seek to identify areas from which resources can be redeployed to meet the additional requirements of \$20,300 within the provisions approved for section 23 for the biennium 2010–2011.

37. With regard to paragraph 2, 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 64/243 of 24 December 2009, 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

[English only]

**Documents issued for the thirteenth session***Documents issued in the general series*

<i>Symbol</i>	<i>Agenda item</i>
A/HRC/13/1 and Corr.1	1 Annotations to the agenda for the thirteenth session of the Human Rights Council: note by the Secretary-General
A/HRC/13/2	6 Report of the Working Group on the Universal Periodic Review: Eritrea
A/HRC/13/2/Add.1	6 Addendum
A/HRC/13/3	6 Report of the Working Group on the Universal Periodic Review: Dominican Republic
A/HRC/13/4 and Corr.1	6 Report of the Working Group on the Universal Periodic Review: Cambodia
A/HRC/13/5 and Corr.1	6 Report of the Working Group on the Universal Periodic Review: Norway
A/HRC/13/5/Add.1	6 Addendum
A/HRC/13/6	6 Report of the Working Group on the Universal Periodic Review: Albania
A/HRC/13/7	6 Report of the Working Group on the Universal Periodic Review: Cyprus
A/HRC/13/7/Add.1	6 Addendum
A/HRC/13/8	6 Report of the Working Group on the Universal Periodic Review: Democratic Republic of the Congo
A/HRC/13/9	6 Report of the Working Group on the Universal Periodic Review: Côte d'Ivoire
A/HRC/13/9/Add.1/Rev.1	6 Addendum
A/HRC/13/10	6 Report of the Working Group on the Universal Periodic Review: Portugal
A/HRC/13/10/Add.1	6 Addendum
A/HRC/13/11	6 Report of the Working Group on the Universal Periodic Review: Bhutan
A/HRC/13/11/Add.1 and Corr.1	6 Addendum

*Documents issued in the general series*

<i>Symbol</i>	<i>Agenda item</i>
A/HRC/13/12	6 Report of the Working Group on the Universal Periodic Review: Dominica
A/HRC/13/13	6 Report of the Working Group on the Universal Periodic Review: Democratic People's Republic of Korea
A/HRC/13/14	6 Report of the Working Group on the Universal Periodic Review: Brunei Darussalam
A/HRC/13/15	6 Report of the Working Group on the Universal Periodic Review: Costa Rica
A/HRC/13/15/Add.1	6 Addendum
A/HRC/13/16	6 Report of the Working Group on the Universal Periodic Review: Equatorial Guinea
A/HRC/13/17	6 Report of the Working Group on the Universal Periodic Review: Ethiopia
A/HRC/13/17/Add.1	6 Addendum
A/HRC/13/18	2 Composition of the staff of the Office of the United Nations High Commissioner for Human Rights: report of the High Commissioner
A/HRC/13/19	2 Enhancement of international cooperation in the field of human rights: report of the United Nations High Commissioner on Human Rights
A/HRC/13/19/Add.1	2 Response from Member States: Cyprus
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A/HRC/13/42	3 Joint study on global practices in relation to secret detention in the context of countering terrorism of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak; the Working Group on arbitrary detention, represented by its Vice-Chair, Shaheen Sardar Ali; and the Working Group on Enforced or

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A/HRC/13/G/8	2 Letter dated 11 February 2010 from the Permanent Representative of Cyprus to the United Nations Office at Geneva addressed to the President of the Human Rights Council
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A/HRC/13/G/17	3 Note verbale dated 10 March 2010 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva addressed to the President of the Human Rights Council
A/HRC/13/G/18	4 Letter dated 11 March 2010 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations Office at Geneva addressed to the President of the Human Rights Council
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A/HRC/13/G/20	3 Note verbale dated 24 March 2010 from the Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/13/G/21	2 Note verbale dated 24 March 2010 from the Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

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A/HRC/13/G/23	2 Letter dated 27 April 2010 from the Permanent Mission of Cyprus to the President of the Human Rights Council

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A/HRC/13/NGO/2	3 Written statement submitted by the Federation of Cuban Women (FCW), a non-governmental organization in special consultative status
A/HRC/13/NGO/3	4 Idem
A/HRC/13/NGO/4	7 Idem
A/HRC/13/NGO/5	3 Written statement submitted by the Organization for Defending Victims of Violence (ODVV), a non-governmental organization in special consultative status
A/HRC/13/NGO/6	9 Idem
A/HRC/13/NGO/7	7 Idem
A/HRC/13/NGO/8	3 Idem
A/HRC/13/NGO/9	3 Idem
A/HRC/13/NGO/10	3 Idem
A/HRC/13/NGO/11	4 Idem
A/HRC/13/NGO/12	3 Written statement submitted by Associazione Comunità Papa Giovanni XXIII, a non-governmental organization in special consultative status
A/HRC/13/NGO/12/Corr.1	3 Joint written statement submitted by Caritas Internationalis, a non-governmental organization in general

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	consultative status, Dominicans for Justice and Peace (Order of Preachers), Associazione Comunità Papa Giovanni XXIII, Istituto Internazionale Maria Ausiliatrice (IIMA) and the International Volunteerism Organization for Women, Education and Development (VIDES), non-governmental organizations in special consultative status
A/HRC/13/NGO/13	3 Written statement submitted by the Associazione Comunità Papa Giovanni XXIII, a non-governmental organization in special consultative status
A/HRC/13/NGO/14	3 Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/13/NGO/15	3 Written statement submitted by Human Rights Advocates, a non-governmental organization in special consultative status
A/HRC/13/NGO/16	3 <i>Idem</i>
A/HRC/13/NGO/17	6 Written statement submitted by the International Federation of Action of Christians for Abolition of Torture (FIACAT), a non-governmental organization in special consultative status
A/HRC/13/NGO/18	4 Joint written statement submitted by Europe-Third World Centre (CETIM), a non-governmental organization in general consultative status, the Women's International League for Peace and Freedom (WILPF), a non-governmental organization in special consultative status, and Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), a non-governmental organization on the roster
A/HRC/13/NGO/19	4 <i>Idem</i>
A/HRC/13/NGO/20	3 Exposición escrita presentada por la Fundación para la Libertad, organización no gubernamental

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A/HRC/13/NGO/22	3 Idem
A/HRC/13/NGO/23	7 Written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), a non-governmental organization in special consultative status
A/HRC/13/NGO/24 and Corr.1	3 Exposé écrit présenté par l'Organisation pour la communication en Afrique et de promotion de la coopération économique internationale (OCAPROCE), organisation non gouvernementale dotée du statut consultatif spécial
A/HRC/13/NGO/25	4 Written statement submitted by France Libertés: Fondation Danielle Mitterrand, a non-governmental organization in special consultative status
A/HRC/13/NGO/26	3 Written statement submitted by the Marangopoulos Foundation for Human Rights (MFHR), a non-governmental organization in special consultative status
A/HRC/13/NGO/27	3 Written statement submitted by Human Rights Advocates, Inc. (HRA), a non-governmental organization in special consultative status
A/HRC/13/NGO/28	3 Idem

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A/HRC/13/NGO/31	3 Joint written statement submitted by the Union of Arab Jurists, a non-governmental organization in special consultative status, the Indian Movement “Tupaj Amaru”, the Indian Council of South America (CISA), and the World Peace Council (WPC), non-governmental organizations on the roster
A/HRC/13/NGO/32	5 Idem
A/HRC/13/NGO/33	3 Written statement submitted by Human Rights Advocates Inc. (HRA), a non-governmental organization in special consultative status
A/HRC/13/NGO/34	3 Idem
A/HRC/13/NGO/35	4 Exposición escrita presentada por la Asociación Americana de Juristas, organización no gubernamental reconocida como entidad consultiva especial
A/HRC/13/NGO/36	3 Written statement submitted by International Educational Development (IED), Inc., a non-governmental organization on the roster
A/HRC/13/NGO/37	4 Written statement submitted by the Worldview International Foundation (WIF), a non-governmental organization in special consultative status
A/HRC/13/NGO/38	4 Written statement submitted by International Educational Development (IED), Inc., a non-governmental organization on the roster
A/HRC/13/NGO/39	4 Idem
A/HRC/13/NGO/40	3 Written statement submitted by the International NGO Forum on Indonesian Development (INFID), a non-governmental organization in



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A/HRC/13/NGO/42	3	Exposición escrita presentada por la Asamblea Permanente por los Derechos Humanos (APDH), organización no gubernamental reconocida como entidad consultiva especial
A/HRC/13/NGO/43	4	Idem
A/HRC/13/NGO/44	3	Idem
A/HRC/13/NGO/45	4	Written statement submitted by People's Solidarity for Participatory Democracy (PSPD), a non-governmental organization in special consultative status
A/HRC/13/NGO/46	3	Exposición escrita presentada por la Asamblea Permanente por los Derechos Humanos (APDH), organización no gubernamental reconocida como entidad consultiva especial
A/HRC/13/NGO/47	5	Idem
A/HRC/13/NGO/48	10	Idem
A/HRC/13/NGO/49	3	Written statement submitted by Plan International, Inc., a non-governmental organization on the roster
A/HRC/13/NGO/50	3	Written statement submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status
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A/HRC/13/NGO/52	3	Idem
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A/HRC/13/NGO/54	3	Idem
A/HRC/13/NGO/55	4	Idem
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A/HRC/13/NGO/59	3 Idem
A/HRC/13/NGO/60	3 Idem
A/HRC/13/NGO/61	3 Written statement submitted by the International Fellowship of Reconciliation (IFOR), a non-governmental organization in special consultative status
A/HRC/13/NGO/62	3 Written statement submitted by the Federation of Western Thrace Turks in Europe (ABTTF), a non-governmental organization in special consultative status
A/HRC/13/NGO/63	7 Written statement submitted by the Palestinian Centre for Human Rights, a non-governmental organization in special consultative status
A/HRC/13/NGO/64	7 Joint written statement submitted by ADALAH- Legal Centre for Arab Minority Rights in Israel, Al-Haq-Law in the Service of Man, the BADIL Resource Center for Palestinian Residency and Refugee Rights, the Palestinian Centre for Human Rights and the Women's Center for Legal Aid and Counselling, non-governmental organizations in special consultative status
A/HRC/13/NGO/65	3 Written statement submitted by the Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status
A/HRC/13/NGO/66	3 Idem
A/HRC/13/NGO/67	3 Idem
A/HRC/13/NGO/68	4 Written statement submitted by MINBYUN-Lawyers for a Democratic Society, a non-governmental organization in special consultative status
A/HRC/13/NGO/69	7 Joint written statement submitted by Al-Haq, the BADIL Resource Center for Palestinian Residency and Refugee Rights and Defence for Children

*Documents issued in the non-governmental organization series*

<i>Symbol</i>	<i>Agenda item</i>
	International, non-governmental organizations in special consultative status
A/HRC/13/NGO/70	7 Written statement submitted by Nord-Sud XXI, a non-governmental organization in special consultative status
A/HRC/13/NGO/71	3 Written statement submitted by the Norwegian Refugee Council, a non-governmental organization in special consultative status
A/HRC/13/NGO/72	9 Written statement submitted by Interfaith International, a non-governmental organization in special consultative status
A/HRC/13/NGO/73	3 Written statement submitted by the Universal Peace Federation, a non-governmental organization in special consultative status
A/HRC/13/NGO/74	3 Exposé écrit présenté par le Cercle sur les droits et les devoirs de la personne humaine (CRED), organisation non gouvernementale dotée du statut consultatif spécial
A/HRC/13/NGO/75	9 Joint written statement submitted by Nord-Sud XXI, the Union of Arab Jurists (UAJ), the Arab Lawyers Union (ALU), the General Federation of Iraqi Women (GFIW), the General Arab Women Federation (GAWF) and the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), non-governmental organizations in special consultative status, Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP) and Liberation, non-governmental organizations on the roster
A/HRC/13/NGO/76	3 Written statement submitted by the Centrist Democratic International, a non-governmental organization in special consultative status
A/HRC/13/NGO/77	3 Written statement submitted by the International NGO Forum on Indonesian Development (INFID), a

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<i>Symbol</i>	<i>Agenda item</i>
	non-governmental organization in special consultative status
A/HRC/13/NGO/78	3 Idem
A/HRC/13/NGO/79	3 Written statement submitted by the Research Society in Rights and Duties of Mankind (CRED), a non-governmental organization in special consultative status
A/HRC/13/NGO/80	4 Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
A/HRC/13/NGO/81	4 Idem
A/HRC/13/NGO/82	4 Idem
A/HRC/13/NGO/83	4 Idem
A/HRC/13/NGO/84	4 Idem
A/HRC/13/NGO/85	4 Idem
A/HRC/13/NGO/86	4 Written statement submitted by Centrist Democratic International (CDI), a non-governmental organization in special consultative status
A/HRC/13/NGO/87	10 Written statement submitted by the International Commission of Jurists (ICJ), a non-governmental organization in special consultative status
A/HRC/13/NGO/88	3 Written statement submitted by Reporters Without Borders International, a non-governmental organization in special consultative status
A/HRC/13/NGO/89	5 Joint written statement submitted by the International Alliance of Women (IAW), the Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), the Brahma Kumaris World Spiritual University (BKWSU), the International Association of Soldiers for Peace, Zonta International, the International Federation of Settlements and Neighbourhood

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Centres (IFS), the International Council of Women (ICW-CIF), the International Federation of Business and Professional Women (BPWI), the International Youth and Student Movement for the United Nations (ISMUN), the Women's Federation for World Peace International (WFWPI), Soroptimist International (SI), the Asian Legal Resource Centre (ALRC) and Buddha's Light International Association, non-governmental organizations with general consultative status; Dominicans for Justice and Peace (Order of Preachers), Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos (España), Interfaith International, Pax Romana (Catholic Movement for Intellectual and Cultural Affairs and the International Movement of Catholic Students), Temple of Understanding (TOU), the Women's International League for Peace and Freedom (WILPF), the Women's World Summit Foundation (WWSF), the International Society for Human Rights (ISHR), the International Federation of University Women (IFUW), Femmes Africa Solidarité (FAS), the Lutheran World Federation (LWF), the Worldwide Organization for Women (WOW), the Union of Arab Jurists, Rencontre africaine pour la défense des droits de l'homme (RADDHO), the Foundation for the Refugee Education Trust (RET), International Bridges to Justice (IBJ), the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (IAC), the American Association of Jurists (AAJ), Lassalle-Institut, the UNESCO Centre of Catalonia, the Anti-Racism Information Service (ARIS), the Pan Pacific and South East Asia Women's Association (PPSEAWA), the Permanent Assembly for Human Rights (APDH), the International Movement for Fraternal Union among Races and Peoples (UFER), the

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International Federation of Women Lawyers (FIDA), the International Federation of Women in Legal Careers (FIFCJ), the Canadian Federation of University Women (CFUW), the International Association for Women's Mental Health (IAWMH), the International Women's Year Liaison Group (IWYLG), the African Services Committee, Inc., the International Federation of Family Associations of Missing Persons from Armed Conflict (IFFAMPAC), the Institute of International Social Development, African Action on AIDS, the International Society for Traumatic Stress Studies (ISTSS), the Lama Gangchen World Peace Foundation (LGWPF), Pax Christi International, the International Catholic Peace Movement, the Tandem Project, the Canadian Voice of Women for Peace (VOW), the Organization for Defending Victims of Violence (ODVV), Solar Cookers International (SCI), the World Federation for Mental Health (WFMH), the United States Federation for Middle East Peace, Network Women in Development Europe (KULU), North-South XXI, United Towns Agency for North-South Cooperation, the World Association for the School as an Instrument of Peace, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the Latin American Committee for the Defense of Women's Rights (CLADEM), the African Women's Association (AWA), the United Nations Association of Spain (ANUE), Maryknoll Fathers and Brothers, Maryknoll Sisters of St. Dominic, the International Forum for Child Welfare, the BADIL Resource Center for Palestinian Residency and Refugee Rights, the Arab Lawyers Union, the General Federation of Iraqi Women, the International Federation of Social Workers (IFSW), the International Association of Peace

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Messenger Cities (IAPMC), the Committee for Hispanic Children and Families, the Peter Hesse Stiftung Foundation, Action internationale pour la paix et developpement dans la region des Grands Lacs (AIPD-GL), the Federation for Peace and Conciliation (FPC), the National Council of Women of the United States of America, Comité international pour le respect et l'application de la charte africaine des droits de l'homme et des peuples (CIRAC), the Cairo Institute for Human Rights Studies (CIHRS), the World for the World Organisation (WFWO), Education International (Global Federation of Unions), the Universal Esperanto Association, the Associated Country Women of the World (ACWW), International Grail, the Council of American Overseas Research Centres, the European Women's Lobby, Zenab for Women in Development, The Grail, UNANIMA International, the Association for Democratic Initiatives (ADI), the Congregation of our Lady of Charity of the Good Shepherd, the Centre for Development Studies and Action, the Deniz Feneri Association (Light House Aid and the Solidarity Association), the Arab Centre for the Independence of the Judiciary and the Legal Profession (ACIJLP), the Commission for the Defense of Human Rights in Central America (CODEHUCA), the International Association of Democratic Lawyers (IADL), the General Arab Women Federation (GAWF), the National Alliance of Women's Organisation (NAWO), MADRE, Inc., the National Council of Women of Great Britain, Centre independent des recherches et d'initiatives pour le dialogue (CIRID), the African Commission of Health and Human Rights Promoters (CAPSDH), the World Organisation against Torture (OMCT), the Guild of Service, the Universal Peace Federation, the

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International Association of Schools of Social World (IASSW), the International Fellowship of Reconciliation (IFOR), Comision Colombiana de Juristas, COJEP International (Conseil de jeunesse pluriculturelle), the Association of African Women for Research and Development (AAWORD), the Scalabrini International Migration Network, the World Association for Psychosocial Rehabilitation (WAPR), Droit à l'énergie SOS Futur and Asociación Civil Consorcio y Desarrollo, non-governmental organizations with special consultative status; the Institute for Planetary Synthesis (IPS), the International Peace Bureau (IPB), the UNESCO Centre for the Basque Country (UNESCO ETXEA), the 3HO Foundation (Healthy, Happy, Holy Organization), the Dzeno Association, the Country Women Association of Nigeria (COWAN), Association nigérienne des scouts de l'environnement (ANSEN), the International Peace Research Association (IPRA), the Asia Pacific Forum on Women, Law and Development (APWLD), the International Progress Organization (IPO), Gray Panthers, the European Federation of Road Traffic Crash Victims (FEVR), the World Christian Life Community, the International Association of Gerontology and Geriatrics, Servas International and the International Movement against Racial Discrimination (IMARD) non-governmental organizations on the roster

A/HRC/13/NGO/90

- 4 Exposé écrit présenté conjointement par Franciscains International et Caritas Internationalis (International Confederation of Catholic Charities), organisations non gouvernementales dotées du statut consultatif général, Dominicains pour justice et paix – ordre des frères prêcheurs et le Bureau



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<i>Symbol</i>	<i>Agenda item</i>
	international catholique pour l'enfance (BICE), organisations non-gouvernementales dotées du statut consultatif spécial
A/HRC/13/NGO/91	3 Exposición escrita conjunta presentada por la Asociación Americana de Juristas, organización no gubernamental reconocida como entidad consultiva especial y el Institute for Planetary Synthesis, organización no gubernamental reconocida en la lista
A/HRC/13/NGO/92	3 Idem
A/HRC/13/NGO/93	3 Joint written statement submitted by CIVICUS (World Alliance for Citizen Participation), the International Alliance of Women (IAW), the Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), the International Council of Women (ICW-CIF), Good Neighbors International (GNI) and the Women's Federation for World Peace International (WFWPI), non-governmental organizations in general consultative status; Human Rights Education Associates (HREA), the International Organization for the Development of Freedom of Education (OIDEL), the International Movement against All Forms of Discrimination and Racism (IMADR), the Teresian Association, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Association Points Coeur, Myochikai (Arigatou Foundation), the Sovereign Military Order of the Temple of Jerusalem (OSMTH), the Al-Hakim Foundation, the Pan Pacific and South East Asia Women's Association (PPSEAWA), the Universal Peace Federation (UPF/IIFWP), the International Federation of University Women (IFUW), the World Federation For Mental Health (WFMH), the Women's World Summit Foundation (WWSF),

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		the David M. Kennedy Center for International Studies, the Planetary Association for Clean Energy (PACE), the Worldwide Organization for Women (WOW), the International Association of Schools of Social Work (IASSW), the Cairo Institute for Human Rights Studies (CIHRS), the Helsinki Foundation for Human Rights, the International Volunteerism Organization for Women, Education and Development-VIDES, SOS Kinderdorf International (SOS-KDI), Istituto Internazionale Maria Ausiliatrice (IIMA), the International Bureau for Children's Rights and the Equitas International Centre for Human Rights Education, non-governmental organizations in special consultative status; Soka Gakkai International (SGI), Servas International, the Association for World Education (AWE), the Association of World Citizens (AWC) and the United Methodist Church General Board of Church and Society (UMC-GBCS), non-governmental organizations on the roster
A/HRC/13/NGO/94	5	Joint written statement submitted by CIVICUS (World Alliance for Citizen Participation), the International Alliance of Women (IAW), the Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), the International Council of Women (ICW-CIF), Good Neighbors International (GNI) and the Women's Federation for World Peace International (WFWPI), non-governmental organizations in general consultative status; Human Rights Education Associates (HREA), the International Organization for the Development of Freedom of Education (OIDEL), the International Movement against All Forms of Discrimination and Racism (IMADR), the Teresian Association, the International Organization for the Elimination of All

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Forms of Racial Discrimination (EAFORD), Association Points Coeur, Myochikai (Arigatou Foundation), the Sovereign Military Order of the Temple of Jerusalem (OSMTH), the Al-Hakim Foundation, the Pan Pacific and South East Asia Women's Association (PPSEAWA), the Universal Peace Federation (UPF/IIFWP), the International Federation of University Women (IFUW), the World Federation For Mental Health (WFMH), the Women's World Summit Foundation (WWSF), the David M. Kennedy Center for International Studies, the Planetary Association for Clean Energy (PACE), the Worldwide Organization for Women (WOW), the International Association of Schools of Social Work (IASSW), the Cairo Institute for Human Rights Studies (CIHRS), the Helsinki Foundation for Human Rights, the International Volunteerism Organization for Women, Education and Development-VIDES, SOS Kinderdorf International (SOS-KDI), Istituto Internazionale Maria Ausiliatrice (IIMA), the International Bureau for Children's Rights and the Equitas International Centre for Human Rights Education, non-governmental organizations in special consultative status; Soka Gakkai International (SGI), Servas International, the Association for World Education (AWE), the Association of World Citizens (AWC) and the United Methodist Church General Board of Church and Society (UMC-GBCS), non-governmental organizations on the roster

A/HRC/13/NGO/95

- 4 Joint written statement submitted by the Izza Peace Foundation (IPO), a non-governmental organization in special consultative status, and the African-American Society for Humanitarian Aid And Development (ASHAD), a non-governmental

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<i>Symbol</i>	<i>Agenda item</i>
	organization on the roster
A/HRC/13/NGO/96	4 Joint written statement submitted by the International Women Bond (IWB), a non-governmental organization in special consultative status, and the African-American Society for Humanitarian Aid and Development (ASHAD), a non-governmental organization on the roster
A/HRC/13/NGO/97	7 Written statement submitted by the Sudan Council of Voluntary Agencies (SCOVA), a non-governmental organization in special consultative status
A/HRC/13/NGO/98	3 Written statement submitted by the Hawa Society for Women, a non-governmental organization in special consultative status
A/HRC/13/NGO/99	3 Idem
A/HRC/13/NGO/100	2 Written statement submitted by the African-American Society for Humanitarian Aid and Development (ASHAD), a non-governmental organization on the roster
A/HRC/13/NGO/101	2 Joint written statement submitted by the Sudan National Committee on Harmful Traditional Practices (SNCTP), a non-governmental organization in special consultative status, and the African-American Society for Humanitarian Aid and Development (ASHAD), a non-governmental organization on the roster
A/HRC/13/NGO/102	2 Written statement submitted by Nord-Sud XXI, a non-governmental organization in special consultative status
A/HRC/13/NGO/103	2 Written statement submitted by the Jubilee Campaign, a non-governmental organization in special consultative status
A/HRC/13/NGO/104	7 Written statement submitted by the Child Development Foundation (CDF), a non-governmental organization in

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<i>Symbol</i>	<i>Agenda item</i>
	special consultative status
A/HRC/13/NGO/105	3 Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/13/NGO/106	2 Idem
A/HRC/13/NGO/107	3 Idem
A/HRC/13/NGO/108	3 Written statement submitted by the Jubilee Campaign, a non-governmental organization in special consultative status
A/HRC/13/NGO/109	3 Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/13/NGO/110	3 Written statement submitted by the Indian Council of South America (CISA), a non-governmental organization on the roster
A/HRC/13/NGO/111	3 Written statement submitted by United Nations Watch, a non-governmental organization in special consultative status
A/HRC/13/NGO/112	4 Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/13/NGO/113	7 Idem
A/HRC/13/NGO/114	2 Written statement submitted by United Nations Watch (UN Watch), a non-governmental organization in special consultative status
A/HRC/13/NGO/115	10 Idem
A/HRC/13/NGO/116	3 Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/13/NGO/117	4 Written statement submitted by United Nations Watch (UN Watch), a non-governmental organization in special consultative status

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<i>Symbol</i>	<i>Agenda item</i>
A/HRC/13/NGO/118	6 Idem
A/HRC/13/NGO/119	3 Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/13/NGO/120	3 Idem
A/HRC/13/NGO/121	4 Written statement submitted by Lawyers Rights Watch Canada, a non-governmental organization in special consultative status
A/HRC/13/NGO/122	9 Written statement submitted by United Nations Watch (UN Watch), a non-governmental organization in special consultative status
A/HRC/13/NGO/123	10 Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/13/NGO/124	4 Written statement submitted by Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), a non-governmental organization on the roster
A/HRC/13/NGO/125	3 Written statement submitted by the Jammu and Kashmir Council for Human Rights (JKCHR), a non-governmental organization in special consultative status
A/HRC/13/NGO/126	4 Idem
A/HRC/13/NGO/127	4 Written statement submitted by Pax Christi International, a non-governmental organization in special consultative status
A/HRC/13/NGO/128	4 Written statement submitted by the International Human Rights Association of American Minorities (IHRAAM), a non-governmental organization on the roster
A/HRC/13/NGO/129	3 Idem
A/HRC/13/NGO/130	4 Joint written statement submitted by the Union of Arab Jurists (UAJ), the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the

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| A/HRC/13/NGO/131 | <p>General Arab Women Federation (GAWF), North-South XXI, the Arab Lawyers Union, the Indian Movement “Tupaj Amaru”, the General Federation of Iraqi Women (GFIW), the United Towns Agency for North-South Cooperation and the International Association of Democratic Lawyers, non-governmental organizations in special consultative status, and International Educational Development, Inc., a non-governmental organization on the roster</p> <p>4 Written statement submitted by the Women’s International Democratic Federation (WIDF), a non-governmental organization in general consultative status, North-South XXI, the Union of Arab Jurists (UAJ), the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the General Arab Women Federation (GAWF), the Arab Lawyers Union (ALU), the Indian Movement “Tupaj Amaru”, the General Federation of Iraqi Women (GFIW), the United Towns Agency for North-South Cooperation and the International Association of Democratic Lawyers (IADL), non-governmental organizations in special consultative status, and International Educational Development, Inc., a non-governmental organization on the roster</p> |
| A/HRC/13/NGO/132 | <p>3 Joint written statement submitted by North-South XXI, the Arab Lawyers Union (ALU), the General Arab Women Federation (GAWF), the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the Union of Arab Jurists (UAJ), the Indian Movement “Tupaj Amaru”, the General Federation of Iraqi Women (GFIW), the United Towns Agency for North-South Cooperation, the</p>  |

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<i>Symbol</i>	<i>Agenda item</i>	
		International Association of Democratic Lawyers, and International Educational Development, Inc., non-governmental organizations in special consultative status
A/HRC/13/NGO/133	7	Joint written statement submitted by North-South XXI, the Union of Arab Jurists, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the General Arab Women Federation (GAWF), the Arab Lawyers Union, the Indian Movement "Tupaj Amaru", the General Federation of Iraqi Women (GFIW), the United Towns Agency for North-South Cooperation and the International Association of Democratic Lawyers, non-governmental organizations in special consultative status, and International Educational Development, Inc., a non-governmental organization on the roster
A/HRC/13/NGO/134	5	Written statement submitted by the Syriac Universal Alliance, a non-governmental organization in special consultative status
A/HRC/13/NGO/135	9	Joint written statement submitted by the Association for World Education (AWE) and the World Union for Progressive Judaism (WUPJ), non-governmental organizations on the roster
A/HRC/13/NGO/136	3	Written statement submitted by the Society Studies Centre (SSC), a non-governmental organization in special consultative status
A/HRC/13/NGO/137	3	Written statement submitted by the World Union for Progressive Judaism (WUPJ), a non-governmental organization on the roster
A/HRC/13/NGO/138	7 and 9	Idem
A/HRC/13/NGO/139	9	Joint written statement submitted by the Association for World Education (AWE) and the World Union for Progressive Judaism (WUPJ), non-



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<i>Symbol</i>	<i>Agenda item</i>
	governmental organizations on the roster

*Documents issued in the national institutions series*

<i>Symbol</i>	<i>Agenda item</i>
A/HRC/13/NI/1	3 Information presented by the Ukrainian Parliament Commissioner for Human Rights: note by the Secretariat
A/HRC/13/NI/2	3 Information presented by the Canadian Human Rights Commission: note by the Secretariat
A/HRC/13/NI/3	3 Information presented by the Advisory Council on Human Rights of Morocco: note by the Secretariat
A/HRC/13/NI/4	6 Information presented by the Equality and Human Rights Commission of Great Britain: note by the Secretariat
A/HRC/13/NI/5	3 <i>Idem</i>
A/HRC/13/NI/6	3 Information presented by the Network of National Human Rights Institutions for the Promotion and Protection of Human Rights of the Americas on behalf of "A"-status national human rights institutions in the Americas: note by the Secretariat
A/HRC/13/NI/7	3 Information submitted by the Guatemalan Human Rights Ombudsman's Office: note by the Secretariat
A/HRC/13/NI/8	3 Information presented by the Network of African National Human Rights Institutions on behalf of "A"-status national human rights institutions in Africa: note by the Secretariat
A/HRC/13/NI/9	3 <i>Idem</i>
A/HRC/13/NI/10	3 <i>Idem</i>
A/HRC/13/NI/11	3 Information presented by the Working Group on Business and Human Rights of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC): note by the Secretariat

## **Annex V**

### **Special procedures mandate holders appointed by the Council at its thirteenth session**

#### **Working Group on Enforced or Involuntary Disappearances**

Jasminka Dzumhur (Bosnia and Herzegovina)

#### **Working Group on Arbitrary Detention**

Vladimir Tochilovsky (Ukraine)

#### **Working Group of Experts on People of African Descent**

Verene Shepherd (Jamaica)

## Annex VI

[English only]

### List of Advisory Committee members and duration of terms of membership

<i>Member</i>	<i>Term expires in</i>
José Antonio Bengoa Cabello (Chile)	2013
Ansar Ahmed Burney (Pakistan)	2011
Chen Shiqiu (China)	2012
Chung Chinsung (Republic of Korea)	2013
Emmanuel Decaux (France)	2011
Héctor Felipe Fix Fierro (Mexico)	2011
Wolfgang Stefan Heinz (Germany)	2013
Latif Hüseyinov (Azerbaijan)	2011
Baba Kura Kaigama (Nigeria)	2011
Alfred Ntunduguru Karokora (Uganda)	2013
Vladimir Kartashkin (Russian Federation)	2013
Purificacion V. Quisumbing (Philippines)	2011
Shigeki Sakamoto (Japan)	2013
Dheerujlall Seetulsingh (Mauritius)	2011
Halima Embarek Warzazi (Morocco)	2012
Jean Ziegler (Switzerland)	2012
Mona Zulficar (Egypt)	2013