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## Human Rights Council

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Agenda item 1

Organizational and procedural matters

2–27 March 2009

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

*Vice-President and Rapporteur:* Mr. Elchin **Amirbayov** (Azerbaijan)

## Contents

<i>Chapter</i>	<i>Page</i>
Part One: Resolutions, decisions and President's statement .....	6
I. Resolutions adopted by the Council at its tenth session.....	6
10/1 Question of the realization in all countries of economic, social and cultural rights: follow-up to Human Rights Council resolution 4/1 .....	6
10/2 Human rights in the administration of justice, in particular juvenile justice.....	7
10/3 World Programme for Human Rights Education .....	10
10/4 Human rights and climate change .....	11
10/5 Composition of staff of the Office of the United Nations High Commissioner for Human Rights.....	13
10/6 Enhancement of international cooperation in the field of human rights .....	15
10/7 Human rights of persons with disabilities: national frameworks for the promotion and protection of the human rights of persons with disabilities .....	17
10/8 Draft United Nations guidelines for the appropriate use and conditions of alternative care for children .....	19
10/9 Arbitrary detention .....	20
10/10 Enforced or involuntary disappearances .....	21
10/11 The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination .....	24
10/12 The right to food .....	28
10/13 Human rights and arbitrary deprivation of nationality .....	34
10/14 Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto.....	36
10/15 Protection of human rights and fundamental freedoms while countering terrorism .....	39
10/16 Situation of human rights in the Democratic People's Republic of Korea.....	41
10/17 Human rights in the occupied Syrian Golan .....	43
10/18 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan .....	45
10/19 Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory.....	48
10/20 Right of the Palestinian people to self-determination .....	50
10/21 Follow-up to Council resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip .....	51
10/22 Combating defamation of religions.....	52
10/23 Independent expert in the field of cultural rights .....	56

10/24	Torture and other cruel, inhuman or degrading treatment or punishment: the role and responsibility of medical and other health personnel .....	58
10/25	Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights .....	61
10/26	Forensic genetics and human rights .....	64
10/27	Situation of human rights in Myanmar .....	66
10/28	United Nations Declaration on Human Rights Education and Training .....	69
10/29	The Social Forum.....	69
10/30	Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination .....	72
10/31	From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance .....	73
10/32	Assistance to Somalia in the field of human rights .....	74
10/33	Situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services.....	75
II.	Decisions adopted by the Council at its tenth session.....	78
10/101	Outcome of the universal periodic review: Botswana.....	78
10/102	Outcome of the universal periodic review: Bahamas.....	78
10/103	Outcome of the universal periodic review: Burundi .....	79
10/104	Outcome of the universal periodic review: Luxembourg.....	79
10/105	Outcome of the universal periodic review: Barbados .....	79
10/106	Outcome of the universal periodic review: Montenegro .....	80
10/107	Outcome of the universal periodic review: United Arab Emirates.....	80
10/108	Outcome of the universal periodic review: Liechtenstein .....	81
10/109	Outcome of the universal periodic review: Serbia .....	81
10/110	Outcome of the universal periodic review: Turkmenistan .....	82
10/111	Outcome of the universal periodic review: Burkina Faso .....	82
10/112	Outcome of the universal periodic review: Israel.....	83
10/113	Outcome of the universal periodic review: Cape Verde .....	83
10/114	Outcome of the universal periodic review: Colombia.....	84
10/115	Outcome of the universal periodic review: Uzbekistan .....	84
10/116	Outcome of the universal periodic review: Tuvalu .....	85
10/117	Publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights.....	85
III.	President's statement made at the tenth session.....	87
PRST/10/1	Reports of the Advisory Committee.....	87

	<i>Paragraphs</i>	<i>Page</i>
Part Two: Summary of proceedings.....		88
I. Organizational and procedural matters .....	1–48	88
A. Opening and duration of the session.....	1–5	88
B. Attendance.....	6	88
C. High-level segment.....	7–10	88
D. General segment .....	11–13	90
E. Agenda and programme of work of the session .....	14	91
F. Organization of work.....	15–28	91
G. Meetings and documentation.....	29–35	92
H. Visits.....	36–37	92
I. Selection and appointment of mandate holders .....	38–40	93
J. Election of members of the Human Rights Council Advisory Committee.....	41–42	93
K. Consideration of and action on draft proposals .....	43	93
L. Adoption of the report of the session.....	44–48	94
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 .....	49–67	95
A. Annual report of the United Nations High Commissioner for Human Rights .....	49–53	95
B. Reports of the Office of the High Commissioner and the Secretary-General .....	54–61	96
C. Consideration of and action on draft proposals .....	62–67	96
III. Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.....	68–212	98
A. Panels .....	68–88	98
B. Interactive dialogue with special procedures.....	89–146	101
C. Special Adviser of the Secretary-General on the Prevention of Genocide .....	147–150	108
D. General debate on agenda item 3.....	151–153	108
E. Consideration of and action on draft proposals .....	154–212	109
IV. Human rights situations that require the Council’s attention .....	213–243	118
A. Situation of human rights in the Democratic People’s Republic of Korea .....	213–216	118
B. Situation of human rights in Myanmar .....	217–220	118
C. Follow-up to Human Rights Council resolutions 7/20 and S-8/1 .....	221–225	119
D. General debate on agenda item 4.....	226–228	119
E. Consideration of and action on draft proposals .....	229–243	120
V. Human rights bodies and mechanisms .....	244–260	123
A. Complaint procedure .....	244–245	123

B.	Advisory Committee .....	246	123
C.	Expert Mechanism on the Rights of Indigenous Peoples .....	247	123
D.	Forum on Minority Issues.....	248	123
E.	General debate on agenda item 5.....	249	123
F.	Consideration of and action on draft proposals .....	250–260	124
VI.	Universal periodic review .....	261–725	127
A.	Consideration of universal periodic review outcomes.....	262–707	127
B.	General debate on agenda item 6.....	708–709	205
C.	Consideration of and action on draft proposals .....	710–725	205
VII.	Human rights situation in Palestine and other occupied Arab territories.....	726–762	208
A.	Follow-up to Human Rights Council resolutions 7/30, 9/18 and S-9/1 .....	726–730	208
B.	Annual interactive dialogue with the mandate holder .....	731–734	209
C.	General debate on agenda item 7.....	735–736	209
D.	Consideration of and action on draft proposals .....	737–762	210
VIII.	Follow-up to and implementation of the Vienna Declaration and Programme of Action .....	763	214
IX.	Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action .....	764–781	215
A.	Reports presented under agenda item 9 and general debate on that item .....	764–767	215
B.	Consideration of and action on draft proposals .....	768–781	216
X.	Technical assistance and capacity-building .....	782–806	218
A.	Interactive dialogue with the mandate holder.....	782–785	218
B.	General debate on agenda item 10.....	786–787	218
C.	Consideration of and action on draft proposals .....	788–806	219
<b>Annexes</b>			
I.	Attendance .....		221
II.	Agenda .....		227
III.	Administrative and programme budget implications of Council resolutions adopted by the Council at its tenth session.....		228
IV.	Documents issued for the tenth session.....		234
V.	List of Advisory Committee members and duration of terms of membership.....		264

## **Part One**

### **Resolutions, decisions and President's statement**

#### **I. Resolutions adopted by the Council at its tenth session**

**10/1**

#### **Question of the realization in all countries of economic, social and cultural rights: follow-up to Human Rights Council resolution 4/1**

*The Human Rights Council,*

*Guided* by the principles relating to economic, social and cultural rights enshrined in, inter alia, the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

*Mindful* of recent significant developments and remaining challenges in the promotion and protection of economic, social and cultural rights at the national, regional and international levels,

*Reaffirming* its resolution 4/1 of 23 March 2007, and recalling the resolutions adopted by the Commission on Human Rights on the question of the realization in all countries of economic, social and cultural rights,

1. *Calls upon* all States to take all measures to implement Council resolution 4/1 with a view to improving the realization of economic, social and cultural rights;
2. *Welcomes* the increase in the number of States parties to the International Covenant on Economic, Social and Cultural Rights, and reminds States parties of their obligations under the Covenant;
3. *Notes with interest* the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by the General Assembly on the occasion of the sixtieth anniversary of the Universal Declaration of Human Rights as one of the important tools to help strengthen the protection of economic, social and cultural rights worldwide;
4. *Invites* all States parties to participate in the ceremony of opening for signature of the Optional Protocol, to be held in New York on 24 September 2009 during the 2009 Treaty Event, and to consider signing and ratifying or acceding to the Optional Protocol with a view to its early entry into force;
5. *Notes with interest* the work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations under the Covenant and, in such a context, notes the recent adoption by the Committee of general comment No. 19 on the right to social security and of the revised guidelines on treaty-specific documents to be submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights;
6. *Also notes with interest* the work of other relevant treaty bodies and special procedures in the promotion and protection of economic, social and cultural rights within their respective mandates;
7. *Expresses* its appreciation for the activities of the Office of the United Nations High Commissioner for Human Rights in the field of economic, social and cultural rights, in particular when facilitating cooperation within its mandate, and strengthening its

thematic expertise in this area at the country and regional levels, and when paying special attention to such issues as the legal protection of economic, social and cultural rights;

8. *Encourages* the Office of the High Commissioner, the treaty bodies, the special procedures of the Council and other relevant United Nations bodies and mechanisms, specialized agencies or programmes, within their respective mandates, to continue their efforts to promote the realization of economic, social and cultural rights worldwide, and to enhance their cooperation in this regard;

9. *Takes note* of the reports of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights (A/HRC/7/58 and A/HRC/10/46), submitted to the Council pursuant to its resolution 4/1;

10. *Requests* the High Commissioner to continue to prepare and submit to the Council an annual report on the question of the realization in all countries of economic, social and cultural rights under agenda item 3;

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

*41st meeting  
25 March 2009*

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

## **10/2**

### **Human rights in the administration of justice, in particular juvenile justice**

*The Human Rights Council,*

*Recalling* the Universal Declaration of Human Rights and all relevant international treaties, including the Convention on the Rights of the Child, and in particular articles 3, 37, 39 and 40 thereof,

*Bearing in mind* the numerous other international standards and norms in the field of the administration of justice, in particular of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the “Beijing Rules”), adopted by the General Assembly in its resolution 40/33 on 29 November 1985, the United Nations Guidelines for the Prevention of Juvenile Delinquency (the “Riyadh Guidelines”) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, adopted by the Assembly in its resolutions 45/112 and 45/113 on 14 December 1990 and the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, adopted by the Economic and Social Council in its resolution 2005/20 of 22 July 2005,

*Recalling* all resolutions of the Council, the Commission on Human Rights, the General Assembly and the Economic and Social Council relevant to the subject, including Human Rights Council resolution 7/29 of 28 March 2008, Commission resolution 2004/43 of 19 April 2004, Assembly resolutions 62/158 of 18 December 2007 and 63/241 of 24 December 2008, and Economic and Social Council resolution 2007/23 of 26 July 2007,

*Noting with interest* the adoption by the Human Rights Committee of its general comment No. 32 on the right to equality before courts and tribunals and to a fair trial (CCPR/C/GC/32) and the adoption by the Committee on the Rights of the Child of general comment No. 10 on children’s rights in juvenile justice (CRC/C/GC/10),

*Acknowledging* the efforts made by the Secretary-General on improving the coordination of United Nations activities in the field of administration of justice, the rule of law and juvenile justice, in particular his report on the enhancement of support by the

United Nations for the rule of law (A/61/636), his guidance notes on a United Nations approach to rule of law assistance and on the United Nations approach to justice for children,

*Noting with interest* the relevant work of the United Nations Office on Drugs and Crime in the administration of justice,

*Noting with satisfaction* the work of the Interagency Panel on Juvenile Justice and its members, including the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime, the United Nations Interregional Crime and Justice Research Institute, the United Nations Development Programme, the Department of Peacekeeping Operations, the Committee on the Rights of the Child and various non-governmental organizations, in particular their coordination in providing technical advice and assistance in juvenile justice, and the active participation of civil society in its respective work,

*Mindful* of the importance of ensuring respect for the rule of law and human rights in the administration of justice, in particular in post-conflict situations, as a crucial contribution to building peace and justice,

*Reaffirming* that an independent and impartial judiciary, an independent legal profession and the integrity of the judicial system are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

*Aware* of the need for special vigilance with regard to the specific situation of children, juveniles and women in the administration of justice, in particular while deprived of their liberty, and their vulnerability to various forms of violence, abuse, injustice and humiliation,

*Reaffirming* that the best interests of the child must be a primary consideration in all decisions concerning deprivation of liberty, and in particular that depriving children and juveniles of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and the need to ensure that, if they are arrested, detained or imprisoned, children should be separated from adults, to the greatest extent feasible, unless it is considered in the child's best interest not to do so,

*Recalling* that the best interests of the child should also be a primary consideration in relation to the question of whether and how long children of imprisoned mothers should stay with them in prison, and emphasizing the responsibility of the State to provide adequate care for women in prison and their children,

1. *Welcomes* the latest report of the Secretary-General submitted to the Council on human rights in the administration of justice, including juvenile justice (A/HRC/4/102);

2. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

3. *Calls upon* Member States to spare no effort in providing for effective legislative, judicial, social, educative and other relevant mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards, and invites them to take into consideration the issue of human rights in the administration of justice in the universal periodic review procedure;

4. *Invites* Governments to include in their national development plans the administration of justice as an integral part of the development process, and to allocate adequate resources for the provision of legal aid services with a view to the promotion and protection of human rights, and invites the international community to respond favourably

to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice, including juvenile justice;

5. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular to establish and maintain stable societies and the rule of law in post-conflict situations, through reform of the judiciary, the police and the penal system, as well as juvenile justice reform;

6. *Invites* Governments to provide for training, including anti-racist, multicultural and gender-sensitive and child rights training, in human rights in the administration of justice, including juvenile justice, for all judges, lawyers, prosecutors, social workers, immigration and police officers and other professionals working in the field of administration of justice, including personnel deployed in international field presences;

7. *Recognizes* that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her rights, dignity and needs, in accordance with international law, including relevant international standards on human rights in the administration of justice, and calls on States parties to the Convention on the Rights of the Child to abide strictly by its principles and provisions and to improve the status of information on the situation of juvenile justice;

8. *Notes* the concern of the Committee on the Rights of the Child that, in all regions of the world and in relation to all legal systems, the provisions of the Convention on the Rights of the Child relating to the administration of juvenile justice are in many instances not reflected in national legislation or practice, and welcomes the fact that the Committee makes concrete recommendations concerning the improvement of national juvenile justice systems, including the implementation of juvenile justice legislation;

9. *Encourages* States that have not yet integrated children's issues in their overall rule of law efforts to do so, and to develop and implement a comprehensive juvenile justice policy to prevent and address juvenile delinquency as well as with a view to promoting, inter alia, the use of alternative measures, such as diversion and restorative justice, and ensuring compliance with the principle that deprivation of liberty of children should only be used as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

10. *Stresses* the importance of including rehabilitation and reintegration strategies for former child offenders in juvenile justice policies, in particular through education programmes, with a view to their assuming a constructive role in society;

11. *Urges* States to ensure that, under their legislation and practice, neither capital punishment nor life imprisonment without the possibility of release is imposed for offences committed by persons under 18 years of age;

12. *Invites* Governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote greater attention to the issue of women and girls in prison, including issues relating to the children of women in prison, with a view to identifying and addressing the gender-specific aspects and challenges related to this problem;

13. *Emphasizes* that, when sentencing or deciding on pretrial measures for a pregnant woman or a child's sole or primary carer, priority should be given to non-custodial measures, bearing in mind the gravity of the offence and after taking into account the best interest of the child;

14. *Welcomes* the important activities of the Committee on the Rights of the Child, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime and the

United Nations Development Programme in the field of administration of justice, in particular juvenile justice, and invites States, upon their request, to benefit from technical advice and assistance in juvenile justice provided by the relevant United Nations agencies and programmes, in particular the Interagency Panel on Juvenile Justice, in order to strengthen national capacities and infrastructures in the field of the administration of justice, in particular juvenile justice;

15. *Calls upon* relevant special procedures of the Council to give special attention to questions relating to the effective protection of human rights in the administration of justice, including juvenile justice, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

16. *Calls upon* the United Nations High Commissioner for Human Rights to reinforce advisory services and technical assistance relating to national capacity-building in the field of the administration of justice, in particular juvenile justice, taking into account, inter alia, the Nairobi Declaration on the role of national human rights institutions in the administration of justice, adopted at the ninth international conference of the International Coordinating Committee of national human rights institutions on 24 October 2008;

17. *Calls upon* the Secretary-General and the High Commissioner to strengthen system-wide coordination in this area further, including by providing assistance to national human rights institutions in implementing the Nairobi Declaration and by supporting further the Interagency Panel on Juvenile Justice in its work to respond favourably to requests for technical assistance in the field of juvenile justice;

18. *Requests* the Secretary-General to submit a report to the Council at its thirteenth session on the latest developments, challenges and good practices in human rights in the administration of justice, including juvenile justice and conditions for women and children in detention, as well as in the activities undertaken by the United Nations system as a whole;

19. *Requests* the High Commissioner to report to the Council at its thirteenth session on the implementation of the present resolution;

20. *Decides* to continue its consideration of this issue under the same agenda item in accordance with its annual programme of work.

*41st meeting  
25 March 2009*

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

## **10/3**

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

*The Human Rights Council,*

*Recalling* General Assembly resolutions 43/128 of 8 December 1988, in which the Assembly launched the World Public Information Campaign on Human Rights, 59/113 A of 10 December 2004, 59/113 B of 14 July 2005 and 60/251 of 15 March 2006, in which the Assembly decided, inter alia, that the Human Rights Council would promote human rights education and learning, as well as Commission on Human Rights resolution 2005/61 of 20 April 2005 and Subcommission for the Promotion and Protection of Human Rights resolution 2006/19 of 24 August 2006, concerning the World Programme for Human Rights Education, structured in consecutive phases, and the Plan of Action for its first phase (2005–2007),

*Recalling also* Council resolutions 6/9 of 28 September 2007 on the development of public information activities in the field of human rights and 6/24 of 28 September 2007, in which the Council extended to December 2009 the first phase of the World Programme focusing on the primary and secondary school systems,

*Noting* paragraphs 49 to 51 of the Plan of Action of the first phase of the World Programme, according to which, at the conclusion of the first phase, Member States are expected to prepare their national evaluation reports, taking into consideration progress made in a number of areas, such as legal frameworks and policies, curricula, teaching and learning processes and tools, revision of textbooks, teacher training and improvement of the school environment, and to provide their final national evaluation reports to the United Nations Inter-Agency Coordinating Committee on Human Rights Education in the School System through the Office of the United Nations High Commissioner for Human Rights,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the World Programme for Human Rights Education (A/HRC/9/4);

2. *Requests* the High Commissioner to consult with States Members of the United Nations, national human rights institutions and intergovernmental and non-governmental organizations on the possible focus, in terms of target sector or thematic area, of the second phase of the World Programme to begin on 1 January 2010, and to submit a report on those consultations to the Council at its twelfth session;

3. *Encourages* States Members of the United Nations to start taking steps for the preparation of their national evaluation reports on the first phase, with the assistance of international and regional organizations, as well as civil society actors, to be provided to the United Nations Inter-Agency Coordinating Committee on Human Rights Education in the School System early in 2010;

4. *Decides* to consider this issue at its twelfth session under the same agenda item.

*41st meeting  
25 March 2009*

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

## **10/4**

### **Human rights and climate change**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, and reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Vienna Declaration and Programme of Action,

*Reaffirming* the United Nations Framework Convention on Climate Change and the objectives and principles thereof, and welcoming the decisions of the United Nations Climate Change Conference, held in Bali, Indonesia, in December 2007, and in particular the adoption of the Bali Action Plan,

*Reaffirming also* the Rio Declaration on Environment and Development, Agenda 21, the Programme for the Further Implementation of Agenda 21, the Johannesburg Declaration on Sustainable Development and the Plan of Implementation of the World Summit on Sustainable Development, and recognizing that human beings are at the centre of concerns for sustainable development and that the right to development must be fulfilled

so as to meet equitably the development and environmental needs of present and future generations,

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

*Recalling* its resolution 7/23 of 28 March 2008 on human rights and climate change,

*Taking note* of the report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights (A/HRC/10/61),

*Noting* that climate change-related impacts have a range of implications, both direct and indirect, for the effective enjoyment of human rights including, inter alia, the right to life, the right to adequate food, the right to the highest attainable standard of health, the right to adequate housing, the right to self-determination and human rights obligations related to access to safe drinking water and sanitation, and recalling that in no case may a people be deprived of its own means of subsistence,

*Recognizing* that while these implications affect individuals and communities around the world, the effects of climate change will be felt most acutely by those segments of the population who are already in vulnerable situations owing to factors such as geography, poverty, gender, age, indigenous or minority status and disability,

*Recognizing also* that climate change is a global problem requiring a global solution, and that effective international cooperation to enable the full, effective and sustained implementation of the United Nations Framework Convention on Climate Change in accordance with the provisions and principles of the Convention is important in order to support national efforts for the realization of human rights implicated by climate change-related impacts,

*Affirming* that human rights obligations and commitments have the potential to inform and strengthen international and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes,

1. *Decides* to hold a panel discussion on the relationship between climate change and human rights at its eleventh session in order to contribute to the realization of the goals set out in the Bali Action Plan and to invite all relevant stakeholders to participate therein;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a summary of the panel discussion and decides to make the summary available to the Conference of the Parties to the United Nations Framework Convention on Climate Change for its consideration;

3. *Welcomes* the decision of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living to prepare and present a thematic report on the potential impact of climate change on the right to adequate housing, and encourages other relevant special procedure mandate holders to give consideration to the issue of climate change within their respective mandates;

4. *Welcomes* the steps taken by the Office of the High Commissioner and the secretariat of the United Nations Framework Convention on Climate Change to facilitate exchange of information in the area of human rights and climate change;

5. *Encourages* the Office of the High Commissioner to participate at a senior level, during the High-level Meeting on Climate Change, to be held ahead of the general debate of the General Assembly at its sixty-fourth session, and at the fifteenth session and

Conference of the Parties to the United Nations Framework Convention on Climate Change.

*41st meeting  
25 March 2009*

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

## **10/5**

### **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/10/45),

*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. *Welcomes* the statement made by the United Nations High Commissioner for Human Rights in her report that achieving geographical balance in the staff of the Office of the High Commissioner 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;

2. *Notes* the increase 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 stressing that the imbalance in geographical distribution is still prominent;

3. *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;

4. *Requests* the High Commissioner to work on the broadest geographic 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;

5. *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;

6. *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;

7. *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;

8. *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;

9. *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 General Assembly proposals for a comprehensive review of the system of desirable ranges, with a view to establishing a more effective tool to ensure equitable geographic distribution in relation to the total number of staff of the Secretariat;

10. *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;

11. *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;

12. *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;

13. *Requests* the High Commissioner to submit a comprehensive and updated report to the Council at its thirteenth 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 geographical composition of the staff of the Office.

*42nd meeting  
26 March 2009*

[Adopted by a recorded vote of 33 to 12, with 2 abstentions (see part II, chap. II). The voting was as follows:

*In favour:*

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

*Against:*

Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland;

*Abstaining:*

Chile, Republic of Korea.]

## **10/6**

### **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 thereof, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by 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 at Durban, South Africa, from 31 August to 8 September 2001, and its 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 principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

*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 the responsibility of all 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. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the enhancement of international cooperation in the field of human rights (A/HRC/10/26);

9. *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;

10. *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;

11. *Requests* the High Commissioner to consult States and intergovernmental and non-governmental organizations on ways and means, including obstacles and challenges, as well as possible proposals to overcome them, for the enhancement of international cooperation and dialogue in the United Nations human rights machinery, including the Council, as recognized by the General Assembly in the preamble of its resolution 60/251 of 15 March 2006, and to present a report on her findings to the Council at the relevant session in 2010;

12. *Decides* to continue its consideration of the question in 2010, in accordance with its annual programme of work.

*42nd meeting  
26 March 2009*

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

## **10/7**

### **Human rights of persons with disabilities: national frameworks for the promotion and protection of the human rights of persons with disabilities**

*The Human Rights Council,*

*Reaffirming* its resolution 7/9 of 27 March 2008, continuing a framework for the Council's consideration of the rights of persons with disabilities, and welcoming the efforts of all stakeholders to implement the resolution,

*Reaffirming also* 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,

1. *Welcomes* the entry into force of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto on 3 May 2008, as well as the convening of the first meeting of the Conference of States parties and of the Committee on the Rights of Persons with Disabilities;

2. *Also welcomes* the fact that, to date, 139 States and 1 regional integration organization have signed and 50 have ratified the Convention, and that 82 have signed and 29 have ratified the Optional Protocol, and calls upon those States and regional integration organizations that have not yet done so to consider ratifying or acceding to the Convention and the Optional Protocol as a matter of priority;

3. *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 the reservations;

4. *Takes note with appreciation* of the thematic study on key legal measures for the ratification and effective implementation of the Convention prepared by the Office of the United Nations High Commissioner for Human Rights (A/HRC/10/48), and invites all stakeholders to consider the study when designing and implementing measures for the promotion and protection of the rights of persons with disabilities, including the establishment of national frameworks to this effect;

5. *Encourages* States to undertake promptly a review of all legislation and other measures so as to identify and modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;

6. *Calls upon* States to take all appropriate measures to prohibit by law and eliminate any form of discrimination on the basis of disability and to ensure equal and effective legal protection to persons with disabilities from discrimination on all grounds;

7. *Encourages* States to exchange information and experiences on legislative measures and models that guarantee the human rights of persons with disabilities, on an equal basis with others, including on measures for accessibility, reasonable accommodation, equal recognition before the law, access to justice and supported decision-making;

8. *Calls upon* States to take specific measures to give practical effect to the principle of non-discrimination on the basis of disability and to the provision of reasonable accommodation, including in the administrative, justice and education sectors and, where appropriate, special measures to enhance the effective implementation of the Convention and the Optional Protocol thereto;

9. *Encourages* States to adopt or strengthen policies and programmes to promote awareness of and increase expertise in the rights of persons with disabilities in all branches of government, including through training programmes for public officials and agents, taking into account multiple or aggravated forms of discrimination experienced by persons with disabilities;

10. *Calls upon* States to take measures to guarantee the enjoyment of political rights of persons with disabilities and to promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, on an equal basis with others, and to promote their participation in the formulation of policies and programmes;

11. *Also calls upon* States to monitor the effectiveness of steps taken to eliminate discrimination on the basis of disability by any person, organization or enterprise in, inter alia, the housing, transport, health, labour and education sectors and, in so doing, to develop methodologies for ensuring compliance with the principles of non-discrimination and accessibility, taking duly into account the need to consult closely with and actively involve persons with disabilities and their representatives in such processes;

12. *Further calls upon* States to ensure that persons with disabilities have effective access to justice and to effective remedies and redress, on an equal basis with others, including administrative and judicial remedies for persons with disabilities whose enjoyment of human rights is denied;

13. *Encourages* States, in consultation with relevant stakeholders, to collect and compile disaggregated data to measure national progress and to identify barriers that prevent or undermine the full enjoyment by persons with disabilities of their human rights, and to formulate appropriate steps to remove such barriers;

14. *Acknowledges* 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;

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

16. *Also decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its thirteenth session, and that it will focus on the structure

and role of national mechanisms for the implementation and monitoring of the Convention on the Rights of Persons with Disabilities;

17. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a study to enhance awareness on the structure and role of national mechanisms for the implementation and monitoring of the Convention on the Rights of Persons with Disabilities, in consultation with relevant stakeholders, including States, regional organizations, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, and requests that the study be available on the website of the Office of the High Commissioner, in an accessible format, prior to the thirteenth session of the Council;

18. *Also requests* the Office of the High Commissioner to continue to elaborate and disseminate training and awareness-raising material on the rights of persons with disabilities and the implementation of the Convention, and to continue to contribute, as required, to national efforts in the development of tools to mainstream the rights of persons with disabilities, taking into consideration good practices;

19. *Requests* the Secretary-General to continue to ensure that the mandate of the Office of the High Commissioner on the rights of persons with disabilities is adequately resourced for the fulfilment of its tasks;

20. *Encourages* organizations of persons with disabilities, national monitoring bodies and human rights institutions to participate actively in the session referred to in paragraph 16 above, as well as in regular and special sessions of the Council and its working groups.

*42nd meeting  
26 March 2009*

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

## **10/8**

### **Draft United Nations guidelines for the appropriate use and conditions of alternative care for children**

*The Human Rights Council,*

*Reaffirming* the Universal Declaration of Human Rights and the Convention on the Rights of the Child, and celebrating the twentieth anniversary of the Convention in 2009,

*Reaffirming also* all previous resolutions on the rights of the child of the Council, the Commission on Human Rights and the General Assembly, the most recent being Council resolutions 7/29 of 28 March 2008 and 9/13 of 24 September 2008 and General Assembly resolution 63/241 of 23 December 2008,

*Welcomes* the progress made during consultations on the draft United Nations guidelines for the appropriate use and conditions of alternative care for children and decides to continue efforts to take action on them at its eleventh session.

*42nd meeting  
26 March 2009*

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

## 10/9 Arbitrary detention

*The Human Rights Council,*

*Reaffirming* articles 3, 9, 10 and 29 and other relevant provisions of the Universal Declaration of Human Rights,

*Recalling* articles 9, 10, 11, and 14 to 22 of the International Covenant on Civil and Political Rights,

*Recalling also* Commission on Human Rights resolutions 1991/42 of 5 March 1991 and 1997/50 of 15 March 1997 and Council resolution 6/4 of 28 September 2007, in which the Council extended the mandate of the Working Group on Arbitrary Detention for a further period of three years,

1. *Stresses* the importance of the work of the Working Group on Arbitrary Detention and encourages it to pursue the fulfilment of its mandate, as set out in Council resolution 6/4;

2. *Takes note* of the report of the Working Group (A/HRC/10/21), including the recommendations contained therein;

3. *Requests* the States concerned to take account of the Working Group's views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they have taken;

4. *Encourages* all States:

(a) To give due consideration to the recommendations of the Working Group;

(b) To take appropriate measures to ensure that their legislation, regulations and practices remain in conformity with the relevant international standards and the applicable international legal instruments;

(c) To respect and promote the right of anyone who is arrested or detained on a criminal charge to be brought promptly before a judge or other officer authorized by law to exercise judicial power and to be entitled to trial within a reasonable time or to release;

(d) To respect and promote the right of anyone who is deprived of his/her liberty by arrest or detention to be entitled to bring proceedings before a court, in order that the court may decide without delay on the lawfulness of his/her detention and order his/her release if the detention is not lawful, in accordance with their international obligations;

(e) To ensure that the right referred to in subparagraph (d) above is equally respected in cases of administrative detention, including administrative detentions in relation to public security legislation;

(f) To ensure that the conditions of pretrial detention do not undermine the fairness of the trial;

5. *Also encourages* all States concerned to ensure that any measures taken to combat terrorism comply with their obligations to ensure protection against arbitrary detention, bearing in mind relevant recommendations of the Working Group;

6. *Further encourages* all States to ensure that immigrants in an irregular situation and asylum-seekers are protected from arbitrary arrest and detention and to take action to prevent any form of arbitrary deprivation of liberty of immigrants and asylum-seekers, and notes with appreciation that some States have successfully implemented alternative measures to detention for undocumented migrants;

7. *Notes with concern* the comments made by the Working Group in its report (A/HRC/10/21) on the effects caused by corruption on the effective protection of human rights, including the right not to be subject to arbitrary detention;

8. *Encourages* all States to cooperate with the Working Group, and to give serious consideration to responding favourably to its requests for visits so that it may carry out its mandate even more effectively;

9. *Notes with concern* that a persistent proportion of urgent appeals of the Working Group has been left unanswered, and urges the States concerned to give the necessary attention to the urgent appeals addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its possible final conclusions;

10. *Expresses* its profound thanks to the States that have extended their cooperation to the Working Group and responded to its requests for information, and invites all States concerned to demonstrate the same spirit of cooperation;

11. *Notes with satisfaction* that the Working Group has been informed of the release of some of the individuals whose situation has been brought to its attention, while deploring the many cases that have not yet been resolved;

12. *Requests* the Secretary-General to ensure that the Working Group receives all necessary assistance, particularly with regard to the staffing and resources needed for the effective fulfilment of its mandate, especially in respect of field missions;

13. *Decides* to continue consideration of the matter in conformity with its programme of work.

*42nd meeting*  
*26 March 2009*

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

## **10/10**

### **Enforced or involuntary disappearances**

*The Human Rights Council,*

*Reaffirming* the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which protect the right to life, liberty and security of the person, the right not to be subjected to torture and the right to recognition as a person before the law,

*Recalling* Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980, in which the Commission established a working group to examine questions relevant to enforced or involuntary disappearances,

*Recalling also* General Assembly resolution 47/133 of 18 December 1992, in which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance,

*Acknowledging* the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance by the General Assembly in its resolution 61/177 of 20 December 2006, and recognizing that its entry into force as soon as possible through its ratification by 20 States will be a significant event,

*Deeply concerned* by the increasing number of cases of enforced or involuntary disappearances around the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports

concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

*Acknowledging* that acts of enforced disappearance may amount to crimes against humanity as defined in the Rome Statute of the International Criminal Court,

*Recognizing* the importance of the right of victims to know the truth regarding the circumstances of the enforced disappearance, as set out in article 24 (2) and the preamble of the International Convention for the Protection of All Persons from Enforced Disappearance, so as to contribute to end impunity and to promote and protect human rights,

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

*Recalling also* its resolution 7/12 of 27 March 2008, in which it extended the mandate of the Working Group on Enforced or Involuntary Disappearances for a further period of three years,

1. *Takes note* of the report submitted by the Working Group on Enforced or Involuntary Disappearances (A/HRC/10/9) and of the recommendations contained therein;

2. *Stresses* the importance of the work of the Working Group, and encourages it to pursue the fulfilment of its mandate as set out in resolution 7/12;

3. *Calls on* the Governments that have not provided for a long period of time substantive replies concerning claims of enforced disappearances in their countries to do so and to give due consideration to relevant recommendations concerning this subject made by the Working Group in its reports;

4. *Urges* States:

(a) To promote and give full effect to the Declaration on the Protection of All Persons from Enforced Disappearance;

(b) To cooperate with the Working Group to help it to carry out its mandate effectively and, in that framework, give serious consideration to responding favourably to its requests for visits to their countries;

(c) To prevent the occurrence of enforced disappearances, including by guaranteeing that any person deprived of liberty is held solely in officially recognized and supervised places of detention, guaranteeing access to all places of detention by authorities and institutions whose competence in this regard has been recognized by the concerned State, maintaining official, accessible, up-to-date registers and/or records of detainees, and ensuring that detainees are brought before a judicial authority promptly after detention;

(d) To work to eradicate the culture of impunity for the perpetrators of enforced disappearances and to elucidate cases of enforced disappearances as a crucial step in effective prevention;

(e) To prevent and investigate with special attention enforced disappearances of persons belonging to vulnerable groups, especially children, and enforced disappearances of women, as they may become particularly vulnerable to sexual violence and other forms of violence, and to bring the perpetrators of those enforced disappearances to justice;

(f) To take steps to provide adequate protection to witnesses of enforced or involuntary disappearances, human rights defenders acting against enforced disappearances, and the lawyers and families of disappeared persons against any intimidation, persecution, reprisals or ill-treatment to which they might be subjected, with

special attention to women as relatives of disappeared persons in the context of their struggle to resolve the disappearance of members of their families;

5. *Urges* the Governments concerned:

(a) To intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

(b) To continue their efforts to elucidate the fate of disappeared persons and to ensure that competent authorities in charge of investigation and prosecution are provided with adequate means and resources to resolve cases and bring perpetrators to justice, including after considering establishing, where appropriate, specific judicial mechanisms or truth and reconciliation commissions that complement the justice system;

(c) To make provision in their legal systems for victims of enforced or involuntary disappearances or their families to seek fair, prompt and adequate reparation and in addition, where appropriate, to consider symbolic measures recognizing the suffering of victims and restoring their dignity and reputation;

(d) To address the specific needs of the families of disappeared persons;

6. *Reminds* States that:

(a) As proclaimed in article 2 of the Declaration on the Protection of All Persons from Enforced Disappearance, no State shall practise, permit or tolerate enforced disappearances;

(b) All acts of enforced or involuntary disappearance are crimes punishable by appropriate penalties, which should take due account of their extreme seriousness under criminal law;

(c) They should ensure that their competent authorities proceed immediately to conduct impartial inquiries in all circumstances where there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

(d) If such belief is borne out, all the perpetrators of enforced or involuntary disappearances must be brought to justice;

(e) Impunity is simultaneously one of the underlying causes of enforced disappearances and a major obstacle to the elucidation of cases thereof;

(f) As proclaimed in article 11 of the Declaration, all persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and, further, have been released in conditions in which their physical integrity and ability fully to exercise their rights are assured;

7. *Expresses*:

(a) Its thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information and the Governments that have accepted visits of the Working Group to their countries, requesting them to give all necessary attention to the Working Group's recommendations and inviting them to inform the Working Group of any action that they take on those recommendations;

(b) Its appreciation to the Governments that are investigating, cooperating at the international and bilateral levels, and have developed or are developing appropriate mechanisms to investigate any claims of enforced disappearance that are brought to their attention, and encourages all the Governments concerned to expand their efforts in this area;

8. *Invites* States to take legislative, administrative, legal and other steps, including when a state of emergency has been declared, to take action at the national and regional levels and in cooperation with the United Nations, if appropriate through technical assistance, and to provide the Working Group with concrete information on the measures taken and the obstacles encountered in preventing enforced or involuntary disappearances and in giving effect to the principles set forth in the Declaration;

9. *Takes note* of the assistance provided to the Working Group by non-governmental organizations and their activities in support of the implementation of the Declaration, and invites those organizations to continue their cooperation;

10. *Requests* the Secretary-General to continue:

(a) To ensure that the Working Group receives all the assistance and resources it requires to perform its functions, including supporting the principles of the Declaration, carrying out and following up on missions, and holding sessions in countries that are prepared to receive it;

(b) To provide the resources needed to update the database on cases of enforced disappearance;

(c) To keep the Working Group and the Council regularly informed of the steps taken for the wide dissemination and promotion of the Declaration;

11. *Encourages* States that have not yet signed, ratified or acceded to the International Convention for the Protection of All Persons from Enforced Disappearance to consider doing so, and States that are in the process of signing, ratifying or acceding to this instrument to complete their internal procedures towards those ends in compliance with domestic legislation as soon as possible;

12. *Invites* States to consider joining all efforts to share information on best practices and to work towards the early entry into force of the Convention with the aim of its universality;

13. *Decides* to continue consideration of the matter in conformity with its programme of work.

*42nd meeting  
26 March 2009*

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

## **10/11**

### **The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination**

*The Human Rights Council,*

*Recalling* all previous resolutions adopted by the General Assembly, the Human Rights Council and the Commission on Human Rights on the subject, including General Assembly resolution 63/164 of 18 December 2008 and Council resolution 7/21 of 28 March 2008, in which the mandate of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination was extended for a period of three years and its tasks were outlined,

*Recalling also* all relevant resolutions that, inter alia, condemn any State that permits or tolerates the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation

movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council, the African Union and the Organization of African Unity, inter alia, the Convention for the Elimination of Mercenarism in Africa,

*Reaffirming* the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

*Reaffirming also* that, by virtue of the principle of self-determination, all peoples have the right to determine freely their political status and to pursue freely their economic, social and cultural development,

*Reaffirming further* the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter,

*Alarmed and concerned* about the threat posed by the activities of mercenaries to peace and security in developing countries in various parts of the world, in particular in areas of conflict,

*Deeply concerned* at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from mercenary international criminal activities,

*Extremely alarmed and concerned* about recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity and respect of the constitutional order of the affected countries,

*Convinced* that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire a semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;
2. *Recognizes* that armed conflicts, terrorism, arms trafficking and covert operations by third powers, inter alia, encourage the demand for mercenaries on the global market;
3. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries, and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right to self-determination of peoples;
4. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, and to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

5. *Calls upon* all States that have not yet done so to consider taking the necessary action to become parties to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

6. *Welcomes* the cooperation extended by those countries that received a visit by the Working Group and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

7. *Invites* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur;

8. *Condemns* recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of these countries and the exercise of the right to self-determination of their peoples, and commends the Governments of Africa for their collaboration in thwarting these illegal actions;

9. *Calls upon* the international community, in accordance with its obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

10. *Acknowledges with appreciation* the work and contributions made by the Working Group, and takes note with appreciation of its latest report (A/HRC/10/14);

11. *Requests* the Working Group to continue the work already done by the previous special rapporteurs on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report submitted to the Commission on Human Rights at its sixtieth session (E/CN.4/2004/15);

12. *Notes with appreciation* the work of the Working Group on its elaboration of concrete principles on the regulation of private companies offering military assistance, consultancy and other military security-related services on the international market, carried out by the Working Group after country visits and through the process of regional consultations, and consultation with academics and intergovernmental and non-governmental organizations, and reflected in the reports of the Working Group submitted to the General Assembly at its sixty-third session and to the Council at its tenth session;

13. *Requests* the Working Group:

(a) To consult with intergovernmental and non-governmental organizations, academic institutions and experts on the content and scope of a possible draft convention on private companies offering military assistance, consultancy and other military security-related services on the international market, and an accompanying model law, and other legal instruments;

(b) To share with Member States, through the Office of the United Nations High Commissioner for Human Rights, elements for a possible draft convention on private military and security companies, to request their input on the content and scope of such a convention and to transmit their replies to the Working Group;

(c) To report to the Council at its fifteenth session on the progress achieved in the elaboration of the draft legal instrument for proper consideration and action;

14. *Requests* the Office of the High Commissioner, as a matter of priority, to publicize the adverse effects of the activities of mercenaries and private companies offering military assistance, consultancy and other military security-related services on the

international market on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

15. *Expresses* its appreciation to the Office of the High Commissioner for its support for convening in the Russian Federation the regional governmental consultation for States in the Eastern European Group and Central Asia region on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, in particular regarding the effects of the activities of private military and security companies on the enjoyment of human rights;

16. *Requests* the Office of the High Commissioner to continue to support the Working Group when convening regional governmental consultations on this matter, in conformity with paragraph 15 of General Assembly resolution 62/145, with the remaining three to be held before the end of 2010, bearing in mind that this process may lead to the holding of a high-level round table of States, under the auspices of the United Nations, to discuss the fundamental question of the role of the State as holder of the monopoly of the use of force, with the objective of facilitating a critical understanding of the responsibilities of the different actors, including private military and security companies, in the current context, and their respective obligations for the protection and promotion of human rights and in reaching a common understanding as to which additional regulations and controls are needed at the international level;

17. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

18. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the necessary assistance and support for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

19. *Requests* the Working Group to consult States, intergovernmental organizations, non-governmental organizations and other relevant actors of civil society in the implementation of the present resolution and to report its findings on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to the General Assembly at its sixty-fourth session and to the Council at its fifteenth session;

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

*42nd meeting  
26 March 2009*

[Adopted by a recorded vote of 32 to 12, with 3 abstentions (see part II, chap. III). The voting was as follows:

*In favour:*

Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

*Against:*

Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland;

*Abstaining:*

Chile, Mexico, Switzerland.]

## 10/12

### 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 63/187 of 18 December 2008 and Council resolution 7/14 of 27 March 2008, as well as all resolutions of the Commission on Human Rights in this regard,

*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, and that a follow-up to that issue is being carried out,

*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 and the World Food Summit Plan of Action and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,

*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 must 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 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, given the anticipated increase in the world population and the stress on natural resources,

*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,

*Welcoming* the recent pledges to increase official development assistance devoted to agriculture, and recalling that the realization of the right to food does not only entail 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,

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. *Considers it intolerable* that more than 6 million children still die every year from hunger-related illnesses before their fifth birthday, that there are at least 963 million undernourished people in the world and that, while the prevalence of hunger has diminished, the absolute number of undernourished people has been increasing in recent years when, according to a study by the Food and Agriculture Organization of the United Nations, the planet could produce enough food to feed 12 billion people, twice the world's present population;

4. *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;

5. *Encourages* States, in accordance with their relevant obligations under the Convention on the Elimination of All Forms of Discrimination against Women, 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, to enable them to feed themselves and their families;

6. *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;

7. *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;

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

9. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including 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 adopt national strategies for the realization of the right to adequate food and 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 the 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;

10. *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;

11. *Stresses* that improving access to productive resources and public 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;

12. *Recognizes* that 80 per cent of hungry people 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, 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;

13. *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;

14. *Also stresses* its commitments to promote and protect, without discrimination, the economic, social and cultural rights of indigenous peoples, in accordance with international human rights obligations, and taking into account, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples, and acknowledges that many indigenous organizations and representatives of indigenous communities have expressed in different forums their deep concerns at the obstacles and challenges that they face in 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;

15. *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 the ongoing negotiations in different fields;

16. *Recognizes* the need to strengthen national commitment and international assistance, upon request and in cooperation with affected countries, for a better 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 natural or man-made disasters affecting the enjoyment of the right to food;

17. *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;

18. *Takes note* of the report of the Special Rapporteur on the right to food (A/HRC/10/5), in which he examines how development cooperation and food aid policies could make a contribution to the realization of the right to food everywhere;

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

20. *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;

21. *Takes note* of the report of the Special Rapporteur on the right to food on his mission to the World Trade Organization (A/HRC/10/5/Add.2), and encourages the Special Rapporteur to continue to engage with the World Trade Organization to follow up on the issues of concern identified in his report;

22. *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;

23. *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, and invites once again all Governments, 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;

24. *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 response to the spread of HIV/AIDS, tuberculosis, malaria and other communicable diseases;

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

26. *Stresses* the importance of international development cooperation and assistance, in particular in activities related to disaster risk reduction and in emergency situations, such as natural and man-made disasters, diseases and pests, 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;

27. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to promote 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;

28. *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;

29. *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;

30. *Supports* the realization of the mandate of the Special Rapporteur as extended for a period of three years by the Council in its resolution 6/2 of 27 September 2007;

31. *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;

32. *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;

33. *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;

34. *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;

35. *Acknowledges* the work undertaken by the Advisory Committee on the right to food;

36. *Requests* the Advisory Committee to undertake a study on discrimination in the context of the right to food, including identification of good practices of anti-discriminatory policies and strategies, and to report thereon to the Council at its thirteenth session;

37. *Welcomes* the continued cooperation of the United Nations High Commissioner for Human Rights, the Advisory Committee and the Special Rapporteur, and encourages them to continue their cooperation in this regard;

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

39. *Recalls* the requests made by the General Assembly, in its resolution 63/187, that the Special Rapporteur submit to it an interim report at its sixty-fourth session on the implementation of that resolution and to continue his/her work, including by examining the emerging issues with regard to the realization of the right to food within his existing mandate;

40. *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/her mandate through, inter alia, the submission of comments and suggestions on ways and means of realizing the right to food;

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

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

*42nd meeting  
26 March 2009*

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

## 10/13

### 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 resolution 7/10 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 right 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 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,

*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 63/148 of 18 December 2008, 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 the 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 and 59/34 of 2 December 2004 on the nationality of natural persons in relation to the succession of States,

*Taking note with appreciation* of the report of the Secretary-General submitted in accordance with Council resolution 7/10<sup>1</sup> and the contributions made to it by States and other stakeholders,

*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,<sup>2</sup>

*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 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 fundamental principles of international law, in particular by preventing arbitrary deprivation of nationality and statelessness as a result of State succession;

5. *Encourages* States that have not acceded to the Convention on the Reduction of Statelessness and 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;

8. *Recognizes* the special needs of children for protection against arbitrary deprivation of nationality;

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

<sup>1</sup> A/HRC/10/34.

<sup>2</sup> A/HRC/7/23.

10. *Urges* relevant United Nations human rights mechanisms and the appropriate treaty bodies and encourages the Office of the United Nations High Commissioner for Refugees to continue to collect 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;

11. *Requests* the Secretary-General to prepare a report on the right to nationality, with emphasis on the issue of arbitrary deprivation of nationality, including in cases of States succession, taking into account the information gathered pursuant to Council resolution 7/10, similar studies conducted by the Subcommission for the Promotion and Protection of Human Rights and other relevant sources of information, and to present it to the Council at its thirteenth session;

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

42nd meeting  
26 March 2009

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

## 10/14

### **Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto**

*The Human Rights Council,*

*Emphasizing* that the Convention on the Rights of the Child must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention, as well as other human rights instruments,

*Reaffirming* all previous resolutions on the rights of the child of the Commission on Human Rights, the Council and the General Assembly, the most recent being Council resolution 7/29 of 28 March 2008 and Assembly resolution 63/241 of 23 December 2008,

*Welcoming* the report of the Secretary-General on the status of the Convention on the Rights of the Child (A/HRC/10/86),

*Celebrating* the twentieth anniversary of the Convention in 2009 and taking this opportunity to call for its effective implementation by all States parties to ensure that all children may fully enjoy all their human rights and fundamental freedoms,

*Bearing in mind* paragraph 47 of Council resolution 7/29 and particularly the Council's decision to consider an omnibus resolution on the rights of the child every four years, and to focus on a theme of the rights of the child on an annual basis in the intervening period,

*Welcoming* the constructive dialogue on "20 years of the Convention on the Rights of the Child: achievements and challenges ahead for its full realization" on the occasion of the full-day annual meeting on the rights of the child on 11 March 2009 and renewed commitment expressed on this occasion by States to the implementation of the Convention,

*Recalling* the different initiatives at the international and regional levels to contribute to the implementation of the Convention and international events, such as the recent Third World Congress against Sexual Exploitation of Children and Adolescents, held in November 2008 in Rio de Janeiro,

*Profoundly concerned* that the situation of children in many parts of the world remains critical and convinced that urgent and effective national and international action is needed,

1. *Calls on* the States that have not yet become States parties to the Convention and the Optional Protocols thereto to do so as a matter of priority;

2. *Calls on* all States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto, and encourages all States parties to the Convention or the Optional Protocols to establish a regular procedure to regularly evaluate the impact of their reservations to the Convention and the Optional Protocols, with a view to withdrawing them in order to ensure the fullest possible respect for the Convention and the Optional Protocols in all States parties;

3. *Requests* the States parties to take effective measures to ensure that their obligations arising from the Convention are given effect and comprehensively implemented through policy and legislation within their domestic systems and to review their national legislation with this aim;

4. *Calls upon* all States parties to systematically assess any proposed law, administrative guidance, policy or budgetary allocation that is likely to have an impact on children and their rights, taking into account the interdependence and indivisibility of the rights of the child and ensuring appropriate enforcement of their obligations under the Convention and the Optional Protocols thereto;

5. *Also calls upon* all States to ensure that development and evaluation of States policies on children are informed by available, sufficient, reliable and disaggregated data on children, covering the whole period of childhood and all the rights guaranteed in the Convention;

6. *Urges* all States to develop or renew, as appropriate through a process of consultation, including with children and young people and their representatives, as well as those living and working with them, comprehensive national strategies for children, taking into account the Convention, setting out specific goals, targeted implementation measures and allocation of financial and human resources and including arrangements for monitoring and regular review, and to endorse this strategy at the highest level of government and ensure its comprehensive dissemination, including in child-friendly formats as well as in appropriate languages and forms;

7. *Recognizing* that the sufficient allocation of resources in public spending, including in primary education and basic health care, is a fundamental condition for the full realization of the rights of the child, calls upon States to make children a priority in their budgetary allocations, make resources allocated to children visible in the State budget through a detailed compilation of resources allocated to them and to take all necessary measures to ensure that children, including in particular marginalized and disadvantaged groups of children, are protected from the adverse effects of financial downturns;

8. *Calls on* States to take all appropriate measures, including legal reforms and special support measures, to ensure the enjoyment by children of all their human rights and fundamental freedoms without discrimination of any kind;

9. *Recalls* the United Nations target for international development assistance of 0.7 per cent of gross domestic product and the 20/20 initiative,<sup>3</sup> and calls upon all States to

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<sup>3</sup> Outcome document of the World Summit for Social Development.

ensure that their international development assistance related directly or indirectly to children is rights-based and supports the implementation of the Convention;

10. *Calls on* all States to establish, maintain, strengthen or designate, in complementarity to effective governmental structures for children, independent mechanisms such as national human rights institutions in accordance with the Paris Principles, children's ombudspersons, commissioners or focal points on the rights of the child in national human rights institutions that are sufficiently funded and accessible to children, to promote and monitor the implementation of the Convention and advance the universal realization of children's rights;

11. *Also calls on* all States to ensure that child-sensitive procedures are made available to children and their representatives so that children have access to means of facilitating effective remedies for any breaches of any of their rights arising from the Convention through independent advice, advocacy and complaint procedures, including justice mechanisms, and that their views are heard when they are involved or their interests concerned in justice procedures;

12. *Further calls on* States to develop further, as appropriate, effective mechanisms that encourage and facilitate expression by children of their views, in particular with regard to the formulation of public policies from the local level up to the national level, and to ensure meaningful participation of children and reflection of their views in monitoring and reporting on the implementation of the Convention;

13. *Calls upon* all States to promote and develop, as appropriate, practical and systematic education and training for all those involved in the implementation of the Convention, government officials, parliamentarians and members of the judiciary, and for all those working with and for children as well as continuous specific education for children themselves, with the aim of emphasizing the status of the child as a holder of human rights, increasing knowledge and understanding of the Convention and encouraging active respect for all its provisions;

14. *Urges* States parties to publish and disseminate widely the text of the Convention and the Optional Protocols thereto as well as national reports submitted to the Committee on the Rights of the Child and concluding observations and recommendations of that Committee to all, including children, by effective means, including the Internet, and also in appropriate languages and in child-friendly and other accessible formats;

15. *Encourages* States parties to take duly into account, in implementing the provisions of the Convention and the Optional Protocols thereto, the recommendations, observations and general comments of the Committee on the Rights of the Child;

16. *Welcomes* the actions of the Committee on the Rights of the Child to follow up and monitor the implementation of its concluding observations and recommendations by the States parties and, in this regard, particularly underlines the regional workshops and the Committee's participation in national-level initiatives;

17. *Also welcomes* the role that the Office of the United Nations High Commissioner for Human Rights plays in promoting the implementation of the Convention and the Optional Protocol thereto and, while noting with satisfaction the recent establishment of the Office-wide task force on the rights of the child, encourages the Office of the High Commissioner, in collaboration with the United Nations Children's Fund and other relevant United Nations agencies, to ensure further the systematic integration of child rights into its programmes and activities;

18. *Calls on* all States parties, while implementing the Convention and the Optional Protocol thereto, to work closely with civil society organizations, including child and youth-led organizations;

19. *Affirms* its commitment to integrate the provisions of the Convention and the Optional Protocols thereto into its work in a regular, systematic and transparent manner, and requests the special procedures and other human rights mechanisms of the Council to take into account the relevant provisions of the Convention and the Optional Protocols thereto in the fulfilment of their mandates;

20. *Calls on* States parties to integrate the Convention on the Rights of the Child and the Optional Protocols thereto in the universal periodic review process, and encourages States parties to take into account the relevant recommendations derived thereof in implementing the Convention and the Optional Protocols thereto;

21. *Encourages* States parties, while implementing the Committee's recommendations, to request, as appropriate, the technical support of United Nations agencies and other relevant international institutions in their country or region;

22. *Requests* the High Commissioner to prepare a summary of the full-day meeting on the rights of the child on an annual basis by way of follow-up to paragraph 7 of Council resolution 7/29;

23. *Recalling* Council resolution 7/29 and General Assembly resolution 63/241, expresses deep concern at the delay in the appointment of the Special Representative of the Secretary-General on Violence against Children, and requests the Secretary-General to proceed urgently to that appointment in accordance with Assembly resolution 62/141, and to report to the Council at its eleventh session on progress made in this regard;

24. *Decides* to continue its consideration of the rights of the child in accordance with its programme of work and with its resolution 7/29, and to focus its next resolution and full-day meeting on the fight against sexual violence against children.

*43rd meeting*

*26 March 2009*

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

## **10/15**

### **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 and 7/7 of 27 March 2008, 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 and 63/185 of 18 December 2008, and welcoming the efforts of all relevant stakeholders to implement those resolutions,

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 and practices 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. *Also 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;

8. *Invites* States to study the recent list of principles of the Working Group on Arbitrary Detention on the deprivation of liberty in the context of measures to counter terrorism related to articles 9 and 10 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights (A/HRC/10/21);

9. *Recognizes* that the universal periodic review mechanism may serve as a tool for the promotion and protection of human rights and fundamental freedoms while countering terrorism, and urges all stakeholders to continue to increase their efforts in this regard;

10. *Acknowledges* the report of the Special Rapporteur on the promotion and protection of human rights while countering terrorism (A/HRC/10/3);

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. *Requests* the Special Rapporteur, pursuant to his mandate, to prepare, working in consultation with States and other relevant stakeholders, a compilation of good practices on legal and institutional frameworks and measures that ensure respect for human rights by intelligence agencies while countering terrorism, including on their oversight, and to present the compilation in a report to the Council at its thirteenth session;

13. *Acknowledges* the report of the United Nations High Commissioner for Human Rights on the protection of human rights and fundamental freedoms while countering terrorism submitted to the Council (A/HRC/8/13) 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 on the protection of human

rights and fundamental freedoms while countering terrorism, 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 States Members of the United Nations to assure adequate human rights guarantees to ensure fair and clear procedures, in particular with regard to placing on and removing individuals and entities from terrorism-related sanctions lists;

15. *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;

16. *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 thirteenth session under agenda item 3, in conformity with its annual programme of work.

*43rd meeting  
26 March 2009*

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

## **10/16**

### **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 Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 7/15 of 27 March 2008 and Assembly resolution 63/190 of 18 December 2008, 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 submitted by the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (A/63/322 and A/HRC/10/18), and urging the implementation of the recommendations contained therein,

*Having reviewed* the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,

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

1. *Expresses* serious concern at the 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 7/15, 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 engage fully and positively with the universal periodic review process in December 2009, with a view to improving the human rights situation through effective engagement with the international community;

6. *Further 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;

7. *Encourages* the United Nations, including its 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;

8. *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;

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

*43rd meeting  
26 March 2009*

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

*In favour:*

Argentina, Bahrain, Bosnia and Herzegovina, Burkina Faso, Cameroon, Canada, Chile, France, Germany, Ghana, Italy, Japan, Jordan, Madagascar, Mauritius, Mexico, Netherlands, Republic of Korea, Saudi Arabia, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

*Against:*

China, Cuba, Egypt, Indonesia, Nigeria, Russian Federation;

*Abstaining:*

Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Djibouti, Gabon, India, Malaysia, Nicaragua, Pakistan, Philippines, Qatar, Senegal, South Africa.]

## **10/17**

### **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 63/99 of 5 December 2008, in which the Assembly declared that Israel had failed 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/63/401), in which the Committee referred to the grave deterioration of the human rights situation in 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, 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 the Human Rights Council, the most recent being Council resolution 7/30 of 28 March 2008,

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 was null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision;

2. *Also calls upon* Israel to desist 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 23 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 aim 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 thirteenth session;

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

*43rd meeting*  
*26 March 2009*

[Adopted by a recorded vote of 33 to 1, with 13 abstentions (see part II, chap. VII). The voting was as follows:

*In favour:*

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

*Against:*

Canada;

*Abstaining:*

Bosnia and Herzegovina, Cameroon, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

## **10/18**

### **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 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 Council, the Security Council and the General Assembly, reaffirming, inter alia, the illegality of the Israeli settlements in the occupied territories,

*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,

*Affirming* that the Israeli settlement activities in the Occupied Palestinian Territory 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 settlements building and expansion in the Occupied Palestinian Territory, 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* at 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 route of the wall 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 report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/HRC/10/20), and calls upon the Government of Israel to cooperate with all relevant special rapporteurs in accordance with Council resolution S-9/1 to allow them to discharge their mandates fully;

2. *Deplores* the recent Israeli announcements of the construction of new housing units for Israeli settlers in the Occupied Palestinian Territory, particularly 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;

3. *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 Palestinian Territory, 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 amounting to 1,257, including 748 permanent buildings and 509 mobile structures, which obstruct the efforts of the international community to advance the Middle East peace process;

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

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

(f) 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 closures of the crossing points of the Occupied 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;

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

(h) The latest Israeli plan to demolish more than 88 houses in the Al-Bustan neighbourhood of Silwan, which will result in the displacement of more than 1,500 Palestinian residents of East Jerusalem;

4. *Urges Israel, the occupying Power:*

(a) To reverse the settlement policy in the occupied territories, including in 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;

(b) To prevent any new installation of settlers in the occupied territories;

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

6. *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;

7. *Also calls upon* Israel to implement the recommendations regarding the settlements made by the United Nations High Commissioner for Human Rights in her report to the Commission on Human Rights on her visit to the Occupied Palestinian Territory, Israel, Egypt and Jordan (E/CN.4/2001/114);

8. *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;

9. *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 its 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) and 338 (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 and subsequent agreements, which will allow two States, Israel and Palestine, to live in peace and security;

10. *Decides* to continue the consideration of this question at its thirteenth session in March 2010.

*43rd meeting  
26 March 2009*

[Adopted by a recorded vote of 46 to 1, with no abstentions (see part II, chap. VII). The voting was as follows:

*In favour:*

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

*Against:*

Canada.]

## **10/19**

### **Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory**

*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,

*Guided also* 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,

*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,

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

*Expressing serious concern* at the lack of implementation by the occupying Power, Israel, of previously adopted resolutions and recommendations of the Council relating to the human rights situation 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 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-State solution,

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

1. *Demands* that the occupying Power, Israel, end its occupation of the Palestinian land occupied since 1967, and to 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, and also condemns the firing of crude rockets on Israeli civilians;

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, and the targeting of United Nations facilities, as laid down in the Fourth Geneva Convention;

4. *Also demands* that Israel, the occupying Power, cease immediately all current excavations beneath and around the Al-Aqsa Mosque compound, and refrain from any act that may endanger the structure or change the nature of the holy sites both Islamic and Christian, in the Occupied Palestinian Territory, particularly in and around Jerusalem;

5. *Calls for* immediate protection of all civilians, including an 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;

6. *Also calls for* the immediate cessation of all Israeli military attacks and operations throughout the Occupied Palestinian Territory and of the firing of crude rockets by Palestinian combatants against southern Israel;

7. *Demands* that the occupying Power, Israel, immediately stop its illegal decision to demolish a large number of Palestinian houses in the East Jerusalem neighbourhood of Al-Bustan in the Selwan area, near the Al-Aqsa Mosque, which will result in the displacement of more than 1,500 Palestinian residents of East Jerusalem;

8. *Demands* that the occupying Power, Israel, release Palestinian prisoners and detainees;

9. *Calls upon* the occupying Power, Israel, to lift checkpoints and to open all crossing points and borders in accordance with international agreements;

10. *Urges* all parties concerned to respect the rules of international human rights and humanitarian law and to refrain from violence against civilian populations;

11. *Decides* to continue the consideration of this question at its thirteenth session in March 2010.

*43rd meeting  
26 March 2009*

[Adopted by a recorded vote of 35 to 4, with 8 abstentions (see part II, chap. VII). The voting was as follows:

*In favour:*

Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Switzerland, Uruguay, Zambia;

*Against:*

Canada, Germany, Italy, Netherlands;

*Abstaining:*

Cameroon, France, Japan, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

## **10/20**

### **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) on 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 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 latest 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 of the United Nations 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 thirteenth session in March 2010.

*43rd meeting*

*26 March 2009*

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

## **10/21**

### **Follow-up to Council resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip**

*The Human Rights Council,*

*Recalling* its resolution S-9/1 of 12 January 2009,

*Recalling also* its decision to dispatch an urgent, independent international fact-finding mission, to be appointed by the President of the Council, to investigate all violations of international human rights law and international humanitarian law by the occupying Power, Israel, against the Palestinian people throughout the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, due to the latest aggression, and that it called upon Israel not to obstruct the process of investigation and to fully cooperate with the mission,

*Expressing with regret* that resolution S-9/1 has not been fully implemented to date,

1. *Requests* the President of the Council to continue his tireless efforts to appoint the independent international fact-finding mission;
2. *Calls upon* the occupying Power, Israel, to abide by its obligations under international law, international humanitarian law and international human rights law;
3. *Demands* that the occupying Power, Israel, fully cooperate with all relevant special procedures mandate holders in the discharge of their mandates;
4. *Also demands* that the occupying Power, Israel, facilitate and provide unhindered access to the members of the independent international fact-finding mission;
5. *Decides* to remain seized of the matter.

*43rd meeting  
26 March 2009*

[Adopted by a recorded vote of 33 to 1, with 13 abstentions (see part II, chap. VII). The voting was as follows:

*In favour:*

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

*Against:*

Canada;

*Abstaining:*

Bosnia and Herzegovina, Cameroon, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

## **10/22 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 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, 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 and the International Dialogue on Interfaith Cooperation for Peace and Harmony, and their valuable efforts in the promotion of 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, 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 to combat 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, are 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,

*Recalling* its resolution 7/19 of 27 March 2008 and General Assembly resolution 63/171 of 18 December 2008,

1. *Takes note* of the study of the United Nations High Commissioner for Human Rights on the compilation of existing legislation and jurisprudence concerning defamation of and contempt for religions (A/HRC/9/25) and the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/9/12) presented to the Council at its ninth 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 deplores* 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. *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, 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;

9. *Deplores* 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;

10. *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;

11. *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;

12. *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;

13. *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;

14. *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;

15. *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;

16. *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, religious leaders as well as the print and electronic media to support and foster such a dialogue;

17. *Expresses its appreciation* to the High Commissioner for holding a seminar on freedom of expression and advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, in October 2008, and requests her to continue to build on this initiative, with a view to contributing concretely to the prevention and elimination of all such forms of incitement and the consequences of negative stereotyping of religions or beliefs, and their adherents, on the human rights of those individuals and their communities;

18. *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 serious implications of Islamophobia, on the enjoyment of all rights by their followers, to the Council at its twelfth session;

19. *Requests* the High Commissioner to report to the Council at its twelfth session on the implementation of the present resolution, including on the possible correlation between defamation of religions and the upsurge in incitement, intolerance and hatred in many parts of the world.

*43rd meeting  
26 March 2009*

[Adopted by a recorded vote of 23 to 11, with 13 abstentions (see part II, chap. IX). The voting was as follows:

*In favour:*

Angola, Azerbaijan, Bahrain, Bangladesh, Bolivia, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Indonesia, Jordan, Malaysia, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa;

*Against:*

Canada, Chile, France, Germany, Italy, Netherlands, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland;

*Abstaining:*

Argentina, Brazil, Bosnia and Herzegovina, Burkina Faso, Ghana, India, Japan, Madagascar, Mauritius, Mexico, Republic of Korea, Uruguay, Zambia.]

## 10/23

### Independent expert in the field of cultural rights

*The Human Rights Council,*

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

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and all other relevant human rights instruments,

*Recalling also* all relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolutions 62/155 of 18 December 2007 and 63/22 of 13 November 2008, and Council resolution 6/6 of 28 September 2007,

*Noting* the declarations within the United Nations system on cultural diversity and international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the Universal Declaration on Cultural Diversity, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966 and 2001 respectively,

*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 Human Rights Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with these resolutions and annexes thereto,

*Welcoming* the increasing number of States parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 20 October 2005 and which entered into force on 18 March 2007,

*Convinced* that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on an understanding of the economic, social and cultural specificities of each country and the full realization and

recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

*Recognizing* that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

*Determined* to treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible, interrelated and interdependent;

2. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

3. *Reaffirms* that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of the States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

4. *Recalls*, as expressed in the Universal Declaration on Cultural Diversity, that no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope;

5. *Reaffirms* that States have the responsibility to promote and protect cultural rights;

6. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity (A/HRC/10/60);

7. *Expresses its appreciation* to the States and intergovernmental and non-governmental organizations that responded to or participated in the consultations held pursuant to Commission on Human Rights resolutions 2002/26 of 22 April 2002, 2003/26 of 22 April 2003, 2004/20 of 16 April 2004 and 2005/20 of 14 April 2005, and pursuant to Council resolution 6/6 of 28 September 2007;

8. *Recognizes* that respect for the cultural diversity and cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural background, advancing the application and enjoyment of human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

9. *Decides* to establish, for a period of three years, a new special procedure entitled "independent expert in the field of cultural rights", as set out in the relevant United Nations human rights instruments, with the following mandate:

(a) To identify best practices in the promotion and protection of cultural rights at the local, national, regional and international levels;

(b) To identify possible obstacles to the promotion and protection of cultural rights, and to submit proposals and/or recommendations to the Council on possible actions in that regard;

(c) To work in cooperation with States in order to foster the adoption of measures at the local, national, regional and international levels aimed at the promotion and protection of cultural rights through concrete proposals enhancing subregional, regional and international cooperation in that regard;

(d) To study the relationship between cultural rights and cultural diversity, in close collaboration with States and other relevant actors, including in particular the United

Nations Educational, Scientific and Cultural Organization, with the aim of further promoting cultural rights;

(e) To integrate a gender and disabilities perspective into his and her work;

(f) To work in close coordination, while avoiding unnecessary duplication, with intergovernmental and non-governmental organizations, other special procedures of the Council, the Committee on Economic, Social and Cultural Rights and the United Nations Educational, Scientific and Cultural Organization, as well as with other relevant actors representing the broadest possible range of interests and experiences, within their respective mandates, including by attending and following up on relevant international conferences and events;

10. *Calls upon* all Governments to cooperate with and assist the independent expert in the discharge of his or her mandate, to provide him or her with all the necessary information requested by him or her and to give serious consideration to responding favourably to his or her requests to visit their countries in order to enable him or her to fulfil his or her duties effectively;

11. *Requests* the High Commissioner to provide all the necessary human and financial resources for the effective fulfilment of the mandate by the independent expert;

12. *Requests* the independent expert to present his or her first report to the Council in 2010, in accordance with its programme of work;

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

*43rd meeting*

*26 March 2009*

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

## **10/24**

### **Torture and other cruel, inhuman or degrading treatment or punishment: the role and responsibility of medical and other health personnel**

*The Human Rights Council,*

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

*Recalling also* the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

*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 in times of international or internal armed conflict or disturbance and state of emergency, and that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments,

*Noting* the duty of medical and other health personnel to practice for the good of the patients and never do harm or injustice pursuant to the Hippocratic oath and their respective professional codes of ethics,

*Recalling* that it is a gross contravention of medical ethics for medical and other health personnel to engage, actively or passively, in acts that constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment pursuant to the Principles of Medical Ethics,

*Stressing* that medical and other health personnel have a duty to provide competent medical service in full professional and moral independence, with compassion and respect for human dignity, and to always bear in mind human life and to act in the patient's best interest under their respective professional codes of ethics,

*Noting* the duty of all medical and other health personnel to report or denounce acts of torture or cruel, inhuman or degrading treatment of which they are aware to relevant medical, judicial, national or international authorities as appropriate under and consistent with their respective professional codes of ethics,

*Noting also* that, under the Geneva Conventions of 1949, torture and inhuman treatment are a grave breach and that under the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the Rome Statute of the International Criminal Court, acts of torture can constitute crimes against humanity and, when committed in a situation of armed conflict, constitute war crimes,

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 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;

3. *Stresses* that an order or instruction from a superior officer or a public authority should not be invoked as justification of torture or other cruel, inhuman or degrading treatment or punishment and that States must never request or require anyone, including any medical or other health personnel, to commit any act of torture or other cruel, inhuman or degrading treatment or punishment;

4. *Urges* States to respect the professional and moral independence, duties and responsibilities of medical and other health personnel;

5. *Also urges* States to ensure that all medical and other health personnel may fulfil their duty to report or denounce acts of torture or cruel, inhuman or degrading treatment of which they are aware to relevant medical, judicial, national or international authorities as appropriate under and consistent with their respective codes of ethics, without fear of retribution or harassment;

6. *Stresses* that all allegations of torture and other cruel, inhuman or degrading treatment or punishment must be examined promptly and impartially by the competent domestic authority, including where relevant through examination by forensic experts and other relevant medical personnel, in order for those who encourage, order, tolerate or perpetrate such acts to be held responsible, brought to justice and punished commensurate with the severity of the offence;

7. *Urges* States to establish effective investigation and documentation procedures, and takes note of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a useful tool in this respect;

8. *Stresses* that States must not punish or otherwise intimidate medical and other health personnel for not obeying orders or instructions to commit, facilitate or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment or for speaking out against it;

9. *Urges* all States to provide all persons deprived of their liberty, in prisons or any other detention facility, with a professional medical examination at their admission to and transfer between such facilities and thereafter on a regular basis as a means to help prevent torture or other cruel, inhuman or degrading treatment or punishment;

10. *Also urges* all States to provide all persons deprived of their liberty with protection of their physical and mental health, treatment of any disease or care specifically needed by persons with disabilities of the same quality and standard as are afforded to persons not deprived of their liberty as a means to help prevent torture or other cruel, inhuman or degrading treatment or punishment;

11. *Recognizes* that forensic investigation can play an important role in combating impunity by providing the evidentiary basis on which prosecutions can successfully be brought against persons responsible for violations of human rights and, where applicable, international humanitarian law and encourages further coordination concerning, inter alia, the planning and realization of such investigations, as well as the protection of forensic and related experts, between Governments, intergovernmental organizations and non-governmental organizations;

12. *Calls upon* all States to ensure that education and information regarding the absolute prohibition of torture and cruel, inhuman or degrading treatment or punishment are fully included in the training of medical and other health personnel who may be involved in the custody, interrogation and treatment of any individual subjected to any form of arrest, detention or imprisonment;

13. *Urges* all States that have not yet become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to do so as a matter of priority, and calls upon States parties to give early consideration to signing and ratifying the Optional Protocol to the Convention;

14. *Welcomes* the designation or establishment of independent national preventive mechanisms to prevent torture, with the participation of relevant medical and other health personnel, encourages all States that have not yet established such mechanisms to do so and calls upon States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to fulfil their obligation to designate or establish truly independent and effective national preventive mechanisms;

15. *Requests* the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and other relevant special procedures and invites relevant treaty bodies, within their respective mandates:

(a) To remain vigilant with regard to medical and other health personnel's active or passive participation in torture and other cruel, inhuman or degrading treatment or punishment and to their functional independence of the institution in which they serve;

(b) To discuss possible areas of cooperation with relevant United Nations bodies, specialized agencies and programmes, in particular the World Health Organization, to address the role and responsibility of medical and other health personnel in the documentation and prevention of torture and other cruel, inhuman or degrading treatment or punishment;

(c) To respond effectively to credible and reliable information submitted to their attention regarding alleged cases of the active or passive participation of medical and other health personnel in torture and other cruel, inhuman or degrading treatment or punishment;

(d) To consider including in their reports submitted to the Council information on the problem of medical and other health personnel's participation in torture and other cruel, inhuman or degrading treatment or punishment;

16. *Requests* States to cooperate fully and in good faith with the relevant special procedures;

17. *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 cruel, inhuman or degrading treatment or punishment, including concerning tools, for the investigation of alleged cases of torture;

18. *Takes note* of the report of the Special Rapporteur (A/HRC/10/44).

*44th meeting  
27 March 2009*

[Adopted by a recorded vote of 34 to 0, with 13 abstentions (see part II, chap. III). The voting was as follows:

*In favour:*

Angola, Argentina, Azerbaijan, Bolivia, Bosnia and Herzegovina, Brazil, Burkina Faso, Cameroon, Canada, Chile, Cuba, France, Gabon, Germany, Indonesia, Italy, Japan, Madagascar, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Philippines, Republic of Korea, Russian Federation, Slovakia, Slovenia, South Africa, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

*Abstaining:*

Bahrain, Bangladesh, China, Djibouti, Egypt, Ghana, India, Jordan, Malaysia, Pakistan, Qatar, Saudi Arabia, Senegal.]

## **10/25**

### **Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights**

*The Human Rights Council,*

*Recalling* General Assembly resolution 36/55 of 25 November 1981, in which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

*Recalling also* article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights, article 2 (2) of the International

Covenant on Economic, Social and Cultural Rights and other relevant human rights provisions,

*Recalling further* its resolution 6/37 of 14 December 2007 and the resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief adopted by the General Assembly and the Commission on Human Rights,

*Noting with interest* the recent adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by the General Assembly,

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

*Firmly believing* that further intensified and strong efforts are required to promote and protect the right to freedom of thought, conscience and religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as also noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

*Noting* that a formal or legal distinction at the national level between different kinds of faith-based communities may constitute discrimination and may impinge on the enjoyment of the freedom of religion or belief,

*Recognizing* that persons belonging to religious minorities are often particularly vulnerable to discrimination based on religion or belief with regard to the enjoyment of all their human rights and fundamental freedoms, including their economic, social and cultural rights,

*Seriously concerned* at all attacks on religious places, sites and shrines, including any deliberate destruction of relics and monuments, particularly when in violation of international law, in particular human rights and humanitarian law,

*Recognizing* the importance of enhanced inter-religious and intra-religious dialogue in promoting tolerance in matters relating to religion or belief, and welcoming different initiatives in this regard, including the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization,

*Emphasizing* that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance, respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

1. *Condemns* all forms of intolerance and discrimination based on religion or belief, as well as violations of the freedom of thought, conscience, religion or belief;

2. *Stresses* that the right to freedom of thought, conscience and religion applies equally to all people, regardless of their religion or beliefs, and without any discrimination as to their equal protection by the law;

3. *Welcomes* the report presented by the Special Rapporteur on freedom of religion or belief (A/HRC/10/8) addressing discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights, and encourages States to consider implementing the recommendations contained therein;

4. *Emphasizes* that discrimination based on religion or belief often has an adverse impact on the enjoyment of economic, social and cultural rights, particularly with regard to persons belonging to religious minorities and other persons in vulnerable situations;

5. *Urges States:*

(a) To ensure that everyone has the right to, inter alia, education, work, an adequate standard of living, the enjoyment of the highest attainable standard of physical and mental health and to take part in cultural life, without any discrimination on the basis of religion or belief;

(b) To ensure that no one is discriminated against on the basis of his or her religion or belief, in particular with regard to access to, inter alia, humanitarian assistance, social benefits or the public service in one's country;

(c) To ensure that no one is affected, because of his or her religion or belief, in the enjoyment of his or her economic, social and cultural rights by, inter alia, discriminatory laws on housing, property or land trust, or any discriminatory practices;

(d) To take the necessary measures, in accordance with international human rights law, to combat discrimination based on religion or belief by non-State actors, with particular regard to members of religious minorities and other persons in vulnerable situations;

(e) To devote particular attention to discriminatory practices against women on the basis of their religion or belief that adversely affect the enjoyment of their economic, social and cultural rights;

(f) To ensure that appropriate legal and other remedies, in accordance with international human rights law, are available to individuals in order to allow them to seek redress against discrimination based on religion or belief that affects the enjoyment of their economic, social and cultural rights;

(g) To promote and encourage, through all available means, including education and inter-religious dialogue, understanding, tolerance and respect in all matters relating to freedom of religion or belief and religious tolerance, and to make all appropriate efforts to encourage those engaged in teaching, as well as social workers, to promote mutual understanding, tolerance and respect;

6. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

7. *Requests* the Special Rapporteur to submit her next annual report to the Council at its thirteenth session;

8. *Decides* to remain seized of the question of the elimination of all forms of intolerance and discrimination based on religion or belief under the same agenda item.

*44th meeting  
27 March 2009*

[Adopted by a recorded vote of 22 to 1, with 24 abstentions (see part II, chap. III). The voting was as follows:

*In favour:*

Angola, Argentina, Brazil, Canada, Chile, France, Germany, India, Italy, Japan, Mauritius, Mexico, Netherlands, Nicaragua, Republic of Korea, Russian Federation, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay;

*Against:*

South Africa;

*Abstaining:*

Azerbaijan, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Indonesia, Jordan, Madagascar, Malaysia, Nigeria, Pakistan, Philippines, Qatar, Saudi Arabia, Senegal, Zambia.]

## 10/26

### Forensic genetics and human rights

*The Human Rights Council,*

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

*Taking into account* Commission on Human Rights resolution 2005/66 of 20 April 2005, Council decision 2/105 of 27 November 2006 and resolution 9/11 of 24 September 2008 and the reports of the Office of the United Nations High Commissioner for Human Rights (E/CN.4/2006/91 and A/HRC/5/7) on the right to the truth,

*Taking into account also* Commission on Human Rights resolutions 1993/33 of 5 March 1993, 1994/31 of 4 March 1994, 1996/31 of 19 April 1996, 1998/36 of 17 April 1998, 2000/32 of 20 April 2000, 2003/33 of 23 April 2003 and 2005/26 of 19 April 2005 on human rights and forensic science,

*Recalling* article 32 of Additional Protocol I to the Geneva Conventions, of 12 August 1949, which recognizes the right of families to know the fate of their relatives, article 33 of Additional Protocol I, which provides that the parties to an armed conflict shall search for the persons who have been reported missing as soon as circumstances permit, and article 24 (2) of the International Convention for the Protection of All Persons from Enforced Disappearance, which sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard,

*Recalling also* General Assembly resolution 61/155 of 19 December 2006 on missing persons, in which the Assembly emphasized the importance of forensics in identifying such persons, and recognized the progress achieved in this regard with the development of genetics, as well as the report of the Secretary-General on missing persons (A/63/299),

*Noting* the report of the International Committee of the Red Cross on missing persons and their families of February 2003,

*Stressing* that adequate steps to identify victims should also be taken in situations of serious violations of human rights and, in the context of armed conflicts, of violations of international humanitarian law,

*Recognizing* the importance of restoring identity to those persons who were separated from their families of origin, including those cases where they were taken away from their relatives when they were children, in situations of serious violations of human rights and, in the context of armed conflicts, of violations of international humanitarian law,

*Recognizing also* that forensic genetics, when applied in an independent manner and subject to international standards, may effectively contribute to the identification of the remains of victims, to the restitution of identity to those persons illegally taken away and to address the issue of impunity,

*Mindful* of the fact that ethical issues arising from the swift progress of science and its technological uses must be examined not only in the light of due respect for a human being's dignity, but also of the observance of human rights and fundamental freedoms, and recalling in this regard the Universal Declaration on Bioethics and Human Rights, the International Declaration on Human Genetic Data and the Universal Declaration on the Human Genome and Human Rights of the United Nations Educational, Scientific and Cultural Organization,

1. *Encourages* States to consider the use of forensic genetics to contribute to the identification of the remains of victims of serious violations of human rights and of international humanitarian law, and to address the issue of impunity;

2. *Also encourages* States to consider the use of forensic genetics to contribute to the restoration of identity to those persons who were separated from their families, including those taken away from their relatives when they were children, in situations of serious violations of human rights and, in the context of armed conflicts, of violations of international humanitarian law;

3. *Stresses* the importance of providing the results of the investigations of forensic genetics to national authorities, in particular, where appropriate, to competent judicial authorities;

4. *Welcomes* the increasing use of forensic genetics in the investigations of serious violations of human rights and international humanitarian law, and calls for further cooperation between States, intergovernmental organizations and non-governmental organizations in planning and conducting such investigations consistent with applicable domestic and international law;

5. *Encourages* States to consider the use of forensic genetics to be applied pursuant to the international standards accepted by the scientific community in relation to quality assurance and control, and to ensure, where appropriate, the utmost respect for the principles of protection and confidentiality of information and restricted access to such information, and recognizes that many States have domestic legislation in place designed to protect the privacy of individuals;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to request information from States, intergovernmental and non-governmental organizations on best practices in the use of forensic genetics for identifying victims of serious violations of human rights and international humanitarian law with a view to considering the possibility of drafting a manual that may serve as a guide for the application of forensic genetics, including, where appropriate, the voluntary creation and operation of genetic banks, with appropriate safeguards;

7. *Asks* the Office of the High Commissioner to include the information requested in paragraph 6 above in a report on the use of forensic experts, to be submitted to the Council at its fifteenth session, pursuant to Council resolution 9/11;

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

*44th meeting  
27 March 2009*

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

**10/27****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 on the situation of human rights in Myanmar of the Commission on Human Rights, Council resolutions S-5/1 of 2 October 2007, 6/33 of 14 December 2007, 7/31 of 28 March 2008 and 8/14 of 18 June 2008, as well as resolutions of the General Assembly, the most recent being resolution 63/245 of 24 December 2008,

*Welcoming* the agreement by the Government of Myanmar to the visits of the Special Rapporteur on the situation of human rights in Myanmar from 3 to 7 August 2008 and from 14 to 19 February 2009, and also the report of the Special Rapporteur (A/HRC/10/19), while urging the implementation of the recommendations contained therein and encouraging the continuation of regular visits and the extension of full cooperation of Myanmar authorities to the Special Rapporteur,

*Welcoming also* the agreement by the Government of Myanmar to the visit of the Special Representative of the Secretary-General to Myanmar from 31 January to 3 February 2009, as well as the report of the Secretary-General on the situation of human rights in Myanmar (A/HRC/10/17),

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

*Being concerned also* that the violent crackdown on peaceful mass demonstrations of September 2007 and the ensuing human rights violations, including enforced disappearances, arbitrary detentions, torture and ill-treatment, have not been investigated and their perpetrators prosecuted,

*Expressing its concern* that the drafting process of the Constitution and the constitutional referendum did not meet the expectations that the political process would be free and fair, and reiterating its calls to the Government of Myanmar to ensure that the country's political processes are transparent, inclusive, free and fair,

*Being concerned* by the continued arbitrary house arrest of the General Secretary of the National League for Democracy, Daw Aung San Suu Kyi, and by reports that, despite the recent release of 29 political prisoners, 2,100 others still remain imprisoned, in harsh conditions, in unknown locations or without charge,

*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,

*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 Human Rights Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with these resolutions and annexes thereto,

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

2. *Strongly urges* the Government of Myanmar to desist from further politically motivated arrests, to release without delay and without condition all political prisoners, 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 and the leader of the 88 Generation Students Group, U Min Ko Naing;

3. *Calls for* fair and public hearings by competent, independent and impartial tribunals established by law, and expresses its concern at the deficiencies of trials leading to the harsh sentences delivered in Yangon and Mandalay since October 2008, and calls on the Government of Myanmar to rectify those deficiencies;

4. *Also calls for* 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, torture and other forms of ill-treatment, and for bringing those responsible to justice in order to end impunity for violations of human rights;

5. *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;

6. *Welcomes* the prolongation in February 2009 of the trial period of the supplementary understanding between the International Labour Organization and the Government of Myanmar, and urges the Government to intensify measures to end its practice of forced labour, to strengthen its cooperation with the liaison office of the Organization and to ensure that there are no negative repercussions, in particular against those that seek redress;

7. *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, 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;

8. *Notes with appreciation* the cooperation of the Government of Myanmar with the international community, including the United Nations, in delivering humanitarian assistance to the people affected by Cyclone Nargis, and the recent extension of the Tripartite Core Group mechanism, mindful that timely access contributes to reduced suffering and loss of life;

9. *Calls upon* the Government of Myanmar to address urgently the dire humanitarian situation and to allow and facilitate rapid and unimpeded humanitarian access to all persons in need in all areas of Myanmar, while paying special attention to internally displaced persons;

10. *Expresses its concern* over the situation of the persons belonging to the Rohingya ethnic minority in Northern Rakhine State, and urges the Government of Myanmar to recognize the right of these persons to nationality and to protect all of their human rights;

11. *Calls upon* the Government of Myanmar to consider acceding to the remaining international core human rights treaties;

12. *Takes note* of the information that a number of domestic laws have been sent for review, calls upon the Government of Myanmar to ensure a transparent, inclusive and comprehensive review of compliance of all its national legislation with international human rights law, while engaging constructively with democratic opposition and ethnic groups, and to refrain from implementing and to revoke those national legal provisions that are found to be contrary to international human rights law;

13. *Urges* the Government of Myanmar to ensure the independence and impartiality of the judiciary and to guarantee due process of law, and welcomes in this context the assurances given by the authorities of Myanmar to the Special Rapporteur on the situation of human rights in Myanmar to begin a dialogue on judicial reform, and calls upon the authorities to fulfil those assurances as early as possible;

14. *Also 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;

15. *Calls on* the Government of Myanmar to engage in a meaningful, substantive and time-bound process of open dialogue and national reconciliation with the full participation of representatives of all political parties and ethnic groups;

16. *Also calls on* the Government of Myanmar to ensure free and fair electoral process that is transparent and inclusive, with full and genuine participation of all stakeholders;

17. *Urges* the Government of Myanmar to guarantee the rights to the freedom of assembly, association and freedom of expression, including for free and independent media, and to lift immediately all restrictions on the exercise of these rights;

18. *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 resolution 7/32 of 28 March 2008;

19. *Urges* the Government of Myanmar to continue to respond favourably to the Special Rapporteur's requests to visit the country and to cooperate fully with him 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 contained in his reports (A/HRC/6/14, A/HRC/7/18, A/HRC/7/24, A/HRC/8/12 and A/HRC/10/19) and in Council resolutions S-5/1, 6/33, 7/31 and 8/14;

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

21. *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;

22. *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;

23. *Expresses its strong support* for the good offices mission and commitment of the Secretary-General, encourages the Government of Myanmar to allow regular visits of his Special Representative on Myanmar to facilitate a genuine and inclusive political

process, and calls on the Government to ensure full cooperation with the Secretary-General, his representative and the Special Rapporteur.

*44th meeting  
27 March 2009*

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

## **10/28**

### **United Nations Declaration on Human Rights Education and Training**

*The Human Rights Council,*

*Recalling* Council resolution 6/10 of 28 September 2007, in which the Council requested the Human Rights Council Advisory Committee to prepare a draft Declaration on Human Rights Education and Training, to be presented to the Council for its consideration,

*Mindful and appreciative* of the efforts made on this issue by the International Labour Organization, the United Nations Children's Fund, the United Nations Development Programme and the Office of the United Nations High Commissioner for Human Rights, as well as by other relevant stakeholders, including educators and non-governmental organizations,

*Underlining* in particular the role of the United Nations Educational, Scientific and Cultural Organization in promoting human rights education,

*Welcoming* the interest expressed by a high number of stakeholders in their answers to the questionnaire prepared by the Advisory Committee seeking their views and inputs on the possible elements of the content of the draft Declaration on Human Rights Education and Training,

*Welcoming with satisfaction* the progress report on the draft Declaration on Human Rights Education and Training submitted to the Council by the Committee at the current session,

1. *Urges* all relevant stakeholders that have not yet submitted their responses to the questionnaire prepared by the Advisory Committee on the possible elements of the content of the Declaration to do so, and to take into account existing relevant instruments;

2. *Welcomes* the initiative of the Platform for Human Rights Education and Training to organize a seminar, with the participation of experts and specialists and the assistance and expertise of the Office of the United Nations High Commissioner for Human Rights and all interested parties, in order to further the reflection on elements to be included in the draft Declaration;

3. *Requests* the Advisory Committee to submit its draft Declaration on Human Rights Education and Training to the Council for consideration at its thirteenth session.

*45th meeting  
27 March 2009*

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

## **10/29**

### **The Social Forum**

*The Human Rights Council,*

*Recalling* all previous resolutions and decisions adopted on the Social Forum by the former 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 and 6/13 of 28 September 2007,

*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 2008 Social Forum, held in Geneva from 1 to 3 September 2008, which focused on questions relating to the eradication of poverty in the context of human rights, best practices in the fight against poverty and the social dimension of the globalization process,

*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 2008 Social Forum submitted by the Chairman-Rapporteur (A/HRC/10/65);

2. *Takes note with interest* of the conclusions and recommendations of the 2008 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 grass-roots organizations, and stresses the need to ensure a 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. *Requests* that the next meeting of the Social Forum be held during 2009, 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 negative impact of economic and financial crises on efforts to combat poverty;

(b) National anti-poverty programmes: best practices of States in implementing social security programmes from a human rights perspective;

(c) International assistance and cooperation in combating poverty;

6. *Decides* that the Social Forum will meet for three working days, in order that it may devote:

(a) Two days to thematic discussions on the topics of the Forum;

(b) One day to an interactive debate with relevant thematic procedures mandate holders of the Council on issues related to the topics of the Social Forum, and to formulating conclusions and recommendations to be presented to relevant bodies through the Council;

7. *Requests* the President of the Council to appoint, as early as possible, from candidates nominated by regional groups, the Chairperson-Rapporteur for the 2009 Social Forum, bearing in mind the principle of regional rotation;

8. *Invites* the appointed Chairperson-Rapporteur to announce, in a timely manner, the most appropriate dates for convening the 2009 Social Forum, after holding consultations with States Members of the United Nations and other stakeholders;

9. *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 present a report as a background contribution for the dialogues and debates that will be held at the 2009 Social Forum;

10. *Also requests* the High Commissioner to facilitate the participation in the 2009 Social Forum, in order to 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;

11. *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, specialized agencies and organizations, in particular the United Nations Development Programme, the World Bank, the International Monetary Fund, the World Trade Organization and the United Nations Conference on Trade and Development, 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, youth associations, community organizations, trade unions and associations of workers, as well as representatives of the private sector, regional banks and other financial institutions and international development agencies, 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;

12. *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;

13. *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;

14. *Invites* the 2009 Social Forum to submit a report to the Council;

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

16. *Decides* to continue consideration of this issue under the relevant agenda item when the report of the 2009 Social Forum is submitted to the Council.

45th meeting  
27 March 2009

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

## 10/30

### **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 in which, heeding the decision and instruction of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, it decided to establish the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards, with a mandate to elaborate, as a matter of priority and necessity, complementary standards in the form of either a convention or additional protocol(s) to the International Convention on the Elimination of All Forms of Racial Discrimination, filling the existing gaps in the Convention and also providing new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred,

*Recalling also* its resolution 3/2 of 8 December 2006, in which it reaffirmed that there would be no renegotiation of the Durban Declaration and Programme of Action,

*Welcoming* the progress achieved during the meetings held during the first and second parts of the first session of the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards, and expressing the common desire of the international human rights system and the need to enhance the momentum of this process with a view to ensuring the timely fulfilment of the mandate of the Ad Hoc Committee,

*Recalling* the need to provide adequate protection for victims of racism, racial discrimination, xenophobia and related intolerance, as well as appropriate remedies while combating all forms of impunity in this regard,

1. *Endorses* the road map adopted by the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards during the second part of its first session as a guiding framework document for all future work in this regard;

2. *Requests* the Chairperson-Rapporteur to ensure that the outcome referred to in the road map is circulated in a timely manner to all stakeholders, in order that complementary standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects may be elaborated from the second session onwards;

3. *Decides* that all future sessions of the Ad Hoc Committee shall be convened in a consolidated period of 10 consecutive working days;

4. *Also decides* that the second session of the Ad Hoc Committee will be held in October 2009;

5. *Further decides* to retain this priority issue on its programme of work and to review progress at its thirteenth session.

*45th meeting  
27 March 2009*

[Adopted by a recorded vote of 34 to 13, with no abstentions (see part II, chap. IX). The voting was as follows:

*In favour:*

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

*Against:*

Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

## 10/31

### **From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance**

*The Human Rights Council,*

*Recalling* General Assembly resolution 56/266 of 27 March 2002, in which the Assembly endorsed the Durban Declaration and Programme of Action, as well as Commission on Human Rights resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003,

*Recalling also* its resolutions 1/5 of 30 June 2006, 3/2 of 8 December 2006 and 9/14 of 24 September 2008,

*Noting with interest* the work of the Working Group of Experts on People of African Descent as set out in its mandate, to continue to find ways and means to fulfil its mandate optimally, particularly in the areas of directly linking and consulting with the affected communities of people of African descent living in the diaspora, including liaising with financial and developmental institutions with a view to contributing to developmental programmes for the benefit of people of African descent, as well as conducting country visits,

*Recognizing* the challenges that have impeded the Group of Five Independent Eminent Experts from fully discharging its mandate in following up on the implementation of the Durban Declaration and Programme of Action,

*Appreciating* all efforts made by the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action in its constructive work aimed at the effective implementation of the Durban Declaration and Programme of Action, in accordance with its mandate,

1. *Takes note of* the work of the Five Independent Eminent Experts on the follow-up to the implementation of the provisions of the Durban Declaration and Programme of Action in line with their mandate;
2. *Also takes note of* the report of the Working Group of Experts on People of African Descent and welcomes its workplan for the period 2009–2011, stressing the need to ensure the availability of the necessary resources, and furthermore calls on the Office of the United Nations High Commissioner for Human Rights to avail the necessary resources and support to allow the Working Group to discharge its mandate fully, in particular the undertaking of country visits and holding of public meetings with people of African descent living in the diaspora;
3. *Welcomes* the report of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action;
4. *Decides* to remain seized of this important issue.

*45th meeting*  
*27 March 2009*

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

## **10/32**

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

*The Human Rights Council,*

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

*Recalling* its resolution 7/35 of 28 March 2008,

*Reaffirming* its respect for sovereignty, territorial integrity, political independence and unity in Somalia,

*Welcoming* the positive political developments and progress made in the Djibouti peace process in Somalia, including the voluntary resignation of former President Abdullahi Yusuf Ahmed on 29 December 2008, 10 months ahead of the conclusion of his term, the convening of the Transitional Federal Parliament in Djibouti, the election of President Shaikh Sharif Sheik Ahmed on 30 January 2009, the endorsement by the Parliament of Prime Minister Omar Abdirashid Ali Sharmarke on 14 February 2009 and the subsequent formation of a new Government,

*Recalling* its 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,

*Welcoming* the commitment and efforts undertaken by the African Union to support Somali-led efforts towards reconciliation and stability and the efforts made by international and regional stakeholders to help Somalia re-establish stability, peace and security in its national territory, as well as the recent extension of the mandate of the African Union Mission in Somalia for an additional three months,

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

1. *Expresses its serious concern* at the human rights and humanitarian situation in Somalia, and calls for an immediate end to all violations;

2. *Takes note with appreciation* of the work undertaken by the independent expert on the situation of human rights in Somalia and of his report (A/HRC/10/85);
3. *Invites* the independent expert to continue his work until the end of September 2009, without prejudice to the relevant provision of Council resolution 5/1;
4. *Encourages* in the meantime the Office of the United Nations High Commissioner for Human Rights to reach a comprehensive agreement with Somali authorities on technical cooperation and human and institutional capacity-building at the national and regional level in the field of human rights inside Somalia, including for the legislative sector, the judiciary, law enforcement agencies and education, as well as conducting public-awareness campaigns, all in line with the priorities and the framework determined by the Somali authorities, including, inter alia, the creation of the most favourable conditions for the work of the independent expert, in order to further renew his mandate;
5. *Calls upon* the international community to stand by the legitimate Somali institutions and to provide adequate, timely and tangible support in order to enhance their capacity, as part of an integrated approach that encompasses political, security and human rights dimensions;
6. *Requests* the Secretary-General to provide the independent expert with all necessary human, technical and financial assistance in carrying out his mandate;
7. *Requests* the independent expert to present an update to his report to the Council at its twelfth session;
8. *Decides* to remain seized of the matter.

*45th meeting  
27 March 2009*

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

## **10/33**

### **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* Council resolution 5/1 of 18 June 2007,

*Recalling further* Council resolution 7/20 of 27 March 2008, in which it called on the international community to provide the Democratic Republic of the Congo with the various forms of assistance that the Democratic Republic of the Congo requested, with a view to improving the human rights situation,

*Recalling* its resolution S-8/1 of 1 December 2008, in which the Council condemned the acts of violence, human rights violations and abuses committed in Kivu, in particular sexual violence and the recruitment of child soldiers by the militia,

*Expressing* its appreciation for the role played by the international community, in particular by the African Union and the European Union, towards enhancing the rule of law and improving the human rights situation in the Democratic Republic of the Congo,

*Considering* that the pertinent work undertaken by the Office of 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 is complementary to that of the thematic special rapporteurs and must be sufficiently reinforced,

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

*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 country to implement the same, in particular through the earmarking of greater budget allocations to the Ministry of Human Rights, whose structures will have to be expanded into provinces to enable greater protection of human rights,

*Having reviewed* the activity of the thematic special rapporteurs in relation to the human rights situation in the Democratic Republic of the Congo,

1. *Welcomes* the commitment of the Democratic Republic of the Congo to pursue technical cooperation with the various thematic representatives and special rapporteurs as part of the follow-up to the human rights situation in the Democratic Republic of the Congo;

2. *Also 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 Representative of the Secretary-General on the human rights of internally displaced persons, 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, taking into account also the needs formulated by the Government of the Democratic Republic of the Congo;

3. *Encourages* the Democratic Republic of the Congo to continue ratifying human rights-related international and regional instruments, in particular the Convention on the Rights of Persons with Disabilities and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and notes with satisfaction the decision by the Government to establish a national agency to combat sexual violence against women and children as part of its policy to fight impunity;

4. *Also encourages* the Democratic Republic of the Congo to finalize the establishment process of a national commission for human rights, pursuant to the Paris Principles, welcomes the promulgation by the President of the Republic of the law concerning the protection of the child, and invites the Government to fulfil its objective to promote human rights education at school, in academia, the armed forces of the Democratic Republic of the Congo, the national police force and security services;

5. *Notes* the report of the seven thematic special procedures on technical assistance to the Government of the Democratic Republic of the Congo and urgent examination of the situation in the east of the country (A/HRC/10/59) presented by the Representative of the Secretary-General on the human rights of internally displaced persons, acting on behalf of the other six representatives and special rapporteurs, and invites them to report again on the development of the situation to the Council at its thirteenth session;

6. *Calls on* the international community to increase the various forms of assistance requested by the Democratic Republic of the Congo with a view to improving the human rights situation;

7. *Invites* the Government of the Democratic Republic of the Congo to inform and update the Council, at its future sessions, on the human rights situation on the ground, specifying the difficulties it experiences and its relevant needs;

8. *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 the Office of the High Commissioner (A/HRC/10/58), and invites the Office to report again to the Council, at its thirteenth session, on the development of the situation and those activities;

9. *Calls on* the international community to support the establishment of a local cooperation mechanism by the Government of the Democratic Republic of the Congo, the High Commissioner 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*;

10. *Calls on* the Office of the High Commissioner to increase and enhance, through its presence in the Democratic Republic of the Congo, its technical assistance programmes and activities, in consultation with the authorities of the country;

11. *Decides* to continue monitoring the human rights situation in the Democratic Republic of the Congo at its thirteenth session.

*45th meeting  
27 March 2009*

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

*In favour:*

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

*Abstaining:*

Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Nicaragua, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.]

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

### 10/101

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

*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 President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Botswana on 1 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Botswana which is constituted of the report of the Working Group on the review of Botswana (A/HRC/10/69), together with the views of Botswana 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/10/29, chap. VI and A/HRC/10/69/Add.1).

*27th meeting*

*18 March 2009*

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

### 10/102

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

*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 President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Bahamas on 1 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Bahamas which is constituted of the report of the Working Group on the review of Bahamas (A/HRC/10/70 and A/HRC/10/70/Corr.1), together with the views of Bahamas 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/10/29, chap. VI and A/HRC/10/70/Add.1).

*27th meeting*

*18 March 2009*

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

**10/103****Outcome of the universal periodic review: Burundi**

*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 President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Burundi on 2 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Burundi which is constituted of the report of the Working Group on the review of Burundi (A/HRC/10/71), together with the views of Burundi 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/10/29, chap. VI).

*27th meeting  
18 March 2009*

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

**10/104****Outcome of the universal periodic review: Luxembourg**

*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 President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Luxembourg on 2 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Luxembourg which is constituted of the report of the Working Group on the review of Luxembourg (A/HRC/10/72), together with the views of Luxembourg 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/10/29, chap. VI and A/HRC/10/72/Add.1).

*28th meeting  
18 March 2009*

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

**10/105****Outcome of the universal periodic review: Barbados**

*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 President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Barbados on 3 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Barbados which is constituted of the report of the Working Group on the review of Barbados (A/HRC/10/73), together with the views of Barbados 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/10/29, chap. VI and A/HRC/10/73/Add.1).

*28th meeting*

*18 March 2009*

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

## **10/106**

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

*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 President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Montenegro on 3 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Montenegro which is constituted of the report of the Working Group on the review of Montenegro (A/HRC/10/74), together with the views of Montenegro 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/10/29, chap. VI and A/HRC/10/74/Add.1).

*28th meeting*

*18 March 2009*

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

## **10/107**

### **Outcome of the universal periodic review: United Arab Emirates**

*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 President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of the United Arab Emirates on 4 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on the United Arab Emirates which is constituted of the report of the Working Group on the review of the United Arab Emirates (A/HRC/10/75), together with the views of the United Arab Emirates 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/10/29, chap. VI).

29th meeting  
19 March 2009

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

## 10/108

### Outcome of the universal periodic review: Liechtenstein

*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 President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Liechtenstein on 5 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Liechtenstein which is constituted of the report of the Working Group on the review of Liechtenstein (A/HRC/10/77), together with the views of Liechtenstein 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/10/29, chap. VI and A/HRC/10/77/Add.1).

29th meeting  
19 March 2009

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

## 10/109

### Outcome of the universal periodic review: Serbia

*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 President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Serbia on 5 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Serbia which is constituted of the report of the Working Group on the review of Serbia (A/HRC/10/78), together with the views of Serbia 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/10/29, chap. VI and A/HRC/10/78/Add.1).

*30th meeting  
19 March 2009*

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

## **10/110**

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

*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 President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Turkmenistan on 9 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Turkmenistan which is constituted of the report of the Working Group on the review of Turkmenistan (A/HRC/10/79), together with the views of Turkmenistan 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/10/29, chap. VI and A/HRC/10/79/Add.1).

*30th meeting  
19 March 2009*

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

## **10/111**

### **Outcome of the universal periodic review: Burkina Faso**

*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 President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Burkina Faso on 9 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Burkina Faso which is constituted of the report of the Working Group on the review of Burkina Faso (A/HRC/10/80 and A/HRC/10/80/Corr.1), together with the views of Burkina Faso 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/10/29, chap. VI).

*30th meeting  
19 March 2009*

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

## **10/112**

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

*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 President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Israel on 4 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Israel which is constituted of the report of the Working Group on the review of Israel (A/HRC/10/76), together with the views of Israel 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/10/29, chap. VI).

*31st meeting  
20 March 2009*

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

## **10/113**

### **Outcome of the universal periodic review: Cape Verde**

*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 President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Cape Verde on 10 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Cape Verde which is constituted of the report of the Working Group on the review of Cape Verde (A/HRC/10/81), together with the views of Cape Verde 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/10/29, chap. VI).

*31st meeting  
20 March 2009*

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

## 10/114

### Outcome of the universal periodic review: Colombia

*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 President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Colombia on 10 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Colombia which is constituted of the report of the Working Group on the review of Colombia (A/HRC/10/82), together with the views of Colombia 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/10/29, chap. VI and A/HRC/10/82/Add.1).

*31st meeting*

*20 March 2009*

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

## 10/115

### Outcome of the universal periodic review: Uzbekistan

*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 President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Uzbekistan on 11 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Uzbekistan which is constituted of the report of the Working Group on the review of Uzbekistan (A/HRC/10/83), together with the views of Uzbekistan 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/10/29, chap. VI and A/HRC/10/83/Add.1).

*31st meeting*

*20 March 2009*

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

**10/116****Outcome of the universal periodic review: Tuvalu**

*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 President's statement PRST/8/1 on the modalities and practices for the universal periodic review process of 9 April 2008,

*Having conducted* the review of Tuvalu on 11 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Tuvalu which is constituted of the report of the Working Group on the review of Tuvalu (A/HRC/10/84), together with the views of Tuvalu 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/10/29, chap. VI).

*32nd meeting*

*20 March 2009*

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

**10/117****Publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights**

At its 45th meeting, on 27 March 2009, the Human Rights Council decided, by a recorded vote of 29 to 3, with 15 abstentions, to adopt the following text:

*"The Human Rights Council,*

*Bearing in mind* that all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights, including the Subcommission on the Promotion and Protection of Human Rights, were assumed, as of 19 June 2006, by the Council, in accordance with General Assembly resolution 60/251,

*Recalling* the functions of the Human Rights Council Advisory Committee as described by the Council in its resolution 5/1 of 18 June 2007,

*Decides* that all reports of the Subcommission on the Promotion and Protection of Human Rights mandated by the Commission on Human Rights that have been completed and submitted to the Office of the United Nations High Commissioner for Human Rights pursuant to the resolutions and decisions of the Subcommission at its fifty-eighth session be issued as United Nations documents."

*45th meeting*

*27 March 2009*

[Adopted by a recorded vote of 29 to 3, with 15 abstentions (see part II, chap. IV). The voting was as follows:

*In favour:*

Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Burkina Faso, Canada, Chile, Egypt, France, Gabon, Germany, Italy, Japan, Jordan, Mexico, Netherlands, Nicaragua, Pakistan, Qatar,

Republic of Korea, Saudi Arabia, Slovakia, Slovenia, Switzerland, Ukraine,  
United Kingdom of Great Britain and Northern Ireland, Uruguay;

*Against:*

Brazil, India, Mauritius;

*Abstaining:*

Angola, Cameroon, China, Cuba, Djibouti, Ghana, Indonesia, Madagascar,  
Malaysia, Nigeria, Philippines, Russian Federation, Senegal, South Africa,  
Zambia.]

### III. President's statement made at the tenth session

#### PRST/10/1

#### Reports of the Advisory Committee

At the 45th meeting, on 27 March 2009, the President of the Council read out the following statement:

*"The Human Rights Council,*

1. *Takes note* of the report of the first session of the Advisory Committee (A/HRC/10/2-A/HRC/AC/2008/1/2) and notes that some suggestions therein have been incorporated in the report of the Advisory Committee on its second session or other decisions and resolutions of the Council, and other suggestions could be considered in future sessions;

2. *Also takes note* of the report of the second session of the Advisory Committee (A/HRC/AC/2/2), which includes five suggestions related to the following:

- (a) A draft declaration on human rights education and training;
- (b) A draft set of principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members;
- (c) Gender mainstreaming;
- (d) Expert consultation on the issue of protection of civilians in armed conflict;
- (e) A study on the food crisis;

3. *Notes that:*

(a) The first and the fifth suggestions have been addressed by draft resolutions A/HRC/10/L.16 and A/HRC/10/L.25, respectively, while the second suggestion has been addressed in the context of Council resolution 8/13;

(b) The suggestion for the Advisory Committee with regard to the gender mainstreaming may be addressed in the context of the work of the Council at its future sessions;

(c) With respect to the suggestion concerning the participation of an expert of the Advisory Committee in the expert consultation on the issue of protection of civilians in armed conflict, convened in accordance with Council resolution 9/9, with the understanding that it would be implemented within the existing resources.

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 tenth session at the United Nations Office at Geneva from 2 to 27 March 2009. The President of the Council opened the session.
2. At the opening, the United Nations High Commissioner for Human Rights addressed the plenary.
3. At the 12th meeting, on 9 March 2009, the High Commissioner made a statement for International Women's Day.
4. In accordance with rule 8 (b) of the rules of procedure of the Council, as contained in part VII of the annex to Council resolution 5/1, the organizational meeting of the tenth session was held on 16 February 2009.
5. The tenth session consisted of 45 meetings over 20 days (see paragraph 29 below).

##### **B. Attendance**

6. The session was attended by representatives of States Members of the Council, observer States of the Council, observers for non-member States of the United Nations and other observers, as well as observers for United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations (see annex I).

##### **C. High-level segment**

7. At the 1st to the 5th meetings, the Council held a high-level segment, at which 64 dignitaries addressed the plenary, including 2 vice-presidents, 3 vice-prime ministers, 39 ministers, 19 vice-ministers and the President of the General Assembly.
8. The following dignitaries addressed the Council during the high-level segment, in the order that they spoke:

(a) At the 1st meeting, on 2 March 2009: Francisco Santos Calderón, Vice-President of Colombia; Mohamed Waheed, Vice-President of Maldives; Paulo Vannuchi, Minister for Human Rights of Brazil; Abdelwahad Radi, Minister for Justice of Morocco; Sven Alkalaj, Minister for Foreign Affairs of Bosnia and Herzegovina; Mahinda Samarasinghe, Minister for Disaster Management and Human Rights of Sri Lanka;

(b) At the 2nd meeting, on the same day: Paul Mba Abessole, Vice-Prime Minister of Gabon; Manouchehr Mottaki, Minister for Foreign Affairs of the Islamic Republic of Iran; Miroslav Lajčák, Minister for Foreign Affairs of Slovakia; Hoda Abdullatif Alban, Minister for Human Rights of Yemen; Bandar bin Mohammed Al-Aban, Chairperson of the Human Rights Commission of Saudi Arabia; Mufid Shehab, Minister for Legal and Parliamentary Councils of Egypt; Ould Dadde, Commissioner for Human Rights, Humanitarian Action and Relations with Civil Society of Mauritania; Alberto van Klaveren, Deputy Minister for Foreign Affairs of Chile; Hussein Al-Zuheiri, Under-

Secretary of the Ministry of Human Rights of Iraq; Rama Yade, State Secretary of Foreign Affairs and Human Rights of France; Raymond Johansen, Deputy Minister for Foreign Affairs of Norway;

(c) At the 3rd meeting, on 3 March 2009: Karel Schwarzenberg, Minister for Foreign Affairs of the Czech Republic (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Montenegro, the Republic of Moldova, the former Yugoslav Republic of Macedonia, Turkey and Ukraine); Jean Asselborn, Deputy Prime Minister and Minister for Foreign Affairs and Immigration of Luxembourg; Maria Esther Reus González, Minister for Justice of Cuba; Karel de Gucht, Deputy Prime Minister and Minister for Foreign Affairs of Belgium; Hassan Wirajuda, Minister for Foreign Affairs of Indonesia; Maxime Verhagen, Minister for Foreign Affairs of the Netherlands; D.N. Seretse, Minister for Justice, Defence and Security of Botswana; Per Stig Møller, Minister for Foreign Affairs of Denmark; Hala Latouf, Minister for Social Development of Jordan; Günter Nooke, Federal Commissioner for Human Rights and Humanitarian Aid of Germany; Nurlan Danenov, Deputy Minister for Foreign Affairs of Kazakhstan; Vincenzo Scotti, Deputy Minister for Foreign Affairs of Italy; Salomon Nguema Owono, Deputy Minister for Human Rights and Social Affairs of Equatorial Guinea; Teresa Ribeiro, Deputy Minister for Foreign Affairs of Portugal; Abdel Daiem Zumrawi, Deputy Minister for Justice of the Sudan; Marko Karadzic, State Secretary of the Ministry for Human and Minority Rights of Serbia;

(d) At the 4th meeting, on the same day: Bob McMullan, Minister for Overseas Aid and Development of Australia; Nezar Sadeq Al Baharna, Minister of State for Foreign Affairs of Bahrain; Upio Kakura Wapo, Minister for Human Rights of the Democratic Republic of the Congo; Kinga Göncz, Minister for Foreign Affairs of Hungary; Béchir Tekari, Minister for Justice and Human Rights of Tunisia; Ahmad Soboh, Deputy Minister for Foreign Affairs of Palestine; Shin Kak-Soo, Deputy Minister for Foreign Affairs and Trade of the Republic of Korea; Bogdan Aurescu, Secretary of State of Romania; Nicholas Emiliou, Deputy Minister for Foreign Affairs of Cyprus; Milorad Scepovic, Deputy Minister for Foreign Affairs of Montenegro; Todd Stewart Chilembo, Deputy Minister for Justice of Zambia; Eduardo José Bacião Koloma, Deputy Minister for Foreign Affairs and Cooperation of Mozambique;

(e) At the 5th meeting, on 4 March 2009: Mark Malloch Brown, Minister for Africa, Asia and the United Nations of the United Kingdom of Great Britain and Northern Ireland; Upendra Yadav, Minister for Foreign Affairs of Nepal; Mathias Meinrad Chikawe, Minister for Justice and Constitutional Affairs of the United Republic of Tanzania; Martha W. Karua, Minister for Justice, National Cohesion and Constitutional Affairs of Kenya; Alexander V. Yakovenko, Deputy Minister for Foreign Affairs of the Russian Federation; Akmal Saidov, Chairman of the National Centre for Human Rights of Uzbekistan; Frank Belfrage, State Secretary for Foreign Affairs of Sweden; Lars Pira, Deputy Minister for Foreign Affairs of Guatemala; Micheline Calmy-Rey, Head of the Federal Department of Foreign Affairs of Switzerland; Henri Eyebe Ayissi, Minister for Foreign Affairs of Cameroon; Patrick Antony Chinamasa, Minister for Justice and Legal Affairs of Zimbabwe; Jan Borkowski, Secretary of State of the Ministry of Foreign Affairs of Poland; Felipe Michelini, Deputy Minister of Education of Uruguay; Vu Dung, Deputy Minister for Foreign Affairs of Viet Nam; Angel Lossada, Deputy Minister for Foreign Affairs of Spain; Wilfredo Chávez, Deputy Minister for Justice and Human Rights of Bolivia; Paul Herbert Oquist Kelley, Minister and Private Secretary of National Policy of Nicaragua; Nkosazana Dlamini Zuma, Minister for Foreign Affairs of South Africa; Miguel d'Escoto Brockmann, President of the General Assembly.

9. At the 4th meeting, on 3 March 2009, a statement in exercise of the right of reply was made by the representative of the Democratic People's Republic of Korea in relation to

the statement by the Minister for Foreign Affairs of the Czech Republic (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Montenegro, Republic of Moldova, the former Yugoslav Republic of Macedonia, Turkey and Ukraine) and the statement by the Deputy Minister for Foreign Affairs and Trade of the Republic of Korea.

10. At the 6th meeting, on 4 March 2009, statements in exercise of the right of reply were made by the representative of Sri Lanka in relation to the statement by the Minister for Africa, Asia and the United Nations of the United Kingdom of Great Britain and Northern Ireland and the statement by the State Secretary of Foreign Affairs and Human Rights of France, and by the representative of the Islamic Republic of Iran, in relation to the statement by the Minister for Africa, Asia and the United Nations of the United Kingdom of Great Britain and Northern Ireland.

#### **D. General segment**

11. At the 6th meeting, on 6 March 2009, a general segment was held, during which the following delegations and invited members of civil society addressed the Council:

(a) Representatives of States Members of the Council: Azerbaijan, Bangladesh, China, India, Japan, Malaysia, Mauritius, Mexico, Pakistan (also on behalf of the Organization of the Islamic Conference), Philippines, Qatar, Senegal, Slovenia;

(b) Representatives of the following observer States: Croatia, Iceland, Israel, Oman, Republic of Moldova, Thailand, the former Yugoslav Republic of Macedonia, Turkey, United Arab Emirates, United States of America, Venezuela (Bolivarian Republic of);

(c) Other observer: Sovereign Military Order of Malta;

(d) Observers for intergovernmental organizations: African Union, European Commission, International Organization of la Francophonie, Organization of the Islamic Conference;

(e) Observers for the United Nations entities, specialized agencies and related organizations: United Nations High Commissioner for Refugees (UNHCR), Joint United Nations Programme on HIV/AIDS (UNAIDS);

(f) Observer for a national human rights institution: International Coordinating Committee of National Human Rights Institutions;

(g) Invited members of the civil society: Mr. Mugiyanto, Mr. Dismas Kitenge Senga, Ms. Nassera Detour and Ms. Fatima Doubakil.

12. At the 7th meeting, on 5 March 2009, statements in exercise of the right of reply were made by the representative of India, in relation to the statement by the representative of Pakistan; the representative of the Democratic People's Republic of Korea, in relation to the statement by the representative of Japan; the representative of the Islamic Republic of Iran, in relation to the statement by the representative of Israel; the representative of Pakistan, in relation to the statement by the representative of India; the representative of Israel, in relation to the statement by the representative of the Islamic Republic of Iran; and the representative of Japan, in relation to the statement by the representative of the Democratic People's Republic of Korea.

13. At the same meeting, statements in exercise of a second right of reply were made by the representative of the Islamic Republic of Iran, in relation to the statement by the representative of Israel; the representative of the Democratic People's Republic of Korea, in relation to the statement by the representative of Japan; and the representative of Japan, in

relation to the statement made by the representative of the Democratic People's Republic of Korea.

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

14. The agenda and programme of work of the tenth session were adopted at the organizational meeting of 16 February 2009.

## **F. Organization of work**

15. At the 6th meeting, on 4 March 2009, the President outlined the modalities for the general segment, which would be 5 minutes for statements by States Members of the Council and 3 minutes for statements by observer States of the Council and other observers, including a representative of the International Coordinating Committee of National Human Rights Institutions and four senior representatives of civil society who had been invited to address the Council at the general segment.

16. At the 7th meeting, on 5 March 2009, the President outlined the modalities for the interactive dialogue for the annual report of the High Commissioner, which would be 5 minutes for States Members of the Council and 3 minutes for observer States and other observers.

17. At the 9th meeting, on 6 March 2009, 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 5 minutes for States Members of the Council and 3 minutes for observer States and other observers.

18. At the same meeting, the President outlined the modalities for the interactive debate of panel discussions, which would be 7 minutes for panellists, 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.

19. At the 11th meeting, on 6 March 2009, 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.

20. At the 21st meeting, on 13 March 2009, the President revised the modalities for the interactive dialogue with special procedures mandate holders, which would be 3 minutes for States Members of the Council and 2 minutes for observer States, followed by other observers.

21. At the 23rd meeting, on 16 March 2009, the President outlined the modalities for the general debate on agenda item 3, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.

22. At the 24th meeting, on 16 March 2009, 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.

23. At the 25th meeting, on 17 March 2009, the President outlined the modalities for the discussion of the remaining meetings of the tenth session, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.

24. At the 27th meeting, on 18 March 2009, the President outlined the modalities for the consideration of the outcomes of the universal periodic review under agenda item 6, which would be 20 minutes for the State concerned; 20 minutes for Member States, observer States and United Nations agencies, of which 3 minutes for States Members of the Council and 2 minutes for observers; 20 minutes for general comments on the outcome of the review for stakeholders, of which 2 minutes for each speaker.

25. At the 28th meeting, on 18 March 2009, the President revised the modalities for the consideration of the outcomes of the universal periodic review for Israel and the United Arab Emirates to 2 minutes for States Members of the Council and 2 minutes for other observers to express their views on the outcome of the review.

26. At the 31st meeting, on 20 March 2009, the President revised the modalities for the consideration of the outcomes of the universal periodic review for Colombia and Uzbekistan to 2 minutes for States Members of the Council and 2 minutes for other observers to express their views on the outcome of the review.

27. At the 32nd meeting, the President outlined the modalities for the general debate on agenda item 6, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.

28. At the 41st meeting, the President outlined the modalities for the action on draft proposals, which would be 3 minutes each for introducing the draft proposal, making general comments, making comments as the concerned country, explaining the vote before the vote and explaining the vote after the vote.

## **G. Meetings and documentation**

29. The Council held 45 fully serviced meetings at its tenth session.

30. The texts of the resolutions and decisions adopted by the Council and the President's statement made are contained in Part One of the present report.

31. Annex II contains the agenda of the Council.

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

33. Annex I contains the list of attendance.

34. Annex IV contains the list of documents issued for the tenth session of the Council.

35. Annex V contains the list of Advisory Committee members and duration of their terms of membership.

## **H. Visits**

36. At the 23rd meeting, on 16 March 2009, the Minister for Foreign Affairs of Algeria, Mourad Medelci, delivered a statement to the Council.

37. At the 25th meeting, on 17 March 2009, the Deputy Minister for Justice of the Libyan Arab Jamahiriya, Abdussalam Eltumi, delivered a statement to the Council.

## I. Selection and appointment of mandate holders

38. At the 41st meeting, on 25 March 2009, the Council appointed Surya Prasad Subedi as Special Rapporteur on human rights in Cambodia.

39. At the same meeting, the representative of Cambodia made a statement as the concerned country.

40. Also at the same meeting, the representative of Japan made a statement as the main sponsor of resolution 9/15.

## J. Election of members of the Human Rights Council Advisory Committee

41. At the 41st meeting, on 25 March 2009, the Council elected, pursuant to its resolution 5/1, four experts to the Human Rights Council Advisory Committee. The Council had before it a note by the Secretary-General (A/HRC/10/50 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**

<i>Nominating Member State</i>	<i>Expert nominated</i>
Morocco	Halima Embarek Warzazi

### **Asian States**

<i>Nominating Member State</i>	<i>Expert nominated</i>
China	Shiqiu Chen

### **Latin American and Caribbean States**

<i>Nominating Member State</i>	<i>Expert nominated</i>
Cuba	Miguel Alfonso Martínez

### **Western European and other States**

<i>Nominating Member State</i>	<i>Expert nominated</i>
Switzerland	Jean Ziegler

42. The number of candidates for each regional grouping corresponds 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 Halima Embarek Warzazi, Shiqiu Chen, Miguel Alfonso Martínez and Jean Ziegler were elected as members of the Advisory Committee by consensus.

## K. Consideration of and action on draft proposals

### **Security arrangements for the Human Rights Council**

43. At the 41st meeting, on 25 March 2009, the representative of Egypt, on behalf of the Group of African States, made a statement withdrawing draft resolution A/HRC/9/L.1,

sponsored by Egypt (on behalf of the Group of African States), Morocco (on behalf of the Group of Arab States) and Pakistan (on behalf of the Organization of the Islamic Conference).

**L. Adoption of the report of the session**

44. At the 45th meeting, on 27 March 2009, the Rapporteur and Vice-President of the Council made a statement in connection with the draft report of the Council (A/HRC/10/L.10).

45. The draft report was adopted ad referendum.

46. The Council decided to entrust the Rapporteur with the finalization of the report.

47. At the same meeting, the representatives of Algeria, Côte d'Ivoire, Singapore, Spain, Sri Lanka, Thailand and Turkey made general comments in connection with the session.

48. Also 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

49. At the 7th meeting, on 5 March 2009, the United Nations High Commissioner for Human Rights made a statement in connection with her annual report (A/HRC/10/31).

50. During the ensuing interactive dialogue, at the 7th and 8th meetings, on 5 March 2009, the following made statements and asked the High Commissioner questions:

(a) Representatives of States Members of the Council: Angola, Argentina, Azerbaijan, Bangladesh, Brazil, Canada, Chile (on behalf of the Group of Latin American and Caribbean States), China, Cuba (on behalf of the Non-Aligned Movement), Czech Republic<sup>4</sup> (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, the Republic of Moldova, Montenegro, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Egypt (on behalf of the Group of African States), France, Germany, Indonesia, Italy, Japan, Malaysia, Mexico, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Qatar, Republic of Korea, Russian Federation, Switzerland, United Kingdom of Great Britain and Northern Ireland, Yemen<sup>4</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Austria, Belgium, Colombia, Ecuador, Guatemala, Haiti, Iran (Islamic Republic of), Ireland, Kuwait, Morocco, Nepal, New Zealand, Norway, Spain, Sri Lanka, Sudan, Thailand, Tunisia, United States of America, Venezuela (Bolivarian Republic of);

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

(d) Observer for a national human rights institution: International Coordinating Committee of National Human Rights Institutions;

(e) Observers for the following non-governmental organizations: Amnesty International, Asian Forum for Human Rights and Development, Cairo Institute for Human Rights Studies, General Arab Women Federation, Human Rights Watch, Indian Council of South America, International Commission of Jurists, Mouvement contre le racisme et pour l'amitié entre les peuples, United Nations Watch.

51. At the 7th and 8th meetings, on 5 March 2009, the High Commissioner answered questions.

52. At the 8th meeting, on the same day, the High Commissioner made her concluding remarks.

53. At the 9th meeting, on 6 March 2009, statements in exercise of the right of reply were made by the representatives of Iraq and Sri Lanka.

<sup>4</sup> Observer of the Council speaking on behalf of Member and observer States.

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

54. At the 9th meeting, on 6 March 2009, 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.

55. 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: Azerbaijan, Brazil, Philippines, Russian Federation;

(b) Representatives of the following observer States: Belarus, Kenya, Venezuela (Bolivarian Republic of);

(c) Observer for the United Nations entities, specialized agencies and related organizations: United Nations Development Programme (also on behalf of UNAIDS);

(d) Observer for a non-governmental organization: Nord-Sud XXI.

56. At the 35th meeting, on 23 March 2009, the Deputy High Commissioner presented the reports prepared by OHCHR and the Secretary-General under agenda item 7, which were discussed under the relevant item (see chapter VII).

57. At the 39th meeting, on 25 March 2009, the Deputy High Commissioner presented country-specific reports prepared by the OHCHR.

58. At the same meeting, the representatives of Afghanistan, Bolivia, Colombia, Cyprus, Guatemala and Nepal made statements as concerned countries.

59. Also at the same meeting, the Council held a general debate on country-specific reports, during which the following made statements:

(a) Representatives of States Members of the Council: Canada, Czech Republic<sup>4</sup> (on behalf of the European Union), Switzerland, United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Algeria, Denmark, Finland, Greece, Ireland, Spain, Turkey;

(c) Observers for the following non-governmental organizations: Amnesty International, Colombian Commission of Jurists, Indian Council of South America (also on behalf of the International Human Rights Association of American Minorities).

60. At the same meeting, statements in exercise of the right of reply were made by the representatives of Cyprus, Greece, Nepal and Turkey.

61. Also at the same meeting, statements in exercise of a second right of reply were made by the representatives of Cyprus and Turkey.

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

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

62. At the 42nd meeting, on 26 March 2009, the representative of Cuba introduced draft resolution A/HRC/10/L.21/Rev.1, sponsored by Cuba and co-sponsored by Algeria, Belarus, Bhutan, Bolivia, China, the Democratic People's Republic of Korea, Ecuador, Egypt (on behalf of the Group of African States), Iran (Islamic Republic of), Nicaragua, the

Russian Federation, Sri Lanka, the Syrian Arab Republic, Togo, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe. Subsequently, Angola joined the sponsors.

63. At the same meeting, statements in explanation of vote before the vote were made by the representatives of Canada, Germany (on behalf of States members of the European Union that are members of the Council) and Switzerland.

64. Also at the same meeting, at the request of the representative of Germany (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 33 votes to 12, with 2 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland;

*Abstaining:*

Chile, Republic of Korea.

65. For the text as adopted, see part one, chapter I, resolution 10/5.

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

66. At the 42nd meeting, on 26 March 2009, the representative of Cuba, on behalf of the Non-Aligned Movement, introduced draft resolution A/HRC/10/L.23, sponsored by Cuba (on behalf of the Non-Aligned Movement) and co-sponsored by Bolivia, Panama and Sri Lanka.

67. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/6).

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

#### A. Panels

##### Panel on the rights of persons with disabilities

68. At the 9th and 10th meetings, on 6 March 2009, pursuant to Council resolution 7/9, the Council held a panel discussion on the rights of persons with disabilities. The United Nations High Commissioner for Human Rights made introductory remarks for the panel. The following panellists made statements at the 9th meeting: Amita Dhanda, György Könczei, Edah Wangechi Maina and Barbara Murray.

69. During the ensuing panel discussion, the following made statements and asked the panellists questions:

(a) Sponsor States of resolution 7/9: Mexico and New Zealand;

(b) Representatives of States Members of the Council: Brazil, Burkina Faso, Canada, Chile (on behalf of the Group of Latin American and Caribbean States), China, Cuba (on behalf of the Non-Aligned Movement), Czech Republic<sup>4</sup> (on behalf of the European Union), Indonesia, Italy, Malaysia, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, the Russian Federation, Saudi Arabia, Slovenia, South Africa, Ukraine, Yemen<sup>4</sup> (on behalf of the Group of Arab States);

(c) Representatives of the following observer States: Algeria, Australia, Costa Rica, Iran (Islamic Republic of), Kenya, Morocco, Thailand, Tunisia, Turkey, United States of America, Yemen;

(d) Observer for an intergovernmental organization: European Commission;

(e) Observer for the United Nations entities, specialized agencies and related organizations: United Nations Population Fund;

(f) Observers for national human rights institutions: Advisory Council on Human Rights of Morocco (also on behalf of the Irish Human Rights Commission), Asia Pacific Forum of National Human Rights Institutions;

(g) Observer for a non-governmental organization: European Disability Forum.

70. At the 10th meeting, on 6 March 2009, the panellists answered questions.

71. At the same meeting, the panellists made their concluding remarks.

##### Panel on the right to food

72. At the 12th and 13th meetings, on 9 March 2009, the Council held a panel discussion on the right to food. The High Commissioner made introductory remarks for the panel. At the 12th meeting, the following panellists made statements: Paul Nicholson, Andrea Carmen, David Nabarro, Jean Ziegler and Olivier De Schutter.

73. During the ensuing panel discussion, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Bangladesh, Brazil, Chile (on behalf of the Group of Latin American and Caribbean States), China, Cuba (on behalf of the Non-Aligned Movement), Czech Republic<sup>4</sup> (on behalf of the European Union),

Indonesia, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Republic of Korea, Senegal, South Africa, Switzerland, Yemen<sup>4</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Ethiopia, Iran (Islamic Republic of), Luxembourg, Morocco, Nepal, Norway, Tunisia, Turkey, Yemen;

(c) Observer for the World Trade Organization;

(d) Observers for non-governmental organizations: Amnesty International, Conference of non-governmental organizations in consultative relationship with the United Nations, Europe Third World Centre (also on behalf of seven non-governmental organizations), Indian Council of South America.

74. At the 12th meeting, the panellists answered questions and made comments.

75. At the 13th meeting, the panellists answered questions and made their concluding remarks.

76. At the same meeting, a statement in exercise of the right of reply was made by the representative of the Sudan.

#### **Full-day meeting on the rights of the child**

77. A full-day meeting on the rights of the child was scheduled on 11 March 2009, in accordance with Council resolution 7/29. The meeting was divided into two panel discussions: the first panel discussion was held at the 16th and 17th meetings, on 11 March 2009; the second panel discussion was held at the 17th meeting, on 11 March 2009, and at the 18th meeting, on 12 March 2009.

78. At the 16th meeting, the High Commissioner made introductory remarks for the first panel. At the same meeting, the following panellists of the first panel made statements: Dainius Puras, Philip O'Brien, Asma Jahangir, Alan Kikuchi-White and Maud de Boer-Buquicchio.

79. During the ensuing panel discussion for the first panel at the 16th and 17th meetings, on 11 March 2009, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Azerbaijan, Bangladesh, Burkina Faso, Chile (on behalf of the Group of Latin American and Caribbean States), China, Cuba (on behalf of the Non-Aligned Movement), Czech Republic<sup>4</sup> (on behalf of the European Union), Indonesia, Italy, Japan, Jordan, Malaysia, Netherlands, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Republic of Korea, Russian Federation, Slovakia, Slovenia, Switzerland, Thailand<sup>4</sup> (on behalf of the Association of Southeast Asian Nations (ASEAN)), Yemen<sup>4</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Australia, Belgium, Haiti, Iceland, Iran (Islamic Republic of), Iraq, Kazakhstan, Lithuania, Monaco, New Zealand, Norway, Singapore, Spain, Sudan, Tunisia, Turkey;

(c) Observer for Palestine;

(d) Observers for intergovernmental organizations: European Commission, International Organization of la Francophonie;

(e) Observers for national human rights institutions: Commission on Human Rights of the Philippines, National Human Rights Commission of Korea, Office of the Ombudsman on Children's Rights of Poland;

(f) Observers for the following non-governmental organizations: International Humanist and Ethical Union (also on behalf of the Association for World Education, the World Population Foundation and the World Union for Progressive Judaism), International Save the Children Alliance, Plan International (also on behalf of the International Save the Children Alliance, SOS Kinderdorf International, International Federation Terre des Hommes, the World Organization against Torture and World Vision International), World Organization against Torture (also on behalf of the World Alliance of YMCAs, the Women's World Summit Foundation and the International Catholic Child Bureau).

80. At the 16th meeting, the panellists of the first panel answered questions and made comments.

81. At the 17th meeting, the following panellists of the first panel answered questions and made comments: Mr. Puras, Mr. O'Brien and Mr. Kikuchi-White.

82. At the same meeting, the representative of OHCHR made a statement.

83. At the 17th meeting, the Deputy High Commissioner made introductory remarks for the second panel. The following panellists of the second panel made statements: Anders B. Johnsson, Jorge Freyre and Trond Waage.

84. During the ensuing panel discussion for the second panel at the 17th meeting, on 11 March 2009, and at the 18th meeting, on 12 March 2009, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Bosnia and Herzegovina, Brazil, Canada, Chile, Czech Republic<sup>4</sup> (on behalf of the European Union), France, Germany, India, Indonesia, Japan, Nigeria, Republic of Korea, Qatar, Russian Federation, Slovakia, Slovenia, South Africa, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

(b) Representatives of the following observer States: Australia, Austria, Colombia, Costa Rica, Lithuania, Morocco, Myanmar, Norway, Peru, Poland, Romania, Singapore, Thailand, United Republic of Tanzania, Viet Nam;

(c) Observer for a national human rights institution: Office of the Ombudsman on Children's Rights of Poland;

(d) Observers for the following non-governmental organizations: Defence for Children International (also on behalf of the World Organization against Torture), International Movement ATD Fourth World (also on behalf of the Baha'i International Community, Dominicans for Justice and Peace, Franciscans International, IIMA, the International Catholic Child Bureau, Pax Romana and VIDES International), World Alliance of Young Men's Christian Associations, World Vision International (also on behalf of the Asian Legal Resource Centre, Human Rights Advocates and SOS Kinderdorf International).

85. At the 17th meeting, the panellists of the second panel answered questions and made comments.

86. At the 18th meeting, Mr. Freyre answered questions and made comments.

87. At the same meeting, statements were made by the representative of the United Nations Children's Fund (UNICEF), Kimberly A. Gamble-Payne, and the representative of OHCHR.

88. Also at the same meeting, the President of the Council made concluding remarks on the panel discussions on the rights of the child.

## B. Interactive dialogue with special procedures

### Working Group on Arbitrary Detention

89. At the 11th meeting, on 6 March 2009, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, Manuela Carmena Castrillo, presented her reports (A/HRC/10/21 and Add.1-5).

90. At the same meeting, the representatives of Colombia, Italy, Mauritania and Ukraine made statements as concerned countries.

91. During the ensuing interactive dialogue, at the same meeting, the following made statements and asked the Chairperson-Rapporteur questions:

(a) Representatives of States Members of the Council: Brazil, Canada, Cuba, Czech Republic<sup>4</sup> (on behalf of the European Union), France, Indonesia, Malaysia, Mexico, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Saudi Arabia, Switzerland;

(b) Representatives of the following observer States: Algeria, Iraq, Morocco, Norway, Peru;

(c) Observers for the following non-governmental organizations: Centre for Human Rights and Peace Advocacy, Colombian Commission of Jurists, Friends World Committee for Consultation (also on behalf of Amnesty International), Human Rights Advocates, Nord-Sud XXI, Society for Threatened Peoples.

92. At the same meeting, the Chairperson-Rapporteur answered questions and made her concluding remarks.

93. Also at the same meeting, a statement in exercise of the right of reply was made by the representative of Iraq.

### Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

94. At the 11th meeting, on 6 March 2009, the Chairperson-Rapporteur of the Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, Alexander Nikitin, presented his reports (A/HRC/10/14 and Add.1-3).

95. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland made a statement as a concerned country.

96. During the ensuing interactive dialogue, at the same meeting, the following made statements and asked the Chairperson-Rapporteur questions:

(a) Representatives of States Members of the Council: Brazil, Cuba, Egypt (also on behalf of the Group of African States), Mexico, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, South Africa, Switzerland;

(b) Representatives of the following observer States: Peru, Venezuela (Bolivarian Republic of);

(c) Observer for the International Committee of the Red Cross;

(d) Observers for the following non-governmental organizations: Centre for Human Rights and Peace Advocacy, Human Rights Advocates.

97. At the same meeting, the Chairperson-Rapporteur answered questions and made his concluding remarks.

**Special Rapporteur on the right to food**

98. At the 13th meeting, on 9 March 2009, the Special Rapporteur on the right to food, Olivier De Schutter, presented his reports (A/HRC/10/5 and Add.1 and 2).

99. At the same meeting, the representative of the World Trade Organization made a statement as a concerned party.

100. During the ensuing interactive dialogue at the 13th and 14th meetings, on 9 and 10 March 2009, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Bangladesh, Brazil, Cuba, Czech Republic<sup>4</sup> (on behalf of the European Union), Djibouti, Egypt (also on behalf of the Group of African States), India, Indonesia, Italy, Mauritius, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Russian Federation, Saudi Arabia, Slovenia, Switzerland, Uruguay, Yemen<sup>4</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Australia, Colombia, Iran (Islamic Republic of), Luxembourg, New Zealand, Venezuela (Bolivarian Republic of);

(c) Observer of an intergovernmental organization: European Commission;

(d) Observers for the following non-governmental organizations: Asian Legal Resource Centre, Foodfirst Information and Action Network (also on behalf of the Europe Third World Centre), General Federation of Iraqi Women, Human Rights Advocates, Interfaith International, International Federation of Rural Adult Catholic Movements, Mouvement contre le racisme et pour l'amitié entre les peuples, World Vision International.

101. At the 14th meeting, on 10 March 2009, the Special Rapporteur answered questions and made his concluding remarks.

102. At the 15th meeting, on the same day, a statement in exercise of the right of reply was made by the representative of Algeria.

**Independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation**

103. At the 13th meeting, on 9 March 2009, the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Catarina de Albuquerque, presented her report (A/HRC/10/6).

104. During the ensuing interactive dialogue, at the 13th and 14th meetings, on 9 and 10 March 2009, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: Bangladesh, China, Czech Republic<sup>4</sup> (on behalf of the European Union), Egypt, Germany, Indonesia, Switzerland, Uruguay, Yemen<sup>4</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Iran (Islamic Republic of), Luxembourg, Morocco, Portugal, Spain, Turkey;

(c) Observer for a national human rights institution: Commission on Human Rights of the Philippines;

(d) Observers for the following non-governmental organizations: General Federation of Iraqi Women, Human Rights Advocates.

105. At the 14th meeting, on 10 March 2009, the independent expert answered questions and made her 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**

106. At the 13th meeting, on 9 March 2009, 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/10/7 and Add.1-4).

107. At the same meeting, the representatives of Canada and Maldives made statements as concerned countries.

108. During the ensuing interactive dialogue, at the 13th and 14th meetings, on 9 and 10 March 2009, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Bangladesh, Brazil, Cameroon, Chile, China, Czech Republic<sup>4</sup> (on behalf of the European Union), Djibouti, Indonesia, Mexico, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Qatar, Russian Federation, Switzerland, Yemen<sup>4</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Cambodia, Iran (Islamic Republic of), Morocco, Romania, Turkey;

(c) Observers for the following non-governmental organizations: Amnesty International, Asian Legal Resource Centre, General Federation of Iraqi Women, MINBYUN – Lawyers for a Democratic Society.

109. At the 13th meeting, on 9 March 2009, the Special Rapporteur answered questions and made her concluding remarks.

110. At the 15th meeting, on 10 March 2009, statements in exercise of the right of reply were made by the representatives of Angola and the Republic of Korea.

**Special Rapporteur on the promotion and protection of human rights while countering terrorism**

111. At the 14th meeting, on 10 March 2009, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, Martin Scheinin, presented his reports (A/HRC/10/3 and Add.1 and 2).

112. At the same meeting, the representative of Spain made a statement as a concerned country.

113. During the ensuing interactive dialogue, at the 15th meeting, on the same day, and at the 18th meeting, on 12 March 2009, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Brazil, China, Cuba, Czech Republic<sup>4</sup> (on behalf of the European Union), Indonesia, Mexico, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Saudi Arabia, Slovenia, South Africa, Switzerland, United Kingdom of Great Britain and Northern Ireland, Yemen<sup>4</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Austria, Denmark, Finland, Iceland, New Zealand, Norway, Peru, Sri Lanka, Thailand, Tunisia, United Republic of Tanzania, United States of America, Venezuela (Bolivarian Republic of), Yemen;

(c) Observers for national human rights institutions: Commission on Human Rights of the Philippines, German Institute for Human Rights (also on behalf of the national

human rights institutions of Afghanistan, Canada, Denmark, France, Greece, Mexico and Norway), Spanish Office of the Ombudsman;

(d) Observers for the following non-governmental organizations: China NGO Network for International Exchanges, Fundacion Para la Libertad, Human Rights Watch, International Commission of Jurists, International Federation of Human Rights Leagues, International Federation of Journalists, Marangopoulos Foundation for Human Rights.

114. At the 15th meeting, on 10 March 2009, the Special Rapporteur answered questions and made his concluding remarks.

### **Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

115. At the 14th meeting, on 10 March 2009, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, presented his reports (A/HRC/10/44, Corr.1 and Add.1-5).

116. At the 15th meeting, on the same day, the representatives of Equatorial Guinea and the Republic of Moldova made statements as concerned countries.

117. During the ensuing interactive dialogue, at the 15th meeting, on the same day, and at the 18th meeting, on 12 March 2009, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Bangladesh, Brazil, China, Cuba, Czech Republic<sup>4</sup> (on behalf of the European Union), Egypt, Indonesia, Malaysia, Mexico,<sup>4</sup> Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Saudi Arabia, Switzerland, Uruguay, Yemen<sup>4</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Austria, Botswana, Denmark, Iran (Islamic Republic of), Jamaica, Luxembourg, Nepal, New Zealand, Norway, Singapore, Spain, Sudan, Thailand, United States of America, Venezuela (Bolivarian Republic of);

(c) Observers for national human rights institutions: Commission on Human Rights of the Philippines, Georgian Office of the Ombudsman;

(d) Observers for the following non-governmental organizations: Asian Legal Resource Centre, Colombian Commission of Jurists, General Federation of Iraqi Women, International Harm Reduction Association (also on behalf of Human Rights Watch), Union of Arab Jurists, World Organization against Torture (also on behalf of International Federation of Action by Christians for the Abolition of Torture).

118. At the 18th meeting, on 12 March 2009, the Special Rapporteur answered questions and made his concluding remarks.

119. At the 20th meeting, on the same day, a statement in exercise of the right of reply was made by the representative of Iraq.

### **Working Group on Enforced or Involuntary Disappearances**

120. At the 14th meeting, on 10 March 2009, the Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Santiago Corcuera, presented his reports (A/HRC/10/9 and Add.1).

121. At the 15th meeting, on the same day, the representative of Argentina made a statement as a concerned country.

122. During the ensuing interactive dialogue, at the 15th meeting, and at the 18th meeting, on 12 March 2009, the following made statements and asked the Chairperson-Rapporteur questions:

(a) Representatives of States Members of the Council: Bolivia, Brazil, Canada, China, Czech Republic<sup>4</sup> (on behalf of the European Union), France, Japan, Mexico, Uruguay;

(b) Representatives of the following observer States: Algeria, Iraq, Morocco, Nepal, Sri Lanka, Sudan, Thailand;

(c) Observers for national human rights institutions: Commission on Human Rights of the Philippines, Georgian Office of the Ombudsman;

(d) Observers for the following non-governmental organizations: Asian Legal Resource Centre, Colombian Commission of Jurists, International Commission of Jurists, Permanent Assembly for Human Rights.

123. At the 18th meeting, on 12 March 2009, the Chairperson-Rapporteur answered questions and made his concluding remarks.

124. At the 20th 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, Japan and Sri Lanka.

125. 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.

#### **Special Rapporteur on the freedom of religion or belief**

126. At the 19th meeting, on 12 March 2009, the Special Rapporteur on the freedom of religion or belief, Asma Jahangir, presented her reports (A/HRC/10/8 and Add.1-4) and the notes by the Secretariat (A/HRC/7/10 and Add.1-4).

127. At the same meeting, the representatives of Angola, India, Israel, Tajikistan, Turkmenistan and the United Kingdom of Great Britain and Northern Ireland made statements as concerned countries. The representative of Palestine made a statement as a concerned party.

128. During the ensuing interactive dialogue, at the 19th and 20th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Azerbaijan, Brazil, Canada, Chile, China, Czech Republic<sup>4</sup> (on behalf of the European Union), Egypt, Indonesia, Italy, Malaysia, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Switzerland, Yemen<sup>4</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Australia, Denmark, Iran (Islamic Republic of), Kazakhstan, Kuwait, Luxembourg, New Zealand, Sri Lanka, United States of America, Venezuela (Bolivarian Republic of);

(c) Observers for the following non-governmental organizations: Amnesty International, Baha'i International Community, Cairo Institute for Human Rights Studies, European Centre for Law and Justice.

129. At the 20th meeting, on the same day, the Special Rapporteur answered questions and made her concluding remarks.

130. At the same meeting, statements in exercise of the right of reply were made by the representatives of Egypt and the Islamic Republic of Iran.

**Special Rapporteur on human rights defenders**

131. At the 19th meeting, on 12 March 2009, the Special Rapporteur on human rights defenders, Margaret Sekaggya, presented her reports (A/HRC/10/12 and Add.1-3).

132. At the same meeting, the representatives of Togo and Guatemala made statements as concerned countries.

133. During the ensuing interactive dialogue at the 19th and 20th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Argentina, Bangladesh, Brazil, Canada, Chile, China, Czech Republic<sup>4</sup> (on behalf of the European Union), Djibouti, Germany, Malaysia, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Korea, Russian Federation, United Kingdom of Great Britain and Northern Ireland, Zambia;

(b) Representatives of the following observer States: Algeria, Armenia, Australia, Colombia, Iran (Islamic Republic of), Ireland, New Zealand, Norway, Serbia, Sri Lanka, Sweden, Thailand, Tunisia, Uganda, United States of America, Uzbekistan, Venezuela (Bolivarian Republic of);

(c) Observer for a national human rights institution: Commission nationale des droits de l'homme du Togo;

(d) Observers for the following non-governmental organizations: Amnesty International, Asian Forum for Human Rights and Development, Colombia Commission of Jurists, France Libertés, International Service for Human Rights, World Organization against Torture (also on behalf of the International Federation of Human Rights Leagues).

134. At the 20th meeting, on the same day, the Special Rapporteur answered questions and made her concluding remarks.

135. At the same meeting, a statement in exercise of the right of reply was made by the representative of Morocco.

**Representative of the Secretary-General on the human rights of internally displaced persons**

136. At the 20th meeting, on 12 March 2009, the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, presented his reports (A/HRC/10/13 and Add.1-4).

137. At the 21st meeting, on 13 March 2009, the representatives of Georgia and Chad made statements as concerned countries.

138. During the ensuing interactive dialogue, at the 21st and 22nd meetings, on the same day, the following made statements and asked the Representative of the Secretary-General questions:

(a) Representatives of States Members of the Council: Azerbaijan, Bosnia and Herzegovina, Canada, Chile, Czech Republic<sup>4</sup> (on behalf of the European Union), Indonesia, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Republic of Korea, Russian Federation, Switzerland, United Kingdom of Great Britain and Northern Ireland, Yemen<sup>4</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Armenia, Austria, Colombia, Sri Lanka, Sudan, Sweden, Timor-Leste;

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

(d) Observers for national human rights institutions: Commission on Human Rights of the Philippines, Georgian Office of the Ombudsman;

(e) Observers for the following non-governmental organizations: Amnesty International, Asian Forum for Human Rights and Development, Cairo Institute for Human Rights Studies, Colombian Commission of Jurists, Human Rights Watch, International Movement against All Forms of Discrimination and Racism, Norwegian Refugee Council.

139. At the 22nd meeting, on the same day, the Representative of the Secretary-General answered questions and made his concluding remarks.

#### **Special Rapporteur on trafficking in persons, especially women and children**

140. At the 20th meeting, on 12 March 2009, the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, presented her report (A/HRC/10/16 and Corr.1).

141. During the ensuing interactive dialogue, at the 21st and 22nd meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Azerbaijan, Bangladesh, China, Egypt, Indonesia, Japan, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Qatar, Russian Federation, Switzerland, Yemen<sup>4</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Australia, Belarus, Costa Rica, Iceland, Israel, Liechtenstein, Norway, Spain, Thailand, United Arab Emirates, United Republic of Tanzania;

(c) Observer for a national human rights institution: Commission on Human Rights of the Philippines;

(d) Observers for the following non-governmental organizations: Centre for Human Rights and Peace Advocacy, Franciscans International (also on behalf of the Global Alliance against Traffic in Women), World Vision International (also on behalf of International Catholic Child Bureau, ECPAT International and Plan International).

142. At the 22nd meeting, on the same day, the Special Rapporteur answered questions and made her concluding remarks.

#### **Independent expert on minority issues**

143. At the 21st meeting, on 13 March 2009, the independent expert on minority issues, Gay McDougall, presented her reports (A/HRC/10/11 and Add.1-3).

144. At the same meeting, the representatives of Greece and Guyana made statements as concerned countries.

145. During the ensuing interactive dialogue, at the 21st and 22nd meetings, on the same day, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: China, Czech Republic<sup>4</sup> (on behalf of the European Union), Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation;

(b) Representatives of the following observer States: Austria, Iraq, Latvia, the former Yugoslav Republic of Macedonia, Turkey;

(c) Observers for the following non-governmental organizations: China Association for Protection and Development of Tibetan Culture, China Society for Human Rights Studies.

146. At the 22nd meeting, on the same day, the independent expert answered questions and made her concluding remarks.

### **C. Special Adviser of the Secretary-General on the Prevention of Genocide**

147. At the 20th meeting, on 12 March 2009, the Special Adviser of the Secretary-General on the Prevention of Genocide, Francis Deng, made a statement and presented his report (A/HRC/10/30).

148. At the 21st meeting, on 13 March 2009, the representatives of the Democratic Republic of the Congo, Kenya and the Sudan made statements as concerned countries.

149. During the ensuing interactive dialogue, at the 21st and 22nd meetings, on the same day, the following made statements and asked the Special Adviser questions:

(a) Representatives of States Members of the Council: Argentina, Azerbaijan, Canada, Czech Republic<sup>4</sup> (on behalf of the European Union), Switzerland;

(b) Representatives of the following observer States: Armenia, Rwanda, Sri Lanka, Turkey, United States of America;

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

(d) Observers for the following non-governmental organizations: Arab Commission for Human Rights, Centre for Human Rights and Peace Advocacy.

150. At the 22nd meeting, on the same day, the Special Adviser answered questions and made his concluding remarks.

### **D. General debate on agenda item 3**

151. At the 23rd and 24th meetings, on 16 March 2009, the Council held a general debate on agenda item 3, during which the following made statements:

(a) Representatives of States Members of the Council: Brazil, Burkina Faso, Canada, Chile (on behalf of the Group of Latin American and Caribbean States), China, Cuba, Czech Republic<sup>4</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), France, Italy, New Zealand<sup>4</sup> (on behalf of 82 States), Nigeria, Pakistan, Philippines, Russian Federation, Slovenia, Switzerland;

(b) Representatives of the following observer States: Algeria, Bhutan, Botswana, Costa Rica, Denmark, Iceland, Iran (Islamic Republic of), Iraq, Israel, Maldives, Morocco, Singapore, the former Yugoslav Republic of Macedonia, Turkey, United States of America;

(c) Observer for the Holy See;

(d) Observer for an intergovernmental organization: African Union;

(e) Observers for the United Nations entities, specialized agencies and related organizations: United Nations Population Fund, World Bank Group, World Food Programme;

(f) Observers for the following non-governmental organizations: Al-Hakim Foundation, Arab Commission for Human Rights, Asian Forum for Human Rights and Development, Asia Pacific Forum on Women, Law and Development (also on behalf of the Asian Forum for Human Rights and Development and International Service for Human

Rights), Association for World Education (also on behalf of the International Humanist and Ethical Union), Association of World Citizens, Becket Fund for Religious Liberty, Cairo Institute for Human Rights Studies, Centrist Democratic International, Cercle de recherche sur les droits et les devoirs de la personne humaine (also on behalf of ACAPROCE International), China NGO Network for International Exchanges, Civicus-World Alliance for Citizen Participation, Commission to Study the Organization of Peace, European Bureau for Lesser Used Languages, European Union of Public Relations, Federation of Associations of Promotion and Protection of Human Rights, Fraternité Notre Dame, Friends World Committee for Consultation (also on behalf of Conscience and Peace Tax International), General Arab Women Federation, General Federation of Iraqi Women, Helsinki Foundation for Human Rights, Human Rights Advocates, Indian Council of South America, Institute for Women Study and Research, Interfaith International, International Association against Torture, International Club for Peace Research (also on behalf of the European Union of Public Relations), International Educational Development, International Federation of Action by Christians for the Abolition of Torture, International Fellowship of Reconciliation, International Human Rights Association of American Minorities, International Humanist and Ethical Union (also on behalf of the World Union for Progressive Judaism), International Institute for Non-Aligned Studies, International Islamic Federation of Student Organizations, International Work Group for Indigenous Affairs (also on behalf of the Russian Association of Indigenous Peoples of the Nord and the Tebtebba Foundation), Iranian Elite Research Center, Mbororo Social and Cultural Development Association, Nord-Sud XXI, Organization for Defending Victims of Violence, Permanent Assembly for Human Rights, Rencontre africaine pour la défense des droits de l'homme, Reporters Without Borders, Society for Threatened Peoples, Union de l'action féminine, Union of Arab Jurists, United Nations Watch, World Alliance of Young Men's Christian Associations, World for World Organization, World Population Foundation (also on behalf of the Association for World Education, the International Humanist and Ethical Union and the World Union for Progressive Judaism), World Union for Progressive Judaism (also on behalf of the Association for World Education and the International Humanist and Ethical Union).

152. At the 24th meeting, statements in exercise of the right of reply were made by the representatives of Algeria, Georgia, Greece, Iraq, Kazakhstan, Morocco, the Republic of Korea, the Russian Federation, Sri Lanka, the former Yugoslav Republic of Macedonia and Uzbekistan.

153. At the same meeting, statements in exercise of a second right of reply were made by the representatives of Algeria, Georgia, Greece, Morocco, the Russian Federation and the former Yugoslav Republic of Macedonia.

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

### **Question of the realization in all countries of economic, social and cultural rights: follow-up to Human Rights Council resolution 4/1**

154. At the 41st meeting, on 25 March 2009, the representative of Portugal introduced draft resolution A/HRC/10/L.14, sponsored by Portugal and co-sponsored by Austria, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Cameroon, Chile, Croatia, Cuba, Cyprus, Djibouti, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, the Netherlands, Panama, Peru, Romania, the Russian Federation, Serbia, Slovakia, Slovenia, Spain, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of) and Zambia. Subsequently, Angola,

Armenia, Azerbaijan, Burkina Faso, Poland, the Republic of Moldova, Senegal, Switzerland and the former Yugoslav Republic of Macedonia joined the sponsors.

155. At the same meeting, the representative of Portugal orally revised the draft resolution by modifying paragraph 3, and explained that the report requirement in paragraph 10 of the draft resolution replaced the report requirement in Council resolution 4/1.

156. The draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/1).

#### **Human rights in the administration of justice, in particular juvenile justice**

157. At the 41st meeting, on 25 March 2009, the representative of Austria introduced draft resolution A/HRC/10/L.15, sponsored by Austria and co-sponsored by Argentina, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Romania, the Russian Federation, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Albania, Andorra, Australia, Azerbaijan, Ecuador, Iceland, Israel, Maldives, the Republic of Moldova, Thailand and the former Yugoslav Republic of Macedonia joined the sponsors.

158. The draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/2).

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

159. At the 41st meeting, on 25 March 2009, the representative of Costa Rica introduced draft resolution A/HRC/10/L.17, sponsored by Costa Rica, Italy, Morocco and Switzerland and co-sponsored by Argentina, Austria, Bolivia, Chile, the Congo, Cuba, Cyprus, Democratic Republic of the Congo, the Dominican Republic, Ecuador, Guatemala, Nicaragua, Panama, Slovenia, Spain, Turkey, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Angola, Armenia, Bahrain, Belgium, Brazil, Burkina Faso, Cameroon, Colombia, Côte d'Ivoire, Croatia, Djibouti, El Salvador, Honduras, Japan, Mauritania, Mexico, Nigeria, Peru, Portugal, the Republic of Korea, the Republic of Moldova, Saudi Arabia, Senegal, Slovakia, Sri Lanka, South Africa, the Syrian Arab Republic, Thailand, Ukraine, Yemen, Zambia and Zimbabwe joined the sponsors.

160. The draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/3).

#### **Human rights and climate change**

161. At the 41st meeting, on 25 March 2009, the representative of Maldives introduced draft resolution A/HRC/10/L.30, sponsored by Maldives and co-sponsored by Austria, Belgium, Bhutan, Bolivia, Comoros, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, El Salvador, Finland, Germany, Greece, Guatemala, Indonesia, Ireland, Italy, Kenya, Malta, Mauritius, Monaco, New Zealand, Norway, Panama, Peru, the Philippines, Portugal, Samoa, Seychelles, Singapore, Slovenia, the Solomon Islands, Sri Lanka, Switzerland, Tuvalu, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Zambia. Subsequently, Albania, Australia, Azerbaijan, Bangladesh, Bulgaria, Burkina Faso, Cameroon, Cape Verde, Chile, Djibouti, Egypt, Estonia, Fiji, France, Gambia, Ghana, Haiti, Honduras, India, Israel, Latvia, Luxembourg, Madagascar, the Marshall Islands, Mauritania, Micronesia (Federated States of), Montenegro, Mozambique, Nauru, Nepal, the

Netherlands, Nicaragua, Nigeria, Pakistan, Palau, Palestine, Papua New Guinea, Poland, Senegal, Slovakia, Somalia, Spain, Suriname, the Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Uganda, Vanuatu and Ukraine joined the sponsors.

162. The draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/4).

#### **Human rights of persons with disabilities: national frameworks for the promotion and protection of the human rights of persons with disabilities**

163. At the 42nd meeting, on 26 March 2009, the representative of New Zealand (also on behalf of Mexico) introduced draft resolution A/HRC/10/L.13, sponsored by Mexico and New Zealand and co-sponsored by Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Canada, Chile, Costa Rica, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, Ecuador, El Salvador, Finland, France, Germany, Guatemala, Ireland, Latvia, Lithuania, the Netherlands, Nicaragua, Norway, Panama, Peru, Portugal, Romania, Serbia, Slovenia, Spain, Sweden, Turkey, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Albania, Andorra, Angola, Armenia, Azerbaijan, Brazil, Bulgaria, Burkina Faso, Côte d'Ivoire, Egypt, Estonia, Greece, Hungary, Iceland, Israel, Italy, Jordan, Luxembourg, Maldives, Morocco, Nigeria, the Philippines, the Republic of Korea, the Republic of Moldova, Senegal, Slovakia, South Africa, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, the United States of America and Venezuela (Bolivarian Republic of) joined the sponsors.

164. At the same meeting, the representative of New Zealand orally revised the draft resolution by modifying paragraph 3.

165. The draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/7).

#### **Draft United Nations guidelines for the appropriate use and conditions of alternative care for children**

166. At the 42nd meeting, on 26 March 2009, the representative of Brazil introduced draft resolution A/HRC/10/L.18, sponsored by Brazil and co-sponsored by Angola, Austria, Bolivia, Burkina Faso, Cameroon, Chile, Colombia, the Congo, Costa Rica, Cuba, Ecuador, Egypt, Finland, Guatemala, Italy, Morocco, the Netherlands, Nicaragua, Palestine, Panama, Peru, the Philippines, Portugal, Slovakia, South Africa, Spain, Tunisia, Ukraine, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Algeria, Argentina, Iceland, Israel, Senegal, Slovenia and Switzerland joined the sponsors.

167. The draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/8).

#### **Arbitrary detention**

168. At the 42nd meeting, on 26 March 2009, the representative of France introduced draft resolution A/HRC/10/L.19, sponsored by France and co-sponsored by Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Estonia, Finland, Germany, Greece, Guatemala, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Monaco, the Netherlands, Norway, Peru, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Albania, Andorra, Argentina, Armenia, Australia, Colombia, Iceland, Israel, Liechtenstein, Maldives, New Zealand, the Republic of Korea, the former Yugoslav Republic of Macedonia and the United States of America joined the sponsors.

169. The draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/9).

#### **Enforced or involuntary disappearances**

170. At the 42nd meeting, on 26 March 2009, the representative of France introduced draft resolution A/HRC/10/L.20, sponsored by France and co-sponsored by Argentina, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Estonia, Finland, Germany, Greece, Guatemala, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Monaco, the Netherlands, Norway, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Albania, Andorra, Armenia, Colombia, Hungary, Iceland, Ireland, Israel, Liechtenstein, Maldives, Morocco, Peru, Poland, Thailand and the former Yugoslav Republic of Macedonia joined the sponsors.

171. At the same meeting, the representative of France orally revised the draft resolution by modifying the seventh preambular paragraph and paragraph 11, and deleting paragraph 12.

172. The draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/10).

#### **The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination**

173. At the 42nd meeting, on 26 March 2009, the representative of Cuba introduced draft resolution A/HRC/10/L.24, sponsored by Cuba and co-sponsored by Belarus, Bolivia, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Djibouti, Ecuador, Ethiopia, Nicaragua, the Russian Federation, the Syrian Arab Republic, Uruguay and Zimbabwe. Subsequently, Algeria, Angola and Venezuela (Bolivarian Republic of) joined the sponsors.

174. 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).

175. At the same meeting, a statement in explanation of vote before the vote was made by the representative of Germany, on behalf of States members of the European Union that are members of the Council.

176. Also at the same meeting, at the request of the representative of Germany (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 32 votes to 12, with 3 abstentions. The voting was as follows:

##### *In favour:*

Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

##### *Against:*

Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland;

*Abstaining:*

Chile, Mexico, Switzerland.

177. At the 44th meeting, on 27 March 2009, a statement in explanation of vote after the vote was made by the representative of Mexico. For the text as adopted, see part one, chapter I, resolution 10/11.

**The right to food**

178. At the 42nd meeting, on 26 March 2009, the representative of Cuba introduced draft resolution A/HRC/10/L.25, sponsored by Cuba and co-sponsored by Angola, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, China, Côte d'Ivoire, Croatia, Cyprus, the Democratic People's Republic of Korea, Djibouti, the Dominican Republic, Ecuador, Ethiopia, Guatemala, Haiti, Indonesia, Iran (Islamic Republic of), Ireland, Malaysia, Nicaragua, Norway, Palestine, Panama, Pakistan, Peru, the Philippines, Portugal, Serbia, Slovenia, Spain, Sri Lanka, Switzerland, the Syrian Arab Republic, Togo, Venezuela (Bolivarian Republic of), Viet Nam, Zambia and Zimbabwe. Subsequently, Algeria, Burkina Faso, El Salvador, Honduras, Japan, Kenya, Luxembourg, Mauritius, Mexico, Mozambique, Nigeria, Senegal, the former Yugoslav Republic of Macedonia, Turkey and Ukraine joined the sponsors.

179. At the same meeting, the representative of Cuba orally revised the draft resolution by modifying paragraph 23.

180. The draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/12).

181. At the 44th meeting, on 27 March 2009, statements in explanation of vote after the vote were made by the representatives of Canada, Chile and the United Kingdom of Great Britain and Northern Ireland.

**Human rights and arbitrary deprivation of nationality**

182. At the 42nd meeting, on 26 March 2009, the representative of the Russian Federation introduced draft resolution A/HRC/10/L.35, sponsored by the Russian Federation and co-sponsored by Belarus, Cuba, Serbia and Uzbekistan. Subsequently, Sri Lanka joined the sponsors.

183. At the same meeting, the representative of the Russian Federation orally revised the draft resolution by modifying the twelfth preambular paragraph and moving paragraph 9 to the end of the thirteenth preambular paragraph.

184. The draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/13).

**Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto**

185. At the 43rd meeting, on 26 March 2009, the representative of the Czech Republic, on behalf of the European Union, the Group of Latin American Countries and co-sponsors, introduced draft resolution A/HRC/10/L.29, sponsored by the Czech Republic and co-sponsored by Andorra, Argentina, Armenia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, the Netherlands, New Zealand, Nicaragua, Panama, Peru, the Philippines, Poland, Portugal, the Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Ukraine, the

United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Albania, Azerbaijan, Canada, Israel, Japan, Liechtenstein, Maldives, Morocco, Senegal, Thailand and the former Yugoslav Republic of Macedonia joined the sponsors.

186. At the same meeting, the representative of the Czech Republic orally revised the draft resolution by modifying paragraphs 2, 5, 7, 9, 10, 12 and 13, and adding new paragraphs 17 and 18.

187. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/14).

#### **Protection of human rights and fundamental freedoms while countering terrorism**

188. At the 43rd meeting, on 26 March 2009, the representative of Mexico introduced draft resolution A/HRC/10/L.31, sponsored by Mexico and co-sponsored by Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Finland, France, Guatemala, Iceland, Japan, Liechtenstein, the Netherlands, Norway, Panama, Peru, Poland, Portugal, Slovenia, Spain, Sweden, Switzerland, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Armenia, Australia, Colombia, Egypt, Estonia, Germany, Ireland, Israel, Latvia, Lithuania, Luxembourg, New Zealand, the Republic of Moldova, Romania, the Russian Federation, Serbia, Slovakia, the former Yugoslav Republic of Macedonia, the United States of America and Uruguay joined the sponsors.

189. At the same meeting, the representative of Mexico orally revised the draft resolution.

190. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/15).

#### **Independent expert in the field of cultural rights**

191. At the 43rd meeting, on 26 March 2009, the representative of Cuba introduced draft resolution A/HRC/10/L.26, sponsored by Cuba and co-sponsored by Belarus, Bolivia, China, the Democratic People's Republic of Korea, Ecuador, Iran (Islamic Republic of), Mexico, the Syrian Arab Republic, Togo, Venezuela (Bolivarian Republic of) and Viet Nam. Subsequently, El Salvador joined the sponsors.

192. At the same meeting, the representative of Cuba orally revised the draft resolution by modifying the title, the third and the sixth preambular paragraphs, paragraphs 2, 6, 10 and 11, and deleting paragraph 7.

193. Also at the same meeting, the representative of Germany, on behalf of States members of the European Union that are members of the Council, made a general comment in relation to the draft resolution.

194. 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).

195. The draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/23).

196. At the 44th meeting, on 27 March 2009, statements in explanation of vote after the vote were made by the representatives of Canada and Switzerland.

**Torture and other cruel, inhuman or degrading treatment or punishment: the role and responsibility of medical and other health personnel**

197. At the 44th meeting, on 27 March 2009, the representative of Denmark introduced draft resolution A/HRC/10/L.32, sponsored by Denmark and co-sponsored by Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, the Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Andorra, Armenia, Ecuador, Israel, Japan, the Republic of Korea and the United States of America joined the sponsors.

198. At the same meeting, the representative of Denmark orally revised the draft resolution by modifying paragraphs 11 and 17.

199. At the same meeting, a statement in explanation of vote before the vote was made by the representative of Egypt, who proposed that the Council should vote separately on whether to keep paragraph 18 as part of the draft resolution for further action.

200. Also at the same meeting, at the request of the representative of Egypt, a recorded vote was taken on whether to keep paragraph 18 of the draft resolution. As a result of the vote, the paragraph was kept as part of the draft resolution for further action, by 27 votes to 10, with 10 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bolivia, Bosnia and Herzegovina, Brazil, Cameroon, Canada, Chile, France, Gabon, Germany, Italy, Japan, Madagascar, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

*Against:*

Bahrain, Bangladesh, China, Djibouti, Egypt, India, Malaysia, Pakistan, Qatar, Saudi Arabia;

*Abstaining:*

Azerbaijan, Burkina Faso, Cuba, Ghana, Indonesia, Jordan, Philippines, Russian Federation, Senegal, South Africa.

201. At the same meeting, statements on the modality of application of rule 129 of the rules of procedure of the General Assembly were made by the representatives of Egypt, Mexico, the Netherlands and Switzerland.

202. At the same meeting, a recorded vote was taken on draft resolution A/HRC/10/L.32. The draft resolution, as orally revised, was adopted by 34 votes to 0, with 13 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Azerbaijan, Bolivia, Bosnia and Herzegovina, Brazil, Burkina Faso, Cameroon, Canada, Chile, Cuba, France, Gabon, Germany, Indonesia, Italy, Japan, Madagascar, Mauritius, Mexico, Netherlands, Nicaragua, Nigeria, Philippines, Republic of Korea, Russian Federation, Slovakia, Slovenia, South Africa, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

*Abstaining:*

Bahrain, Bangladesh, China, Djibouti, Egypt, Ghana, India, Jordan, Malaysia, Pakistan, Qatar, Saudi Arabia, Senegal.

203. At the same meeting, a statement in explanation of vote after the vote was made by the representative of Uruguay. For the text as adopted, see part one, chapter I, resolution 10/24.

**Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights**

204. At the 44th meeting, on 27 March 2009, the representative of the Czech Republic, on behalf of the European Union and co-sponsors, introduced draft resolution A/HRC/10/L.34, sponsored by the Czech Republic and co-sponsored by Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, New Zealand, Peru, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Andorra, Chile, El Salvador, Iceland, Israel, Japan, Montenegro, the Republic of Korea, Thailand, the former Yugoslav Republic of Macedonia and Ukraine joined the sponsors.

205. At the same meeting, the representative of the Czech Republic orally revised the draft resolution by adding three new preambular paragraphs after the eighth preambular paragraph and by modifying paragraph 5 (c).

206. Also at the same meeting, the representative of Pakistan, on behalf of the Organization of the Islamic Conference, made a general comment on the draft resolution.

207. At the same meeting, statements in explanation of vote before the vote were made by the representatives of Cuba, Indonesia, Malaysia, the Russian Federation and South Africa.

208. Also at the same meeting, at the request of the representative of Pakistan, on behalf of the Organization of the Islamic Conference, a recorded vote was taken on the draft resolution, which was adopted by 22 votes to 1, with 24 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Brazil, Canada, Chile, France, Germany, India, Italy, Japan, Mauritius, Mexico, Netherlands, Nicaragua, Republic of Korea, Russian Federation, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay;

*Against:*

South Africa;

*Abstaining:*

Azerbaijan, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Indonesia, Jordan, Madagascar, Malaysia, Nigeria, Pakistan, Philippines, Qatar, Saudi Arabia, Senegal, Zambia.

209. For the text as adopted, see part one, chapter I, resolution 10/25.

**Forensic genetics and human rights**

210. At the 44th meeting, on 27 March 2009, the representative of Argentina introduced draft resolution A/HRC/10/L.36, sponsored by Argentina and co-sponsored by Austria,

Belgium, Bolivia, Brazil, Canada, Chile, Costa Rica, Cyprus, Denmark, the Dominican Republic, Ecuador, Egypt, Finland, France, Germany, Guatemala, Ireland, Italy, Latvia, Peru, Poland, Portugal, Serbia, Spain, Switzerland, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Bahrain, Bosnia and Herzegovina, Colombia, Croatia, Israel, Japan, Luxembourg, Mexico, Montenegro, Morocco, the Republic of Korea, Romania, Saudi Arabia, Slovenia, South Africa, Ukraine and the United States of America joined the sponsors.

211. At the same meeting, the representative of Chile made a general comment on the draft resolution.

212. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/26).

## **IV. Human rights situations that require the Council's attention**

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

213. At the 24th meeting, on 16 March 2009, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Vitit Muntarbhorn, presented his report (A/HRC/10/18).

214. At the same meeting, the representative of the Democratic People's Republic of Korea made a statement as the concerned country.

215. 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: Canada, Chile, China, Cuba, Czech Republic<sup>4</sup> (on behalf of the European Union), Japan, Republic of Korea, Russian Federation, Switzerland, United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Australia, Lao People's Democratic Republic, New Zealand, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, United States of America;

(c) Observer for a non-governmental organization: Human Rights Watch.

216. At the same meeting, the Special Rapporteur answered questions and made his concluding remarks.

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

217. At the 25th meeting, on 17 March 2009, the Special Rapporteur on the situation of human rights in Myanmar, Thomás Ojea Quintana, presented his report (A/HRC/10/19).

218. At the same meeting, the representative of Myanmar made a statement as the concerned country.

219. 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, Canada, China, Czech Republic<sup>4</sup> (on behalf of the European Union), India, Indonesia, Italy, Japan, Malaysia, Philippines, Republic of Korea, Russian Federation, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Australia, Lao People's Democratic Republic, New Zealand, Norway, Singapore, Sweden, Thailand, United States of America;

(c) Observers for the following non-governmental organizations: Asian Forum for Human Rights and Development (also on behalf of Conectas Direitos Humanos), Asian Legal Resource Centre, Worldview International Foundation.

220. At the same meeting, the Special Rapporteur answered questions and made his concluding remarks.

### C. Follow-up to Human Rights Council resolutions 7/20 and S-8/1

221. At the 25th meeting, on 17 March 2009, the Deputy High Commissioner for Human Rights introduced the report of the High Commissioner on the situation of human rights and the activities of OHCHR in the Democratic Republic of the Congo (A/HRC/10/58), submitted in accordance with Council resolutions 7/20 and S-8/1.

222. At the same meeting, 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 on technical assistance to the Government of the Democratic Republic of the Congo and urgent examination of the situation in the east of the country (A/HRC/10/59), submitted in accordance with Council resolutions 7/20 and S-8/1.

223. Also at the same meeting, the representative of the Democratic Republic of the Congo made a statement as the concerned country.

224. During the ensuing interactive dialogue, at the 25th and 26th meetings, on the same day, the following made statements and asked the Representative of the Secretary-General questions:

(a) Representatives of States Members of the Council: Angola, Canada, Chile, Czech Republic<sup>4</sup> (on behalf of the European Union), Djibouti, Egypt (on behalf of the Group of African States), Japan, Netherlands, Russian Federation, Switzerland, United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Algeria, Congo, Luxembourg, New Zealand, Norway, Tunisia, Uganda, United States of America;

(c) Observers for the following non-governmental organizations: Amnesty International, Human Rights Watch, International Commission of Jurists, International Federation of Human Rights Leagues, World Organization against Torture (also on behalf of International Federation of Action by Christians for the Abolition of Torture and Franciscans International).

225. At the 26th meeting, on the same day, the Representative of the Secretary-General answered questions and made his concluding remarks.

### D. General debate on agenda item 4

226. At its 26th meeting, on 17 March 2009, and its 33rd meeting, on 23 March 2009, the Council held a general debate on agenda item 4, during which the following made statements:

(a) Representatives of States Members of the Council: Canada, China, Czech Republic<sup>4</sup> (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Iceland, Montenegro and the former Yugoslav Republic of Macedonia), France, Germany, Japan, Netherlands, Switzerland, United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Algeria, Australia, Democratic People's Republic of Korea, Iran (Islamic Republic of), Ireland, Israel, Morocco, New Zealand, Sweden, United States of America;

(c) 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), Agir ensemble pour les droits de l'homme, Amnesty International, Asian Forum for Human Rights and Development (also on behalf of the

Asian Legal Resource Centre), Asian Indigenous and Tribal Peoples Network, Asian Legal Resource Centre, Baha'i International Community, Cairo Institute for Human Rights Studies, Catholic Organization for Relief and Development, Cercle de recherche sur les droits et les devoirs de la personne humaine, Comité international pour le respect et l'application de la Charte africaine des droits de l'homme et des peuples, Conectas Direitos Humanos (also on behalf of the Asian Forum for Human Rights and Development and the Cairo Institute for Human Rights Studies), Europe Third World Centre (also on behalf of the Foodfirst Information and Action Network, the International Association of Democratic Lawyers, Mouvement contre le racisme et pour l'amitié entre les peuples and the Women's International League for Peace and Freedom), France Libertés, Franciscans International (also on behalf of Pax Romana), Helsinki Foundation for Human Rights, Human Rights Watch, Indian Council of South America, International Commission of Jurists, International Democratic Centre, International Educational Development, International Federation of Action by Christians for the Abolition of Torture, International Federation of Human Rights Leagues, International Fellowship of Reconciliation, International Human Rights Association of American Minorities, International Organization for the Elimination of All Forms of Racial Discrimination, International Peace Bureau, International Youth and Student Movement for the United Nations, Liberation, Mbororo Social and Cultural Development Association, Reporters Without Borders – International Society for Threatened Peoples (also on behalf of Mouvement contre le racisme et pour l'amitié entre les peuples), Union de l'action féminine, Union of Arab Jurists, United Nations Watch, World Vision International.

227. At the 26th meeting, on 17 March 2009, statements in exercise of the right of reply were made by the representatives of Algeria, Cameroon, China, Cuba, the Democratic People's Republic of Korea, France, Iran (Islamic Republic of), Japan, Morocco, the Russian Federation, Sri Lanka, the Sudan and Thailand.

228. At the 33rd meeting, on 23 March 2009, statements in exercise of the right of reply were made by the representatives of Azerbaijan, China, Japan and Sri Lanka.

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

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

229. At the 43rd meeting, on 26 March 2009, the representatives of the Czech Republic (on behalf of the European Union, Japan and co-sponsors) and Japan introduced draft resolution A/HRC/10/L.27, sponsored by the Czech Republic and Japan and co-sponsored by Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, the former Yugoslav Republic of Macedonia joined the sponsors.

230. At the same meeting, the representative of the Democratic People's Republic of Korea made a statement in relation to the draft resolution as the concerned country.

231. 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).

232. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of Brazil, China, Cuba, Indonesia and Malaysia.

233. 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 26 votes to 6, with 15 abstentions. The voting was as follows:

*In favour:*

Argentina, Bahrain, Bosnia and Herzegovina, Burkina Faso, Cameroon, Canada, Chile, France, Germany, Ghana, Italy, Japan, Jordan, Madagascar, Mauritius, Mexico, Netherlands, Republic of Korea, Saudi Arabia, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

*Against:*

China, Cuba, Egypt, Indonesia, Nigeria,<sup>5</sup> Russian Federation;

*Abstaining:*

Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Djibouti, Gabon, India, Malaysia, Nicaragua, Pakistan, Philippines, Qatar, Senegal, South Africa.

234. For the text as adopted, see part one, chapter I, resolution 10/16.

235. At the 44th meeting, on 27 March 2009, statements in explanation of vote after the vote were made by the representatives of Bangladesh, Chile, Egypt, India, Nigeria and Pakistan.

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

236. At the 44th meeting, on 27 March 2009, the representative of the Czech Republic, on behalf of the European Union and co-sponsors, introduced draft resolution A/HRC/10/L.28, sponsored by the Czech Republic and co-sponsored by Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, Norway, Peru, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Albania, Israel, New Zealand, the Republic of Korea, the former Yugoslav Republic of Macedonia and Turkey joined the sponsors.

237. At the same meeting, the representative of the Czech Republic orally revised the draft resolution by deleting the second preambular paragraph, modifying the third, fourth, sixth, seventh and eighth preambular paragraphs, and modifying paragraphs 1–3, 6–8, 10, 12–16, 19 and 22.

238. Also at the same meeting, the representatives of Indonesia, Japan, Malaysia and the Philippines made general comments on the draft resolution.

239. At the same meeting, the representative of Myanmar made a statement as the concerned country.

240. 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).

241. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of China, India and the Russian Federation.

<sup>5</sup> The representative of Nigeria subsequently stated that his delegation had intended to abstain.

242. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/27).

243. Also at the same meeting, a statement in explanation of vote after the vote was made by the representative of Cuba.

## **V. Human rights bodies and mechanisms**

### **A. Complaint procedure**

244. At the 22nd meeting, on 13 March 2009, and at the 33rd meeting, on 23 March 2009, the Council held two closed meetings of the complaint procedure.

245. At the 33rd meeting, on 23 March 2009, 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 Turkmenistan under the complaint procedure established pursuant to Council resolution 5/1, and had decided to discontinue considering the situation in Turkmenistan.

### **B. Advisory Committee**

246. At the 26th meeting, on 17 March 2009, the Chairperson of the Advisory Committee, Miguel Alfonso Martínez, introduced the Committee's reports on its first and second sessions, held from 4 to 15 August 2008 and 26 to 30 January 2009 (A/HRC/10/2 and A/HRC/AC/2/2).

### **C. Expert Mechanism on the Rights of Indigenous Peoples**

247. At the 26th meeting, on 17 March 2009, the Chairperson of the Expert Mechanism on the Rights of Indigenous Peoples, John Bernhard Henriksen, introduced the Mechanism's report on its first session, held from 1 to 3 October 2008 (A/HRC/10/56).

### **D. Forum on Minority Issues**

248. At the 26th meeting, on 17 March 2009, the independent expert on minority issues, Gay McDougall, introduced the recommendations adopted by the Forum on Minority Issues, held on 15 and 16 December 2008 (A/HRC/10/11/Add.1).

### **E. General debate on agenda item 5**

249. At its 34th meeting, on 23 March 2009, the Council held a general debate on agenda item 5, during which the following made statements:

(a) Representatives of States Members of the Council: Argentina, Bahrain, Brazil, Canada, Chile (also on behalf of the Group of Latin American and Caribbean States), China, Cuba, Czech Republic<sup>6</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), Egypt (on behalf of the Group of African States), India, Indonesia, Japan, Mexico, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Slovenia, Switzerland (also on behalf of Costa Rica, Italy and Morocco);

<sup>6</sup> Observer of the Council speaking on behalf of Member and observer States.

(b) Representatives of the following observer States: Algeria, Australia, Austria, Finland (also on behalf of Denmark, Iceland, Norway and Sweden), Greece, Hungary, Iran (Islamic Republic of), Kuwait, Morocco, New Zealand, the former Yugoslav Republic of Macedonia, United States of America;

(c) Observer for a national human rights institution: Irish Human Rights Commission;

(d) Observers for the following non-governmental organizations: Action Canada for Population and Development, Amnesty International (also on behalf of the Asian Forum for Human Rights and Development, the Cairo Institute for Human Rights Studies, Franciscans International, the Lutheran World Federation and the World Organization against Torture), Arab Commission for Human Rights, Cercle de la recherche sur les droits et les devoirs de la personne humaine (also on behalf of the Worldwide Organization for Women), Europe Third World Centre (also on behalf of Association africaine d'éducation pour le développement, the International Association of Democratic Lawyers, the International Federation of Rural Adult Catholic Movements, Mouvement contre le racisme et pour l'amitié entre les peuples and the Women's International League for Peace and Freedom), France Libertés, Indian Council of South America, Indian Movement Tupaj Amaru, International Movement ATD Fourth World, International Organization for the Right to Education and Freedom of Education (also on behalf of the Al-Hakim Foundation, CIVICUS – World Alliance for Citizen Participation, the International Alliance of Women, the International Catholic Child Bureau, the International Organization for the Elimination of All Forms of Racial Discrimination, Pax Romana, Soka Gakkai International and the World Student Christian Federation), International Work Group for Indigenous Affairs, Liberation, Lutheran World Federation (also on behalf of the Asian Forum for Human Rights and Development, the Asian Legal Resource Centre, the International Movement against All Forms of Discrimination and Racism and Pax Romana), Soka Gakkai International (also on behalf of the Al-Hakim Foundation, CIVICUS – World Alliance for Citizen Participation, the International Alliance of Women, the International Catholic Child Bureau, the International Federation of University Women, the International Institute for Peace, the International Organization for the Elimination of All Forms of Racial Discrimination, the International Organization for the Right to Education and Freedom of Education, Pax Romana, the World Federation of United Nations Associations, the World Student Christian Federation and the Worldwide Organization for Women).

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

### **United Nations Declaration on Human Rights Education and Training**

250. At the 45th meeting, on 27 March 2009, the representative of Morocco introduced draft resolution A/HRC/10/L.16, sponsored by Morocco and co-sponsored by Austria, Bolivia, Burkina Faso, Chile, Costa Rica, Cuba, Cyprus, the Democratic Republic of the Congo, Djibouti, the Dominican Republic, Ecuador, Guatemala, Guinea, Italy, Lebanon, the Netherlands, Palestine, Romania, Slovenia, Spain, Switzerland, Tunisia, Turkey, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Angola, Azerbaijan, Bahrain, Brazil, Bulgaria, Cameroon, Chad, Colombia, Croatia, Ethiopia, France, Gabon, Germany, Ghana, Greece, Honduras, Indonesia, Ireland, Japan, Jordan, Kenya, Luxembourg, Madagascar, Maldives, Malta, Mauritania, Mauritius, Mexico, Mozambique, Nicaragua, Nigeria, Portugal, Qatar, the Republic of Moldova, Saudi Arabia, Senegal, Serbia, Somalia, South Africa, Sri Lanka, the Sudan, the Syrian Arab Republic, Thailand, Uganda, Ukraine, the United Arab Emirates, the United Republic of Tanzania, Yemen, Zambia and Zimbabwe joined the sponsors.

251. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/28).

### **The Social Forum**

252. At the 45th meeting, on 27 March 2009, the representative of Cuba introduced draft resolution A/HRC/10/L.22, sponsored by Cuba and co-sponsored by Belarus, Bolivia, the Democratic People's Republic of Korea, Ecuador, Ethiopia, Indonesia, Iran (Islamic Republic of), Nicaragua, Panama, Sri Lanka, Togo, Uruguay, Venezuela (Bolivarian Republic of) and Viet Nam. Subsequently, Algeria, Brazil and the Sudan joined the sponsors.

253. At the same meeting, the representatives of Brazil, Chile and Germany (on behalf of States members of the European Union that are members of the Council) made general comments on the draft resolution.

254. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/29).

### **Publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights**

255. At the 45th meeting, on 27 March 2009, the representative of the Czech Republic, on behalf of the European Union, introduced draft decision A/HRC/10/L.33/Rev.1, sponsored by the Czech Republic and co-sponsored by Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Subsequently, the former Yugoslav Republic of Macedonia joined the sponsors.

256. At the same meeting, the representative of the Czech Republic orally revised the draft decision by deleting the third preambular paragraph.

257. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of Bangladesh, China, Cuba, India, Indonesia, Malaysia, Pakistan, the Philippines and the Russian Federation.

258. At the same meeting, at the request of the representative of India, a recorded vote was taken on draft decision A/HRC/10/L.33/Rev.1. The draft decision, as orally revised, was adopted by 29 votes to 3, with 15 abstentions. The voting was as follows:

*In favour:*

Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Burkina Faso, Canada, Chile, Egypt, France, Gabon, Germany, Italy, Japan, Jordan, Mexico, Netherlands, Nicaragua, Pakistan, Qatar, Republic of Korea, Saudi Arabia, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay;

*Against:*

Brazil, India, Mauritius;

*Abstaining:*

Angola, Cameroon, China, Cuba, Djibouti, Ghana, Indonesia, Madagascar, Malaysia, Nigeria, Philippines, Russian Federation, Senegal, South Africa, Zambia.

259. For the text as adopted, see part one, chapter I, decision 10/117.

**Reports of the Advisory Committee**

260. At the 45th meeting, on 27 March 2009, the President of the Council made a statement in relation to the reports of the Advisory Committee on its first and second sessions (for the text of the President's statement, see part one, chapter III, PRST/10/1).

## VI. Universal periodic review

261. Pursuant to General Assembly resolution 60/251, Council resolution 5/1 and the President's statements on modalities and practices for the universal periodic review process (A/HRC/PRST/8/1 and A/HRC/PRST/9/2), the Council considered the outcome of the reviews conducted during the third session of the Working Group on the Universal Periodic Review, held from 1 to 15 December 2008.

### A. Consideration of universal periodic review outcomes

262. In accordance with paragraph 4.3 of President's statement 8/1, the section below contains a summary of the views expressed on the outcome by States under review, Member and observer States of the Council, as well as general comments made by other relevant stakeholders before the adoption of the outcome by the plenary.

#### 1. Botswana

263. The review of Botswana was held on 1 December 2008, in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Botswana in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/BWA/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/3/BWA/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/BWA/3).

264. At its 27th meeting, on 18 March 2009, the Council considered and adopted the outcome of the review on Botswana (see section C below).

265. The outcome of the review on Botswana comprises the report of the Working Group on the Universal Periodic Review (A/HRC/10/69), the views of Botswana 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/10/69/Add.1).

(a) *Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome*

266. Botswana stated that it approached the review process with an open and transparent spirit and that it undertook to consider all the recommendations made at a later stage with a view to reflect on all of them carefully and constructively. To this end, Botswana was able to engage all relevant stakeholders. Botswana noted the circulation of the detailed responses during the meeting. It noted that most of the recommendations were currently being implemented by the Government and that the acceptance to some of these recommendations was on this basis.

267. The delegation stated that consultations for the establishment of an independent national human rights institution in accordance with the Paris Principles had been concluded and that the relevant recommendations would be submitted to cabinet for consideration. Botswana currently had several institutions that directly addressed human rights issues, including the Department of Social Services for Children's Welfare, the Department of Women Affairs for Gender Issues and the Independent Electoral Commission for Universal Suffrage.

268. Botswana confirmed that the Children's Act was still under review and in its final stages before Parliament. The delegation noted that corporal punishment was still lawful and that the Customary Courts, the Penal Code and the Education Act and Regulations governed its administration and contained restrictions on its application. It indicated that corporal punishment was not intended to be degrading but was viewed as a legitimate and acceptable form of punishment.

269. The delegation noted that all indigenous groups in Botswana were accorded opportunities guaranteed to every Motswana.

270. With regard to the recommendations that it take measures to address all forms of discrimination, including that based on sexual orientation, ethnicity, gender, colour and political opinion, Botswana indicated that the Government maintained that section 15 (3) of its Constitution prohibited discrimination against any person on the grounds of race, tribe, place of origin, political opinions, colour, creed or sex, and, as such, any person of the view that their rights had been violated could, at any time, seek redress before the High Court of Botswana. While it acknowledged that Botswana criminalized same-sex sexual activity and practices, a reflection of the moral and religious norms of the society, it noted that there was no known case of discrimination based on sexual orientation.

271. Botswana emphasized that, since its ratification of the Convention on the Elimination of All Forms of Discrimination against Women, it had undertaken various initiatives with a view to promoting and protecting the rights of women. It had continued to undertake progressive legislative reforms to this end, including the enactment of the Domestic Violence Act and the Abolition of Marital Powers Act. The Government continued to educate Botswana through seminars and meetings with stakeholders, including Kgotla meetings, publications and media.

272. Botswana drew the Council's attention to the fact that the Marriage Act forbade marriage of persons under the age of 18 years without the consent of the parents or guardians. The delegation pointed out that Botswana did not accept the recommendations implying the existence of harmful practices to women, especially those alleging the persistence of early contract marriages and the existence of polygamy. It indicated that there were no practices harmful to women and that the law in Botswana forbade polygamy.

(b) *Views expressed by Member and observer States of the Council on the review outcome*

273. Algeria thanked the delegation of Botswana for the comments and complete replies to the recommendations made during the Working Group session. Algeria was encouraged by Botswana's determination to comply with its human rights obligations, despite the challenges it faced, particularly in terms of development. Algeria noted that the number of recommendations accepted by the country was an excellent example. Algeria shared and understood Botswana's concern regarding the need to have necessary resources to meet its obligations under international instruments. Algeria noted that this was a decisive element in the decision by a sovereign Government to accede to an international instrument. Algeria praised Botswana's efforts to extend the benefits of its pilot project to fight HIV/AIDS to refugees and migrants as well as the efforts aimed at reinforcing actions for women. Algeria welcomed the decision to accept the recommendations made by Algeria in this respect. It stated that the international community had a responsibility to provide support to Botswana through provision of sustainable, appropriate technical and financial assistance on the basis of the needs expressed by Botswana, with a view to enabling Botswana to fulfil its human rights commitments and to improve its performance in seeking to achieve this objective in line with its national priorities.

274. Senegal thanked the head of the delegation for his clear and detailed presentation on his country's position on the recommendations formulated during the interactive dialogue.

Senegal welcomed the fact that Botswana had accepted most of the recommendations and encouraged Botswana to put them into practice in order to make the progress already achieved irreversible. Senegal invited Botswana to pay particular attention to issues relating to the rights of the child and of women as well as to those concerning the eradication of poverty and the promotion of education and health. Senegal wished the authorities of Botswana every success in their efforts to ensure the continuing improvement of the human rights situation in their country.

275. The United States of America commended Botswana for its commitment to democratic principles and appreciated its leadership in promoting similar progress in the Southern African Development Community region and the continent as a whole. The United States recognized Botswana's investment in improving health care, access to primary education and the higher enrolment rates for children, particularly for girls. It also praised the role of women in government and society, and welcomed the implementation of the new domestic violence law, noting that increasing the access of women to development assistance and provision of better legal protections for women, including for rape, would help consolidate the gains for women. It also noted the recent opening of dialogue with the San, expressing hope that further discussions with the San and other minority groups would be held in order to better address land, education and development assistance issues. The United States further commended Botswana for its intent to improve the national capacity to promote and monitor human rights, including efforts to address judicial delays. The United States stated that it supported Botswana's efforts to promote the professionalization and human rights training for its security forces and the seeking of assistance in this area.

276. Djibouti noted that, like all other countries in the subregion, Botswana faced enormous difficulties in effectively implementing its policy to eradicate poverty. Noting that Botswana had been severely affected by HIV/AIDS in recent years, Djibouti praised the Government for setting up a policy to monitor HIV/AIDS, and indicated that this should be shared with other countries affected by the pandemic. Djibouti expressed the view that the recommendations emanating from the universal periodic review would help improve the general human rights situation in the country. However, the implementation of these recommendations would require an internal and external symbiosis to meet the challenges faced by Botswana.

(c) *General comments made by other relevant stakeholders*

277. The Canadian HIV/AIDS Legal Network commended the delegation for its acceptance of recommendation 24 on measures to address HIV/AIDS, but expressed its disappointment at the rejection of recommendations 18 and 23 on non-discrimination based on sexual orientation and the decriminalization of same-sex activity. It urged the Government to consider repealing the provisions of its penal code that criminalize same-sex conduct between consenting adults. It was noted that the Human Rights Committee had found that such provisions violated established international human rights law, in particular the rights to non-discrimination and privacy. Noting the comments made by the delegation that there was no known case of discrimination on those grounds, he referred to the Human Rights Committee, which had found that even when the laws were not actively enforced, they stigmatized and marginalized vulnerable groups in society. The struggle against HIV/AIDS was also undermined by such provisions. The Human Rights Committee and UNAIDS had repeatedly emphasized that they ran counter to efforts to address HIV and AIDS by driving marginalized communities underground. In December 2008, 66 States from all regional groups, including 6 from the African region, called for an end to laws criminalizing homosexuality. The call was supported by the High Commissioner, who stated that no human being, simply because of their perceived sexual orientation or gender identity, may be subject to discrimination, violence, criminal sanctions or abuse.

Appreciation was expressed for the statement of the Government that no people should be subject to discrimination and its expressed willingness to remain open on these grounds.

(d) *Concluding remarks of the State under review*

278. In conclusion, Botswana expressed its appreciation for the constructive dialogue and interaction with all delegations that took the floor, including members of the non-governmental organizations. Botswana appreciated the suggestions made in December 2008 and at the present meeting, while noting the short-, medium- and long-term implications of implementing the recommendations. Noting the challenges Botswana would face in terms of financial and human resources, it stated that, with the support of the international community, Botswana would succeed.

279. Botswana thanked the President of the Council for his professionalism and for the able manner in which the review was conducted, as well as the members of the troika and the Secretariat. It indicated that it looked forward to the implementation and follow-up phase.

**2. Bahamas**

280. The review of the Bahamas was held on 1 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by the Bahamas in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/BHS/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/3/BHS/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/BHS/3).

281. At the 27th meeting, on 18 March 2009, the Council considered and adopted the outcome of the review on the Bahamas (see section C below).

282. The outcome of the universal periodic review on the Bahamas comprises the report of the Working Group on the Universal Periodic Review (A/HRC/10/70 and A/HRC/10/70/Corr.1), the views of the Bahamas 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/10/70/Add.1).

(a) *Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome*

283. The Director-General of the Ministry of Foreign Affairs of the Bahamas, Joshua Sears, stated that the Commonwealth of the Bahamas, when it joined the international community some 35 years earlier, had made a solemn undertaking to respect sovereignty and territorial integrity, human rights and fundamental freedoms and the rule of law. The delegation noted that the Bahamas had at every important moment of international significance reaffirmed its commitment to those principles – principles and values that had played an indispensable role in the institutionalization and consolidation of democracy, political stability and economic and social progress and development of the Bahamas.

284. The delegation stated that the Bahamas, the second oldest parliamentary democracy in the western hemisphere, had a well-established record of democracy, respect for human rights and fundamental freedoms and the rule of law. The Government fully understood and appreciated that respect for and the promotion and protection of human rights required eternal vigilance and actions to ensure that these rights are effectively enjoyed by all members of society. The Bahamas also acknowledged the vital role that civil society must play in this whole process.

285. During the review of the Bahamas, held at the third working session of the Working Group in December 2008, the Bahamas had committed to review further the recommendations contained in the report of the Working Group (A/HRC/10/70), and to report on the status of the recommendations at the plenary session of the Council. The delegation drew the Council's attention to the document that had been submitted by the Bahamas as a formal follow-up report (A/HRC/10/70/Add.1).

286. The delegation informed the Council that, since its review in December 2008, the Bahamas had signed and ratified the International Covenant on Economic, Social and Cultural Rights (4 December 2008) and the International Covenant on Civil and Political Rights (23 December 2008). Both treaties would enter into force for the Bahamas on 23 March 2009. In addition, the Bahamas had, on 16 December 2008, signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Bahamas intended to ratify the Convention following the necessary review of the legislative requirements.

287. The Bahamas also highlighted the Police Amendment Act 2009, which permitted civilian oversight of the complaints process.

288. With respect to the Carmichael Road Detention Centre, the delegation stated that the Government continued to implement recommendations designed to enhance the environment and management of the facility and continued to maintain close collaboration and cooperation with the United Nations High Commissioner for Refugees (UNHCR) in this regard.

289. The delegation indicated that, during the review, the Bahamas expected to submit outstanding reports due under the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women by 31 December 2008. It stated that the Bahamas was unfortunately unable to meet this self-imposed deadline, but that the consultative process was almost complete, paving the way for the submission of those reports in due course. The delegation also informed that the preparatory process was also under way for the report due under the Convention on the Rights of the Child.

290. The delegation reaffirmed the commitment of the Bahamas to continue to work with the human rights treaty bodies and the Council to ensure that there was constructive dialogue and to enhance the capacity of the Bahamas to carry out its reporting obligations under international human rights instruments. The delegation emphasized the recognition by the Bahamas that the promotion and protection of human rights and fundamental freedoms required constant action by the Government and civil society, and that the Bahamas was committed to that task.

*(b) Views expressed by Member and observer States of the Council on the review outcome*

291. Egypt welcomed the presence of the delegation of the Bahamas, which was testimony to the commitment of the Bahamas to the protection and promotion of human rights. On behalf of the African Group, Egypt expressed the importance that the African Group always attached to relations with the Bahamas and CARICOM at large. Egypt stressed that the fact that the Bahamas had come to Geneva twice (first to present its universal periodic review report and then to attend its adoption) showed that the Government was seriously committed to human rights and that something serious had to be done to assist countries that were not represented in Geneva in following the work of the Council. Egypt further expressed, on behalf of the African Group, its utmost support for the choices that the Bahamas had made with regard to human rights. Regarding the recommendations that the Bahamas had accepted, the African Group acknowledged the

sovereign right of the Bahamas to follow the path convenient to its own society and its own values.

292. Cuba expressed its appreciation for the presence of the Director-General of the Ministry of Foreign Affairs of the Bahamas, and endorsed the statement of Egypt. The Bahamas, a small country of the Caribbean and a member of the Non-Aligned Movement, enjoyed friendly relations with Cuba, and was facing a serious economic situation because of, inter alia, lack of resources. Cuba acknowledged the efforts and achievements of the Bahamas. Cuba thanked the delegation of the Bahamas for its presence, expressed its support and urged the Bahamas to carry on all necessary measures to protect all human rights of its people.

293. France welcomed the announcement by the Bahamas to bring national legislation into line with major international human rights instruments, the efforts in this regard and the reference to the police and detention centres. France encouraged the Government of the Bahamas regarding the action to be taken on the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women. France congratulated the Government of the Bahamas on its approach and on the fact that it had committed to accept the recommendations made by the Working Group.

294. On behalf of the Latin American and Caribbean States, Chile welcomed the presence of the delegation of the Bahamas and thanked it for the information on the efforts under way to comply with the recommendations made by the Working Group. Chile also thanked the Bahamas for its presence, which was the illustration of its firm commitment to the promotion and protection of human rights.

295. Barbados welcomed the delegation of the Bahamas, which came to Geneva to present its response to the recommendations made by the Working Group. Barbados stated that, in doing so, the Bahamas had demonstrated its firm commitment to the protection of human rights and the acceptance and consideration of a number of recommendations made. Barbados urged the international community to recognize and ensure full support to small developing States like the Bahamas, and to assist them in their efforts to implement their obligations. Finally, Barbados conveyed to the Bahamas its full support and wished it every success in its continuing human rights achievements.

296. Algeria warmly welcomed the delegation of the Bahamas and was encouraged by the resolve shown by the Government to meet its human rights commitments, despite the challenges the country faced, particularly in the field of development. It noted that the international community had a duty to support the Bahamas and to provide financial and technical assistance, sustainable and appropriate to the needs of the country.

297. Pakistan stated that the Bahamas should be encouraged in its efforts to comply with its human rights obligations in a comprehensive manner, and was glad that the Bahamas had accepted a number of recommendations made during its review. Pakistan believed that all stakeholders should make their technical expertise and other resources available to deepen cooperation with small developing States on improvement and protection of their human rights. Pakistan would continue to deepen its bilateral cooperation with the Bahamas to explore possibilities of exchanging technical expertise and knowledge concerning human rights.

298. Botswana congratulated the delegation of the Bahamas for the comprehensive presentation providing additional information on the outcome of the review on the country's human rights situation. Botswana noted with satisfaction and admiration the fact that most of the recommendations made had been accepted. The commitment to the continued promotion and protection of human rights was clear from the open and inclusive

preparation of the review and from the interactive dialogue in December 2008. Botswana welcomed the involvement of civil society in the follow-up.

(c) *General comments made by other relevant stakeholders*

299. Amnesty International welcomed the Bahamas' prompt ratification of the two Covenants following the announcement in the Working Group of its intention to do so. Amnesty International was disappointed that the Bahamas rejected recommendations relating to the death penalty, including the establishment of a moratorium on executions and the ratification of the Second Optional Protocol to the International Covenant on Civil and Political rights. It reiterated its call to the Bahamas to repeal all provisions allowing for the death penalty and to declare a moratorium on executions. Amnesty International welcomed the endorsement by the Bahamas of recommendations to ensure full and effective implementation of the Domestic Violence (Protection Order) Act and to address the problem of rape. Amnesty International remained concerned that recommendations to criminalize marital rape had been rejected. It urged the Bahamas to act swiftly and to conduct an independent investigation into recent allegations of ill-treatment, as recent reports indicated that abuses continue to take place at the Carmichael Road Detention Centre.

(d) *Concluding remarks of the State under review*

300. The delegation of the Bahamas thanked the delegations for their constructive comments and was pleased by the level of support from the international community. It particularly commended the members of the troika — Djibouti, Malaysia and the Netherlands — for their support during the review process.

301. With respect to the issue of the Carmichael Road Detention Centre, the delegation said that the addendum to the report addressed a number of issues raised by Amnesty International and by other delegations.

302. The delegation reaffirmed its commitment to implement its human rights obligations and to continue to work closely with the Council.

### 3. **Burundi**

303. The review of Burundi was held on 2 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Burundi in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/BDI/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/3/BDI/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/BDI/3).

304. At the 27th meeting, on 18 March 2009, the Council considered and adopted the outcome of the review on Burundi (see section C below).

305. The outcome of the review on Burundi comprises the report of the Working Group on the Universal Periodic Review (A/HRC/10/71), the views of Burundi concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

(a) *Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome*

306. The Minister for Human Rights and Gender provided replies to various issues raised during the review of Burundi. She indicated that Burundi seriously envisaged the

ratification of the International Convention for the Protection of All Persons from Enforced Disappearance while, in the meantime, all measures had been taken to prevent and punish related crimes. Regarding the protection of discrimination based on sexual orientation, the amendment proposed by the Lower Chamber of Parliament had been rejected by the Higher Chamber and a mixed commission would be set up to determine the final position to be adopted. With regard to the training of law enforcement officers on sexual violence, she indicated that an ongoing education programme was under way and carried out by the State and civil society. In that regard, the new draft penal code criminalized sexual violence. The transitional justice mechanism composed of a truth and reconciliation commission and a special tribunal had been agreed upon between the Government and the United Nations. National consultations, a prerequisite for these mechanisms, were ongoing and would be soon concluded.

307. The delegation of Burundi further stressed that replies to issues contained in paragraphs 81 (1), (3), (6), (8) and (10) of the report of the Working Group had already been included in paragraphs 80, 82 and 83 of the report. During the review, in relation to paragraph 81 (1), Burundi had indicated that the new draft penal code, soon to be promulgated, abolished the death penalty as foreseen in the second Optional Protocol to the International Covenant on Civil and Political Rights. Regarding paragraph 81 (3) and discrimination between boys and girls in access to education, Burundi recalled that such discrimination had been eliminated and that a cultural education programme was under way to eliminate any remaining parental reticence. Referring to paragraphs 81 (6) and 81 (8), Burundi indicated that acts of torture and rape were criminalized in the new draft penal code. Finally, in relation to paragraph 81 (10), it had been indicated previously that the Ministerial Order of 6 October 2008 restricting public meetings had been revoked.

308. The delegation also presented new developments in Burundi since December 2008. The new draft penal code, which criminalized war crimes, crimes against humanity and those of genocide, torture and cruel, inhuman and degrading treatment, rape and sexual violence, and which guaranteed various children's rights, had been recently adopted by the Parliament. The network of criminals who killed albino people was being dismantled; seven people had been arrested and two others sentenced.

309. A national strategy to fight sexual violence had just been adopted by the Government, which would, inter alia, provide for a harmonized mechanism to collect data and establish financial resources dedicated to fighting this type of violence.

310. Regarding the establishment of a national human rights commission in line with the Paris Principles, there was growing public opinion in favour of the Government commitment in that respect.

311. The delegation stressed that new civil and political associations had been created, and that the judiciary was protecting civil and political freedoms, as demonstrated by the recent release of some prisoners. A national independent electoral commission had recently been set up, with the support of all political partners and civil society, a guarantee to free and democratic elections in 2010. The President and Vice-President of the commission were representatives of the civil society.

312. Finally, Burundi had recently been granted an external debt relief, a measure that would contribute to raise its resources to protect and guarantee human rights, in particular economic, social and cultural rights.

*(b) Views expressed by Member and observer States of the Council on the review outcome*

313. Algeria thanked Burundi for the comprehensive comments on recommendations made during the review, as well as for the update on measures taken since then. Algeria once again paid tribute to Burundi's determination to work for peace through national

reconciliation among the different components of society. The number of recommendations accepted by Burundi demonstrated its firm commitment to engage seriously in the universal periodic review. A number of obligations arose from the recommendations that Burundi had accepted. Therefore, Algeria, together with many other countries, reiterated its appeal to the international community to increase its support for Burundi to enable it to meet its commitment to promote and protect human rights in all circumstances and in accordance with its national priorities.

314. Senegal reiterated that it had welcomed, in December 2008, Burundi's efforts to promote and protect human rights, highlighting in particular the measures taken for women and children. Senegal stressed that acceptance by Burundi of recommendations concerning vulnerable groups demonstrated its willingness to improve the situation of these groups and to allow them to fully enjoy their rights. It further encouraged Burundi to effectively implement those recommendations and requested technical assistance for this purpose where needed.

315. The United States of America deeply respected the determination of the people of Burundi to escape the devastating remnants of civil war and to build a peaceful, prosperous and inclusive society for future generations. In this regard, it supported the recommendation that Burundi increase its efforts to disarm, demobilize and reintegrate children involved in armed conflict. The Government's commitment to promote education was evident in the 69 per cent increase in enrolment in primary education in the country from 2005 to 2008. With respect to recommendations on concerns about recent increases in sexual violence and rape in Burundi, the United States appreciated the fact that some 500 individuals, including Government officials, were serving sentences for rape or assault, and hoped that impunity for sexual violence, including spousal rape, would continue to be addressed. Other recommendations reflected concern about freedoms of association, expression, opinion and peaceful assembly. While noting that Burundi had an active civil society, the United States emphasized the important role played by independent journalists, political parties and civil society organizations in ensuring free and fair elections in 2010. It looked forward to the establishment of an independent national human rights commission and offered its support to Burundi in efforts to promote human rights and democracy.

316. Nigeria thanked Burundi for its presentation and was glad to note that Burundi had accepted most of the recommendations made, including that of Nigeria to intensify efforts to uphold the respect of the rule of law and reform the judicial system. Nigeria hoped that Burundi would improve greatly its human rights record, with the support and cooperation of the international community, by the second cycle of the universal periodic review.

317. Djibouti noted that, following the deep institutional and political crisis of recent years, Burundi was now in transition and was making efforts to establish and build a viable and sustainable democratic society. Djibouti welcomed the efforts made by Burundi to work with the universal periodic review mechanism and appealed to the Council to help Burundi in the peace and reconstruction process.

318. Burkina Faso commended Burundi for the acceptance of recommendations made under the universal periodic review. It noted with satisfaction the continuing improvement in the human rights situation in Burundi despite the country's crisis. It noted in particular the initiatives taken in the field of primary education and health care for children under the age of 5, as well as the progress in promoting and protecting women's rights. It also noted the exemplary cooperation of Burundi with the international community, and particularly with United Nations human rights mechanisms. Burkina Faso reiterated its support for appeals to the international community to support Burundi's efforts in implementing the recommendations arising from the review.

(c) *General comments made by other relevant stakeholders*

319. Amnesty International welcomed Burundi's support of recommendations to establish an independent national human rights commission, compliant with the Paris Principles. It was concerned, however, that the draft bill, drawn up on 27 November 2008 by the Council of Ministers, would create a commission that would fall far short of the Paris Principles by severely restricting its mandate, powers of inquiry, jurisdiction and independence. It urged the Government to reconsider the preceding version of the draft bill, which provided a higher level of independence and capacity for the commission. Amnesty International strongly urged the Government to support the recommendations calling on Burundi to ensure that no one was subject to discrimination on the basis of sexual orientation and to reconsider the inclusion of provisions criminalizing same-sex sexual relations in the draft criminal code. It regretted that Burundi had not expressly supported recommendations to respect freedoms of expression, association and assembly, and indicated that several prisoners of conscience remained in detention, among them Juvénal Rududura, Vice-President of the trade union of non-magistrate staff at the Department of Justice, and the journalist Jean-Claude Kavumbagu. It called on Burundi to immediately and unconditionally release those arrested solely for exercising their right to freedom of expression.

320. The Canadian HIV/AIDS Legal Network and Action Canada for Population and Development, in a joint statement, welcomed recent steps taken to integrate fundamental human rights norms into the penal code, in particular the abolition of the death penalty. However, they remained concerned that, although the Senate had rejected the provision that would have criminalized consensual homosexual conduct, the National Assembly had recently voted to restore such a provision. They urged legislators to eliminate the new provision or the President to veto it. They added that such provision would place Burundi at odds with the overwhelming movement across the world that had seen progress towards decriminalization, and violate the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights. It would severely hamper Burundi's efforts to combat the HIV/AIDS pandemic and force a part of Burundi's population into silence and invisibility.

321. Human Rights Watch welcomed the report on Burundi. It noted with concern the recent decision by the National Assembly to advance an amendment to the penal code that would criminalize homosexuality, contrary to the recommendations made by Belgium, Chile and Slovenia. It encouraged the joint committee to eliminate criminalization of homosexuality, and if needed, the President to veto such a law. Human Rights Watch was deeply concerned about the prevalence of illegal and arbitrary arrests, many of which were politically motivated, and considered that Burundi should accept France's recommendation to ban all secret places of detention. It deeply regretted that Burundi had rejected the recommendations of Italy, Switzerland and others to take all measures to guarantee the freedoms of expression and association. It added that the judicial system had been abused for prosecutions of opposition leaders and others who spoke out against the Government, noting in particular the arbitrary detention of Juvénal Rududura, Pasteur Mpawenayo, Gérard Nkurunziza and Jean-Claude Kavumbagu. This called into question the independence of the judiciary, a subject of concern for Azerbaijan, the Netherlands and the United Kingdom. Human Rights Watch was concerned at the fact that, in the lead-up to the 2010 elections, attempts to intimidate members of the opposition had been made. Burundi should act immediately to put an end to such activities, thereby implementing Japan's recommendation, supported by Burundi, to do its utmost to ensure that political parties are safeguarded in the elections.

322. The International Federation of Human Rights Leagues requested the reintroduction in the bill relating to the national commission on human rights of provisions to guarantee its

independence, in particular provisions associating with the Government other actors and institutions in choosing, appointing and replacing members of the commission; to enable the commission to directly approach the judicial system; to make appearance before the commission compulsory and the refusal to cooperate punishable; to grant members of the commission immunity from reprisals and sanctions for action taken in the course of their official activities; and to facilitate access to relevant documents. It urged the Government to take firm action against administrative staff whose negligence or complicity guaranteed de facto impunity for authors of sexual violence; and to draft and implement a law guaranteeing women's rights to inheritance. Regarding the establishment of transitional justice mechanisms, it called on the Government to publicly reiterate its commitment to ensuring that consultations would not be used to justify decisions or acts contrary to international law; and to accept initiatives by the United Nations, the international community and civil society to ensure an independent monitoring of these consultations. It also called for the adoption of a national policy and specific legislation on the protection of the rights of the child, in particular orphans and other vulnerable children, and to adopt a juvenile justice system.

323. Cercle de recherche sur les droits et les devoirs de la personne humaine congratulated the delegation of Burundi for the quality of its presentation before the Working Group. It endorsed the appeal made to countries to show solidarity with Burundi and to help it to meet challenges relating to a culture of peace, tolerance and respect for human rights. The organization sought the support of Burundi for its draft universal declaration on the duties of the person. It noted with regret that the report of Burundi and the recommendations made by States did not refer to violence against men, and sought the cooperation of Burundi to carry out a study on that matter.

(d) *Concluding remarks of the State under review*

324. Burundi thanked all those who contributed to the drafting of the national report and civil society for its support. It thanked all delegations who made recommendations and praised the Council for having established the universal periodic review mechanism, which had enabled Burundi to assess its progress in protecting and promoting human rights. Burundi pledged to gather all relevant stakeholders in the country to study how to implement the recommendations made. Further steps would have been taken for the protection and promotion of human rights in Burundi by the next session of the Council. Finally, Burundi reiterated its continued appreciation for the support provided by the international community.

#### 4. Luxembourg

325. The review of Luxembourg was held on 2 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Luxembourg in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/LUX/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/3/LUX/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/LUX/3).

326. At the 28th meeting, on 18 March 2009, the Council considered and adopted the outcome of the review on Luxembourg (see section C below).

327. The outcome of the review on Luxembourg comprises the report of the Working Group on the Universal Periodic Review (A/HRC/10/72), the views of Luxembourg 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/10/72/Add.1).

- (a) *Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome*

328. The Permanent Representative of Luxembourg to the United Nations Office at Geneva stated that it was a privilege for Luxembourg to be one of the first 48 countries to go through the universal periodic review process. Luxembourg supported the idea of this innovative mechanism, during the negotiations that resulted in the creation of the Council, because it sought greater discipline and efficiency in the United Nations system for the protection of human rights.

329. The Permanent Representative gave a summary of Luxembourg's responses to the recommendations addressed in the course of the interactive dialogue on 2 December 2008. He stated that a more comprehensive response to the recommendations had been provided in writing and was available as an addendum to the report of the working group (A/HRC/10/72/Add.1).

330. With regard to Luxembourg's international obligations, the country had committed itself to take into account recommendations and to complete the various processes of ratification as soon as possible. However, in the case of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, there were major legal obstacles because of European Community competence in migrant worker issues, which did not allow the completion of the ratification of the Convention at this stage. Luxembourg expressed its hope that a study could be carried out in the European Union to determine possible ways and means of finding a solution with the view to the ratification of the Convention. Like other European Union partners, Luxembourg will continue to participate actively in the international community reflection on the issue of migrants.

331. The universal periodic review was a dynamic process of consultation of independent institutions monitoring compliance of human rights in Luxembourg. This consultation process also involved civil society organizations engaged in the promotion and protection of human rights. It was a beneficial exercise for the country. Luxembourg pledged to continue this consultation on a regular basis in order to ensure an appropriate follow-up to the review report and outcome.

332. Luxembourg was aware of the challenges in human rights of persons with mental disabilities. The country was about to conduct legislative reform to strengthen the fundamental rights of persons interned for psychiatric treatment without their consent. A law modifying the current regime for persons with mental disabilities was to be adopted very soon. The law would amend and update the current provisions to take into account the most recent international recommendations made on this issue, and would make the involuntary placement of persons with mental disturbances the subject of a court decision, which could be appealed at any moment of the procedure. The use of involuntary treatment and isolation detention measures would be used in very specific circumstances and as a last resort. On child psychiatry, Luxembourg had pledged to increase the number and quality of its infrastructures for the therapeutic treatment of children with behaviour or mental disturbances. These efforts would be continued to guarantee high-quality child psychiatry reflecting the latest developments in medicine.

333. Regarding the recommendation to develop legislation on immigration and international protection in keeping with the principle of non-refoulement, Luxembourg believed that its new legislation was in compliance with the principle of non-refoulement both in terms of immigration legislation and also on the rights of asylum. Concerning the recommendation to halt the practice of freeing minors at borders, this practice did not exist in Luxembourg. With regard to the recommendation on detention measures, Luxembourg would soon transpose the return directives of the European Union into its national

legislation. Concerning the recommendation on the placing and detention of international protection seekers, discussions were ongoing at the European level.

334. With regard to the recommendation on the elimination of racial discrimination, Luxembourg committed itself to submit the report requested by the Committee on the Elimination of Racial Discrimination as soon as possible. The country would follow various provisions of the civil code and the criminal code, which criminalized and punished various forms of discrimination in Luxembourg. As part of ongoing training, human rights courses were provided to prison officials.

335. Regarding the recommendation to develop coherent strategies and a plan of action to prevent and eliminate all forms of violence against women, particularly women from the immigrant community, and the recommendation concerning prostitution and trafficking in human beings, they would be incorporated into the second national plan of action for equality between men and women for the period 2009–2013. In order to make the best use of human and financial resources, the Government intended to produce a single plan for the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Platform for Action, to achieve greater coherence in political action to promote gender equality. The family in its various forms played a vital role in Luxembourg's society.

336. Luxembourg pledged to respect the recommendations related to new measures to improve the rights of women and children and to implement the recommendation of the Committee on the Elimination of Discrimination against Women to elaborate strategies and programmes to combat prostitution and continue the Government's efforts to combat sexual exploitation of children.

337. On the recommendation dealing with trafficking in human beings, Luxembourg recalled the three specific initiatives referred to in its national report, in paragraphs 34 to 40.

338. Canada recommended that the terminology used in French reflect the shared values for gender equality and equality between men, women and children. In this connection, the Permanent Representative stated that Luxembourg was totally in line with the terminology used in all international conventions to which it was a party. Luxembourg indicated that it was aware of the ongoing discussion on the terminology issue and was prepared, when appropriate, to align itself with universally recognized terminology, in keeping with the principle of non-discrimination.

339. Luxembourg pledged to include gender dimensions in the review follow-up, such as in measures under chapter 9 on fundamental rights of the national plan of action for gender equality for 2009–2013, which was to be adopted after the election in 2009.

340. On freedom of religion or belief, Luxembourg stated that all religious communities and philosophical beliefs were treated equally. All beliefs were recognized *ex officio* and without discrimination by the Constitution and also in pursuance of the European Convention on human rights. Recognition of a particular religion did not give any additional rights to the congregation concerned.

341. The ban on corporal punishment in the family was effective in Luxembourg and the addendum to the report gave the legal reference in this regard.

342. The Government had noted the recommendations made with regard to the penal sector. Luxembourg did not underestimate the difficulties it faced, and was undertaking a policy to improve the conditions for the detention of juveniles in compliance with international standards. The placing of juveniles in security units could only be done by the judicial authorities. Given the particularly sensitive nature of infrastructures in the security units, the need to guarantee security and ensure the necessary educational and therapeutic

treatment, the number of young people placed in such security units could not exceed 12. In principle, the placement of children in security units should only be temporary and preventive, since extended stays in these units, despite the quality services, may jeopardize their family, social, school, professional and cultural reinsertion.

343. With regard to the situation of children of prisoners, Luxembourg did not have specific legislation, and such situations were treated on a case-by-case basis (currently only one case) in order to determine and ensure respect of the best interest of the child. Any new legislation would be seen as imposing new constraints and might force all parties to a very strict framework.

344. The recommendations concerning the hosting conditions for foreigners referred to the welcome and integration office in Luxembourg established by a law in December 2008. The office was responsible, in coordination with the inter-ministerial committee on integration, for the elaboration of a draft national plan of action for integration, and for combating discrimination by identifying the main strategic areas for action by the Government, identifying the policy measures that needed to be implemented. The draft had been submitted to the Government for approval. The Government would present a comprehensive strategy and determine targeted measures for the integration of aliens and to combat discrimination. Regarding equal treatment on education, any child of compulsory school age living in Luxembourg should be registered in school, regardless of nationality or status. A child could therefore not be refused access to school on racial, sex, language or religious grounds. Because of the specific language situation in Luxembourg, the Ministry of National Education had increased the number of measures to ensure that newly arrived children had access to school and were taught the three administrative languages of Luxembourg.

345. With regard to the working conditions of migrants, there were no particular problems for migrants, either men or women. Luxembourg's legislation on labour issues applied in an equal and non-discriminatory manner to all workers in the territory. Equal pay for men and women was also guaranteed by the labour code. Neither the Government nor the courts had any particular information concerning problems in this area. Luxembourg did not see any particular reason to introduce positive discrimination in working conditions, since all workers were treated on an equal footing.

346. Luxembourg pledged to achieve the human rights voluntary goals enshrined in Council resolution 9/12.

347. Lastly, with regard to the recommendation that it continue its commitment to official development assistance (ODA), Luxembourg confirmed that it would continue to strengthen its development cooperation policy with the objective of combating poverty and helping developing countries to achieve the Millennium Development Goals. In 2009, Luxembourg would allocate 0.92 per cent of GNP to ODA. Luxembourg would continue its efforts to achieve a rate of 1 per cent in coming years, and also continue to encourage its partners in the European Union and the Organization for Economic Cooperation and Development to respect their commitments to ODA in the United Nations or the European Union. Luxembourg felt particular responsibility in this connection, since it was under its presidency of the European Council in May 2005 that the States members of the European Union had undertaken an historical commitment to set up a new common and strong objective of raising ODA to 0.56 per cent by 2010, and to reach 0.7 per cent by 2015.

*(b) Views expressed by Member and observer States of the Council on the review outcome*

348. No views were expressed by States Members and observers of the Council.

(c) *General comments made by other relevant stakeholders*

349. The Consultative Committee for Human Rights of Luxembourg welcomed the fact that some of the recommendations made to Luxembourg by the Working Group coincided with the recommendations that it had put forward in its written contribution to the review summary report, as well as the recommendations made by regional bodies. This proved that there were still shortcomings in human rights in Luxembourg in a number of areas. For example, on the question of minors in prison, the Consultative Committee continued to be of the view that prison was fundamentally an inappropriate institution for juveniles. That was also being emphasized by the bodies at the Council of Europe. Regarding immigration and international protection, Luxembourg had a national regulation concerning the modalities for implementing decisions for removal from the territory under constraint. The Consultative Committee noted that the measures that Luxembourg had taken were not appropriate to the subject at hand and that a law should cover this kind of matter. It made an urgent appeal to Luxembourg authorities to ratify the relevant international conventions, in particular the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the Convention against Torture and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It encouraged the Government of Luxembourg to follow up on the recommendations made by the Council under the framework of the universal periodic review. It would monitor their implementation as part of its mandate.

350. The Arab Commission for Human Rights welcomed the transparent way in which the delegation of Luxembourg had responded to the recommendations of the Working Group. It recommended that Luxembourg establish an institutional framework and a time frame for the implementation of recommendations and report back thereon to the Council within a year. It stressed that the participation of non-governmental organizations in the universal periodic review process was important. It noted that Luxembourg chaired the United Nations Economic and Social Council and hoped that Luxembourg would play an increasing role in defending the right of civil society to participate in United Nations deliberations.

351. Cercle de recherche sur les droits et les devoirs de la personne humaine welcomed the report on Luxembourg and commented on paragraph 53 thereto, citing the recommendation on the adoption of a comprehensive strategy for the elimination of violence against women with a preventive component. In this regard, it asked if there was already a comprehensive United Nations strategy concerning violence against women and suggested that, if it existed, it could be adopted by Member States. It also asked if such a strategy would be exclusively for Luxembourg. Along the same lines, it noted that the question of violence approached solely from the standpoint of violence against women would constitute discrimination, since violence against men was also a reality around the world. Therefore, it would be desirable for Luxembourg and all countries to elaborate a comprehensive strategy against violence in general with its three components: men, women and children. It mentioned that it was ready to bring its expertise to assist Luxembourg in the development of such a comprehensive strategy. It also supported the recommendation that Luxembourg cooperate with the adoption of the universal declaration on the duties of the person.

352. The International Federation of Action by Christians for the Abolition of Torture and ACAT Luxembourg had taken note of the date of 2010 for the construction of a closed centre for minors in Luxembourg. They saluted remarks made in the Working Group on the detention conditions of minors and requested that Luxembourg take into account concerns regarding children abandoned at borders. They welcomed the comments made by Luxembourg on alternatives to detention, but were concerned about the possible discriminatory implementation of such measures. They advocated alternatives to detention

for parents of children affected by these measures, in particular for pregnant women and mothers, including when these are foreigners or aliens with an irregular administrative status. They shared concerns on allegations of xenophobic or discriminatory behaviour of prison personnel towards foreign detainees. They welcomed the recommendation that holding measures of persons awaiting expulsion be restricted to cases of risk to national security or threat to public order. The two organizations stated that the possibility of placing minors in detention was a regressive step and hoped that Luxembourg would respect its international obligations in the planning of the new detention centre. With regard to the lack of provisions in Luxembourg's legislation guaranteeing the principle of non-refoulement, they regretted that the response of Luxembourg had not been followed by a commitment in this regard. They supported the recommendation that Luxembourg ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

(d) *Concluding remarks of the State under review*

353. In his concluding remarks, the Permanent Representative expressed thanks to all the speakers. Luxembourg attached considerable importance to the activities carried out by the various commissions and organizations and would take into account the comments made. Luxembourg would conduct the follow-up process in cooperation with civil society, and report regularly to the Council on the progress made in this regard. Regarding detention conditions, Luxembourg reaffirmed its stance taken during the review in December 2008 and explained in the national report. Regarding violence against women, measures had already been taken to address this issue in legislation and the national plan for 2009–2013.

354. The Representative stated that he took to heart the active participation by everyone in the universal periodic review and thanked the secretariat of OHCHR for its support, the members of the troika who had played a helpful part in the process, all Member States for their recommendations and civil society. The promotion and protection of human rights remained a continuing challenge for all States and the entire international community. Luxembourg was not above criticism and its endeavours to ensure the universal respect of human rights should not exempt it from the national efforts that it would expect of others. Luxembourg would continue its efforts to overcome difficulties where they existed, and, to that end, the review process had laid down an important road map to those goals. In cooperation with the international community and civil society, the Government of Luxembourg would tirelessly continue to ensure progress in a system that should always be ready to take on new challenges, and would continue to work towards improving human rights in the country.

## 5. Barbados

355. The review of Barbados was held on 3 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Barbados in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/BRB/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/3/BRB/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/BRB/3).

356. At the 28th meeting, on 18 March 2009, the Council considered and adopted the outcome of the review on Barbados (see section C below).

357. The outcome of the review on Barbados comprises the report of the Working Group on the Universal Periodic Review (A/HRC/10/73), the views of Barbados 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/10/73/Add.1).

(a) *Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome*

358. The delegation of Barbados recognized the efforts of OHCHR in providing Member States, especially small delegations like itself, with information and guidance in preparing for the follow-up process to the universal periodic review. It acknowledged the work of the troika of Japan, the United Kingdom and South Africa, which had provided Barbados with a clear sense of the recommendations proposed by delegations.

359. The delegation stated the Government and people of Barbados had always been aware of the need to ensure a minimum basic level of human rights protection for all citizens of the world. The preparation of the report and the consideration of the recommendations for the present session reinforced this view and had been a valuable tool for Barbados to collectively examine its domestic system for the protection of human rights and its international obligations. This assessment exercise provided opportunities, where necessary and practicable, to enhance and improve certain areas of its human rights architecture.

360. It was clear that Barbados would require international financial support and technical assistance from OHCHR, other international institutions and the States Members of the United Nations to establish and maintain certain aspects listed in the recommendations. It called on the international community to support Barbados and other developing countries in this regard.

361. As a small-island developing country with all related economic, security and environmental vulnerabilities, Barbados must approach this process realistically and commit only to those actions that are within its ability to take and maintain. Consequently, the Government of Barbados could not commit, in the short term, to signing new treaties without undertaking a thorough assessment of the nature of the responsibilities involved. Barbados would, however, continue to give thoughtful consideration to signing and ratifying those treaties and optional protocols that were within the limits of its capability and where the reporting obligations were not excessively onerous.

362. The delegation gave its assurance that Barbados intended to improve on its human rights reporting record and accepted the recommendation to do so. It conceded, however, that human resources constraints remained the major impediment to timely reporting and said it would continue to support any capacity-building initiatives developed by OHCHR to assist developing countries in this regard. It added that Barbados was attempting to establish a human rights unit within the Ministry of Foreign Affairs and Foreign Trade and it looked to organizations and Member States with expertise in this area for guidance and assistance.

363. The Government had undertaken a thorough analysis of the recommendations emanating from the universal periodic review, and the Cabinet of Barbados had taken a number of important decisions relating to human rights. The Cabinet of Ministers had agreed to the abolition of the mandatory application of the death penalty and was in the process of amending the relevant laws to reflect this. The death penalty, however, remained a sentencing option. Barbados was unable to accept the recommendation of its total abolition at this time. It noted that opinion polls and surveys taken in the country showed that public sentiment strongly favoured the retention of the death penalty.

364. As reflected in the formal responses to the review recommendations in the addendum to the Working Group report, Barbados was actively looking at revising its Constitution further and updating its legislation to conform to its treaty obligations. As this exercise unfolded, it would endeavour to keep the Council updated on progress and of any assistance required with regard to legislative drafting.

365. The Cabinet of Ministers had recently considered a number of proposals to enhance its human rights profile further. They included a proposal to evaluate for implementation the recommendations of the Constitutional Review Commission, especially in those areas that would enhance the country's profile as a staunch defender of human rights. The Cabinet had also been asked to consider drafting legislation on discrimination and torture, and further legislation on sexual harassment in accordance with the treaty obligations of Barbados. In addition, the Cabinet had been requested to consider a method for the establishment of an independent national human rights commission and to consider providing the Bureau of Gender Affairs with an increased level of human and financial resources, within the Government's limitations, to enable it to contribute efficiently to the promotion and protection of women's rights. The Cabinet had subsequently referred all of these matters for further consideration to the Governance Committee chaired by the Attorney General.

366. Further consideration would also be given to the topic of migration and movement of persons and the rights of such persons, since the Government had already established a cabinet subcommittee on immigration and hoped to have, in 2009, a fully revised and comprehensive migration policy. This would involve the drafting of relevant legislation and the ratification of appropriate treaties.

367. The delegation noted that Barbados had received a number of recommendations from Member States which they considered could enhance the domestic architecture of human rights protection. Given the impact of the global economic challenges on all economies, especially the smallest and most vulnerable, it asked that the Government's efforts to adopt these recommendations be taken into account where possible. There were some recommendations that the Government of Barbados was not prepared to accept but of which it had taken serious note.

(b) *Views expressed by Member and observer States of the Council on the review outcome*

368. The United Kingdom of Great Britain and Northern Ireland said it was pleased to be on the troika during the review of Barbados, during which it had been able to observe closely the serious manner in which Barbados approached the review. It was impressed by the State's conduct during the review and its high-level delegation. It thanked the State for the serious consideration given to all of the recommendations made, including those by the United Kingdom. It was pleased that Barbados had been able to accept a significant number of recommendations and looked forward to its ongoing engagement with the review process through their implementation.

369. The Bahamas commended Barbados for its commitment to the promotion and protection of human rights and for the progress made, particularly with respect to social and economic indicators. It congratulated Barbados for its constructive approach to the universal periodic review process and the work of the Council, as demonstrated by its full and frank participation in the Working Group session and the presentation of its response to the report thereof. As a fellow small-island developing State, the Bahamas understood well the constraints faced by Barbados in its continuing efforts to implement its obligations under international human rights instruments. The Bahamas encouraged the international community to heed the request of Barbados and provide the necessary support and assistance for enhancing national capacity and to assist Barbados in continuing to implement its human rights obligations and the recommendations emanating from the review process which it had committed to implement.

370. Mexico acknowledged the high level of acceptance by Barbados of the recommendations made in the Working Group. It highlighted the serious consideration given to those recommendations that it could not accept immediately and trusted that Barbados would progressively advance in their consideration and acceptance. It appreciated

the commitment demonstrated by Barbados to the universal periodic review and its objective evaluation and openness during the review process. It commended the State's acknowledgment of the challenges and achievements in advancing human rights, and its commitment to confronting them. Mexico considered Barbados to be an outstanding example within the Caribbean region and appreciated its sharing of experience during various regional seminars. Mexico encouraged efforts made concerning the implementation of the recommendations, and hoped that Barbados would be supported by the international community in this regard. Mexico congratulated the Government for the steps that it had already taken in implementing these recommendations, including institutional and legislative measures. Lastly, Mexico recalled the importance of the role of the Council and the international community as a whole, in supporting the efforts being made by Barbados to improve the human rights situation in the country.

371. Cuba acknowledged the high level of acceptance by Barbados of the recommendations made in the framework of the review and its efforts to follow up on them. Cuba praised the efforts made by the Government of Barbados, notwithstanding the challenges it faced, as a developing country, owing to material and financial constraints. Despite these challenges, Barbados continued with its firm intention to cooperate with the human rights system of the United Nations and the universal periodic review in particular. Cuba called on the international community to consider positively the request made by Barbados for technical support.

372. Japan, as a member of the troika for Barbados, congratulated it on its constructiveness in preparing for and conducting the review. The Government of Barbados had shown its firm commitment to improving its human rights situation. It expected that the recommendations that enjoyed the support of the Government would be fully implemented, and it encouraged the Government to continue its maximum efforts to improve the human rights situation, taking into account the concerns of the international community. It expressed its belief that the serious stance of the Government would lead to concrete implementation of the recommendations and improve the country's human rights situation.

373. Algeria reiterated its appreciation for the high quality of the Barbados national report on the human rights situation in the country. It was greatly encouraged by the efforts made to protect and promote human rights and good governance. It noted the challenges facing this small-island developing State and strongly supported the appeal by Barbados to the international community for technical and financial assistance to support its efforts to implement its human rights commitments.

(c) *General comments made by other relevant stakeholders*

374. On behalf of the Canadian HIV/AIDS Legal Network and the International Gay and Lesbian Human Rights Commission, the Canadian HIV/AIDS Legal Network expressed appreciation for the constructive approach of the delegation and the consideration given to all recommendations. With reference to the recommendation on the decriminalization of consensual adult same-sex conduct, it noted the State's comments in relation to social pressure against such decriminalization, but emphasized that human rights must never become a popularity contest, and indeed international guarantees of non-discrimination were designed precisely to protect the rights of unpopular minorities. Stating that the universal periodic review was based on relevant international legal standards, it noted that, in May 2007, the Human Rights Committee, in its concluding observations, specifically stated that Barbados should decriminalize sexual acts between adults of the same sex and take all necessary actions to protect homosexuals from harassment, discrimination and violence. It urged the delegation to act upon the Committee's recommendations as soon as possible, citing also comments by the High Commissioner in this regard. The Canadian HIV/AIDS Legal Network welcomed the State's commitment in its response to protecting

all members of society from harassment, discrimination and violence regardless of sexual orientation, and indicated it would appreciate hearing from the delegation what measures it proposed to ensure such protection. It also welcomed the Government's support for the historic resolution of the Organization of American States in 2008 on human rights, sexual orientation and gender identity, and hoped that this commitment would ensure a better future for the whole of the community in Barbados.

375. Cercle de recherche sur les droits et les devoirs de la personne humaine congratulated Barbados, a small-island developing State, on its achievements in the promotion and protection of human rights, which could stand as an example. It welcomed the initiatives to adopt new legislation on integrity, an initiative that should set an example for other nations; it wished Barbados success. It hoped Barbados would be at the forefront of States in favour of adopting the Universal Declaration of Human Responsibilities.

(d) *Concluding remarks of the State under review*

376. In closing, Barbados thanked delegations and other stakeholders for their constructive comments and expressions of support, adding that it had taken careful note of all concerns and comments expressed. Barbados reiterated that it had approached the review and recommendations in a serious and realistic manner and considered that a number of short-term, medium-term and long-term objectives were to be undertaken.

377. The delegation stated that Barbados was taking the necessary steps within available means towards fulfilling these commitments, which would further enhance and reinforce the promotion and protection of the human rights of its citizens. It reiterated the Government's continued commitment to the review process and expressed confidence that, with the support and encouragement of the international community, Barbados would be able to further honour its international obligations and continue to contribute to the strengthening of the international human rights system.

## 6. Montenegro

378. The review of Montenegro was held on 3 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Montenegro in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/MNE/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/3/MNE/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/MNE/3).

379. At its 28th meeting, on 18 March 2009, the Council considered and adopted the outcome of the review on Montenegro (see section C below).

380. The outcome of the review on Montenegro comprises the report of the Working Group on the Universal Periodic Review (A/HRC/10/74), the views of Montenegro concerning the recommendations and/or conclusions, and 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 (see also A/HRC/10/74/Add.1).

(a) *Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome*

381. The Minister for Justice of Montenegro, Miras Radović, stated that it was a great honour to be again in the United Nations and to take part in the debate regarding the human rights situation in Montenegro within the universal periodic review.

382. He recalled that Montenegro had achieved enormous progress in the field of human rights since its independence was restored on 21 May 2006, and that it had been pleased to receive the recommendations of the States at the Working Group involved in the review process. It had taken these recommendations as well meaning.

383. In compliance with the procedure, Montenegro responded to the recommendations from the draft report of the Working Group. Montenegro drew attention to the overview of the most important activities undertaken in the period since the presentation of the national report, which were in line with the recommendations.

384. The Parliament of Montenegro had ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and, in the required time framework, it would establish an effective national mechanism for the prevention of torture. The Government had adopted the proposal on the law on ratification of the Convention on the Rights of Persons with Disabilities.

385. The Government had appointed an agent to represent Montenegro in the European Court of Human Rights in Strasbourg, and had thus fulfilled another important international obligation in the field of the protection of human rights and freedoms.

386. In the field of combating corruption, Montenegro had undertaken significant activities, including the passing of the new law on preventing conflict of interests. In 2008, judicial bodies had made obvious progress in solving corruption cases. The latest examples of cases processed involved persons of high official rank, some of them even holding offices in the judiciary, and the intensification of the courts' work in dealing with cases of corruption clearly reflected the intention of the judiciary to be a determining factor in fighting this damaging social phenomenon.

387. A law on the protection of personal data had been adopted and an independent supervisory body would be established with the task of controlling the implementation of that law.

388. The Parliament adopted a law on foreigners, thereby creating the preconditions for the establishment of an efficient system for visas and migration.

389. A working group for monitoring the implementation of the national strategy for fighting trafficking in human beings had adopted a plan of action for 2009. This strategic document incorporated the recommendations of all international organizations. The judiciary also attached significant importance to the criminal cases of trafficking in human beings and imposed punishments proportionate to their gravity.

390. The bureau for the care of refugees was preparing for the re-registration of internally displaced persons residing in Montenegro, to be conducted in the first half of 2009. Several municipalities would allocate land for the construction of housing units for displaced persons. The process of repatriation of 29 families displaced from Kosovo had started. Montenegro accepted the recommendation to invite the international community to provide technical assistance and financial support in the implementation of the strategy leading to a sustainable solution of the issue of refugees and internally displaced persons. This was confirmation that the international community had not forgotten that, in the 1990s, Montenegro had opened its doors to a large number of persons from war-stricken areas.

391. Montenegro was satisfied with the permanent progress in the implementation of the strategy for inclusion of Roma population in Montenegrin society. The building of 50 flats had already started in two municipalities. In one municipality, the housing issue of this population would be completely solved in this way. This was also the municipality in which all Roma children went to school. It was also satisfied with the preliminary results of the project for the education of the Roma, Ashkalia and Egyptian population, implemented with the Red Cross and UNHCR.

392. A draft law on the prohibition of discrimination had been prepared and would soon be submitted to the Government for adoption. Montenegro also referred to the conclusions of the Committee on the Elimination of Racial Discrimination adopted on 16 February 2009, in which it, inter alia, welcomed the fact that Montenegro had taken numerous legislative and administrative measures aimed at establishing a framework for the promotion and protection of human rights.

393. Montenegro provided information on the plan of action for achieving gender equality in the period 2008–2012, which envisaged preparation of a forum for dialogue with the civil sector, to be organized three times a year, with a view to establishing dialogue and the transfer and exchange of information and views between the Government and the non-governmental sector. In March 2009, one Montenegro private university would start enrolling the first generation of students in a “gender studies school”. The campaign entitled “16 days of activism against domestic violence” started in cooperation with international organizations in late November 2008 and continued in 2009. The drafting of the initial report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, coordinated by the Ministry for the protection of human and minority rights, was in progress.

394. The conditions for exercising the freedom of the media and a good environment for freedom of expression had been created in Montenegro. The Parliament had adopted a new law on public broadcasting services after the implementation of the old law had shown that certain issues important for the work of public broadcasting services had not been regulated or regulated in an adequate manner.

395. Regarding the recommendation of several States that effective measures be taken to investigate attacks on journalists and human rights defenders, Montenegro stated that, in the case of the homicide of the director and editor-in-chief of the daily *Dan*, a trial was in progress and, in three cases of assaults on journalists, the criminal procedures had been completed. In two of the cases, there were final judgements and prison sentences imposed; in the third case, the trial had finished and a judgement would soon be announced.

396. Judicial authorities were also conducting criminal procedures in four cases of war crimes. In three, indictments had been brought, while the fourth one was at the investigation stage, aimed at supplementing the request for conducting the investigation proposed by the competent State prosecutor. Work on these cases had intensified. In the first of the cases, the trial was in progress, in the second it was scheduled and would start in March 2009, while the third case was at the stage of deciding on the objections to the indictment. In all three cases, it was decided that the defendants would be held in detention.

397. Court proceedings for damages in 42 litigations initiated in relation to the “deportation of Muslims” of 1992 had been finalized through a settlement between the plaintiffs and the Government of Montenegro. The plaintiffs settled for an amount of €4,135,000. Montenegro stated that this case of treatment of victims of war events in the region could serve as an example for solving the open issues that burdened bilateral relations.

398. Montenegro fully accepted the recommendation to work more intensively on passing the law on protection against domestic violence and to establish close cooperation with non-governmental organizations in the procedure of passing this law. According to the Government’s agenda, the draft of the law would soon be issued for public consultation. Montenegro stressed that, in this field, judicial bodies had been committed to solving the cases involving the criminal offence of domestic violence. Courts had already decided on several hundreds of such cases.

399. Montenegro referred to the richness of activities in implementing the plan of action for the implementation of the strategy for the reform of the judiciary with the report on the

implementation of measures from the plan of action for the second half of 2008 currently under consideration and the large number of measures completed, particularly in the field of strengthening the independence and efficiency of the judiciary. Montenegro was working on improving the capacities of the judicial council, the body defined in the Constitution to ensure independence and autonomy of the judiciary. A similar situation existed with the Council of Prosecutors, the basic function of which was to guarantee independence of the organization of State prosecutors.

400. Montenegro attached the highest importance to the efficiency of judicial bodies. A proposal for the criminal procedural code had been adopted by the Government, creating preconditions for the efficient work of judicial bodies in the criminal procedure by transferring investigation from the courts to the prosecutors and introducing an alternative dispute resolution system. In 2008, the courts increased their efficiency in solving the issue of backlog of cases and the clear trend was to continue with such an approach.

401. The delegation regretted that time had not permitted an elaboration of a number of other activities undertaken in the field of the judiciary and reforms in other sectors.

(b) *Views expressed by Member and observer States of the Council on the review outcome*

402. The United States of America welcomed Montenegro's efforts to incorporate human rights into its Constitution and the recent creation of an ombudsman institution for the protection of human rights and a judicial council to strengthen judicial bodies and ensure their independence. It noted the concern documented in the Working Group report by a number of delegations about attacks and threats against journalists, and appreciated Montenegro's expressed commitments to protect media freedoms and its continuing efforts to investigate these attacks and prosecute them. The delegation noted that trafficking in persons was a problem in Montenegro, and welcomed the plan of action for the fight against human trafficking adopted in December 2008 as a positive step to improve the protection of victims and the prosecution of perpetrators. It also appreciated Montenegro's efforts to coordinate its anti-trafficking efforts with other countries in the region. It supported the recommendations in the Working Group report with respect to minorities, including the Roma, and the need for full protection of their rights under the law and in practice.

403. Albania emphasized that Montenegro was a functioning democracy, a factor in regional stability and a trustworthy partner. It noted that Montenegro's report was testimony to its immense progress in the promotion and protection of human rights and the modernization of its society. It also noted Montenegro's clear replies, its genuine commitment to bring the country into line with the recommendations made and, in particular, the clear objectives set for the future of the country. Albanian and Montenegrin police and justice institutions worked closely together, with the support of European colleagues, in combating trafficking and organized crime in both countries. It noted that the Albanian minority in Montenegro was a bridge of friendship between them and enjoyed all the freedoms of a democratic society. In the Balkans, an area which had often suffered ethnic problems, this fact represented a giant step towards peace and prosperity. Albania noted with satisfaction that Montenegro had provided guarantees for fundamental rights and freedoms and had embarked on the right path towards a brighter future for its citizens.

404. China appreciated Montenegro's sincere and responsible attitude during the universal periodic review and thanked it for its cooperation throughout the whole process. China noted with appreciation that Montenegro had overcome all the difficulties that emerged during the initial stage of the establishment of the country and had made much progress in protecting and promoting human rights. Montenegro had a fairly complete constitutional and legal framework, had established a unit in charge of protecting minority rights and an ombudsman, and had implemented various national strategic plans on gender

equality, protection of persons with disabilities and of minorities. It noted that Montenegro had already launched new measures on the prohibition of torture, combating human trafficking, and protecting vulnerable minority rights. China believed that Montenegro would continue these efforts and continue to implement in all sincerity the feasible measures put forward by Member States during the review, and with the assistance and support of the international community, would achieve greater progress in the area of human rights.

(c) *General comments made by other relevant stakeholders*

405. Amnesty International welcomed many of the recommendations, including calls for the protection of minorities. In referring to Montenegro's obligations under the International Covenant on Economic, Social and Cultural Rights, it urged the Government to prioritize fulfilment for all members of the Roma, Ashkalia and Egyptian communities, without discrimination, for the rights to free and compulsory primary education, access to employment and essential primary health care, and to basic shelter and housing. When allocating resources, it stated that the Government should prioritize the most vulnerable and should seek international cooperation and assistance where necessary to meet these basic obligations. It welcomed recommendations relating to the clarification of the legal status of refugees and internally displaced persons. It noted that persons originating from Kosovo continue to be defined as internally displaced persons rather than refugees, and that many of those who arrived after 2003 had not been granted access to a process whereby they may be registered as internally displaced persons. It noted that, as a result, they remained in danger of statelessness. Amnesty International noted that the authorities had been negotiating with the authorities of Kosovo for the return of Roma, Ashkalia and Egyptian persons to Kosovo. It urged the authorities to ensure that such individuals be allowed to challenge the decision to apply a cessation of protection in their case, and expressed the view that they should also be allowed access to a process to assess their continued protection needs in order for non-refoulement obligations to be met. While welcoming the addendum to the report of the Working Group, in which Montenegro provided further information on the 20 recommendations made by States, Amnesty International encouraged Montenegro to indicate clearly which of these recommendations it supported, as required by paragraph 32 of the annex to Council resolution 5/1.

406. Cercle de recherche sur les droits et les devoirs de la personne humaine appreciated Montenegro's replies to the recommendations made within the framework of the Working Group. It noted with great interest the replies to recommendation 6, including the initiative taken by the Government to approve draft legislation prohibiting discrimination in the first quarter of 2009. It drew the Government's attention to the fact that the draft law addressed 12 precise grounds for discrimination, but did not include the case of discrimination linked to political choices and associations of the individual. It also pointed out that some human rights violations were committed against members of political parties or the opposition and unions. It recommended that Montenegro include these forms of discrimination in the draft law and ensure that these rights are properly promoted. It also encouraged Montenegro to take part in the promulgation of a universal declaration of duties of the individual.

(d) *Concluding remarks of the State under review*

407. Montenegro thanked delegations and expressed the significance of the universal periodic review process for Montenegro. Responding to some of the recommendations made, it referred also to responses previously provided.

408. Montenegro referred to activities undertaken with regard to the protection of Roma populations and emphasized the strategy for social inclusion of Roma, and expressed its readiness to ensure all the rights of the Roma. Montenegro noted progress, especially in

terms of education, because a significantly larger number of children attended school than five years ago. Montenegro stated that all possible activities had to be conducted to eliminate barriers and to allow, inter alia, the social inclusion of the Roma population.

409. With regard to refugees, Montenegro indicated that, inter alia, it did not consider that it would reach a situation of having stateless persons in the country.

410. Montenegro stressed that several institutions had had an opportunity to conclude that trafficking in persons was not a problem at the present time and that the judicial bodies of Montenegro had dealt with cases of trafficking of persons appropriately and pronounced sentences that were adequate to the severity of the committed offences.

411. In response to a statement by Amnesty International asking which recommendations Montenegro accepted and which it did not, Montenegro noted that it did not reject any of the recommendations. Montenegro had given its responses and noted the goal of developing and strengthening human rights in the country. It considered the recommendations well intended and would be of decisive significance for the development of the legal system. It believed that, in four years' time, it would be very satisfied with the situation of human rights in the country and in the region.

## 7. United Arab Emirates

412. The review of the United Arab Emirates was held on 4 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by the United Arab Emirates in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/ARE/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/3/ARE/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/ARE/3).

413. At the 29th meeting, on 19 March 2009, the Council considered and adopted the outcome of the review on the United Arab Emirates (see section C below).

414. The outcome of the review on the United Arab Emirates comprises the report of the Working Group on the Universal Periodic Review (A/HRC/10/75), the views of the United Arab Emirates concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

### (a) *Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome*

415. The head of the delegation of the United Arab Emirates and Minister of State for Foreign Affairs, Dr. Anwar Mohammad Gargash, reiterated the belief of the United Arab Emirates in the universal periodic review process and its determination to improve its own human rights record and to contribute effectively at the global level. This aspiration stemmed from its cultural heritage and religious values, which enshrined justice, equality and tolerance.

416. He presented his State's plan of action to implement voluntary commitments and accepted recommendations on human rights issues, which was designed, through a dialogue involving federal and local governments and civil society organizations, to determine the scope of work, take follow-up action on the implementation process and submit periodic status reports.

417. In addition to nine voluntary commitments made by the United Arab Emirates, the Working Group, in its report, had made 74 recommendations, at its third session in

December 2008. While 36 had been accepted and 17 were being considered for detailed study, the rest did not enjoy the country's support because of several social, cultural and legal factors.

418. The steps taken since December 2008 to realize voluntary commitments and recommendations included: (a) ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in February 2009; (b) preparation of a study by a Government committee, presented to the Cabinet, for consideration of acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the protocols to the Convention on the Rights of the Child; (c) the signing of the Convention on the Rights of Persons with Disabilities and the additional protocol thereto, which are in the process of being ratified; (d) opening of a series of human rights-related workshops to benefit from international best practices (one such workshop had been held in February 2009, in cooperation with the International Organization for Migration, to improve the knowledge of human trafficking by law enforcement officials). The United Arab Emirates tackled concerns related to temporary contractual workers with the International Labour Organization (ILO) through, *inter alia*, the Decent Work Country Programme; (e) the Government had initiated a study of human rights commissions in various countries to help formulate its own national institution, in line with the Paris Principles; (f) a national media campaign to enhance public awareness of human trafficking was being worked out; and (g) two new related institutions had recently been set up: the Human Rights Department under the Ministry of the Interior, and the Dubai Community Development Authority.

419. In relation to recommendations 2, 3, 6, 25, 32 and 36 (A/HRC/10/75, para. 91) dealing with strengthening human rights mechanisms, the Universal Periodic Review Committee, a multidisciplinary body chaired by the Minister of State for Foreign Affairs, was studying various measures in line with national beliefs and traditions, particularly Islamic sharia, and in coordination with relevant authorities. The Federal National Council would review these measures. For instance, workshops and training sessions would be conducted to draw up a national strategy to spread a human rights culture. A plan of action to raise awareness on human rights-related labour issues was outlined by the Ministry of Labour in January 2009, in coordination with 17 Government departments and the private sector. Furthermore, official invitations had been sent to the Special Rapporteurs on the sale of children, child prostitution and child pornography and on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The visits are expected to take place in 2009.

420. With regard to recommendations 4, 8, 19 and 34, the United Arab Emirates was actively considering introducing human rights education for students in grades 1 to 12. Furthermore, to commemorate the sixtieth anniversary of the Universal Declaration of Human Rights, the higher college of technology was organizing a series of lectures.

421. With regard to recommendations 10 and 31, the Universal Periodic Review Committee had encouraged civil society organizations to participate in both the build-up and compilation of the national report, as well as the plan of action. The Ministry of Social Affairs would establish a standing forum with civil society organizations to facilitate dialogue and understanding. In February 2009, Du, the country's integrated telecom operator, and the Ministry of Social Affairs jointly launched Musahama, a comprehensive web portal for civil society organizations in the country.

422. Regarding the rights of temporary contractual workers mentioned in recommendations 7, 9, 14, 18, 21, 22, 27, 28 and 35, the Ministries of Labour and the Interior continued to strengthen laws on the working and living conditions of expatriate workers. A domestic workers' law, which would have a positive impact on women, was in

a very advanced stage. Other measures would include the signing of memoranda of understanding and the reinforcement of cooperation with labour-exporting countries, and a pilot project focusing on the difficulties faced by expatriate workers. The Government had also created an agency to monitor complaints about unpaid wages and to settle wage-related conflicts involving expatriate workers.

423. On recommendations 16 and 23, the Universal Periodic Review Committee, in coordination with the National Committee to Combat Human Trafficking, would strengthen Federal Law 51 and be part of bilateral and international efforts to combat this crime. Other steps included:

(a) In January 2009, the Cabinet issued orders to increase the number of prosecutors to the National Committee to Combat Human Trafficking;

(b) In January 2009, 80 police and judicial officials held a brainstorming session to discuss the national strategy on human trafficking;

(c) 15 law enforcement officials were trained abroad. These efforts are making a difference: at least 15 cases, with a minimum of 6 convictions, were registered in 2008 as opposed to 10 cases in 2007;

(d) The Global Report on Trafficking in Persons, released in February 2009 by the United Nations Office on Drugs and Crime, was funded through a donation from Sheikh Mohammed bin Zayed Al-Nahyan, Crown Prince of Abu Dhabi;

(e) On child camel jockeys, a matter that the United Arab Emirates considers closed, the Ministries of Social Affairs and the Interior, in coordination with the Special Committee for the Rehabilitation of Camel Jockeys and UNICEF, continued the follow-up with concerned countries;

(f) The United Arab Emirates had decided to invite the Special Rapporteur on trafficking in persons, especially women and children, to visit the country.

424. On recommendations 13 and 30, the United Arab Emirates would study ways of further protecting women's rights, in coordination with relevant authorities, especially the General Women's Union. The Ministry of Social Affairs was also taking steps to ensure that women-related human rights issues were respected, particularly by launching awareness-raising programmes. Furthermore, resources for the Dubai Foundation for Women and Children and the Abu Dhabi Shelter, established in 2007 and 2008 respectively, had increasingly been made available and utilized as well.

425. With regard to recommendations 11 and 12 pertaining to children's rights, the Ministry of Social Affairs, in consultation with the concerned departments and civil society organizations, was studying a draft law to guarantee better protection for children, including through the creation of juvenile justice courts. In addition, an initiative to create the first local civil society organization to protect children's rights had recently been announced, and a department for the welfare of orphans had already been set up.

426. With regard to recommendations 1, 17 and 20, a new draft law on media freedom, approved in February 2009 by the Federal National Council, protected journalists from being imprisoned. The 45-article draft law, which was awaiting constitutional clearance, replaced the 1980 law and specifically referred in article 2 to the freedom of expression and opinion, whether written, verbal or by other means; and, in article 3, to the fact that there was no prior censorship of licensed media. The law did not make it mandatory for journalists to reveal their sources, and media offences would be dealt with as civil cases, not criminal.

427. On the development of remote regions mentioned in recommendations 15, 26 and 33, the Government had implemented a number of vital projects. A committee, set up in

2005, continued to study infrastructure needs for remote areas, including projects relating to construction of houses, roads, health centres and schools.

428. On recommendation 24 relating to knowledge exchange, the Universal Periodic Review Committee was working on the modalities of organizing workshops and seminars with interested countries.

429. Of the 17 recommendations under consideration, the United Arab Emirates identified recommendations 1, 5, 6, 7, 8, 9, 11, 12 and 17 mentioned in paragraph 92 of the Working Group report as being in direct contradiction with the Constitution, religious code, traditional values and national interest, and hence did not enjoy the country's support. The remaining eight recommendations — 2, 3, 4, 10, 13, 14, 15 and 16 — continued to be under consideration.

(b) *Views expressed by Member and observer States of the Council on the review outcome*

430. Algeria expressed appreciation regarding the positive response by the United Arab Emirates to its recommendation on the organization of training sessions and seminars on human rights for law enforcement authorities in charge of combating terrorism. The United Arab Emirates had accepted recommendations made during the review, which was proof of its commitment to ensure equality and social justice for all, spread a culture of human rights, improve the situation of women and migrant workers and combat human trafficking.

431. Bahrain commended the positive steps taken by the United Arab Emirates to implement a number of recommendations and welcomed its accession to the Palermo Protocol. Bahrain praised the efforts made to combat human trafficking and the country's contribution to the publication, by the United Nations Office on Drugs and Crime, in 2009, of the world report on trafficking in persons. Bahrain expressed appreciation for the invitation to the Special Rapporteur on the sale of children to visit the country in 2009.

432. Cuba congratulated the United Arab Emirates on its commitment to the universal periodic review. A country of peace and solidarity and a member of the Non-Aligned Movement, the United Arab Emirates had demonstrated its commitment to the implementation of economic and social rights. At the session of the Working Group in December 2008, the United Arab Emirates had provided detailed information and exchanged opinions with all countries. Cuba emphasized the improvement of the living conditions of migrant workers, especially with regard to health, housing rights and dispute settlement. Finally, Cuba welcomed the decision of the United Arab Emirates to accept its recommendation.

433. Pakistan thanked the delegation for presenting a comprehensive national plan of action, which sought to implement the State's voluntary commitments and accepted recommendations. Specific steps had been taken, such as the ratification of the Palermo Protocol, the commitment to sign the Convention against Torture and the protocols to the Convention on the Rights of the Child, and early ratification of the Convention on the Rights of Persons with Disabilities. Regarding expatriate workers, Pakistan was encouraged to see appropriate responses that sought to ensure improvement of working hours and accommodation facilities, new procedures of labour disputes, as well as the introduction of a comprehensive compulsory insurance policy.

434. The Syrian Arab Republic appreciated the cooperation that the United Arab Emirates had extended to the review mechanism and to all other United Nations human rights mechanisms. It had presented a comprehensive national report and participated professionally in the review. The United Arab Emirates had made great efforts to comply with the recommendations, in particular by extending an invitation to the Special Rapporteurs on contemporary forms of racism and on the sale of children, and by acceding to the Palermo Protocol.

435. Egypt stated that the accepted recommendations demonstrated the efforts made in the promotion of human rights. Egypt emphasized the climate of religious tolerance, where all religious and cultural particularities are respected. The United Arab Emirates had ensured a climate of freedom for all religions, allowing the communities to practise their faiths and traditions and to follow their own education systems. The Government had offered free land for schools and cemeteries for other religions.

436. Saudi Arabia indicated that the United Arab Emirates had accepted the majority of recommendations, demonstrating its commitment to human rights, especially women's rights. The United Arab Emirates had ratified the Convention on the Elimination of All Forms of Discrimination against Women and developed the legal basis to eradicate the problem of violence against women. It had also taken a number of steps to ensure social services, including education and health, and it praised its efforts to protect those rights.

437. Morocco praised the national plan of action of the United Arab Emirates for the implementation of review recommendations. The State had accepted most recommendations, including the one made by Morocco that it put in place a national strategy to disseminate a culture of human rights and to ensure the long-term protection of rights. Women's issues played a central role in development strategies and the General Women's Union played an active role in promoting the rights of women. The United Arab Emirates had conducted initiatives to harmonize national laws with international commitments, and had acceded to the Convention on the Elimination of All Forms of Discrimination against Women and the Palermo Protocol.

438. Oman thanked the United Arab Emirates for its constructive cooperation with the universal periodic review and its positive engagement with the recommendations. It paid tribute to the country for the positive measures taken, including its voluntary commitments and the national plan of action.

439. Kuwait noted the constructive approach for the implementation of review recommendations, which proved that the United Arab Emirates was interested in cooperating with international mechanisms, in particular the Council. The State had largely accepted the recommendations, notably with regard to religious freedoms, education and health systems, strategies to promote sustainable development and comprehensive reforms aiming at the improvement of labour conditions and the promotion of workers' rights. Kuwait praised the national plan of action, which aimed at implementing the commitments and recommendations made during the review with the participation of civil society.

440. Yemen thanked the United Arab Emirates for accepting its recommendation on the enactment of a national law for the protection of children, and commended it for the ratification of the Palermo Protocol. Yemen also commended it for having established a national committee to implement the review recommendations, and for inviting the Special Rapporteur on the sale of children to visit the country.

441. Qatar welcomed the action taken by the United Arab Emirates to tackle the vast majority of recommendations, in particular regarding the improvement of working and living conditions of contractual workers, the spreading of a culture of human rights and the inclusion of the perspective of equality between men and women. Qatar appreciated the fact that, regarding the recommendation it made on the reform of the 1980 Law on Publications and all other related laws to take into account the evolution of freedom of expression, a press and information law had been adopted and was soon to be promulgated by the head of State. Qatar invited all relevant human rights mechanisms to provide the United Arab Emirates with the necessary assistance.

(c) *General comments made by other relevant stakeholders*

442. The Geneva Infant Feeding Association stated that the United Arab Emirates had not yet adopted a national law on the marketing of breast-milk substitutes. Adopting a strong national law was necessary, as the State was a lucrative market for the baby food industry. It acknowledged improvements in maternity protection at work, but paid leave was only for eight weeks; the United Arab Emirates should ensure foreign workers were granted the same length, also harmonizing legislation throughout the Emirates. The Association recommended that all maternity hospitals, public and private, be certified baby-friendly as a condition for being allowed to function. It reminded the State that its report to the Committee on the Rights of the Child had been due since 2004, and that it had not yet ratified the International Covenant on Economic, Social and Cultural Rights.

443. Action internationale pour la paix et le développement dans la région des Grands Lacs noted the positive response to numerous recommendations made, and welcomed the country's efforts in trafficking and related crimes. Significant progress had been made by the United Arab Emirates in combating violence against women, the protection of workers' rights and freedom of religion. Its determination to promote the full enjoyment of economic, social and cultural rights was demonstrated by the civil society and Emirati associations, such as the Emirati Red Crescent and the Muhammad bin Rashed Al-Maktoum Foundation, particularly in the area of education and health for children in several African countries. It invited the international community to support the State in ratifying the Palermo Protocol.

444. The World Federation of Trade Unions thanked the Government for the efforts made to improve the rights of workers, as well as the measures taken to protect migrant and domestic workers. It welcomed the fact that, among the many recommendations adopted by the Government, there was a commitment to continue strengthening its labour law, improve the working conditions and the lives of workers, and in particular migrant and domestic workers, including a mechanism to deal with reports and complaints on discriminatory treatment. It requested that the Government examine the recommendations made to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and to reconsider its decision not to accept the recommendations regarding the unionizing of workers, collective bargaining and the right to strike, as well as to consider ratifying ILO Conventions 87 and 98.

445. The Arab Commission for Human Rights welcomed the fact that the United Arab Emirates was looking into setting up an independent human rights commission pursuant to the Paris Principles, but asked for more information with regard to the time frame envisaged, as well as the level of participation of civil society in that process. It also welcomed the cancellation of jail sentences on press crimes, and recommended that this be extended to electronic media. Regarding political participation, it recommended the adoption of recommendation 78 of the report. It recommended the reform of the justice system to ensure its independence and welcomed the adoption of a mechanism to follow up on review recommendations. It also recommended that the United Arab Emirates support OHCHR financially.

446. The Hawa Society for Women said it had been involved in all preparations of the review process, having submitted remarks and comments. It noted the question of the establishment of refuge centres to victims of trafficking, protection of women's rights, the promulgation of a national law to protect children and the creation of the institutional mechanism to provide attention to domestic workers victims of violence. It suggested using all available resources to develop a culture of respect, including the Internet, and to set up a user-friendly reliable database.

447. The Cairo Institute for Human Rights Studies endorsed the pledges to reform the 1980 Law on Publications and all other related laws in the country, calling upon the United Arab Emirates to lift the governmental control over press freedoms and to limit legal restrictions on the right to freedom of expression, including the right to political dissent and the right to receive information. It invited the State to ratify, in a timely manner, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to ensure the enjoyment of citizens to all civil and political rights, and to guarantee their active participation in public affairs. The State should ensure the creation of independent trade unions and political parties; that the restrictions on the establishment and work of all associations, including human rights non-governmental organizations, should be lifted; and that the rights of Internet bloggers, journalists and human rights defenders to express freely their views on public affairs should be ensured. The Institute was concerned about discrimination against women, the right of children to a nationality without discrimination based on the parent's gender, and invited the State to amend its laws in this regard.

448. Interfaith International said the large influx of foreign workers and the achievement of certain goals related to economic rights favoured a degree of tolerance among the population, the opening of temples, churches and other places of religious veneration. The United Arab Emirates was one of the rare countries in the region that authorized the construction of cemeteries for Christians and crematoria for Sikh and Hindu minorities. It congratulated the State on the establishment of a standing forum and website for civil society, encouraged it to continue elaborating a programme of compensation, rehabilitation and professional insertion of victims of trafficking, and to create a national strategy promoting a proper economic citizenship for migrant workers and members of their families.

449. Comité international pour le respect et l'application de la Charte africaine des droits de l'homme et des peuples said it had been involved in the preparation of the national report of the United Arab Emirates, and provided remarks that had been included. It also provided comments on the recommendations made, and expressed its intention to cooperate in implementing the recommendations accepted by the State, in particular those relating to ensuring good conditions for workers. It would participate in the dialogue on the follow-up to recommendations, especially on foreign workers, victims of trafficking and persons released from prisons.

450. The Indian Council of South America commended the United Arab Emirates for enacting Federal Law 51 in 2006, and for the establishment of a national committee to combat human trafficking. The State's contribution of \$15 million to the United Nations Global Initiative to Fight Trafficking and its sponsoring of trafficking conferences in Vienna and New York were commendable. It called on the State to continue efforts to advance women at all levels of Government, continue to protect foreign workers and provide human rights training in combating terrorism. It considered the State's commitment to accede to the Convention against Torture and to establishing a national human rights institution in accordance with the Paris Principles positive steps forward, and urged it to ratify other instruments and to continue to include civil society, journalists, and other sectors in the follow-up to the review process.

451. The African-American Society for Humanitarian Aid and Development emphasized the positive role played at the regional and international levels by the State, which had made constant progress in the achievement of rights, including women's rights. It noted that the State was at the top of the list of countries providing aid to others in cases of humanitarian disasters, and it paid tribute to the Red Crescent Society and all other associations for the tireless efforts made in this connection.

452. Cercle de recherche sur les droits et les devoirs de la personne humaine noted the State's rapid modernization, and welcomed the Government's commitment to improving the human rights situation by sharing its experiences and seeking to draw on the best practices of the international community. It supported the recommendation made by Canada to uphold the freedom of expression of non-governmental organizations by amending the laws limiting it and repealing punitive sanctions.

(d) *Concluding remarks of the State under review*

453. The delegation of the United Arab Emirates thanked the members of the Council for their appreciation as well as their criticism. All comments would help the State to improve further its human rights record, which had been commended by many speakers. Through the review, the State had gained more awareness about the importance of capacity-building and the involvement of civil society. With regard to the review mechanism, the United Arab Emirates noted that it was essential to build a credible and constructive process without merging human rights with pure political matters.

## 8. Israel

454. The review of Israel was held on 4 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Israel in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/ISR/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/3/ISR/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/ISR/3).

455. At the 29th meeting, on 19 March 2009, the Council considered the outcome of the review on Israel (see section C below).

456. The outcome of the review on Israel comprises the report of the Working Group on the Universal Periodic Review (A/HRC/10/76), the views of Israel concerning the recommendations and/or conclusions, its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

(a) *Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome*

457. The Permanent Representative of Israel to the United Nations at Geneva indicated that Israel took its participation in the universal periodic review very seriously, as an opportunity for genuine introspection and frank discussions within the Israeli system, despite their reservations about some aspects of the Council's work.

458. Israel thanked all delegations that had engaged in the dialogue in good faith and had shared constructive comments, providing concrete suggestions and ideas. Israel had also appreciated the positive and supportive response received from numerous States throughout the process.

459. Israel had given careful consideration to the recommendations. Certain recommendations reflected the challenges that Israel had already identified and was in the process of addressing, while others highlighted aspects that would require more detailed consideration.

460. Israel agreed to adopt recommendation 14, regarding the investigation of allegations of violence and killings allegedly committed by the police. Israel also agreed to adopt recommendation 18 regarding the law on polygamy, and had recently reinstructed the Qaddi's of the sharia courts to refer every suspected case of polygamy to the police. It had

also decided to adopt recommendation 28, ensuring full protection of the rights of minorities.

461. Israel had also taken upon itself to promote the following items from the Council's recommendations:

- (a) The ratification of the Convention on the Rights of Persons with Disabilities;
- (b) Ensuring best protection of human rights and follow-up to the implementation of international instruments;
- (c) Considering strengthening dialogue with the Council and its special procedures, and cooperation with all relevant United Nations special procedures and mechanisms;
- (d) Redoubling efforts to increase women's representation in society;
- (e) Continuing and strengthening its efforts to achieve gender equality in Government and public services at all levels; to this end, the newly elected Parliament, the Knesset, had 21 women, among the largest number of women members in the history of Israel, and 3 more than in the previous Knesset;
- (f) Ensuring prompt and impartial investigations of allegations of ill-treatment, in accordance with its obligations under the Convention against Torture;
- (g) Ensuring all cases are reviewed by a court in accordance with fair procedures;
- (h) Granting the right to those who object to serve in the army on conscientious grounds to serve instead with a civilian body independent of the military, such as in the form of the newly established and strengthened Public Commission for National Civil Service;
- (i) Further addressing the remaining gaps between the various populations in Israeli society;
- (j) Regarding minorities, Israel intended to strengthen efforts to ensure equality in the application of the law, to counter discrimination against persons belonging to all minorities, to promote their active participation in public life, such as through additional Government resolutions to raise the percentage of the Arab minority in the civil service;
- (k) Following the universal periodic review process, several measures were currently being taken towards further promoting children's rights through several preliminary means. A draft bill on the establishment of a new youth court had been prepared and was currently under review, and additional issues, such as necessary adaptations to probation officers' reports, were being evaluated.

462. While Israel also appreciated the spirit of the recommendation to protect the children and families of migrants, it did not consider that accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was required to achieve that goal, as under Israeli legislation, the rights of children and family members of migrants were already protected.

463. With respect to the recommendation calling for the acceleration of the process of bringing national legislation into compliance with the provisions of the main international instruments to which it was a party, Israel noted that, while international treaties were not directly incorporated into Israeli legislation, given its dualistic system of law, it remained committed to ensuring that domestic legislation, policies and practice complied with its international commitments. Therefore, since treaties were not self-executing and required legislative implementation, Israel carefully considered whether, and to what extent, the

relevant international obligations were already met by existing legislation and case law, and whether passing implementing legislation was needed prior to becoming a party to an international treaty. This process involved extensive and meticulous governmental work to assess the compatibility of new treaties with domestic law, and where necessary, to introduce relevant amendments to the law. Furthermore, Israeli courts recognized and applied a presumption of compatibility as an interpretive tool, assuming that the Knesset, when enacting new legislation, had no intention of derogating or deviating from international obligations; therefore, Israeli legislation should be interpreted in conformity with international law, unless an explicit intention to the opposite existed. In addition, certain laws integrated some of the human rights treaties into Israeli legislation. It also noted that customary law, in contrast to treaty law, was considered part of domestic law; it was binding without the need of transformation by a statute, unless it explicitly conflicted with an existing statute.

464. With regard to the recommendation to evaluate the possibility of ratifying the second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty, Israel reiterated what was indicated in its national report, that while it is not in a position to ratify the Protocol, Israel had applied a de facto moratorium on executions, and the only exception that had ever been implemented since the establishment of Israel was in the case of the Nazi war criminal Adolph Eichmann in 1962, who was convicted by the Supreme Court of committing genocide under the 1950 punishment of Nazi and Nazi Collaborators Law. The death penalty had not been applied since. This policy complies with the State's obligations as a State party under United Nations human rights treaties and its sponsorship of United Nations resolutions in support of a moratorium on the imposition of the death penalty.

465. Israel also took note of the recommendation to intensify its efforts to ensure that human rights were respected in the fight against terrorism. This remained an ongoing challenge for Israel as it continued to confront the threat of terrorism. Israel was keenly aware of the need to find a balance between competing rights and other considerations in this regard, and remained ready and willing to share its experience and challenges with other countries.

466. Israel indicated it would make a concerted effort to incorporate civil society groups when considering how to implement further the recommendations received, and would continue to explore ways to engage with the members of civil society in the protection of human rights in Israel.

(b) *Views expressed by Member and observer States of the Council on the review outcome*

467. Palestine noted that none of the 12 recommendations that it had made on the basis of the principles of international humanitarian law and international human rights law had been taken into account by Israel. Palestine reminded that Israel was the occupying Power of Palestinian and other Arab territories and had recently unleashed a savage attack against the Gaza Strip, leading to thousands of deaths, the destruction of homes, places of worship, hospitals and even United Nations buildings. Israel had imposed a blockade on Gaza for two years, and had already started to demolish 80 other houses and displace more than 1,500 Palestinians living in East Jerusalem. Due consideration should be given to the numerous appeals by the Secretary-General, the United Nations High Commissioner for Human Rights, by special rapporteurs, particularly the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, and the presidents of the International Committee of the Red Cross and of the Federation of the Red Cross and Red Crescent, the head of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the Under-Secretary-General for Humanitarian Affairs, the Organization of the Islamic Conference, the Non-Aligned Movement, the Arab League and international

and Israeli organizations condemning practices of the occupying Power and its violations of human rights. It highlighted calls for inquiry into war crimes committed by Israel against the Palestinian people and stated that Israel must comply with its international humanitarian and human rights commitments, which are applicable to the Palestinian territories, including East Jerusalem. It added that the international community must uphold its moral and legal obligations and seek cessation of this occupation.

468. Cuba indicated that, during the review of Israel, almost all delegations raised concerns about the situation of the Palestinian and Syrian Golan occupied territories, in particular regarding the human rights and humanitarian situation. Many recommendations had been made, including by Cuba, in a spirit of cooperation. Cuba stated that Israel must recognize that the concept of democracy was not compatible with the situation of being an occupying Power and negating the human rights of Palestinian people in the occupied territories, and that the review must include the human rights situation in the territories. It noted that a few days after the review, Israel had unleashed military action against the Gaza Strip. Cuba re-emphasized its recommendations and expressed hope that the requests of the international community would be met with a view to achieving fair and lasting peace that would allow to build a better future for the people in the Middle East, guaranteeing the rights of the Palestinian people to live in a free, independent and sovereign State fully exercising their human rights.

469. The Syrian Arab Republic stated that Israel continued to pursue its violations of the most fundamental principles of humanitarian law in the Occupied Palestinian Territory and the occupied Syrian Golan. It highlighted that, while it was presenting its national report to the Working Group, Israel was preparing its attacks on the Gaza Strip, which took place a few days after the review. It said the campaign of disinformation continued at the present session. It noted that Israel claimed not to have executed individuals, but said it had been responsible for the deaths on a daily basis of thousands of men, women and children. Israel had broken the record when it came to violations of international resolutions, especially Council resolutions.

470. Egypt indicated that the review of Israel showed that it chose to ignore its commitments under international human rights and humanitarian law. Its national report ignored that it remains the occupying Power of lands of three Arab countries, that since 1967 more than 20 per cent of the Palestinian population had been detained by Israel and that it was currently engaged in building a wall of racial separation on Palestinian territories. Regarding the Syrian Golan, Egypt stated that Israel continued the confiscation of lands and to impose its citizenship on Syrian people. Egypt repeated some of the obligations that Israel was trying to avoid, in particular that it should end its occupation of all Palestinian and Arab territories occupied since 1967, including Jerusalem and the Syrian Golan; respect the right of the Palestinians to self-determination and to the establishment of an independent State, with Jerusalem as its capital; respect the right of Palestinian refugees to return to their homelands and to be compensated for losses and damage incurred and to retrieve their properties; annul its illegitimate decision to annex the occupied Syrian Golan; and end all settlement activities in the occupied Arab territories, in particular and around occupied Jerusalem and in the Syrian Golan.

471. The Islamic Republic of Iran stated the universal periodic review could not appropriately address this specific situation, and the gross and systematic human rights violations over 60 years required the particular attention of the international community. It cited human rights and humanitarian violations, such as racist laws and practices, extrajudicial killings, the demolition of houses, the imprisonment of innocent people, racist and discriminatory policies and practices, torture, the expansion of settlements, increasing checkpoints, the closure of crossings and military incursions, the illegal construction of a racist apartheid wall, targeted killings, the use of Palestinians as human shields and heinous

aggressions against the Gaza Strip, in flagrant breach of international laws, especially those constituting genocide, war crimes and crimes against humanity. It urged the international community to take measures to end all forms and manifestations of occupation, aggression, racism and human rights violations perpetrated by the occupying Power.

472. Yemen recalled the recent Israeli attack against the Gaza Strip and indicated that Israel had ignored recommendations since 1948, so it was not surprising that it would ignore most review recommendations, especially those related to putting an end to the occupation in all occupied Palestinian and Arab territories and to recognizing the right of the Palestinian people to self-determination, to an independent sovereign State with Jerusalem as its capital, and to the right of return of Palestinian refugees to their homeland and their right to compensation and restitution of their properties. Yemen also noted the recommendation that Israel implement fully its obligations under international humanitarian law, and all Council decisions relating to human rights in the occupied Palestinian and Arab territories.

473. Malaysia appreciated the opportunity of the universal periodic review for delegations to engage in peaceful, constructive and non-confrontational dialogue to better understand, assess and ultimately effect tangible improvements to the human rights situation on the ground. It regretted that the presentation by Israel had not addressed most of the pertinent issues and recommendations raised by the Working Group. Noting that Israel had accepted only a small number of recommendations, it stated that the human rights of the Palestinian people remained unfulfilled and the humanitarian situation on the ground in the Occupied Palestinian Territory remained dire. Malaysia remained convinced that the occupation of the Palestinian territories was the root cause of human rights violations and called for the immediate end to all forms of occupation and aggression against Palestinians. Malaysia emphasized the importance of distinguishing between terrorists and legitimate resistance against occupation. The only means of achieving lasting peace, security and stability between Palestine and Israel is through peaceful non-discriminatory and transparent negotiations and dialogue. It reaffirmed its support for the constructive role of the Council in monitoring and deliberating the human rights and humanitarian situation in the Occupied Palestinian Territory.

474. The United States of America noted the energetic civil society in Israel and its independent media, and urged Israel to continue to conduct consultations in the follow-up to the review outcome. The United States noted the visits by special rapporteurs hosted by Israel, which demonstrated its commitment to United Nations human rights mechanisms. It commended the State's efforts to increase opportunities for inclusion of minority communities and its determination to improve the status of women in all sectors of Israeli society. It noted the serious and constructive approach that many in the Council took towards the review of Israel, although it regretted the politicized nature of many of the recommendations. The United States was actively engaged in the international effort to establish peace in the region, including the establishment of a Palestinian State, that would exist side by side with Israel in peace and security.

(c) *General comments made by other relevant stakeholders*

475. Amnesty International shared many of the recommendations made during the review and looked forward to learning which recommendations did or did not enjoy the State's support. It suggested that the recommendations be strengthened, by recognizing the applicability to the occupied territories of the State's responsibility under international human rights and humanitarian law and to investigate war crimes and other violations of international law, holding perpetrators accountable and providing reparation to victims; lifting the blockade of the Gaza Strip and allowing the unhindered passage of people and goods; halting the expansion of Israeli settlements, the destruction of Palestinian homes and

the construction of the wall/fence in the West Bank; removing the more than 500 checkpoints and barriers impeding the movement of Palestinians; and reversing policies and practices that undermine the rights to health, education, housing, work and an adequate standard of living in the occupied territories, as well as for the Bedouin communities in Israel. It stated that many of the recommendations made had taken on an additional urgency in the wake of the recent conflict in the Gaza Strip and southern Israel, and it urged their full and prompt implementation.

476. The Arab Commission for Human Rights stated that the lack of cooperation reduced the opportunity for a dialogue and the effectiveness of the universal periodic review. It suggested that the Council should not adopt the report. It noted that countries from various regions had expressed their concerns and made realistic and measurable requests to end the human rights violations against the Palestinians. It indicated that the behaviour of the Hebrew State as an occupying Power was in contradiction with its international obligations. The Commission stated that the separation wall, the segregation, the fragmentation of the Palestinian territories and the expulsion of Palestinians compromised the establishment of peace and the right of future generations to solve the problem. The Commission concluded by expressing its hope that the Palestinians would one day have an independent and sovereign State.

477. The Charitable Institute for Protecting Social Victims stated that the implications of Israeli air strikes and ground invasions went beyond the destruction of infrastructure to the loss of innocent people's lives, including those of women, children and the elderly. It indicated that Palestinians had experienced oppression and continuous traumatic experiences and massive destruction, including internal displacement. More than two thirds of Palestinian women and children suffered from trauma. It emphasized the necessity of respecting international humanitarian law and formation of an independent fact-finding delegation as part of the responsibilities of the Council with regard to Palestine. It called upon the Council to deliver an independent report on the psychological and mental trauma of Palestinian women and children, especially in the Gaza Strip.

478. The World Federation of the United Nations, speaking on behalf of the United Nations Association of Iran, noted the continued neglect of civilians' rights as human rights violations, in particular in the Gaza Strip. The Federation stated that Israel had violated all international human rights and humanitarian instruments. It indicated that children in Gaza were facing health epidemics and that, according to the World Health Organization, trapped Palestinian children were at risk owing to the lack of vaccination. The Federation referred to the likelihood of a health crisis and to the inflicted health trauma caused by the three-week offensive in Gaza.

479. The Cairo Institute for Human Rights Studies commended the engagement of Israel in the universal periodic review process. It noted that international bodies and United Nations mechanisms, including the Council, had concluded that the confiscation and settlement of occupied Palestinian lands by Israel constituted illegal acts under international law. It noted that the process of settlement continued unabated. It said that the illegal policy of settlement and territorial confiscation had led to the violation of the fundamental rights of Palestinians and the endangerment of security and basic rights of all Israeli citizens. It asked about steps taken or to be taken by the Government to end this policy and dismantle settlements. It said that acknowledgement by Israel of the suffering of the Palestinian people caused by the occupation and policies in the Occupied Palestinian Territory would constitute an important first step in addressing the current political impasse. The State's unwillingness to adequately address the human rights violations committed by Israeli forces within its review report was an ominous sign.

480. Conscience and Peace Tax International regretted that the response of Israel to the recommendations had not been made available in advance. It expressed its interest in the

recommendation in paragraph 100, subparagraph 22. The Organization welcomed the State's indication in its introductory remarks that it was planning to introduce an alternative civilian service for conscientious objectors to military service. The Organization encouraged Israel to bring in legislation consistent with international standards as set out in Commission on Human Rights resolution 1998/77 and in the jurisprudence of the Human Rights Committee. The Organization called on Israel to ensure in particular that arrangements be put firmly under civilian control, compatible with the nature of the objections, not punitive in nature by comparison with military service, and that it should accept declarations of conscience without inquiry. The Organization stated that it would follow with interest the progress of bringing forward relevant legislation.

481. The Women's International Zionist Organization, while noting the steps taken to promote human and women's rights, stated that barriers remained to the full realization of human and civil rights. It noted the establishment of the Commission on Equal Employment Opportunities and the Commission of Equal Rights for Persons with Disabilities, and that the commissions ensured active participation of non-governmental organizations. It called upon Israel to continue in this positive direction and to remove or narrow down its reservations to the Convention on the Elimination of All Forms of Discrimination against Women, particularly on equality in public representation and on gender equality in family life. It noted as unjustified the reservation to article 16 and urged Israel to provide for civil marriage and divorce. It said more than 300,000 Israeli citizens with no religious affiliation could not marry in Israel. The introduction of civil marriage would provide them with one of the most basic civil rights. It would also introduce an egalitarian divorce law, replacing the existing discriminatory religious laws that currently held exclusive jurisdiction over marriage and divorce in Israel.

482. The Organization for Defending Victims of Violence referred to the Israeli military operation launched against the Gaza Strip and to the death, injuries and displacement of Palestinians and the blockaded population. The Organization noted the destruction of Government and other buildings as well as the United Nations aid distribution to refugee centres. The Organization indicated that Israel had committed genocide according to the Geneva Conventions and Protocols; war crimes according to the Charter of the Nuremberg International Military Court Tribunal; crimes against humanity according to the Rome Statute and the Charter of the Nuremberg International Military Court Tribunal; and a crime of aggression, according to General Assembly resolution 3314 (XXIX).

483. The Society Studies Centre expressed concern that the outcome of the review only addressed the rights of Israeli people, ignoring the gross violations of human rights in the Occupied Palestinian Territory. Israel had tried to avoid its responsibility as an occupying State with regard to the violations committed in Gaza and the West Bank and other occupied lands in the Syrian Arab Republic and Lebanon. The Centre stated that the most prominent violation committed by the State was to deny the self-determination of a nation by occupying the Palestinian lands, which had caused atrocities against the civilian population. It noted that 10,000 Palestinians were imprisoned, including Members of Parliament, and that a few days after the review, Israel had committed a massacre in Gaza. The Centre stated that Israel must be reminded and made accountable for what it had committed in Gaza and other parts of Palestine, and that it was unfair for Israel to destroy facilities and have European nations and other donors pay for rebuilding them.

484. The African American Society for Humanitarian Aid and Development said it followed with alarm the tragedy of the Palestinian people as the Israeli occupation committed the worst human rights violations, ignoring all international laws and international humanitarian law. It appealed to the Council to stop immediately all violations contrary to all international laws and to oblige the occupying Power to comply with international resolutions in this regard. It said that the lack of respect for these resolutions

by Israel demonstrates its disdain for the international community. It appealed to the Council to ensure the protection of the Palestinian people and to oblige Israel to put an end to the ethnic purification and massacres in which it was engaged in the Palestinian territories.

(d) *Concluding remarks of the State under review*

485. Israel indicated that, while the questions and recommendations were challenging, they hoped that they would ultimately serve a constructive purpose for all Israeli citizens. Israel was committed to implementing practical measures that, over time, would lead to the successful realization of the recommendations that it had accepted.

486. Israel noted the remarks of the President of the Council who, citing paragraph 32 of Council resolution 5/1, recalled that recommendations that enjoy the support of the State concerned would be identified as such, while other recommendations, together with the comments of the State concerned thereon, would be noted. The President emphasized how important it was for the State under review to indicate whether the recommendations that had not been referred to by the delegation were supported or noted.

487. In view of these remarks and the Council resolution, Israel indicated that it had already referred to the recommendations that enjoyed its support, and that all other recommendations had also been noted.

488. Israel would continue to consult with representatives of civil society and non-governmental organizations to ensure the full realization of human rights in Israel. Israel believed that strong civil society involvement in the follow-up to the universal periodic review would make its vibrant democracy stronger, more resilient and more secure.

489. Israel was aware that its human rights record was not perfect; however, it had not lost sight of the founding ideals in their declaration of independence and looked forward to ensuring the continued growth of a society based upon the rule of law and fundamental freedoms.

490. Before the adoption of the outcome of the review on Israel, statements were made.

491. Palestine reiterated its support for the universal periodic review process and noted that the applicability of international law, international human rights law and international humanitarian law, particularly the fourth Geneva Convention, with regard to the Occupied Palestinian Territory, including East Jerusalem, made it incumbent upon the occupying authority to submit a detailed report on the human rights situation in the territories under its occupation, in addition to its report on the human rights situation within its own. Palestine questioned the commitment of Israel to the principles of the Charter of the United Nations, international human rights law and international humanitarian law in view of the fact that it occupied Palestinian territories in clear violation of United Nations principles and threatened international peace and security. Out of respect for international law and resolutions in general, and for the Council in particular, Israel must be obliged to apply all resolutions and recommendations adopted by the Council. Israel must respect all human rights mechanisms within the Council, in particular special procedures and fact-finding missions. Palestine indicated that the fact that Israel, as the occupying Power, had rejected a number of recommendations threatened the whole universal periodic review mechanism and undermined the work of the Council; it thus expressed its reservations. It noted that, in accordance with paragraph 32 of Council resolution 5/1, all recommendations form part of the outcome.

492. Pakistan, on behalf of the Organization of the Islamic Conference, noted that the universal periodic review was one of the most important mechanisms established by the Council to address human rights situations in the country under review in a comprehensive

manner. It noted that the Council should bear in mind that Israel, as an occupying Power, had a different status and had obligations flowing from international human rights and international humanitarian law, particularly the fourth Geneva Convention. Under humanitarian law, the Palestinians were protected people and Israel had an obligation to ensure their enjoyment of all human rights. During its review in December 2008, many States reminded Israel of this fact and recommended the implementation of its human rights and humanitarian obligations, which Israel had chosen to ignore. It should be held accountable for persistent violations of all fundamental rights of the people it currently occupies and should respond to all the recommendations made. The Council should ensure that there will be no impunity for those who violate the rights of occupied people. The Organization of the Islamic Conference believed that the Israeli policy of ignoring some fundamental concerns relating to its human rights obligations had seriously undermined the objective of the universal periodic review exercise. It thus stated its reservations on this approach.

493. The United States of America noted that it had re-engaged with the Council and sought to ensure fairness and that no one country was singled out and treated differently from others. It noted that, during the consideration of the outcome of the review of Israel, certain procedural questions had been raised that were not raised with regard to any other State. They considered efforts to treat one country, any country, differently from all others, unacceptable. The United States noted with appreciation the remarks from Palestine, in its commitment to sticking with procedure and proceeding in a fair way. It appreciated the work of the secretariat and the President in keeping the Council on the right path. The founding principles of the Council — universality, impartiality, objectivity and non-selectivity — were not intended to shield countries from criticism but to create an environment in which all would be treated fairly, and ultimately make the Council more effective. It noted that all should rededicate themselves to the goals and founding principles of the Council.

494. Australia expressed its deep concern that, during the consideration of the outcome of the review of Israel, procedural questions had been raised that were not raised during the review of the other 30 States that have undergone the review process. Australia indicated that the singling out of one country was unacceptable and regrettable, given the generally positive operation of the review process and its contribution to human rights promotion in many countries. Australia expressed appreciation for the President's efforts to find a way through and to ensure the decorum of the Council.

495. Cuba indicated its support for the universal periodic review as an effective tool to make progress in human rights promotion and protection. Cuba had hoped that Israel would follow common practice, respected by all, to react to all the recommendations on which their position had not yet been set out during the Working Group review. Cuba would not object to the adoption of the report, but wished to put on record its hope that Israel would understand the appeals from the international community and would endeavour to respect all human rights, including of the Palestinian people living in the occupied Palestine territories, as was its obligation as the occupying Power.

## **9. Liechtenstein**

496. The review of Liechtenstein was held on 5 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Liechtenstein in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/LIE/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/3/LIE/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/LIE/3).

497. At the 29th meeting, on 19 March 2009, the Council considered and adopted the outcome of the review on Liechtenstein (see section C below).

498. The outcome of the review on Liechtenstein comprises the report of the Working Group on the Universal Periodic Review (A/HRC/10/77), the views of Liechtenstein 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/10/77/Add.1).

(a) *Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome*

499. The delegation of Liechtenstein provided an update on relevant developments that had occurred since the adoption of the universal periodic review report on Liechtenstein by the Working Group.

500. In December 2008, Parliament had approved the accession of Liechtenstein to the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. As a State party to that convention, Liechtenstein would be able to also ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

501. On 1 February 2009, the new Children and Youth Act had entered into force. Article 3 of that act stipulates, inter alia, that children and youth have the right to education free of violence, mentioning explicitly that any form of corporal punishment, emotional harm and other degrading measures are not tolerable. Liechtenstein stressed that this provision complemented the existing prohibition of corporal punishment at school and in public childcare institutions, extending it to all settings, including the family.

502. The delegation further stressed that, also in February, the Government had established an interdisciplinary working group with the specific mandate to examine any legislative and other measures required for the domestic implementation of the Convention on the Rights of Persons with Disabilities and its Optional Protocol. In the same month, the Government approved a concept paper entitled "Persons with disabilities in the working process", which had been prepared by a working group set up to analyse the current situation in Liechtenstein with regard to this more specific area. On the basis of this development, the delegation announced the voluntary commitment that Liechtenstein would intensify its examination of the necessary implementation measures with a view to a possible accession to that convention and its protocol. The commitment was made against the background of Liechtenstein's general policy with regard to international treaties, which consists in adapting the relevant national legislation before ratification in order to allow for immediate implementation thereafter.

503. Also in February 2009, parliamentary elections were held in Liechtenstein. Among the 25 newly elected members of Parliament were 6 women, corresponding to about 24 per cent. The result corresponded to the one achieved in the parliamentary elections four years ago, and constituted a firm basis for Liechtenstein's continued commitment to pay particular attention to the promotion of women's participation at all levels and in all areas of public life. In this context, the delegation added that the new Government to be sworn in very soon would have a proportion of 40 per cent of female ministers. Liechtenstein made this commitment regarding women's participation also as a reaction to the recommendations submitted during the session of the Working Group with regard to women's rights. The delegation announced that Liechtenstein could accept all of the recommendations in this area, partly by converting them into voluntary commitments.

504. The only recommendation with relevance to the situation of women that Liechtenstein could not accept concerned the call for an ex officio prosecution in respect of all forms of domestic violence. In this regard, the delegation explained that, in 2007, the introduction of a new explicit criminal provision on stalking had been approved by Parliament. It was a criminal offence to harass a person persistently and for a prolonged period in a way that was likely to seriously disrupt her or his way of life. This new provision made an important contribution to the prevention of violence against women since it allowed the police to intervene already at a very early stage and to prevent threatening behaviour from turning into an act of violence. This criminal offence required a complaint to be made by the victim for the prosecution to be initiated. The same was true for rape in marriage and partnership as well as other forms of domestic violence penalized under the criminal code. Since a procedural distinction between stalking and comparable forms of domestic violence would undermine the effectiveness of this new provision of the criminal code, the Liechtenstein authorities did not intend to establish ex officio prosecution for all acts of domestic violence.

505. Liechtenstein could therefore not support this recommendation, as one of eight recommendations that Liechtenstein could not accept. As underlined by the delegation, 32 of the recommendations could, however, be accepted or had been converted into voluntary commitments, which corresponded to a ratio of accepted to rejected recommendations of 4 to 1.

506. The delegation stressed that Liechtenstein continued to follow up on its commitment in respect of international cooperation despite the financial and economic crisis. In particular, since December 2008, UNRWA was supported by 100,000 Swiss francs for its emergency relief in Gaza. ICRC was supported by 200,000 Swiss francs for its activities in Uganda and the Philippines. Another support of 100,000 Swiss francs went to a basic health programme in Zimbabwe, while 100,000 Swiss francs had been contributed to the Common Humanitarian Action Plan for Sri Lanka. Moreover, 100,000 Swiss francs went to the Internal Displacement Monitoring Centre and 50,000 to the ICRC fund for mine victims.

507. In conclusion, the delegation referred to the written replies to the recommendations provided by Liechtenstein several days before the meeting, which it did not intend to read out to save time for the dialogue.

*(b) Views expressed by Member and observer States of the Council on the review outcome*

508. Germany thanked Liechtenstein for its outstanding constructive approach to the recommendations. Liechtenstein had set a benchmark on how to deal with recommendations, by accepting and supporting many of them, by converting others into voluntary commitments, and mostly by giving detailed reasoning for those recommendations that could not be accepted.

*(c) General comments made by other relevant stakeholders*

509. Amnesty International welcomed many of the recommendations made by States during the review, especially that efforts be continued to eliminate all forms of discrimination, to draft a law establishing registered partnership for same-sex couples, and to ensure the full implementation of the national plan of action against racism. It further welcomed Liechtenstein's support of these recommendations. It regretted, however, that Liechtenstein had rejected the recommendation made by several States to establish an ombudsman or national human rights institution in accordance with the Paris Principles. Notwithstanding the comments by Liechtenstein in the addendum, Amnesty International considered that such an institution would be an important step towards improving the coordination on human rights policy between the different institutional levels. Referring to the call made by several States for measures to strengthen the integration of foreigners,

Amnesty International urged Liechtenstein to amend the new Foreign National Act to avoid the creation of additional groups of non-citizens and to ensure that non-citizens were not discriminated against, especially with regard to their right to family reunification. It welcomed assurances by Liechtenstein that it had honoured all its reporting obligations under the United Nations treaty body system, and called on Liechtenstein to ensure that regular follow-up was undertaken to the concluding observations and recommendations of the treaty bodies. This should include regular human rights training for public servants, especially those working with foreign nationals and asylum-seekers.

510. Cercle de recherche sur les droits et les devoirs de la personne humaine welcomed the fact that human rights were defined as one of the priorities of the foreign policy of Liechtenstein. It welcomed the setting up of a commission on protection against violence in Liechtenstein, and indicated that it would like to cooperate with the commission within the framework of the sociological survey under way concerning violence. It suggested that the results of the survey be submitted to the Council, as very often the question of violence is dealt with only in connection with violence against women. The survey provided an opportunity to discuss the fact that violence is a social scourge and should be dealt with as such.

(d) *Concluding remarks of the State under review*

511. Liechtenstein indicated that it had taken note of the comments made and that the report would be taken back home. Referring again to the written comments submitted in advance by Liechtenstein, the delegation stressed that the dialogue did not end at the plenary meeting of the Council, but would be continued in the future. Liechtenstein would concentrate on the follow-up to the universal periodic review and the implementation of commitments in practice. The delegation indicated that Liechtenstein had decided to pursue dialogue at the national level and that meetings with all stakeholders that had contributed to the national report were planned at regular intervals. It thanked all delegations, including the members of the troika, for their interest in the review, their comments and numerous questions and recommendations.

## 10. Serbia

512. The review of Serbia was held on 5 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Serbia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/SRB/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/3/SRB/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/SRB/3).

513. At the 30th meeting, on 19 March 2009, the Council considered and adopted the outcome of the review on Serbia (see section C below).

514. The outcome of the review on Serbia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/10/78), the views of Serbia 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/10/78/Add.1).

(a) *Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome*

515. The State Secretary in the Ministry of Human and Minority Rights of Serbia presented the reply of Serbia concerning conclusions and recommendations made in the

Working Group report on the review of the country on 5 December 2008. He informed the Council that Serbia, upon careful consideration of the report, had accepted most of the conclusions and recommendations completely or in part. Detailed explanation of the Government's position had been provided regarding all the recommendations (see A/HRC/10/78/Add.1).

516. The delegate stated that, aware of its responsibility to promote and protect human rights and fundamental freedoms, Serbia was ready and willing to implement the accepted recommendations and responsibilities, although implementation efforts often face pressing challenges, and sometimes an increase in public expenditure. The delegate highlighted the fact that Serbia had already begun, in the short period between the interactive dialogue and the adoption of the final report, to fulfil certain obligations; preparations for the ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol were well under way, as well as development of the initial report to the Committee on the Elimination of Racial Discrimination. Furthermore, the Government of Serbia had elaborated a draft law on prohibiting discrimination, and a national strategy for the improvement of the status of women and gender equality had been adopted.

517. The recommendation regarding the adoption of a separate anti-discrimination law was accepted, as were the recommendations for the advancement of the position of persons with disabilities. In 2006, the Government adopted a national strategy for the advancement of the position of persons with disabilities. The same year a law on the prevention of discrimination of persons with disabilities was adopted, while a law on the employment and professional rehabilitation of persons with disabilities would be adopted soon.

518. The recommendations regarding the State's commitment to human rights protection and raising public awareness regarding human rights were accepted. The Ministry of Human and Minority Rights had signed a memorandum of cooperation with more than 150 non-governmental organizations, by which the parties pledged to ensure regular future exchange of information on activities connected with the preparation, adoption and implementation of laws and strategies in the area of respect for human rights and fundamental freedoms, in connection with the production of reports on the implementation of accepted international obligations, as well as with regard to other activities falling under the competency of the Ministry. In the future, the Ministry of Education would also take part in raising public awareness on the possibilities of using existing legal provisions and institutional mechanisms for the protection of human rights. Serbia would continue to take all necessary measures to strengthen national mechanisms for the implementation of the views of contracting bodies in connection with individual applications or petitions.

519. The recommendation regarding the report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination was accepted, as the Ministry of Human and Minority Rights had already begun to prepare the initial report on the implementation of the Convention. Serbia accepted recommendations regarding the role of women in high-level decision-making processes. The country was undertaking activities towards changing the Family Law by introducing norms that clearly prohibited corporal punishment and protected children from all forms of physical punishment, including physical punishment in the family environment; therefore, the recommendations regarding prohibition of corporal punishment, including in the family, in line with the recent recommendation of the Committee on the Rights of the Child were accepted.

520. Recommendations regarding implementation of a comprehensive national strategy to prevent trafficking and sexual exploitation of children and to take effective measures to combat trafficking in women and children in cooperation with countries in the trafficking network were accepted. Serbia also accepted the recommendations to develop a legal system in line with international standards, in order to strengthen the rule of law. Recommendations regarding measures necessary to ensure that allegations of human rights

violations were systematically subjected to inquiries and punished where appropriate, as well as to strengthen measures for the development of effective mechanisms to help combat impunity, including strengthening of the judiciary, were also accepted.

521. The recommendations to ensure the investigation of cases of violence against journalists and for creating a climate in which journalists would be able to report freely on sensitive issues were accepted, as well as the recommendation to take measures to improve socio-economic conditions for refugees and internally displaced persons. Serbia also accepted the recommendation to reach the human rights goals set up by the Council in its resolution 9/12.

522. Serbia expressed its support for the work of the Council and the universal periodic report process based on interactive dialogue, which promoted universal human rights and their interconnection and contributions to the exchanges on best practices among States and other interested parties. On behalf of the Government of Serbia, the delegate expressed heartfelt gratitude to all States that had recognized areas for more efficient action for the improvement of human rights in Serbia, as well as representatives of the troika (Ghana, Pakistan and Ukraine) for their contribution to the preparation of the report. Serbia also thanked numerous non-governmental organizations and relevant United Nations bodies that had contributed during the review process to determine the status of human rights in the country. Finally, Serbia pointed out that it believed that the next cycle of the review process, to be carried out in four years, would be a real test showing the extent of fulfilment of the commitments made by the country in this process for the improvement of the status of human rights and freedoms in society.

(b) *Views expressed by Member and observer States of the Council on the review outcome*

523. Cuba thanked the Serbian authorities for their efforts to present their national report and for the extensive and clear information given to the Working Group. It expressed its satisfaction with the replies provided by Serbia during the interactive dialogue and for sharing its experiences, achievements and challenges in the promotion and protection of human rights and for informing the Working Group of its priorities. It commended Serbia's efforts to promote and protect human rights, especially the prohibition of all forms of discrimination, the promotion of tolerance and intercultural dialogue among the various ethnic, linguistic and religious groups in the country. Cuba stated that it was useful to learn about national measures taken by the Government of Serbia in order to reach the Millennium Development Goals, particularly on the poverty reduction strategy and the national employment strategy. It congratulated Serbia on the progress made in promoting and protecting human rights and encouraged Serbia to continue its efforts to honour the commitments made.

524. The Russian Federation welcomed the universal periodic review of Serbia, a country with which it was linked by many years of close and friendly relations. In particular, the Russian Federation welcomed the additional information provided by the representative of Serbia. It noted Serbia's openness and constructive approach as well as the focus on dialogue during the review.

525. Algeria thanked the Serbian delegation for the additional information provided on the human rights situation in the country. The national report was exhaustive and showed the country's determination to protect and promote human rights. Algeria encouraged the authorities in Serbia to continue along this course and to accept the recommendations made in December 2008. The delegate underlined that Algeria and Serbia had a common attachment to peace, justice and international legality and to the principles of international law, which were the only way to preserve international stability. Algeria recommended the adoption of the report on Serbia.

526. Ukraine welcomed and thanked the delegation of Serbia for the comments and additional information provided on recommendations and the activities of the Government of Serbia aiming at their implementation. Serbia was commended for the efforts made in recent years aimed at protecting and promoting human rights and the progress achieved. As a member of the troika, Ukraine expressed its appreciation to Serbia for its openness in the review process and to the members of its delegation for the cooperation and constructive role that they had played in the preparation of the report. Ukraine noted with satisfaction that Serbia had adopted the majority of recommendations made during the review and welcomed its intention to ensure their full and effective implementation as well as measures already taken, and expressed its conviction that Serbia would make further progress.

527. The United States of America expressed appreciation that the Constitution of Serbia banned direct and indirect discrimination, and urged the Government to intensify its efforts to enforce this provision and hoped that Serbia's establishment of a Protector of Citizens as an independent public authority would prove to be an important step in that direction. The United States expressed its continuing concern over the discrimination against minorities in education, employment, housing and health, but appreciated Serbia's commitment to continue to take positive steps to promote equality and non-discrimination. The United States noted that corruption remained a serious problem in Serbia and recognized the Government's efforts to bring several judges and prosecutors charged with corruption to justice. It noted as a positive development Serbia's engagement with representatives of civil society in the reform of the judiciary and in legislative policy. It also noted that trafficking remained a significant problem in Serbia, and encouraged adoption of the draft amendment of the criminal code that introduces harsher punishment for traffickers. The United States shared the concerns of the Special Rapporteur on freedom of expression and opinion regarding the limitations on the independence of the media. It hoped that Serbia would adopt the recommendation of the Working Group to ensure that journalists were able to report on sensitive issues without fear of harassment or reprisal. Finally, the United States was of the view that Kosovo was independent and that Serbia did not exercise any governing authority over this territory, which should remain outside the focus of future universal periodic reports on Serbia.

(c) *General comments made by other relevant stakeholders*

528. The representative of COC Netherlands and the Labris-lesbian human rights organization of Serbia indicated that, according to the Constitution of Serbia, everyone had the right to equal legal protection and non-discrimination, but that Serbia still did not have an anti-discrimination law which, like the gender equality law, was still pending. The representative recommended their early adoption, and recommended that discrimination based on sexual orientation be specifically prohibited in the Constitution, the criminal code and other laws. The representative commended Serbia for joining the statement delivered at the sixty-third session of the General Assembly, on sexual orientation and gender identity, and suggested that Serbia continue adopting and implementing policies in the spirit of that statement. The representative indicated that attacks and physical threats to LGBT persons and human rights defenders occurred on a daily basis. According to the Serbian criminal code, racial and other forms of discrimination were a criminal offence, but sexual orientation was not specifically mentioned and hate crimes were not legally recognized.

529. Interfaith International appreciated the good responses given by Serbia to recommendations and questions resulting from the review process. Nevertheless, the representative drew the attention of the Council to the precarious situation in which some retirees from Kosovo, who had paid contributions until 1999 in former Yugoslavia, found themselves. According to the representative, since the end of the war, those retirees had been deprived of their pensions for which they had paid during their labour life in a period of 15 to 40 years in the hope of ensuring a retirement in dignity. Since 2000, many

initiatives and steps had been taken with all parties concerned. Also, large-scale demonstrations had been held. The representative added that, to date, MINUK had provided only promises without a follow-up. Consequently, in the follow-up of review recommendations and the commitments of Serbia to improve human rights, it called upon the international community and the Council to set up a commission which would be tasked with taking measures in cooperation with the Governments and institutions responsible for the recovery and payment of pension to those retirees, facilitating administrative procedures for them.

530. The representative of Cercle de recherche sur les droits et les devoirs de la personne humaine stated that it had emerged from their reading of the universal periodic report on Serbia that peaceful coexistence among various national entities, which appear to have different aspirations in the area of human rights, remained a major challenge for this multinational State. In this regard, it welcomed the recommendation made regarding the promotion of equality and non-discrimination against national minorities in the country. It also referred to the recommendation on combating neo-Nazi and other groups that promoted racial hate and violence within the framework of Serbia's legislation. It felt that the current measures were insufficient to ensure internal stability, and requested Serbia to provide the Council with data on the composition of national ethnic groups in political, administrative and legal bodies. The experience of countries in similar situations showed that unity within diversity was possible if all social groups were represented at the national level. It hoped that Serbia would be able to achieve the commitments enshrined in its Constitution of November 2006.

531. Amnesty International welcomed many of the recommendations made by States to Serbia, including calls to ensure full cooperation with the International Criminal Tribunal for the Former Yugoslavia. It also welcomed calls to ensure that allegations of human rights violations were investigated, prosecuted and the perpetrators brought to justice. Amnesty International noted that, since the establishment of the special war crimes chamber at Belgrade District Court, Serbia had made real progress in addressing impunity for the war crimes perpetrated during the wars in Bosnia and Herzegovina, Croatia and Kosovo. However, the number of trials completed remained low, and the current capacity and resources of the Court were inadequate. It urged that additional resources be allocated to the Court and the Office of the War Crimes Prosecutor. Measures should be taken to strengthen the authority and capacity of the war crimes investigative services, or it should be re-established as an independent agency or as a unit of the Prosecutor's Office. Amnesty International also called upon Serbia to carry out effective, independent and impartial investigations into incidents where the actions of the State agents, including police and prison officers, may have led to violations of human rights. While acknowledging the decline in the number of reported incidents, it expressed its concerns at the long-standing failure of Serbia to address impunity in cases of torture and other ill-treatment, and at the continued inclusion in the criminal code of a statute of limitations on prosecutions for such human rights violations. It urged the Government of Serbia to establish a genuinely independent and transparent mechanism to investigate all allegations of torture and other ill-treatment.

(d) *Concluding remarks of the State under review*

532. Serbia reiterated its commitment to the universal periodic review process and its dedication to the promotion and protection of human rights. It would intensify its efforts for the fulfilment of the commitment made in the course of this important process for the improvement of human rights and freedoms in its society. Serbia expressed its thanks for all the comments and recommendations made from different sides, but also mentioned that the intervention of the representative of the United States of America regarding the status of the Autonomous Province of Kosovo and Metohija was not in accordance with the basic

documents and what was being done in the United Nations. The Council was a United Nations forum, and Serbia, as a sovereign State, was a member of the United Nations with all its territory, which meant that Kosovo and Metohija were a part of Serbia. Therefore, Serbia requested that the forum not be used to negotiate and discuss the status of the Autonomous Province of Kosovo and the unilateral declaration of independence. Serbia expressed its appreciation to all the delegations that played an active role in the process before the Council, as well as civil society representatives. It addressed special thanks to the members of the troika, composed of Ghana, Pakistan and Ukraine, who facilitated the process. Finally, it thanked the President for the professional conduct of the process.

## 11. Turkmenistan

533. The review of Turkmenistan was held on 9 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Turkmenistan in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/TKM/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/3/TKM/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/TKM/3).

534. At the 30th meeting, on 19 March 2009, the Council considered and adopted the outcome of the review on Turkmenistan (see section C below).

535. The outcome of the review on Turkmenistan comprises the report of the Working Group on the Universal Periodic Review (A/HRC/10/79), the views of Turkmenistan concerning the recommendations and/or conclusions, as well as 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/10/79/Add.1).

(a) *Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome*

536. The Director of the Institute for Human Rights and Democracy under the President of Turkmenistan and head of delegation, Dr. Shirin Ahmedova, expressed gratitude to the States and international organizations that had made their recommendations during the review. Turkmenistan would bear in mind the comments made in order to carry out further reforms in the country and to prepare national reports, including under the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Turkmenistan had closely followed up on its international obligations and reformed its national human rights system.

537. On 14 December 2008, Turkmenistan held elections to the *Mejlis* (Parliament), with international observers. On 9 January 2009, in conformity with the new Constitution, the Parliament held its first session and elected its chairperson by secret ballot. From 125 representatives of the *Mejlis*, 21 are women (17 per cent), including the Chairperson of Parliament, and the chairpersons of two of the five parliamentary committees. The President, in his statement at the opening of Parliament, focused on developing further the process of democratization, civil society, the need to reform national legislation to bring it into line with the new Constitution and the provisions of the international instruments ratified by Turkmenistan.

538. In January 2009, the Inter-ministerial Committee submitted its report for 2008. The Committee's role is to monitor national legislation with regard to human rights and to prepare proposals on the implementation of international human rights law and on institutional transformation. It addressed proposals to Parliament on the need to reform the penitentiary system and the system of juvenile justice; mechanisms of legal protection; the

creation of a government body on family, maternal and child protection; work on legislation regulating religious organizations and civil society organizations; and on the regulation of the media.

539. In 2008, Turkmenistan prepared, inter alia, its report under the Covenant on Economic, Social and Cultural Rights and its core document. In accordance with recommendations from the Council, the Committee on the Rights of the Child and UNICEF, Turkmenistan undertook to examine adherence to ILO Convention 182 on child labour.

540. Turkmenistan proceeded to respond to recommendations forthcoming from the universal periodic review.

541. Turkmenistan was currently examining the Rome Statute and mechanisms of adherence to it. Cooperation was planned with the United Nations Office on Drugs and Crime and the European Union/Tacis on this matter as well as for parliamentarians and relevant Government bodies.

542. With respect to the ratification of the Optional Protocol to the Convention against Torture, Turkmenistan planned to present its national report to the Committee against Torture in December 2009. In the framework of the preparation of that report, Turkmenistan was planning to conduct seminars and round tables together with United Nations agencies, to learn about the Optional Protocol. Those activities, as well as consultations for members of the Inter-ministerial Commission on the mechanisms of adherence to optional international instruments, would be undertaken in the framework of a joint project OHCHR/European Commission/UNDP on strengthening the State's capacity to promote and protect human rights.

543. The Inter-ministerial Commission, having consulted with relevant government bodies and civil society organizations on the effectiveness of adhering to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, transmitted to the Government the necessary materials for Parliament. The President wrote to the *Mejlis* on 21 January 2009 about the need to ratify the Optional Protocol.

544. Turkmenistan proceeded to respond to the recommendation to establish an independent national human rights institution in line with the Paris Principles. In the framework of cooperation between the relevant Government bodies and the Embassy of the United Kingdom, a cycle of seminars was started in January 2009 for parliamentarians and Government bodies to examine the experience in other countries of ombudsman systems. Turkmenistan was planning to broaden cooperation on gathering knowledge on ombudsmen systems, to complete the legislation and further the activities of governmental bodies and of the Institute for Human Rights and Democracy under the President of Turkmenistan. The Institute also planned to undertake joint activities, including an assessment of the complaints system, in the framework of projects with OSCE and UNDP. Turkmenistan also planned to hold ongoing consultations with OHCHR on complaint procedures.

545. On the recommendation of issuing a standing invitation to special procedures, Turkmenistan indicated that the relevant Government bodies were currently examining the recommendations made by the Special Rapporteur on freedom of religion and belief, who visited the country in September 2008, in order to further improve the system of registration of religious organizations and relevant legislation. Currently, Turkmenistan requested a list of the special procedures in order to examine the question of issuing them invitations.

546. The question of torture and other inhuman and degrading treatment and punishment in places of deprivation of liberty was being examined by the Government commission on

complaints about law enforcement bodies, and the Inter-ministerial Commission on the national reports. Implementation had started on a joint project with the Embassy of the United Kingdom, the International Centre for Prison Studies and the German Development Programme aimed at improving the penitentiary system. Support for the penitentiary system was foreseen in the programme of projects to be conducted together with OSCE-Ashkabad in 2009. Within that framework, seminars were planned for prison staff on the 1955 United Nations Minimum Standards, follow-up consultations and the development of learning materials on that issue.

547. Regarding the recommendation to allow access of ICRC representatives to detainees, in conformity with their mandate, Turkmenistan had stepped up its cooperation with all recognized international organizations, including with ICRC. At present, Government representatives were taking part in training sessions and seminars organized by ICRC in the country and abroad. The question of visiting penitentiary facilities was being permanently discussed by representatives of the Government and ICRC. Turkmenistan had proposed a gradual implementation of the ICRC mandate in the country. As a first step, it had been proposed to broadly raise awareness among the staff of the relevant Government bodies about the international rules and the practice and activities of ICRC in this area.

548. On 27 November 2008, the regional representation of ICRC in Central Asia made a presentation on its activities in relation to imprisoned and detained persons. From Turkmenistan, this presentation was attended by representatives from Government bodies in charge of administering and controlling penitentiaries; from the Ministry of the Interior, the general procuracy, the Supreme Court, the Ministry of Justice; and the Institute for Human Rights and Democracy under the President of Turkmenistan.

549. On 7 March 2009, the regional representative of ICRC in Central Asia visited Turkmenistan, during which the proposal on a gradual introduction of the ICRC mandate on prison visits was discussed and taken into account.

550. On the recommendation to defend the human rights of journalists and human rights defenders, to let them peacefully carry out their activities without threat of being detained or imprisoned, the delegation stated that the human rights of journalists and human rights defenders were fully guaranteed and protected by the State's fundamental law and by existing legislation. According to the new Constitution, citizens had the right to freedom of thought and freedom of expression, as well as to receive information, if this information was not a State secret or otherwise secret information (art. 28). Moreover, the delegation provided information that, *inter alia*, written press and other public media were free in Turkmenistan.

551. With regard to the recommendation to establish a constitutional court and ombudsman system, Turkmenistan provided information that, *inter alia*, the UNDAF 2010–2015 and the EU/OHCHR/UNDP projects included activities aimed at learning about the experience with constitutional courts and constitutional councils in other countries. There were also plans to undertake a monitoring of the human rights system in Turkmenistan, from which relevant proposals would be formulated regarding institutions and legislation.

552. On the recommendation of excluding impunity for torture and other unlawful treatment of prisoners and undertaking independent investigations on such cases, information was provided on the relevant legal provisions, including part 2, article 23 of the Constitution, which stated that no citizen could be subject to torture, cruel or inhuman or humiliating treatment or punishment, nor subject without consent to medical or medicinal experiments (part 2, art. 23). The delegation also stated that more detailed information on this issue would be presented in the national reports of Turkmenistan to the Human Rights Committee and to the Committee against Torture. Further information was also provided on study visits to penitentiary systems, proposals for reforms and plans for identifying

international cooperation partners in this area. At the end of 2008, work had also started on a new code of criminal procedure in line with international standards, including the 1955 United Nations Minimum Standards. A joint project was also being implemented with UNICEF on reforming the system of juvenile justice, including on places of detention for minors.

553. Another recommendation requested Turkmenistan to take measures to liberalize and pluralize media and to remove all restrictions on criticizing the Government, without fear of retaliation, and to end the practice of Government appointment of editors and managers of media. Turkmenistan provided information on a special cabinet of ministers meeting on 26 January 2009 that was devoted to reforming the activities of the media and, in that context, the need to improve media legislation and the question of specialist training were identified as important issues to be addressed. Information was also provided on other recent developments, such as the invitation of an expert from the BBC in 2008, plans for a series of activities including training sessions, seminars, round tables for representatives of the media, as well as practice abroad for specialists. Support for the media was also among the projects planned in the framework of joint cooperation between the Government and the OSCE centre in Ashgabat. Information was provided on, inter alia, a training course from 30 March to 3 April 2009 on activities of the media, for journalists, editors and staff of television and radio. The training would be given by journalists from Hungary, and the representative of OSCE on freedom of the media would intervene in the course. Together with USAID in Turkmenistan and Internews in Central Asia, cooperation was being planned regarding the improvement of laws regulating the media. A cycle of seminars in this context was starting in May 2009.

554. On the recommendation relating to the removal of restrictions on civil society organizations and human rights defenders, the delegation stated that civil society played an important role in political life in Turkmenistan. Non-governmental organizations, civil society organizations, professional and creative unions actively took part in determining the economic, social and cultural policies of organs of the Government. Work was ongoing regarding the improvement of existing legislation on civil society organizations and its implementation in practice, and learning about international standards and experience from other countries in this field. International cooperation between Turkmenistan specialists and the International Centre for Not-for-Profit Law was taking place, with the support of USAID, aimed at preparing recommendations thereon.

555. Concerning the recommendation to recognize conscientious objection to military service and with respect to recognizing the right of persons renouncing military service on religious grounds, Turkmenistan provided information that conditions existed that allowed for guaranteeing the right to freedom of religion and the fulfilment of military duty by serving in non-military structures of the Ministry of Defence, such as medical and construction units. Turkmenistan also indicated that the process of improving the legislation on religious organizations was ongoing. Experts from the International Centre for Not-for-Profit Law were currently examining the existing legislation regulating the functioning of religious organizations with regard to its conformity with international norms. An agreement had been reached with the Centre and USAID to hold a number of seminars and organize a presentation on the assessment, which was currently being made. The seminars were expected to bring together international experts and representatives from Parliament, the Ministry of Justice and other relevant bodies of Turkmenistan. Recommendations for legislative changes would be made based on the recommendations of the Special Rapporteur, a review of international standards, foreign legislation and the monitoring by the experts of the International Centre.

(b) *Views expressed by Member and observer States of the Council on the review outcome*

556. The Russian Federation welcomed the successful universal periodic review of Turkmenistan, a country with which it was linked by many years of close and friendly relations, and thanked the delegation for, inter alia, its very detailed statement and its openness and willingness to engage in dialogue during the review of human rights in Turkmenistan. The Russian Federation noted that most of the recommendations had been accepted thanks also to progress in the sphere of human rights achieved by Turkmenistan in recent years. It was confident that the efforts of the Government of Turkmenistan to carry out broad reforms to improve its educational, health and social systems, and also to enhance the well-being of its people, would be continued.

557. Algeria reiterated its appreciation for the efforts made by the Government to promote human rights by, inter alia, the establishment of an inter-ministerial commission to follow up and implement the State's human rights commitments, as well as the review of its domestic legislation. Algeria congratulated Turkmenistan on the progress made particularly in the field of education, and encouraged the Government to step up its efforts to achieve the goals set for the promotion of human rights.

558. The United States of America welcomed the State's new Constitution and referred to several of its provisions. However, it noted that the judicial system, in practice, still lacked procedures to ensure fair trials, such as the right for defendants to call witnesses to testify on their behalf, the right to a defence attorney or a court-appointed attorney if the defendant could not afford one, or the presumption of innocence. Turkmenistan was encouraged to adopt the recommendation on the holding of a review of all potentially political cases with a view to releasing all individuals incarcerated on politically motivated charges. The United States also urged Turkmenistan to accept the recommendations addressing restrictions on freedom of the media, assembly, association and religion. It noted that, with its one-party rule, Turkmenistan remained politically monolithic; however, the implementation of the recommendations aiming at increasing emphasis on education and access to the media would permit the realization of the reforms envisioned by the new Constitution.

559. Azerbaijan referred to the adoption of the new Constitution and the successful parliamentary elections in 2008, which it believed were a clear testimony of the State's determination to ensure fundamental freedoms. Azerbaijan also highlighted the establishment of a State commission on citizen's complaints and the State's efforts to implement better its international obligations and to bring its domestic legislation into compliance with international human rights standards. Azerbaijan noted that Turkmenistan was in the process of acceding to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. It also noted with satisfaction that the issuance of a standing invitation to special procedures mandate holders was envisaged in the near future by the relevant authorities, and that the Government was conducting active discussions on the issue of cooperation with ICRC. Azerbaijan encouraged Turkmenistan to continue its efforts aimed at fully engaging in dialogue with the international human rights system and measures directed at speeding up the country's democratic development. Azerbaijan called on the international community to give full support to the Government of Turkmenistan in its endeavours, including through technical assistance.

560. Pakistan welcomed the inauguration of a new era of democratic rule in Turkmenistan and commended the steps taken by the Government to promote and protect the human rights of all, including the adoption of the new Constitution, which guaranteed fundamental freedoms and civil and political rights. It hoped that a follow-up of legal and administrative measures would be conducted by the Government. Pakistan also mentioned as noteworthy the fact that Turkmenistan had accepted most of the recommendations made at the Working Group and was confident that concrete measures would be taken to

implement them. Pakistan also noted the initiation of the process to accede to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Pakistan noted the commitment by Turkmenistan to intensify its cooperation with several special procedures and that the recent visit of the Special Rapporteur on freedom of religion or belief was noteworthy.

(c) *General comments made by other relevant stakeholders*

561. Action Canada for Population and Development commended the Government on the changes in its political system and the new Constitution. Noting the State's commitment to cooperate with United Nations agencies and international organizations, it urged the Government to, inter alia, report publicly, accurately and comprehensively all health-related data, specifically to disclose information about the HIV situation in the country and provide access to treatment for people living with HIV, and adequate prevention services and information to the general public. With reference to recommendation 29 of the report, it called on the Government to review the official policy on infectious diseases and to allow for an objective assessment of the country's situation, with a view to designing policies that would effectively guarantee the right of all Turkmen to the highest attainable level of health. It also requested the Government to clarify its position on recommendations contained in paragraphs 36 (b) and 40 (e), and called on the Government to repeal article 135 of the national criminal code to decriminalize consensual same-sex behaviour among adults as, according to the Human Rights Committee, the criminalization of such acts constitutes a violation of article 2 of the International Covenant on Civil and Political Rights, to which Turkmenistan is a party. It requested that the Government ensure that non-governmental organizations, including those in the health sector and those supporting vulnerable groups, were able to register freely and operate without State interference or fear of reprisal.

562. Cercle de recherche sur les droits et les devoirs de la personne humaine noted the adoption of the new Constitution in September 2008, which established the primacy of international treaties over national Turkmen legislation. In this connection, it enquired about the measures taken by the Government to ensure that knowledge of international law was disseminated among magistrates and judges.

563. Human Rights Watch welcomed the review of Turkmenistan as an opportunity to foster positive change in the policies of one of the most repressive Governments in the world. It was encouraged by the acceptance of a number of recommendations, including against the harassment of journalists, religious communities and non-governmental organization registration, and urged the implementation of these recommendations as a matter of priority. It urged the Government to implement promptly the recommendation on cooperation with the special procedures that had requested an invitation. It also welcomed the State's commitment to cooperate with ICRC, and called for the clear acceptance of the recommendation to allow ICRC to access places of detention and to prevent torture. Another area of concern raised during the review was the severe repression of civil society, with independent activists and journalists facing a constant threat of Government reprisal. Human Rights Watch urged the Government to fully implement the recommendations to actually protect human rights defenders from persecution and end restrictions on the media. It deeply regretted the decision of Turkmenistan to reject a number of recommendations. It commented on the unknown numbers of people languishing in Turkmen prisons following unfair trials, with at least two having taken place during President Berdymukhamedov's rule. It added that some of the cases were well known, such as those of Mukhmetkuli Aymuradov, Annakurban Amanklychev, Sapardurdy Khajiev and Gulgeldy Annaniazov, and were raised during the Working Group session. Human Rights Watch stated that, while some individuals previously prevented from travelling abroad had now been able to travel, the system of restrictions de facto remained in place. It urged the Government to reconsider

its position on rejected recommendations and also urged its partners to help ensure adequate follow-up and implementation of the recommendations.

564. Amnesty International welcomed the State's express support for recommendations to guarantee the rights to freedom of expression, association and assembly; to seek, receive and impart information; to allow independent non-governmental organizations to register and work freely; and to end harassment and intimidation of journalists. It was deeply concerned about serious violations against human rights defenders, journalists and dissidents in Turkmenistan. It had received reports that the two members of the Turkmen Helsinki Foundation had their appeal for pardon rejected by the President in 2008 and that both had been tortured while in custody. Amnesty International regarded them as prisoners of conscience and urged their immediate release, as recommended during the review. It was also very concerned that there appeared to have been no independent investigation into the unexplained death in custody of their co-defendant Ogulsapar Muradova in September 2006. It urged Turkmenistan to reconsider the recommendation, made during the review (paragraph 29 (d) of the report), to hold an independent inquiry into her death. It also noted that recommendations made during the review were to be examined by Turkmenistan, including calls to protect human rights defenders, eradicate impunity for torture and other ill-treatment, and guarantee freedom of the press. Amnesty International urged the Government to indicate clearly its full support for these key recommendations and to ensure their prompt and full implementation. It also stated that earlier commitments of the new Government to carrying out reform to strengthen the protection of human rights were yet to be fully realized and called on the Government to use the opportunity of its review to live up to those promises.

565. With reference to the recommendations contained in paragraph 70 (12) of the report of the Working Group, Conscience and Peace Tax International noted, as a first step, the preparation of the legislation allowing conscientious objectors to perform unarmed military service. It encouraged Turkmenistan to make a careful study of international related standards, including the jurisprudence of the Human Rights Committee, and to bring the State's legislation into line with them. It drew attention to Commission on Human Rights resolution 1998/77, in which the Commission called for instituting alternative services that were compatible with the reasons for the objection. It indicated that, while unarmed military service met the needs of those whose only objection was to personally bear arms, there were many whose conscience would not permit them to act in support of those who did. It stated that Turkmenistan should bear in mind the recommendation not to imprison conscientious objectors and that any repeated punishment constituted repeated punishment for the same offence.

(d) *Concluding remarks of the State under review*

566. Turkmenistan expressed thanks for the recommendations, critical comments and constructive dialogue, and to the troika. Its policy was to pursue further the development and democratization of all aspects of civil society and the progressive strengthening of its system to protect human rights. With that aim, and with the support of international organizations, activities and consultations, efforts were being made to monitor existing legislation and to bring it into line with international instruments to which Turkmenistan was a party. Within the framework of activities of the Inter-Ministerial Commission, Turkmenistan planned to establish a permanent monitoring of the human rights situation and to develop a national programme on human rights.

567. Replying to Action Canada for Population and Development, the delegation pointed out that, concerning health care, under the new Constitution, as it also was under the previous one, all citizens of Turkmenistan, without exception, had access to health-care

services, and that more detailed information on that could be found in the national report to the Committee on Economic, Social and Cultural Rights.

568. Turkmenistan stated that all recommendations submitted by the delegations and international organizations at the review of Turkmenistan would be borne in mind in its future work aimed at progressively developing a human rights system.

## 12. Burkina Faso

569. The review of Burkina Faso was held on 9 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Burkina Faso in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/BFA/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/3/BFA/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/BFA/3).

570. At the 30th plenary meeting, on 19 March 2009, the Council considered and adopted the outcome of the review on Burkina Faso (see section C below).

571. The outcome of the review on Burkina Faso comprises the report of the Working Group on the Universal Periodic Review (A/HRC/10/80 and A/HRC/10/80/Corr.1), the views of Burkina Faso concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

(a) *Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome*

572. Burkina Faso thanked States for their participation in the interactive dialogue with the President of the Council, the High Commissioner for Human Rights, members of the troika and the secretariat of the Council. Burkina Faso noted that, during the interactive dialogue, most of the recommendations had been accepted and that replies had been given to the concerns expressed, although some issues would require further clarification.

573. With respect to adopting legislation to bring its national human rights institution into line with the Paris Principles, Burkina Faso indicated that there was currently a draft law being reviewed by the Council of Ministers before its introduction before Parliament.

574. Numerous recommendations called for the abolition of the death penalty and the ratification of the second Optional Protocol to the International Covenant on Civil and Political Rights abolishing the death penalty. Agreeing to the need to abolish the death penalty and recalling that Burkina Faso was a de facto abolitionist country, it noted that it currently favoured the sensitization of elected representatives in order to guarantee the adoption of the draft law.

575. With regard to the concerns about the extrajudicial executions in Balporé and Piéla, Burkina Faso explained that legal procedures had been initiated and were under way, and that some people, including policemen, had been indicted. It wished, however, to avoid confusing the normal course of justice and impunity, which is when there is no action by the State.

576. Concerning the recommendations on legislative, administrative and other measures to be taken to combat violence against women and girls, Burkina Faso highlighted that such measures already existed and were implemented. Burkina Faso intended to strengthen these measures and step up its awareness-raising programme in order to root out harmful traditional practices, which still impede the full development of women of Burkina Faso.

577. Regarding polygamy, Burkina Faso noted that polygamist marriage was optional whereas monogamy was the rule. It added that, as one of the secular aspects of the culture of Burkina Faso, its elimination would require an awareness-raising campaign, otherwise it would force people to practise it illegally.

578. With regard to women's participation in decision-making bodies, Burkina Faso indicated that it had adopted a draft law on quotas, taking into account a representation level of 30 per cent of either gender for local and legislative elections.

579. With regard to the concerns devoted to the rights of indigenous peoples in Burkina Faso, the delegation noted that the Government was not discriminating or marginalizing any ethnic group on a political, economic, social or cultural level. It indicated that there was no ethnic group historically marginalized in the country. Burkina Faso stated that it was devoted to promoting all cultures, to ensuring that, despite the shortage of resources, all regions of the country would benefit from balanced socio-economic development. It underscored that the difficulties linked to health, education, and the condition of women and children were not specific to any ethnic group.

580. Burkina Faso indicated that, despite the numerous social and economic constraints and the adversity of nature, the weight of certain traditions and culture that were not always in line with human rights, the promotion and protection of human rights were an ongoing and irreversible struggle. The challenges were still numerous and Burkina Faso indicated that it would therefore appreciate any support designed to help it implement the recommendations made in the framework of the universal periodic review from the international community, and thanked in particular Argentina and Brazil in that regard, as they had already expressed their willingness to assist Burkina Faso.

*(b) Views expressed by Member and observer States of the Council on the review outcome*

581. Algeria warmly thanked the delegation of Burkina Faso and its head for the presentation of the outcome of the universal periodic review. Algeria noted that the good quality of the national report of Burkina Faso had allowed Algeria to assess the significant progress made in various aspects of human rights since its independence, despite the numerous challenges. Algeria encouraged Burkina Faso, as a developing country with limited resources, to continue its efforts to implement the commitments mentioned in its national report. It called on the international community to support Burkina Faso in meeting its challenges.

582. The United States of America appreciated the comprehensive approach taken by Burkina Faso in the preparation of its national report. It noted that Burkina Faso had arrested and sentenced several practitioners of female genital mutilation and their accomplices, and welcomed the Government's commitment to eradicate female genital mutilation fully and to share best practices with other countries. The United States viewed the Government's new anti-trafficking law as a positive development. It noted the work of the Ministry of Human Rights, especially with regard to its educational campaigns. It supported the State's request for appropriate international community and OHCHR technical assistance in consolidating human rights advancements on the ground.

583. Senegal praised the commitments of Burkina Faso to the promotion and protection of human rights, and welcomed with great satisfaction the acceptance of most of the recommendations made during the discussions of the Working Group. Senegal did not doubt the State's willingness to implement them, and was convinced that this would contribute to further guarantee the full enjoyment of human rights in the country, particularly in relation to the rights to health and to education. Senegal appreciated the efforts already made by Burkina Faso in the national context to take on board the concerns expressed during the discussions of the Working Group. Senegal wished the Government of

Burkina Faso every success in implementing those recommendations and called on the international community to provide any assistance Burkina Faso would need in this regard.

584. Nigeria welcomed the acceptance by Burkina Faso of most of the recommendations made to it and its pledge to implement them. Nigeria recalled that, during the review of Burkina Faso, it had commended the laudable achievements made by the country in the promotion and protection of human rights, particularly in the areas of primary education of the girl-child and the fight against female genital mutilation. Nigeria looked forward to the improvement of human rights records in Burkina Faso in the second cycle of the review, and called on the international community to assist Burkina Faso in its efforts to fulfil its human rights obligations.

585. Cameroon welcomed the presence at the adoption meeting of the Minister for the Promotion of Human Rights of Burkina Faso, whose devotion to human rights had been constant. Cameroon stated that the State's commitment to establish a real culture of human rights had been shown at the review in December 2008. It indicated that numerous challenges had still to be met, but had no doubt as to the success to come and called on the international community to help Burkina Faso to meet its objectives in the field of human rights.

586. Brazil welcomed the presence of the Minister for the Promotion of Human Rights of Burkina Faso, whose speech confirmed the will of Burkina Faso expressed during the interactive dialogue of the Working Group to the full promotion and protection of human rights in the country. Brazil noted, however, the challenges ahead, as acknowledged in the national report of Burkina Faso (A/HRC/WG.6/3/BFA/1, para. 95). Brazil noted that the international community was responsible for demonstrating its will to give the necessary support to help Burkina Faso to implement the recommendations presented during the Working Group discussions. On the basis of its capacity and good practice, Brazil expressed its commitment to assist Burkina Faso to that end.

587. Côte d'Ivoire thanked the delegation of Burkina Faso for its presentation, which reflected the importance given by the country to human rights in general and to the universal periodic review in particular. Côte d'Ivoire noted with satisfaction that Burkina Faso had agreed to most of the recommendations made in the Working Group in December 2008. Côte d'Ivoire stressed the need to give the necessary support to Burkina Faso, helping it in the tremendous amount of reform it needed to carry out to ensure the rule of law in a modern democracy.

588. Djibouti welcomed the presence of the Minister at the adoption session and appreciated the open approach and the constructive attitude prevailing during the review of Burkina Faso. Djibouti praised the commitments expressed by Burkina Faso for the promotion and protection of human rights. It noted that most concerns and recommendations formulated during the interactive dialogue of 9 December 2008 had received appropriate responses, and stated that financial resources and technical assistance would be appropriate to follow up on certain recommendations. Djibouti expressed the hope that attention would be paid to the State's appeal for assistance.

(c) *General comments made by other relevant stakeholders*

589. Action Canada for Population and Development congratulated Burkina Faso on the efforts made to promote human rights and for the consultations held in the framework of the universal periodic review. Under paragraph 44 of the Working Group report, it reminded Burkina Faso of the need to expedite the building of new reform centres in order to improve detention conditions of detainees, as well as to improving education and social reintegration of children in conflict with the law. It recalled paragraph 49 of the Working Group report concerning the need to mobilize further civil society stakeholders and involve

them in activities to combat female genital mutilation and HIV/AIDS; such a mobilization would help reduce the number of HIV/AIDS infections. It stressed the importance of disseminating information on the law to combat excision in rural areas and to have this law translated into the various local languages. In reference to the Working Group report, Action Canada for Population and Development reminded Burkina Faso to step up its efforts to include information on human rights in school programmes and to provide youth workers with human rights education and training material in order to promote human rights education through youth centres.

590. Franciscans International welcomed the recommendations concerning trafficking in persons accepted by Burkina Faso. It noted the State's commitment to intensifying its efforts in combating trafficking in women and girls for the purposes of sexual exploitation. It stated that trafficking in persons in Burkina Faso also took place for the purposes of forced labour, mainly involving children. It indicated that an overall approach to trafficking was required, and should be based on the effective implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime ratified by Burkina Faso. It also noted that Burkina Faso was a country of origin, transit and destination for trafficking in persons in rural and urban areas. In addition to stepping up its national plan of action, as recommended during the universal periodic review, it highlighted the need to apply a regional strategy for combating trafficking in human beings, particularly through the effective implementation of the agreements reached on 6 July 2006 in Abuja. Franciscans International encouraged Burkina Faso to invite the Special Rapporteur on trafficking in persons and urged it to reconsider rejecting the recommendations calling for extending a standing invitation to all special procedures mandate holders. It noted that the mismanagement of the agricultural sector was one of the reasons for the severe impact of the food crisis on Burkina Faso in 2008. Recalling the State's commitment to continue its efforts to consolidate economic, social and cultural rights, it encouraged the Government to pay particular attention to the right to food and recommended that it set up a national body to analyse the causes and consequences of the food crisis and to develop guidelines that would constitute a framework programme.

591. The International Federation of Human Rights Leagues noted the numerous commitments made by Burkina Faso in the Working Group report, in particular in paragraphs 7 to 33. It however deplored the fact that most of the recommendations not accepted by Burkina Faso regarded areas of serious concern for the people of Burkina Faso. It noted in particular that the recommendation on the independence of justice mentioned in paragraph 58 (a) had been rejected, whereas the impediments to the independence and good functioning of the judiciary remained considerable, leading to a crisis of confidence in this connection. It also noted that the recommendations on the freedom of the press had not been accepted by Burkina Faso either. It stressed that, at the beginning of 2009, a number of journalists had been threatened because of their investigations into the financial dealings of certain public officials. It called on Burkina Faso to take into account all of the recommendations made during the universal periodic review, and in particular to guarantee the independence of the judiciary, freedom of expression through a free and independent press, to ratify the Optional Protocol to the International Covenant on Civil and Political Rights, to adopt a law abolishing the death penalty and commuting all death sentences already pronounced to alternative penalties and to allow special procedures mandate holders to visit the country.

592. Cercle de recherche sur les droits et les devoirs de la personne humaine stated that the people of Burkina Faso were known to be free and honest and that the Government had made the promotion of human rights the focus of its national policy and its legal and normative approach. It noted that the Constitution of Burkina Faso proclaims peoples' rights and duties, and congratulated Burkina Faso on being at the forefront of positions

defended by it, namely that human rights and duties were indivisible and must be promoted conjointly. It indicated that the concept of human duty had been long forgotten by the Council, and requested Burkina Faso to assist in the adoption of a draft universal declaration on the duties of the human being. It expressed the hope that Burkina Faso would spare no effort to implement the conclusions and recommendations formulated during the course of the dialogue.

(d) *Concluding remarks of the State under review*

593. Burkina Faso reiterated its thanks to the members of the troika — Madagascar, Qatar and Switzerland — and to all States and stakeholders that had participated in the discussion. It reaffirmed the will of Burkina Faso to implement the recommendations it accepted mentioned in the Working Group report.

594. Owing to time constraints, Burkina Faso referred some States and stakeholders to its national report (A/HRC/WG.6/3/BFA/1) and to the Working Group report (A/HRC/10/80 and A/HRC/10/80/Corr.1). As to the recommendation of issuing a standing invitation to special procedures mandate holders, Burkina Faso had always cooperated with the special procedures and the African special mechanisms and would always carefully consider such invitations. As to mismanagement of the agricultural campaign, Burkina Faso indicated that the crop season had been excellent and managed to the full satisfaction of rural workers and farmers. With regard to freedom of the press, Burkina Faso reaffirmed that the freedom of the press was recognized and respected. Regarding death threats to journalists and reporters issued on the Internet, Burkina Faso indicated that it was doing its best to find the culprits and that it would appreciate any information in this regard. As to the abolition of the death penalty, Burkina Faso indicated that it was currently under study and believed that, at the next universal periodic review, it would have already become a *de jure* abolitionist State.

595. Burkina Faso stated that the universal periodic review was an important stage in the ongoing and irreversible human rights process. It underscored that Burkina Faso was ready to hold discussion with all stakeholders to make progress in human rights and was open to all criticism and constructive proposals.

596. Burkina Faso reiterated its commitment to permanently and irreversibly promote and protect human rights. Together with the support of the international community and the civil society, Burkina Faso was convinced that human rights would progressively develop in their effectiveness. Therefore, it asked the Council for technical assistance, in particular regarding the implementation of the rights to education, including human rights education; health and sanitation; housing; information to rural populations; capacity strengthening of the Ministry of Justice in order to improve prison conditions, even though enormous efforts had already been made to make the judiciary independent; the rights of women and children; and the rights of persons with disabilities.

597. Burkina Faso added that it was already cooperating with other countries in the region to combat trafficking and sexual exploitation of children, and that concrete measures had been taken to fight this scourge. Burkina Faso had ratified various international human rights instruments in that regard and its national law already sanctioned trafficking in children.

### 13. Cape Verde

598. The review of Cape Verde was held on 10 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/3/CPV/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/CPV/3).

599. At its 31st meeting, on 20 March 2009, the Council considered and adopted the outcome of the review on Cape Verde (see section C below).

600. The outcome of the review on Cape Verde comprises the report of the Working Group on the Universal Periodic Review (A/HRC/10/81), the views of Cape Verde concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

(a) *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 representative of Cape Verde reiterated the resolve of the Government to pursue the process of the universal periodic review. He thanked all delegations that had intervened in the interactive dialogue in December 2008, making relevant comments and recommendations, which had allowed an in-depth analysis of the human rights situation in the country.

602. Cape Verde stated that, as underlined in December, the Constitution enshrined the absolute character of the dignity of the human being and ensured that all Cape Verdean citizens enjoy rights and freedoms, including the right to life and integrity, the right to participate in political life and to exercise rights inherent to citizenship. The Constitution also recognized the rights of foreign residents and foreigners temporarily living in the country, protected the right to work and the right not to be the subject of discrimination, as well as economic, social and cultural rights.

603. Cape Verde had acceded to the main international human rights instruments, such as 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 Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and Optional Protocols on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict, and the Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

604. With regard to the recommendations contained in the Working Group report (A/HRC/10/81), the representative for Cape Verde stated that recommendations 11, 12, 15, 24, 38, 40, 41, 45, 47, 49 and 50 had been accepted and measures for their implementation would be taken as soon as possible.

605. Regarding recommendations 1, 13, 18 and 22, he noted that the State's domestic legislation already prohibited all forms of violence by law enforcement officials, and that the monitoring and follow-up of relevant provisions would continue.

606. As far as recommendations 2, 16, 19, 21, 28 and 48 were concerned, the State's judicial system had already adopted a number of instruments for the protection of the right of the child and minors, in particular a new criminal code, adopted in 2004, which notably repressed violence within the family circle.

607. With regard to recommendations 3, 8, 14, 42 and 43, the Government of Cape Verde was in the process of implementing a national plan of action against gender violence for the period 2009–2011. The plan included provisions for the integration of foreign women, and against all forms of violence, including trafficking.

608. The Government would also commence or finalize the process of accession or ratification of international instruments as mentioned in recommendations 6, 7, 25, 26, 27, 31 and 39.

609. With regard to recommendations 9 and 29, the Government had already adopted decree-law No. 2/2006, on 27 November 2006, on protection measures in the social and education fields, with a view to educating minors, for their dignified and responsible insertion into society. A status law on children and adolescents was being elaborated.

610. The Government would pursue its efforts to implement recommendations 10, 18, 22 and 35. A vast reform programme on the penitentiary system, which included training for prison officers and the inauguration of two new detention centres, would solve prison overcrowding problems.

611. With regard to recommendations 20, 23, 30, 31, 33, 37 and 44, the representative of Cape Verde reiterated that all instruments of the domestic legislation guaranteed equality between men and women and prohibited all forms of discrimination.

612. Concerning recommendation 34, he noted that the action of the Government was guided by the Convention on the Rights of the Child, the relevant ILO conventions and the African Charter on the Rights and Welfare of the Child. Indeed, the most recent legislation on labour had set the minimum age for admission to work at 15 years.

613. The Government of Cape Verde had not recorded any allegations of discrimination against the groups mentioned in recommendation 36. Domestic legislation neither forbade nor repressed individual behaviours, unless minors were involved.

614. The Government had already taken action with regard to the contents of recommendations 4, 17 and 46. In conclusion, all recommendations made in the report of the Working Group had been accepted, with the exception of recommendations 5 and 32, which the Government would continue to examine.

*(b) Views expressed by Member and observer States of the Council on the review outcome*

615. Algeria thanked Cape Verde for the information provided in addition to the presentation made to the Working Group in December 2008. Algeria expressed appreciation for the efforts made by the authorities to promote human rights domestically, and encouraged them to persist in this effort.

616. Senegal thanked Cape Verde for its clear presentation and for accepting several recommendations made during the review. Senegal stated that the efforts made by Cape Verde for the consolidation of its achievements and for the improvement of the rights of its citizens deserved its praise and encouragement. Senegal wished the authorities of Cape Verde full success in their resolute efforts to ensure that effective consideration was given to the rights of the child and women, as well as to the elimination of poverty, the promotion of education and health. Senegal expressed its hope that the international community would provide Cape Verde with support in its efforts to continue to improve the human rights situation.

617. Brazil welcomed the openness and the constructive spirit of Cape Verde during the review process and its commitment to the full realization of all human rights. Brazil highlighted the steps taken and aims of Cape Verde, as stated in the report of the Working Group, in the fight against sexual exploitation and ill-treatment of children, as well as juvenile justice. Brazil commended Cape Verde for the enactment of the new penal process code and the new labour code. Brazil stated its confidence that Cape Verde would continue to overcome its main challenges in the field of human rights, along with the objective to reach sustainable development and combat poverty. In a constructive and cooperative spirit,

Brazil reiterated its recommendations and highlighted that it was ready to cooperate with Cape Verde in the areas the country deemed most necessary and appropriate.

(c) *General comments made by other relevant stakeholders*

618. Conectas Direitos Humanos, with the support of the Cape Verdean Women Jurists' Association, expressed regret that Cape Verde had failed to submit a written report and to engage in a broad consultation process during the interactive dialogue of the review. It conveyed its hope that, for the next cycle, these aspects would be improved. Despite this regret, Conectas stressed its appreciation for the efforts made to strengthen democracy and human rights, to decrease illiteracy and child mortality rates. It urged Cape Verde to continue improvements in women's rights, especially in the area of law reform, to accept the recommendations made by France and Slovenia with regard to violence against women, and to reflect such changes in its penal code.

619. Cercle de recherche sur les droits et les devoirs de la personne humaine expressed its appreciation for the fact that life expectancy in Cape Verde had risen, but it questioned the disparities between life expectancy for men and women. It recommended that Cape Verde undertake a global study to explain such disparity and also address the connection between life expectancy and the effective enjoyment of human rights. It invited all States Members of the Council to cooperate in the realization of this study.

620. The Canadian HIV/AIDS Legal Network congratulated the country for accepting recommendations dealing with programmes to combat HIV/AIDS and promoting greater tolerance for the lesbian, gay, bisexual and transgendered community.

(d) *Concluding remarks of the State under review*

621. The representative of Cape Verde stated that the Government was committed to continue its cooperation and constructive dialogue with all national and international institutions for the reinforcement of human rights in the country. The lack of financial resources was the main obstacle that prevented further action in the implementation of recommendations, such as human rights education. This obstacle was also affecting the struggle for the eradication of poverty, access to water, improving health and satisfying other basic needs of the population. The States that made recommendations had good mutual relationships with Cape Verde and the Government was relying on them since, without their support, it would be difficult to achieve further results.

#### **14. Colombia**

622. The review of Colombia was held on 10 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Colombia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/COL/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/3/COL/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/COL/3).

623. At the 31st meeting, on 20 March 2009, the Council considered and adopted the outcome of the review on Colombia (see section C below).

624. The outcome of the review on Colombia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/10/82), the views of Colombia 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/10/82/Add.1).

- (a) *Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome*

625. The delegation of Colombia thanked Member States and the troika members for their active role in its review. Colombia recalled its involvement in the institution-building process of the United Nations human rights system, saying it had great faith in multilateralism, which reflected the democratic values on which the structures of the Colombian State were founded.

626. The universal periodic review process had led the country's institutions to reflect deeply on finding better ways to coordinate efforts to guarantee the rights of all in the country. The process of reporting had given Colombia an opportunity to hear the voices of social organizations and local authorities, strengthen coordination between institutions, review practices, identify achievements and shortcomings and plan for the immediate future. It noted the concerns and recommendations made by States and reminded delegates that Colombia had accepted most of the recommendations. Over the past three months, the Government had undertaken a detailed review of the voluntary commitments made by Colombia and the recommendations accepted, enabling it to assign responsibilities and set targets. As of 10 June 2009, the webpage of the Presidential human rights programme would carry a report on follow-up to the implementation of recommendations and commitments. The webpage would be updated every four months.

627. The efforts made by Colombia since its review included extending official invitations in January to the special rapporteurs on extrajudicial executions, the rights and fundamental freedoms of indigenous peoples and the independence of judges and lawyers, as well as to the Special Representative of the Secretary-General on human rights defenders. Colombia had also voluntarily accepted implementation of the mechanism to supervise and present reports contained in Security Council resolution 1612 (2005) on children and armed conflict. The high-level inter-sectoral commission that defined the Government's public policy on preventing the recruitment of children had produced a report of its first year activities for the United Nations task force on this mechanism. Colombia also continued to work with the international community in following up on the implementation of the recommendations made by OHCHR in 2008.

628. The delegation said Colombia had strengthened its fight against crime and all forms of violence. New legislation had been enacted and new practices to prevent violations by law enforcement officials had been developed, including public accountability for complaints received. Strict measures had been taken with regard to the repeated complaints on murders by such officials, and no further complaints had been received since October 2008.

629. Progress had also been made in eliminating anti-personnel mines through humanitarian demining operations. Work continued in strengthening the justice system and eliminating impunity. In recent weeks, the President had approved a new law on intelligence gathering, establishing mechanisms to ensure transparency. Efforts to guarantee economic, social and cultural rights continued, particularly in the spheres of health and education.

630. The report of the Inter-American Press Society for 2008 acknowledged the progress made in providing guarantees for the exercise of journalism in Colombia. The delegation cited the decision by the Constitutional Court, as a result of complaints by civil society, to grant equal treatment, in terms of rights and responsibilities before the law, to same-sex unions. The decision represented significant progress towards overcoming discrimination.

631. Such progress did not mean that the State was unaware of the enormous challenges that still existed. The Government shared the Council's concerns about the persistence of the phenomenon of internal displacement in Colombia. The efforts of national institutions

were focused on reviewing prevention and protection strategies to resolve this difficult situation. The Constitutional Court had introduced important developments, addressing vulnerable sectors such as indigenous and Afro-Colombian communities, children, people with disabilities and displaced women. It assured the Council that no resources had been spared to tackle this issue, but challenges remained.

632. On indigenous communities and their right to life, physical integrity and their territory, Colombia noted the massacre in February 2009 of 80 members of the Awa indigenous community by the FARC, who wanted to keep the coca plantations in the Awa territory. In recovering one of the bodies, 50 anti-personnel mines had to be deactivated.

633. Colombia was also concerned about complaints relating to threats and harassment of human rights defenders. The Government has asked the Prosecutor-General's Office to do its best to establish the facts, and to identify and punish those responsible. It hoped that dialogue with civil society would help identify effective measures to work together towards establishing the right climate for the work of human rights defenders. The Government reiterated its conviction that dialogue with and the participation of civil society strengthened the enjoyment of human rights in Colombia.

634. Colombia had faced grave threats against its institutions and population with a security policy that was compatible with human rights. The universal period review had allowed Colombia to share its achievements and challenges. Its achievements were the result of efforts by Colombia's people, civil society organizations and institutions, and the international community, which they also counted on in overcoming the remaining challenges in putting an end to violence and organized crime.

(b) *Views expressed by Member and observer States of the Council on the review outcome*

635. The Russian Federation thanked Colombia for its exhaustive and focused approach to the issues that it had raised during the review, adding that this attentive and respectful attitude could serve as an example. It noted that Colombia's main efforts to combat poverty were especially significant during the present economic crisis. Colombia's voluntary commitments to human rights protection had led it to establish a national control mechanism for their implementation, a fact that testified to the State's firm intention to meet high standards of human rights promotion and protection. It expressed respect for Colombia's great desire to combat the challenges it faced and was convinced by the Government's efforts to ensure human rights protection and the well-being of its people.

636. Brazil welcomed Colombia's transparency and constructive spirit in participating in the universal periodic review, a sign of its resolve to engage in dialogue and cooperation with the United Nations in the field of human rights, which should serve as an example. It was also a clear signal of Colombia's desire to overcome outstanding challenges. Brazil supported Colombia's efforts to implement review recommendations by identifying the challenges, and noted that it was time for Member States to demonstrate their desire to help others in overcoming such challenges.

637. The Netherlands commended Colombia's strong commitment to the universal periodic review process, including its written responses to questions. It welcomed the acknowledgement that security forces were responsible for unlawfully killing civilians and that steps were being taken by the Government to address these extrajudicial executions. It encouraged the Government to ensure that all cases of human rights violations implicating the security forces were investigated by the civilian justice system. Noting that Colombia's voluntary commitments include addressing impunity and guaranteeing access for justice, especially in remote and rural areas, it wished to learn more about progress made in this regard. It appreciated the Government's willingness to engage in constructive dialogue with human rights non-governmental organizations, highlighting the recommendations made in

this regard. It commended the establishment of a follow-up procedure by the Government, suggesting that it give mid-term updates to the Council.

638. Spain commended Colombia's special interest in the universal periodic review, its acceptance of more than 60 recommendations, its individual replies to questions put during the review process, its high-level commitment and particularly for the many important voluntary commitments. Spain expressed concern about threats to human rights defenders, particularly against the Colombian Commission of Jurists, and commended the Government for the voluntary commitments made relative to paragraph 91 of the Working Group report.

639. The United States of America welcomed Colombia's constructive dialogue with non-governmental organizations. It joined the Special Rapporteur on human rights defenders in strongly supporting civil society efforts to use the universal periodic review as a tool for advocacy and accountability. It appreciated Colombia's voluntary commitment to improve protection for the rights of reporters, trade unionists and human rights defenders, adding that prosecution of crimes against them and establishment of a rule of law environment for their operation would strengthen security and peace in Colombia. It acknowledged the challenges that Colombia faced, particularly violence by illegally armed groups. It called on Colombia to continue confronting violence and abuses in conformity with its human rights and international humanitarian obligations. Welcoming efforts to battle impunity and seek remedies for victims, it encouraged the Government's commitment to transparent investigations and due process for all accused perpetrators. It recommended that Colombia work to prevent and fully prosecute extrajudicial killings, forced disappearances and forced displacements, and supported efforts to strengthen the national plan for the search for missing persons.

640. Switzerland thanked the Government for its commitment and noted how important it was that the Colombian parliament adopt a law on victims complying with international standards to provide guaranteed access to justice and adequate reparations for all victims, including victims of actions by State representatives. While recognizing the efforts made to combat murder of civilians by members of law enforcement authorities, it supported OHCHR recommendations for greater operational control and for effective, impartial investigations to ensure that those responsible are brought to justice. It called for a full investigation of the murder of Edwin Legarda, husband of the indigenous representative Aida Quilque, who had, a few days prior to the murder, participated in the review of Colombia in Geneva.

641. Belgium stated that Colombia had participated constructively in its universal periodic review and hoped the implementation of recommendations accepted by the Government would help improve the human rights situation. It welcomed the decision to accept visits from various special rapporteurs and the commitment to continue cooperating with OHCHR, including in the implementation of recommendations. It acknowledged the steps taken to put an end to human rights violations, but noted that considerable challenges remained. It encouraged the Government to guarantee, in the framework of ongoing legislative proposals, access to justice and the right to reparations in a non-discriminatory manner in conformity with international norms.

642. France welcomed Colombia's acceptance of the recommendation to ratify the Convention for the Protection of All Persons from Enforced Disappearance, encouraging further efforts to enable it to enter into force soon. It regretted that Colombia did not intend to recognize the jurisdiction of the Committee on Enforced Disappearances, since this key innovative element would have an important preventive effect. It asked Colombia to reconsider and accept its jurisdiction. It also noted that the fight against impunity should be prioritized and invited Colombia to reconsider its refusal to accept the jurisdiction of the International Criminal Court for war crimes. It urged the Government to reconsider its refusal to ratify the Optional Protocol to the Convention against Torture.

643. The United Kingdom of Great Britain and Northern Ireland welcomed the Government's positive engagement in the universal periodic review, but added that concerns had continued to emerge in its aftermath. It noted the killing of Edwin Legarda, extending its condolences to Aida Quilque and calling on Colombia to ensure justice and accountability for those responsible. It strongly condemned the massacre in February 2009 of 27 members of the vulnerable Awa indigenous community by the FARC. Noting with concern the continuing threats against trade unionists and others, it said those responsible must be vigorously pursued and brought to justice. It urged authorities to do their utmost to promote and protect the roles of human rights defenders, journalists, civil society organizations, trade unionists and those who represent the most vulnerable, including the indigenous population. Defenders should not be stigmatized, officially or otherwise. The United Kingdom would continue working with international partners and civil society to maintain the positive momentum of the review process in helping Colombia address the threat of illegal armed groups and to bring lasting and robust improvements in human rights.

644. Guatemala commended Colombia's positive attitude to the recommendations made. It noted the constant challenges that existed for both Colombia and itself, and welcomed the Government's commitment to improving the human rights of its citizens and the openness and cooperation shown to treaty bodies, mandate holders and to the Council and its various bodies generally. It also welcomed the detailed replies it received to the questions and suggestions made.

645. China thanked Colombia for its frank, open and constructive attitude to the universal periodic review in the presentation of its efforts, achievements and challenges in human rights promotion and protection. It welcomed Colombia's serious answers and written replies to questions raised by States, including China, and the establishment of follow-up mechanisms to implement the accepted recommendations. It was convinced that, in the light of specific conditions in the country, the Government would overcome difficulties and make new achievements in human rights.

646. Panama welcomed Colombia's replies to questions and recommendations, congratulating the Government and civil society on the high quality review, which was open, with dialogue, responsibility and great commitment. Panama highlighted Colombia's establishment of a procedure for follow-up of recommendations accepted and the voluntary commitments made. Panama was convinced that the universal periodic review would become a practical instrument, serving to continually improve and inspire States like Colombia to design and implement mechanisms, enabling progress on the basis of the recommendations and by assessing national policies.

(c) *General comments made by other relevant stakeholders*

647. The Colombian Commission of Jurists and the World Organization against Torture dedicated their statement, on behalf of 1,200 Colombian organizations, to Edwin Legarda, who was murdered after his wife participated in the Working Group discussions in December 2008. It highlighted the violations of both humanitarian law and human rights committed by the guerrilla and the State's lack of compliance with its human rights obligations and commitments. It noted the human rights issues raised during the review and which persisted in Colombia, including extrajudicial executions, enforced disappearances, torture, sexual violence, recruitment of children and forced displacement, violations that particularly affect indigenous peoples and Afro-Colombian communities, women and children. It stressed that paramilitaries linked to the authorities had not been dismantled and were benefiting from impunity; the executive meddled in the judicial branch; victims had not received compensation owing to the many failures in the implementation of the justice and peace law; increased harassment of human rights defenders, unionists and journalists

by high-ranking officials; that inequalities had not decreased; and there were no guarantees of the rights to health, education, food and adequate housing for many. It hoped the Government's acceptance of recommendations would result in serious measures and called for acceptance of all the recommendations.

648. The World Organization against Torture, on behalf of Human Rights First, Front Line and the Observatory for the Protection of Human Rights Defenders, stated that the treatment of human rights defenders emerged as a key theme of the review, demonstrating their precarious situation in Colombia. It welcomed Colombia's acceptance of recommendations in this regard and its commitment to provide guarantees and protection measures for human rights defenders to carry out their work. It stated that defenders, however, continued to pay a heavy price, condemning the assassination of Edwin Legarda. It urged Colombia's adoption of the many recommendations to acknowledge the legitimacy of human rights advocacy, but said senior officials continued to falsely label defenders as terrorists. It called on the President to issue and enforce a directive prohibiting public officials from making false imputations that compromised the security or reputation of defenders. It expressed grave concern about the numerous threats and attacks against defenders, such as the recent death threats against a member of the Colombian Commission of Jurists. It urged Colombia to address the serious problem of baseless criminal prosecutions of defenders, saying the Prosecutor-General should pass a resolution enabling his human rights unit to review all criminal investigations against human rights defenders in line with fundamental due process standards. It urged Colombia to immediately release from prison defenders who remained unjustly detained.

649. The World Federation of Trade Unions welcomed statements recommending that Colombia protect unionists, human rights defenders, women, displaced persons, journalists, children, indigenous peoples and Afro-descendants. It welcomed Colombia's acceptance of many recommendations, but expressed concern at the increasing number of crimes against unionists, from 37 in 2007 to 45 in 2008. In 2009, seven workers had been murdered and two had disappeared. It added that indigenous communities continued to be threatened, citing a number of threats of social cleansing at the entrance of the Wayuu communities at the Guajira department. It noted that the establishment of unions could entail serious reprisals, citing the sacking of 22 workers in Cartagena in February 2009 for considering unionizing.

650. The Social Service Agency of the Protestant Church in Germany, also on behalf of ODHACO, stated that interventions during Colombia's review reflected the gravity of the situation. It hoped the Council would create effective mechanisms to follow up on recommendations beyond the voluntary submissions by reviewed States and without waiting for years. It added that the armed conflict had led to disturbing levels of degradation caused by all the armed stakeholders, citing the massacre by the FARC of 18 indigenous Awa in Nariño in February 2009. It highlighted the high number of extrajudicial executions by armed forces and was disturbed by the Government's underestimation of the seriousness of the situation. It noted the telephone tapping by Colombian information services against magistrates of the Supreme Court, members of the opposition, human rights defenders and journalists. It also cited the extradition of 17 paramilitary commanders as a serious obstacle to justice, preventing important revelations from emerging if they had been questioned in Colombia. It added that high-ranking officials' declarations against journalists, rights defenders and unionists resulted in serious threats against them.

651. International PEN and the World Press Freedom Committee welcomed Colombia's commitments in relation to journalists, including improving guarantees of their rights; encouraging investigations of crimes against them; and fostering a culture in which it was easier for journalists to work. They noted with satisfaction that there had been no deadly attacks on print journalists in Colombia in 2008, unlike the preceding two years, but were

alarmed by the high number of those who continued to be threatened and intimidated in relation to their work. They asked that Colombia provide journalists who are threatened and attacked with adequate guarantees of their safety, urging the Government to take measures ensuring that such journalists were not further endangered by comments made by public officials that could exacerbate threats and violence against them. The State must not only encourage investigations of such crimes but ensure that such prompt, independent, thorough and impartial investigations are held. The pertinent institutions must speed up outstanding investigations and bring to justice those who had committed crimes against journalists.

652. Conscience and Peace Tax International noted that Colombia rejected the recommendation to recognize the right of conscientious objection to military service. It reminded Colombia that no domestic legislation or constitutional provisions could override its international treaty obligations, and that article 93 of the Constitution stated that such obligations had priority over domestic law. It cited the decision of the Human Rights Committee in 2006 that conscientious objection to military service was a protected manifestation of religious belief under article 18 of the International Covenant on Civil and Political Rights. With specific reference to Colombia, in a 2008 opinion concerning cases of forcible recruitment, the Working Group on Arbitrary Detention had found all three cases to constitute arbitrary detention. With regard to two conscientious objectors, it believed that their recruitment was in breach of article 18 of the International Covenant and a clear violation of their affirmation of conscience. It called on Colombia to urgently reconsider its position on this issue.

653. Action Canada for Population and Development stated that the Colombian court decision giving homosexual couples the same rights as heterosexual couples remained a dead letter. It noted also the non-implementation of a Human Rights Committee decision that a homosexual man should be allowed to receive his partner's pension. Regarding police abuses, it supported OHCHR comments on the murders of transvestites and supported statements by the World Organization against Torture on crimes against transvestites. It called on the Fiscalía General de la Nación to create a specific unit for hate crimes. It also raised concerns about intersex children, who were dismissed from school and even sent away by their families. It called on Colombia to accept the recommendation by the Czech Republic that it provide funds to implement court decisions, establish a follow-up plan for the implementation of human rights and develop policies ensuring equality for gays and lesbians.

654. Amnesty International noted that many interventions during Colombia's review reflected concerns repeatedly expressed by Colombian and international human rights organizations, OHCHR and the Inter-American Commission on Human Rights. It also noted the widely shared acknowledgement that the human rights and humanitarian situation in Colombia remained serious, as it remained in the midst of an armed conflict and paramilitary groups continued to operate despite the Government's stated efforts to demobilize them. It welcomed the acceptance of most recommendations, but regretted the rejection of key ones, and asked the Government to reconsider its position, such as to accept the jurisdiction of the Committee on Enforced Disappearances, to ratify the Optional Protocol to the Convention against Torture, to withdraw the declaration on article 124 of the Rome Statute, and to end the "soldiers for a day" programme, which threatened to drag civilians further into the conflict. Amnesty International welcomed the Government's commitment to urgently implement in full OHCHR recommendations, but noted the failure of successive Governments to do so. It recommended that the Council adopt measures to ensure effective monitoring of progress in this regard, in cooperation with civil society.

655. The International Federation of Human Rights Leagues expressed concern that negotiations with paramilitaries had not resulted in the effective dismantling of the structures and that the Government denied this fact. It noted OHCHR concerns that

describing these structures as gangs did not reflect the complexity, variety, plurality and risks of the phenomenon. It said there were at least 76 paramilitary groups with some 9,000 active members. Extraditions of 17 paramilitary leaders for drug trafficking were frustrating for victims. It welcomed the Government's commitment to generating policies to avoid impunity of crimes against humanity but was concerned that the Government continued to deny that the demobilization process had allowed a de facto amnesty for most paramilitaries, including those who might have taken part in such crimes. Of the more than 30,000 paramilitaries demobilized, only one had been convicted the day before the meeting. At May 2008, only 245 had agreed to submit to the legal process according to the justice and peace law. It noted that Colombia, in its comments, avoided recommendations relating to the grave attacks against the Supreme Court of Justice, including from the President of the Republic, in the context of investigations of Government and Congress members for supposed links with paramilitaries. It stated that the Government must stop persecuting judiciary members and must provide them with protection.

656. SOS Kinderdorf International, also on behalf of World Vision International, Plan International and the International Save the Children Alliance, welcomed Colombia's acceptance of many child right recommendations. Noting recommendation 65, it added that limited State presence in rural areas minimized the identification and reporting of child sexual and physical abuse, leading many cases to go unrecorded and unpunished. On recommendation 22, it called for increased efforts to ensure effective data collection and adequate reporting, policing and juridical measures for such offences. It called for continued action on recommendation 19, requesting measures on demobilization through to reintegration of child soldiers, and measures to address underlying exclusion, which made rural, indigenous and other minority children vulnerable to recruitment. Welcoming the Government's commitments to the Millennium Development Goals on the health and education of children and acceptance of the recommendations on education, it called for measures to ensure access to health care and education in rural areas. On recommendation 62, it further recommended that birth registration fees be waived, that it be made possible to register children in areas other than those of their birth, and that communities be educated on the importance of birth registration. It requested clarification on the rejection of the recommendation in paragraph 37 (c) of the report, referring to the soldiers for a day programme and to the Committee on the Rights of the Child recommendations calling for an end to children's participation in military training activities. Considering the complementary relationship between the universal periodic review and treaty bodies, it questioned this rejection.

(d) *Concluding remarks of the State under review*

657. With regard to the situation of trade unionists, Colombia explained that a special unit had been established and resulted in 184 trials where those responsible for the murder of unionists were convicted. While only 1 conviction had been reached in 2007, in 2008 this number had increased to 76, and there have already been 14 convictions to date in 2009. It noted that 216 cases of murder of trade unionists had been revealed in the justice and peace process. Some of these had occurred in 2009, such as the murder of the President of the fishermen's union, and three perpetrators had been arrested, including the mastermind.

658. The delegation stated that the Government had acknowledged the discussion on the law on victims. It pointed out that a programme for compensation through administrative means had been established by the Government at a cost of approximately \$7 billion. About 180,000 people had made claims under the law, and progress had been made in strengthening the protection programme. A decision by the Supreme Court had impeded the executive from handing out partial charges through the justice and peace process, but once

the restriction had been lifted, 62 partial charges were brought against perpetrators. The first conviction was secured the day prior to the meeting, and 15 cases were awaiting trial.

659. With regard to the murders allegedly committed by law enforcement officials, the delegation stated that the Government had discretionally retired 3,500 law enforcement officials on its own initiative. Despite the fact that 75,000 tactical missions had been undertaken since 2002, only 938 complaints were being investigated, with 1,117 persons involved. All cases had been remitted to the ordinary courts.

660. The delegation said that the Government had repeatedly expressed regret for the death of Edwin Legarda and the investigation was in the hands of the Prosecutor's office. The events having occurred at 5 a.m. on a highway created a confusing situation and the Government was asking the Prosecutor's office to establish the facts. The State had provided information to ambassadors in Colombia on progress, and a new directive had been issued by the Secretary of Defence on how military roadblocks should be established, learning from this regrettable experience. The Constitutional Court had ordered 34 ethnic safeguard plans for 34 indigenous communities, developing a comprehensive policy to provide care for these communities.

661. On the relationship between the Government and non-governmental organizations, the delegation stated that differences existed in that the Government believed it had done its best to address human rights violations, overcome impunity and protect the population, although non-governmental organizations might not share this view. Their view was respected. It added, however, that, for example, a few years earlier paramilitaries were responsible for 250 massacres a year without any reaction from the State authorities, but that now all paramilitary leaders were being held in maximum security prisons and tried for their crimes, and their demobilization required strict commitments to reveal truth, provide reparations to victims and carry out prison sentences. Colombia refused to regard the groups that had emerged to take over the control of 500 metric tons of coca, in many areas linked to the guerrilla, as paramilitary groups. These groups wanted to be qualified as paramilitaries to be subject to negotiation.

662. Colombia regretted the situation regarding the journalist Hollman Morris, but added that the statements made by the Government questioning Mr. Morris had been made following the claims of two people who had been kidnapped and had questioned the behaviour of the journalist. The delegation stated that a pluralistic press existed in Colombia, and a great range of opinion could be found in the media.

663. Responding to concerns about the cost of education, Colombia reported on the establishment of a free subsidy for the poorest children, which would benefit 4.5 million children.

664. Colombia was aware that legislation had to be enacted to ensure the Constitutional Court decision of January on same-sex couples did not remain a dead letter.

665. Colombia also affirmed that all challenges could be met if work continued with the international community, human rights organizations and civil society in a constructive spirit, rejecting all forms of violence and strengthening the institutions.

## **15. Uzbekistan**

666. The review of Uzbekistan was held on 11 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Uzbekistan in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/UZB/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/3/UZB/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/UZB/3).

667. At the 31st meeting, on 20 March 2009, the Council considered and adopted the outcome of the review on Uzbekistan (see section C below).

668. The outcome of the review on Uzbekistan comprised the report of the Working Group on the Universal Periodic Review (A/HRC/10/77), the views of Uzbekistan 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/10/77/Add.1).

(a) *Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome*

669. Uzbekistan was grateful to the members of the Council and the States Members of the United Nations for their attention to the situation of human rights in Uzbekistan, as reflected in their recommendations and comments. Uzbekistan gave an overview of the steps and obligations it had undertaken during the short period since the third session of the Working Group in December 2008. The review of Uzbekistan coincided with the end of the sixtieth anniversary year of the Universal Declaration of Human Rights, which was marked by the implementation of a thorough programme of measures taken by presidential decree in Uzbekistan. In 2008, Uzbekistan had ratified eight very important international human rights documents. In February 2009, the Government had signed the Convention on the Rights of Persons with Disabilities.

670. In 2008, Uzbekistan implemented a wide-ranging educational and awareness-raising campaign to monitor the implementation of the most important human rights laws in conformity with the Universal Declaration of Human Rights. Uzbekistan took the opportunity to dwell on three of the most recent trends in State policy with respect to human rights.

671. First, with regard to the global financial crisis and human rights, the Government had launched a policy to avoid any reduction in people's living standards, by protecting them from the negative consequences of the financial crisis and by ensuring that normal life proceeded as a foundation for their human rights. Uzbekistan stated that the budget allocation in the social sphere had amounted to more than 50 per cent, the majority of which was given to education. Uzbekistan had also a continuing tradition of adopting integrated State programmes intended to resolve specific problems relating to socio-economic development as the basis of the whole set of human rights enshrined in the fundamental United Nations documents. Uzbekistan recalled that 2008 was declared the Year of Youth, and that specific measures had been taken to improve education, health, housing and credits for young people and young families, while 2009 had been declared the year of development and improvement of the countryside. Uzbekistan intended to bring a qualitative improvement to the living conditions and well-being of the rural population, since almost half of Uzbek people live in rural areas, and paying attention to life in rural areas was in line with the Millennium Development Goals.

672. Second, Uzbekistan pointed out that education was a priority in State policy and it had been successfully implementing systemic education reforms at all levels. The whole education system was interrelated to the national programme to enhance a culture of legal awareness among the masses with regard to newly adopted legislation, and was also laying the foundations for human rights education programmes. With technical assistance from various United Nations agencies, Uzbekistan was continuing the publication of international human rights documents. At the beginning of February 2009, an Uzbek language publication was issued with the help of UNICEF of the Optional Protocols to the Convention on the Rights of the Child, which Uzbekistan ratified in December 2008.

673. Thirdly, as a result of consistent development in the area of judicial and legal reform, Uzbekistan had started to see concrete results in the application of habeas corpus. This institution came into force on 1 January 2008 and had served to strengthen the procedural guarantees for the protection of constitutional rights and freedoms for Uzbekistan's citizens during criminal proceedings. As of 2008, Uzbekistan has been implementing a whole set of legal and organizational reforms related to the legal profession. It has established a bar association, a chamber of lawyers and an independent professional association, which carried out a broad range of tasks, including social protection and support for lawyers, educational activities and representation and defence in matters related to the State. The guarantee of legal status of lawyers was achieved through the introduction of administrative responsibility on the part of public officials for hampering activities of lawyers. The Government had taken a decision to support such national human rights institutions as the Parliamentary Ombudsman and the national human rights centre, established in accordance with the Paris Principles and the Vienna Declaration and Programme of Action. The institution of habeas corpus, the improvement of the status and institution of the legal profession and the national human rights institutions should all be seen as consistent steps being taken by Uzbekistan to implement judicial and legal reforms and to carry out international obligations in the human rights area.

674. Uzbekistan had also submitted a document with its answers and commentaries to the recommendations of the Working Group. Uzbekistan had carefully studied all the recommendations made by Member States. Uzbekistan was pleased to report that work to implement the recommendations accepted following its review had already begun. In keeping with the spirit and the principles of the Council, Uzbekistan intended to adopt and implement a national plan of action to fulfil the recommendations. It intended to continue to work consistently and actively together with the United Nations treaty bodies by submitting periodic reports, and with the special procedures and other mechanisms of the Council. In December 2008 and January 2009, Uzbekistan had provided its replies to the questionnaires from the special rapporteurs on education and on violence against women, and in March from the Council's Advisory Committee on the draft declaration on human rights education and training.

675. The universal periodic review mechanism had made it possible for Uzbekistan to thoroughly analyse and evaluate State policy on the realization of various human rights and to strengthen coordination and interaction among various State bodies and civil society structures. In keeping this important principle in mind, the State institutions together with civil society bodies would be working on the national plan of action to implement the recommendations from its review. Uzbekistan hoped for the understanding of the Members and observers of the Council and also for their constructive and fruitful cooperation as Uzbekistan implemented the common goals of promoting, realizing and protecting human rights at both the national and international levels.

(b) *Views expressed by Member and observer States of the Council on the review outcome*

676. Azerbaijan noted that a significant step had been taken to uphold the role of Parliament, political parties and civil society. Azerbaijan made reference to the growing number of non-governmental organizations, the establishment of the role of a human rights commissioner for Parliament and the national centre for human rights, the abolition of the death penalty, the introduction of habeas corpus and the adoption of several national plans of action in various human rights fields, which demonstrated the will of Uzbekistan to improve further the human rights situation in the country. Uzbekistan would benefit from the universal periodic review mechanism by, inter alia, the successful implementation of recommendations.

677. The Russian Federation was grateful to the delegation of Uzbekistan for the exhaustive information on the recommendations made. It noted the creation of a full system of national human rights institutions in keeping with the Paris Principles: the Ombudsman, the national centre on human rights and the institute for monitoring legislation. The national human rights protection system in Uzbekistan had been improved, and this had been quite clearly shown during the review. The Russian delegation wished the Government of Uzbekistan every success on that path.

678. Indonesia commended Uzbekistan for embracing the recommendations made during the Working Group discussions, and applauded the forthcoming strategies to mobilize national resources to accelerate poverty alleviation and eliminate forced child labour and trafficking. By working together with concerned stakeholders, including non-governmental organizations and members of civil society, Uzbekistan would be able to pursue its efforts to advance human rights causes. Indonesia expressed the hope that Uzbekistan would apply a balanced and fair approach to human rights norms in the country, especially regarding education and the eradication of discrimination against women and female children.

679. Ukraine expressed appreciation for the detailed responses to the recommendations made. Ukraine noted in particular the positive trends in the interaction between Uzbekistan and the special rapporteurs, as well as its intention to continue comprehensive cooperation with all special procedures of the Council, and encouraged it to continue its efforts. Ukraine hoped to hear, before the next round of the universal periodic review, about their achievements.

680. Kazakhstan recognized the positive engagement by Uzbekistan with the Council in the universal periodic review process. It noted with great satisfaction that the recommendations had already been taken into account and measures had been taken to implement them. In this regard, Kazakhstan welcomed the recent positive steps by Uzbekistan, including the signature of the Convention on the Rights of Persons with Disabilities, in February 2009. Kazakhstan welcomed the gender-specific steps taken, including the adoption of a draft law on guarantees of equal rights and opportunities for women and men. Kazakhstan strongly encouraged Uzbekistan to continue its cooperation with the special procedures and the treaty bodies. It welcomed Uzbekistan's firm commitments and close cooperation in the review follow-up process.

681. Cuba congratulated Uzbekistan on its detailed presentation of ongoing efforts as part of the follow-up to the recommendations made during the universal periodic review. Cuba noted that, despite the obstacles confronted, Uzbekistan had made important progress, in both civil and political rights and economic, social and cultural rights. Cuba especially acknowledged progress in the areas of education, health, employment, the promotion and protection of the rights of children, the rights of persons with disabilities and with low incomes, and its fight against any type of discrimination. Cuba also wished to commend the ongoing bill in the 2009 legislation plan for equal opportunities and rights for men and women, to afford them the equal enjoyment of their rights and freedoms, as recognized in the national legislation of Uzbekistan.

682. Belarus took note of the serious work done by Uzbekistan in preparation for the universal periodic review. Uzbekistan had established the necessary structural conditions for the promotion of human rights, including the Ombudsman, a national centre for human rights and the State human rights programmes. Uzbekistan was actively promoting legal and procedural practice noting the recent introduction of habeas corpus. Belarus welcomed the adoption of the law to combat trafficking in persons in 2008. Belarus also noted the establishment of national rehabilitation centres for victims of trafficking. Belarus invited the representative of the relevant authorities to take part in training on trafficking in persons, which is conducted regularly by the International Migration Training Centre to Combat Trafficking based in Minsk. Belarus stated that it would appreciate the steps to be

undertaken by Uzbekistan to implement the recommendations made during the Working Group, noting the development of a national plan of action.

683. Malaysia was pleased to note that Uzbekistan had accepted a large number of recommendations made by Member States, including those focusing on the promotion and protection of economic, social and cultural rights. This was particularly important in the light of the current global financial crisis affecting the socio-economic conditions of many developing countries. Malaysia viewed this as a positive and constructive approach on the part of Uzbekistan and encouraged the Government of Uzbekistan to take the necessary measures to implement the recommendations effectively.

684. The Philippines welcomed the responses of Uzbekistan, particularly its readiness to continue its comprehensive cooperation with all special procedures of the Council. The Philippines noted that the draft law on guarantees of equal rights and opportunities for women and men had been included in the plan of legislative activities of the Government for 2009. The Philippines welcomed the steps taken by the Government with regard to the promotion and protection of the rights of children by noting Uzbekistan's ratification of the two optional protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, as well as ILO Conventions Nos. 138 and 182 with respect to the minimum age of labour and the worst forms of child labour.

685. Bahrain noted that Uzbekistan had drawn up a national plan and had also taken measures to guarantee the rights of the child through legislation by tackling trafficking in persons. It had ratified the Optional Protocol to the Convention on the Rights of the Child on trafficking in children and on children in armed conflict. Uzbekistan had signed two ILO conventions to put an end to child labour and to set up a national programme directed at eliminating the worst forms of child labour, while imposing serious penalties on parents and others who forced children to work. Bahrain indicated that Uzbekistan, like other countries, had signed the Millennium Declaration on an ideal world for children and the Government was committed to improving the situation of children and endeavouring to establish a programme to this end from 2009 to 2011.

686. Algeria congratulated the Government of Uzbekistan on its progress in promoting and implementing human rights standards. The constructive participation of Uzbekistan in the universal periodic review and its voluntary acceptance of a large number of the recommendations was testimony to that commitment. Algeria welcomed the measures taken to implement some of the recommendations and encouraged the Government to continue its efforts to enshrine human rights standards. Algeria called upon the United Nations agencies concerned to cooperate closely with the country to allow it to meet these challenges.

687. The United Kingdom of Great Britain and Northern Ireland sought clarification and requested correction on paragraph 48 (c), which did not exist but was referred to in paragraph 107 of the report of the Working Group as one of the recommendations not accepted by the Government of Uzbekistan. The United Kingdom expressed its ongoing concern over the number of imprisoned human rights defenders. It also expressed its disappointment that certain paragraphs referred to in paragraph 107 had been dismissed by Uzbekistan as factually wrong without due consideration.

(c) *General comments made by other relevant stakeholders*

688. Civicus – World Alliance for Citizen Participation welcomed the new laws adopted on non-governmental and non-profit organizations, and asked the Government to report publicly, accurately and comprehensively how these laws had been implemented and what had been done in relation to various recommendations to improve the protection of civil

society space, namely to ensure freedom of expression, assembly, association and the right to participate in public and political life, to adopt a national plan of action to improve the human rights situation and to implement some of the recommendations of the treaty bodies on freedom of peaceful assembly, to investigate all reports of assaults on human rights defenders and to bring to justice those responsible. Civicus requested that the visit of the Special Rapporteur on the situation of human rights defenders be facilitated at the earliest time possible.

689. Action Canada for Population and Development urged Uzbekistan to provide a friendly environment, without State interference or fear of reprisal, for non-governmental organizations working on the issues of sexual rights, women's rights, reproductive health and rights, and HIV/AIDS. It also called on the Government to conduct proper investigation of closures of non-governmental organizations, punish those responsible for unjustified closures and restore their legal personhood to the organizations affected, specifically crisis centres for women. It supported the recommendation to invite the Special Rapporteur on the situation of human rights defenders, stressing the importance of examining the situation of defenders working on women's rights and sexual and reproductive rights. It called on the Government to repeal article 120 of the criminal code and decriminalize consensual same-sex behaviour among adults.

690. Amnesty International welcomed Uzbekistan's support of the recommendations to establish a national independent mechanism to monitor all places of detention and to consider complaints. It expressed dismay that Uzbekistan regarded the establishment of an independent international investigation into the events of May 2005 in Andijan as inconsistent with its obligations under international human rights standards. It noted that, during the interactive dialogue, Uzbekistan had rejected as "unfounded" the reports that excessive and disproportionate force had been used during these events. It also urged Uzbekistan to reconsider its rejection of recommendations to release all detained human rights defenders and to ensure that everyone, including human rights defenders, peacefully exercised their right to freedom of expression in conformity with Uzbekistan's obligations under the International Covenant on Civil and Political Rights.

691. The International Commission of Jurists expressed concern that Uzbekistan had accepted only very general and sometimes vague recommendations, and made reservations or eventually refused those that were specific and measurable. In particular, it urged the Government to permit an effective investigation into the Andijan events through an independent international commission of inquiry; to refrain from the prosecution of dissenting political and religious activists, journalists and human rights defenders on vaguely defined charges relating to terrorism, extremism, separatism or religious practice; to narrow the definition of what constitutes "terrorist acts" in accordance with the principle of legality of offences; to ensure that its legislation on criminal procedure complies with all due process guarantees; to ensure the absolute prohibition of torture and to adopt the definition of torture in compliance with article 1 of the Convention against Torture; to provide for effective access by the public to criminal trials; and to give unhindered access to the special procedures that have outstanding requests for visits.

692. Human Rights Watch lamented the Government's decision to reject the recommendations urging the release of human rights defenders and civil society activists. It noted that at least 11 human rights defenders were still held in prison. It had been forced to suspend its activities in Uzbekistan in July 2008 after the Government's denial of work accreditation and outright ban on its research. It expressed regret at the Government's continued refusal to accept responsibility for the massacre in May 2005 in Andijan. Human Rights Watch also expressed regret at the Government's decision to reject the recommendation to stop pursuing the forcible return of Uzbek asylum-seekers from

neighbouring countries. It urged the Government to reserve its approach and to accept and genuinely implement all recommendations addressed to it during its review.

693. The Canadian HIV/AIDS Legal Aid Network encouraged Uzbekistan to reconsider its position in paragraph 105 of the report of the Working Group, where Uzbekistan indicated that it would study the conformity of 12 recommendations to its national legislation in the light of international human rights standards. It requested Uzbekistan to indicate which recommendations of those 12 would be accepted. It also raised Uzbekistan's refusal to decriminalize consensual same-sex sexual activity between consenting adults, noting that the laws criminalizing consensual same-sex sexual conduct were not in conformity with international obligations of privacy and non-discrimination under the International Covenant on Civil and Political Rights. It therefore urged Uzbekistan to reconsider its position and to repeal the offending provisions.

(d) *Concluding remarks of the State under review*

694. In its concluding remarks, Uzbekistan stressed that it upheld its international obligations in the fields of human rights and freedoms on the basis of the principles of equality, constructiveness, objectivity and transparency. The universal periodic review had made it possible for Uzbekistan to have a thorough look at its national policy on human rights, including civil, political, economic, social and cultural rights. Uzbekistan had instituted cooperation with civil society and established a non-State system for the protection of human rights. These institutions provided great support for the development of civil society and the rule of law in areas such as the education and care of women and children, and people with disabilities and vulnerable people. Uzbekistan had created a national association of non-governmental organizations, a social fund for support for non-governmental organizations and a parliamentary commission. The Government firmly intended to conduct a broad-based discussion with all concerned State bodies and non-governmental organizations, as well as with other civil society institutions and the media, to look at the recommendations emerging from the report on Uzbekistan and to develop and implement an appropriate national plan of action.

## 16. Tuvalu

695. The review of Tuvalu was held on 11 December 2008 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the national report submitted by Tuvalu in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/3/TUV/1); the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/3/TUV/2); and the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/3/TUV/3).

696. At its 32nd meeting, on 20 March 2009, the Council considered and adopted the outcome of the review on Tuvalu (see section C below).

697. The outcome of the review on Tuvalu comprises the report of the Working Group on the Universal Periodic Review (A/HRC/10/84), the views of Tuvalu concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

(a) *Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome*

698. The Crown Counsel in the Office of the Attorney General of Tuvalu presented the final remarks and conclusions of the Government on its first report in the universal periodic

review process. She reaffirmed Tuvalu's commitment to the review mechanism and to the upholding of human rights principles.

699. Tuvalu expressed a deep appreciation to those who had provided the much needed support, from the preparation phase of its national report to the reporting session in December 2008, and also for facilitating the presence of Tuvalu in the consideration of the outcome. In this regard, the delegation referred to the support of the OHCHR Regional Office for the Pacific, the Pacific Regional Rights Resource Team, the Social Division of the Secretariat of the Pacific Community and the Permanent Missions of New Zealand and Australia in Geneva. Tuvalu extended its warm thanks also to the Council, the Working Group and Member States of the troika for the honest reflections and the assistance provided to the delegation of Tuvalu. Being one of the first small island States to undergo the review process, Tuvalu noted that it had encountered the challenges of underresources in terms of technical expertise. With the assistance of the human rights-related offices in the region, Tuvalu had been able to participate fully in the review.

700. Tuvalu stated that the review process had been an opportunity not only to inform the international community of the state of Tuvalu's compliance and realization of human rights at the ground level, but also to know where Tuvalu stood in the fulfilment of its obligation as a State Member of the United Nations in the area of human rights. It regarded the process as truly universal, and reaffirmed the commitment of Tuvalu to its success and continuity.

701. With regard to the 10 recommendations made in December 2008 to be considered by the Government, the delegation stated that Tuvalu supported all of them (A/HRC/10/84, para. 68). With regard to recommendation 2, to fully incorporate the Convention on the Rights of the Child, and recommendation 6, on the elimination of discrimination against women and to fully incorporate the Convention on the Elimination of All Forms of Discrimination against Women, Tuvalu stated that careful consideration and broad consultation were required at the national level with relevant stakeholders in the incorporation of these two conventions. Tuvalu added that some of the recommendations, such as regarding children with no parental care and asylum, were not relevant to Tuvalu, but the delegation confirmed the support of Tuvalu and that it stood ready to consider them. Lastly, Tuvalu stated that it required the financial and technical support of the international community in the fulfilment of these recommendations.

(b) *Views expressed by Member and observer States of the Council on the review outcome*

702. The United Kingdom of Great Britain and Northern Ireland congratulated Tuvalu on the adoption of the report of their review. It recognized the capacity constraints that the Government of Tuvalu encountered when preparing for the review. The fact that, despite these constraints, the Government of Tuvalu had been represented in Geneva in December 2008 and was in Geneva on 20 March 2009 for the consideration of the outcome was commendable.

703. New Zealand noted that Tuvalu was the second country in the South Pacific region to go through the universal periodic review process. It warmly welcomed the presence of a Tuvalu delegate in Geneva to take part in the adoption phase of the review process. It noted that Tuvalu had given the review process high priority, with the preparation of a comprehensive State report and the input of a number of non-governmental organizations. The quality of Tuvalu's preparation for the review resulted in a wide-ranging discussion in December 2008, in which a number of delegations participated fully. New Zealand commended Tuvalu for its acceptance of a very large number of the recommendations made in December 2008. It noted that for the small island States of the Pacific, participation in the review was a major undertaking, and that Tuvalu was undoubtedly among the smallest countries to have gone through the review process to date. New Zealand

recognized the practical difficulties faced by the smallest island States in meeting their universal periodic review obligations. For that reason, New Zealand had convened in February 2009, in Auckland, a seminar to assist officials of Pacific island Governments to work through the review process. At the seminar, Tuvalu representatives, who had already gone through the review in December 2008, were able to provide valuable insights for their colleagues from other Pacific countries and had contributed greatly to making the seminar a success.

(c) *General comments made by other relevant stakeholders*

704. Amnesty International welcomed many of the recommendations made by States to Tuvalu, including on cooperating with OHCHR to strengthen legislation related to family, land and sexual offences against children, and to establish a national human rights commission based on the Paris Principles. It also welcomed recommendations to develop a comprehensive strategy to reduce domestic violence in Tuvalu, including through raising public awareness and encouraging greater involvement by Government agencies and civil society in efforts to address domestic violence and gender discrimination. It reiterated its call to Tuvalu to develop and enact legislation to protect women and children from violence, in particular domestic violence. It indicated that prevailing cultural notions of women's status continued to be a key factor in perpetuating violence against women in Tuvalu. It therefore urged Tuvalu to support recommendations to eliminate legislation that had a discriminatory effect against women, and to amend the Constitution to prohibit discrimination on the basis of sex and gender. It considered that gender violence could not be eradicated without addressing the underlying factors that cause or contribute to gender discrimination. It welcomed Tuvalu's support for recommendations to ratify, with the assistance of OHCHR, a wide range of human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

705. Earthjustice welcomed and encouraged the positive response of Tuvalu concerning its efforts to ratify all major human rights treaties and to establish a national human rights institution respecting the Paris Principles in order to strengthen human rights in the country. It stated that Tuvalu unfortunately illustrated how human rights were affected by climate change, such as the right to food, the right to water or the right to adequate housing. Earthjustice encouraged Tuvalu to promote access to information, education and public participation in environmental and climate change matters. The situation in Tuvalu also showed that the right to an ecologically sustainable environment could not be protected by national measures alone. The right to assistance in emergency situations and possible refugee rights could only be granted by the active involvement of the international community, but the responsibility of the international community was not limited to assistance measures. Furthermore, it noted that the fate of Tuvalu exemplified how climate change mitigation measures were also a direct contribution to the prevention of human rights violations. Earthjustice called on the Council to consider the whole range of measures needed to make it possible for Tuvalu to protect the human rights of its people. It called on Tuvalu to participate actively in the future discussions on this issue at the Council as well as in the negotiations of the post-Kyoto regime, where the human rights implications of the struggle against climate change would have to be taken into consideration.

706. The Canadian HIV/AIDS Legal Network noted, with reference to paragraph 14 of the Working Group report, that during the interactive dialogue in the Working Group, the head of the Tuvalu delegation stated that his country respected the rights of persons of all sexual orientations, but that the question of legal protection in the Constitution would need to be carefully considered. In this regard, the Canadian HIV/AIDS Legal Network appreciated the openness of the delegation to discussion and relevant actions of Tuvalu in

relation to promoting equality for all people, including on grounds of sexual orientation and gender identity. However, it noted that Tuvalu maintained some criminal laws that penalized consensual same-sex adult behaviour, and the Canadian HIV/AIDS Legal Network encouraged the delegation to remain open to revision of these laws in order to promote equality and compliance with international obligations of privacy and non-discrimination. The Canadian HIV/AIDS Legal Network would welcome an indication from the delegation whether there was any openness to consider these matters.

(d) *Concluding remarks of the State under review*

707. Tuvalu thanked the President, States and stakeholders for their valuable contributions. It noted that comments and explanations to a number of issues raised by States and stakeholders had already been provided by the delegation of Tuvalu in December 2008. Tuvalu expressed its commitment to the success and continuity of the review, not only in the reporting element of the process but more importantly in the implementation of these recommendations on the ground. Tuvalu stated that it therefore sought the support and assistance of the international community in the implementation of the recommendations. In closing, Tuvalu expressed that it was looking forward to presenting its next report to the Council.

## **B. General debate on agenda item 6**

708. At the 32nd meeting, on 20 March 2009, the Council held a general debate on agenda item 6, during which the following made statements:

(a) Representatives of States Members of the Council: Canada, Chile, China, Cuba, Czech Republic<sup>7</sup> (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Montenegro, Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Egypt (on behalf of the Group of African States), France, Germany, Japan, Malaysia, Nigeria, Republic of Korea, Russian Federation, Switzerland, United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Bhutan, Czech Republic, Kuwait, Morocco, Poland, Portugal, Tunisia, Turkey;

(c) Observers for the following non-governmental organizations: Amnesty International, Arab Commission for Human Rights, Canadian HIV/AIDS Legal Network, Human Rights Watch, Indian Council of South America, International Service for Human Rights, Liberation, Nord-Sud XXI, OCAPROCE International.

709. At the same meeting, a statement in exercise of the right of reply was made by the representative of Guatemala.

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

### **Botswana**

710. At the 27th meeting, on 18 March 2009, the Council adopted draft decision 10/101 without a vote (for the text as adopted, see part one, chap. II).

<sup>7</sup> Observer of the Council speaking on behalf of Member and observer States.

**Bahamas**

711. At the 27th meeting, on 18 March 2009, the Council adopted draft decision 10/102 without a vote (for the text as adopted, see part one, chap. II).

**Burundi**

712. At the 27th meeting, on 18 March 2009, the Council adopted draft decision 10/103 without a vote (for the text as adopted, see part one, chap. II).

**Luxembourg**

713. At the 28th meeting, on 18 March 2009, the Council adopted draft decision 10/104 without a vote (for the text as adopted, see part one, chap. II).

**Barbados**

714. At the 28th meeting, on 18 March 2009, the Council adopted draft decision 10/105 without a vote (for the text as adopted, see part one, chap. II).

**Montenegro**

715. At the 28th meeting, on 18 March 2009, the Council adopted draft decision 10/106 without a vote (for the text as adopted, see part one, chap. II).

**United Arab Emirates**

716. At the 29th meeting, on 19 March 2009, the Council adopted draft decision 10/107 without a vote (for the text as adopted, see part one, chap. II).

**Liechtenstein**

717. At the 29th meeting, on 19 March 2009, the Council adopted draft decision 10/108 without a vote (for the text as adopted, see part one, chap. II).

**Serbia**

718. At the 30th meeting, on 19 March 2009, the Council adopted draft decision 10/109 without a vote (for the text as adopted, see part one, chap. II).

**Turkmenistan**

719. At the 30th meeting, on 19 March 2009, the Council adopted draft decision 10/110 without a vote (for the text as adopted, see part one, chap. II).

**Burkina Faso**

720. At the 30th meeting, on 19 March 2009, the Council adopted draft decision 10/111 without a vote (for the text as adopted, see part one, chap. II).

**Israel**

721. At the 31st meeting, on 20 March 2009, the Council adopted draft decision 10/112 without a vote (for the text as adopted, see part one, chap. II).

**Cape Verde**

722. At the 31st meeting, on 20 March 2009, the Council adopted draft decision 10/113 without a vote (for the text as adopted, see part one, chap. II).

**Colombia**

723. At the 31st meeting, on 20 March 2009, the Council adopted draft decision 10/114 without a vote (for the text as adopted, see part one, chap. II).

**Uzbekistan**

724. At the 31st meeting, on 20 March 2009, the Council adopted draft decision 10/115 without a vote (for the text as adopted, see part one, chap. II).

**Tuvalu**

725. At the 32nd meeting, on 20 March 2009, the Council adopted draft decision 10/116 without a vote (for the text as adopted, see part one, chap. II).

## VII. Human rights situation in Palestine and other occupied Arab territories

### A. Follow-up to Human Rights Council resolutions 7/30, 9/18 and S-9/1

726. At the 35th meeting, on 23 March 2009, the Deputy High Commissioner for Human Rights introduced the reports of the High Commissioner for Human Rights, OHCHR and the Secretary-General under agenda item 7, as requested by the Council in its resolutions 7/30 (A/HRC/10/15) and 9/18 (A/HRC/10/27), the report mandated by the Commission on Human Rights in its resolution 2005/7 (A/HRC/10/35) and the follow-up to Council resolution S-9/1.

727. At the same meeting, the Special Rapporteur on the right to food, Olivier De Schutter, introduced the combined report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Representative of the Secretary-General for children and armed conflict, the Special Rapporteur on violence against women, its causes and consequences, the Representative of the Secretary-General on the human rights of internally displaced persons, 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, the Special Rapporteur on the right to food, the Special Rapporteur on extrajudicial, arbitrary or summary executions, the Special Rapporteur on the right to education and the independent expert on the question of human rights and extreme poverty, as requested by the Council in its resolution S-9/1 (A/HRC/10/22).

728. Also at the same meeting, the representative of Israel made a statement as a concerned country, and the representative of Palestine made a statement as a concerned party.

729. During the ensuing interactive dialogue on the combined report, at the same meeting, the following made statements and asked the mandate holders questions:

(a) Representatives of States Members of the Council: Bangladesh, Brazil (also on behalf of India and South Africa), China, Cuba (on behalf of the Non-Aligned Movement), Czech Republic<sup>7</sup> (on behalf of the European Union), Egypt, Indonesia, Japan, Jordan, Malaysia, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Senegal, Yemen<sup>7</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Iraq, Kuwait, Lebanon, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, United States of America, Venezuela (Bolivarian Republic of);

(c) Observers for intergovernmental organizations: African Union, League of Arab States;

(d) Observers for the following non-governmental organizations: Arab Commission for Human Rights, Union of Arab Jurists, World Vision International.

730. At the same meeting, the Special Rapporteur on the right to food answered questions and made comments and his concluding remarks.

## B. Annual interactive dialogue with the mandate holder

731. At the 35th meeting, on 23 March 2009, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, introduced his annual report (A/HRC/10/20). At the same meeting, the Special Rapporteur made a second statement.

732. At the same meeting, the representative of Israel made a statement as a concerned country, and the representative of Palestine made a statement as a concerned party.

733. During the ensuing annual interactive dialogue at the same meeting, and at the 36th meeting, on 24 March 2009, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Bangladesh, Czech Republic<sup>7</sup> (on behalf of the European Union), Djibouti, Egypt (also on behalf of the Group of African States), Jordan, Malaysia, Pakistan (on behalf of the Organization of the Islamic Conference), Yemen<sup>7</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Syrian Arab Republic, United States of America;

(c) Observers for the following non-governmental organizations: Cairo Institute for Human Rights Studies, Coordinating Board of Jewish Organizations (also on behalf of B'nai B'rith International), Nord-Sud XXI, United Nations Watch.

734. At the 36th meeting, the Special Rapporteur answered questions and made his concluding remarks.

## C. General debate on agenda item 7

735. At the 36th meeting, on 24 March 2009, the Council held a general debate on agenda item 7, during which the following made statements:

(a) The representatives of Israel and Syrian Arab Republic as concerned countries, and the representative of Palestine as a concerned party;

(b) Representatives of States Members of the Council: Bahrain, Brazil, Cuba (on behalf of the Non-Aligned Movement), Czech Republic<sup>7</sup> (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Montenegro, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Egypt (also on behalf of the Group of African States), Malaysia, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Russian Federation, Saudi Arabia, Slovenia, Switzerland, Yemen<sup>7</sup> (on behalf of the Group of Arab States);

(c) Representatives of the following observer States: Algeria, Iceland, Iran (Islamic Republic of), Kuwait, Lebanon, Libyan Arab Jamahiriya, Morocco, Oman, Tunisia, Turkey, United States of America, Yemen;

(d) Observers for the following non-governmental organizations: Al-Hakim Foundation, Arab Commission for Human Rights, General Arab Women Federation (also on behalf of the Women's International League for Peace and Freedom), Indian Movement Tupaj Amaru (also on behalf of the World Peace Council), International Organization for the Elimination of All Forms of Racial Discrimination, Islamic Human Rights Commission, Mouvement contre le racisme et pour l'amitié entre les peuples, Norwegian Refugee Council, Union of Arab Jurists, United Nations Watch, Women's International Zionist Organization.

736. At the same meeting, a statement in exercise of the right of reply was made by the representative of the Syrian Arab Republic.

## D. Consideration of and action on draft proposals

### Human rights in the occupied Syrian Golan

737. At the 43rd meeting, on 26 March 2009, the representative of Pakistan (on behalf of the Organization of the Islamic Conference and the Group of Arab States) introduced draft resolution A/HRC/10/L.4, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and co-sponsored by Belarus, Bolivia, Cuba, the Democratic People's Republic of Korea, Nicaragua, Yemen (on behalf of the Group of Arab States) and Zimbabwe. Subsequently, Venezuela (Bolivarian Republic of) joined the sponsors.

738. At the same meeting, the representatives of Israel and the Syrian Arab Republic made statements as concerned countries.

739. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of Canada and Germany (on behalf of States members of the European Union that are members of the Council).

740. At the same meeting, at the request of the representative of Germany (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 33 votes to 1, with 13 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

Canada;

*Abstaining:*

Bosnia and Herzegovina, Cameroon, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

741. For the text as adopted, see part one, chapter I, resolution 10/17.

### Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan

742. At the 43rd meeting, on 26 March 2009, the representative of Pakistan (on behalf of the Organization of the Islamic Conference and the Group of Arab States) introduced draft resolution A/HRC/10/L.5, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and co-sponsored by Bolivia, Cuba, Nicaragua, Venezuela (Bolivarian Republic of) and Yemen (on behalf of the Group of Arab States). Subsequently, Belarus, Belgium, Cyprus, Finland, Greece, Iceland, Ireland, Luxembourg, Malta, Portugal, Slovenia, Spain and Sri Lanka joined the sponsors.

743. At the same meeting, the representative of Pakistan orally revised the draft resolution by modifying operative paragraphs 3 and 7.

744. Also at the same meeting, a general comment in relation to the draft resolution was made by the representative of Germany (on behalf of States members of the European Union that are members of the Council).

745. At the same meeting, the representative of the Syrian Arab Republic made a statement in relation to the draft resolution as a concerned party.

746. Also at the same meeting, a statement in explanation of vote before the vote was made by the representative of Canada.

747. At the same meeting, at the request of the representative of Canada, a recorded vote was taken on the draft resolution. The draft resolution, as orally revised, was adopted by 46 votes to 1. The voting was as follows:

*In favour:*

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

*Against:*

Canada.

748. For the text as adopted, see part one, chapter I, resolution 10/18.

**Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory**

749. At the 43rd meeting, on 26 March 2009, the representative of Pakistan (on behalf of the Organization of the Islamic Conference and the Group of Arab States) introduced draft resolution A/HRC/10/L.6, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and co-sponsored by Bolivia, Cuba, Nicaragua, Venezuela (Bolivarian Republic of) and Yemen (on behalf of the Group of Arab States). Subsequently, Belarus, South Africa and Sri Lanka joined the sponsors.

750. At the same meeting, the representative of Pakistan orally revised the draft resolution by modifying the title, the seventh preambular paragraph, operative paragraphs 2 and 5 and adding a new operative paragraph 9 (bis).

751. Also at the same meeting, a statement in explanation of vote before the vote was made by the representative of the Netherlands (also on behalf of Italy).

752. At the same meeting, at the request of the representative of the Netherlands (also on behalf of Italy), a recorded vote was taken on the draft resolution. The draft resolution, as orally revised, was adopted by 35 votes to 4, with 8 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Switzerland, Uruguay, Zambia;

*Against:*

Canada, Germany, Italy, Netherlands;

*Abstaining:*

Cameroon, France, Japan, Republic of Korea, Slovakia, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland.

753. Also at the same meeting, statements in explanation of the vote after the vote were made by the representatives of Canada and Japan. For the text as adopted, see part one, chapter I, resolution 10/19.

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

754. At the 43rd meeting, on 26 March 2009, the representative of Pakistan (on behalf of the Organization of the Islamic Conference and the Group of Arab States) introduced draft resolution A/HRC/10/L.7, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and co-sponsored by Bolivia, Cuba, Nicaragua, Switzerland, Venezuela (Bolivarian Republic of) and Yemen (on behalf of the Group of Arab States). Subsequently, Austria, Belarus, Belgium, Bulgaria, Cyprus, Finland, France, Iceland, Ireland, Luxembourg, Malta, Norway, Portugal, Slovenia, South Africa, Spain, Sri Lanka and Sweden joined the sponsors.

755. At the same meeting, general comments in relation to the draft resolution were made by the representatives of Canada and Germany (on behalf of States members of the European Union that are members of the Council).

756. Also at the same meeting, the representative of Israel made a statement in relation to the draft resolution as a concerned country, and the representative of Palestine made a statement in relation to the draft resolution as a concerned party.

757. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/20).

**Follow-up to Council resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip**

758. At the 43rd meeting, on 26 March 2009, the representative of Pakistan (on behalf of the Organization of the Islamic Conference, the Group of Arab States and Cuba) introduced draft resolution A/HRC/10/L.37, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and co-sponsored by Cuba and Yemen (on behalf of the Group of Arab States). Subsequently, Belarus, Bolivia, South Africa, Sri Lanka and Venezuela (Bolivarian Republic of) joined the sponsors.

759. At the same meeting, the representative of Israel made a statement in relation to the draft resolution as a concerned country.

760. Also at the same meeting, statements in explanation of vote before the vote were made by the representatives of Canada, Germany (on behalf of States members of the European Union that are members of the Council), Japan and Switzerland.

761. At the request of the representative of Germany (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 33 votes to 1, with 13 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India,

Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Uruguay, Zambia;

*Against:*

Canada;

*Abstaining:*

Bosnia and Herzegovina, Cameroon, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

762. For the text as adopted, see part one, chapter I, resolution 10/21.

## VIII. Follow-up to and implementation of the Vienna Declaration and Programme of Action

### General debate on agenda item 8

763. At the 37th meeting, on 24 March 2009, the Council held a general debate on agenda item 8, during which the following made statements:

(a) Representatives of States Members of the Council: Argentina, Chile (also on behalf of the Group of Latin American and Caribbean States), Czech Republic<sup>7</sup> (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Iceland, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Indonesia, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation;

(b) Representatives of the following observer States: Algeria, Austria, Colombia, Denmark (also on behalf of Finland, Iceland, Norway and Sweden), Iran (Islamic Republic of), Kuwait, Morocco, Turkey, United States of America;

(c) Observers for national human rights institutions: European Group of National Human Rights Institutions (on behalf of its A-status members), International Coordinating Committee of National Human Rights Institutions, National Human Rights Commission of Korea, National Human Rights Institution of Mexico (also on behalf of the national human rights institutions of Australia, India, Ireland, Malaysia, New Zealand and the Republic of Korea);

(d) Observers for the following non-governmental organizations: Arab Commission for Human Rights, Centrist Democratic International, European Region of the International Lesbian and Gay Association (also on behalf of the Canadian HIV/AIDS Legal Network, the Danish National Organisation for Gay Men and Lesbians, Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit coc Nederland, Public Services International and the Swedish Federation of Lesbian, Gay, Bisexual and Transgender Rights), Indian Council of South America, International Federation of University Women (also on behalf of the Brahma Kumaris World Spiritual University, Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, the Federation of American Women's Clubs Overseas, the Federation of Associations of Former International Civil Servants, Femmes Africa Solidarité, the General Board of Church and Society of the United Methodist Church, the International Alliance of Women, the International Federation of Business and Professional Women, the International Network for the Prevention of Elder Abuse, the Pan Pacific and Southeast Asia Women's Association, Soka Gakkai 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, the Worldwide Organization for Women and Zonta International), International Humanist and Ethical Union, Union de l'action féminine.

## **IX. Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action**

### **A. Reports presented under agenda item 9 and general debate on that item**

#### **Implementation of the Durban Declaration and Programme of Action and elaboration of complementary standards**

764. At the 37th meeting, on 24 March 2009, the Chairperson-Rapporteur of the Ad Hoc Committee on the elaboration of complementary standards presented the report of the Ad Hoc Committee on its first session, held from 11 to 22 February 2008 (A/HRC/10/88).

765. At the same meeting, the Chairperson-Rapporteur of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action presented the report of the Intergovernmental Working Group on its sixth session (A/HRC/10/87).

#### **Working Group of Experts on People of African Descent**

766. At the 37th meeting, on 24 March 2009, the Chairperson-Rapporteur of the Working Group of Experts on People of African Descent presented the report of the Working Group (A/HRC/10/66).

#### **General debate**

767. At its 37th and 38th meetings, on 24 March 2009, the Council held a general debate on the above-mentioned reports and on agenda item 9, during which the following made statements:

(a) Representatives of States Members of the Council: Angola, Brazil, Burkina Faso, China, Cuba (on behalf of the Non-Aligned Movement), Czech Republic<sup>7</sup> (on behalf of the European Union), Egypt, India, Indonesia, Malaysia, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Republic of Korea, Russian Federation, Senegal, Slovakia, Slovenia, South Africa (on behalf of the Group of African States), Switzerland, Yemen<sup>7</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Iran (Islamic Republic of), Kuwait, Libyan Arab Jamahiriya, Morocco, Syrian Arab Republic, Turkey, Venezuela (Bolivarian Republic of);

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

(d) Observer for a national human rights institution: German Institute for Human Rights;

(e) Observers for the following non-governmental organizations: Amnesty International, Arab Commission for Human Rights, Becket Fund for Religious Liberty, Center for Inquiry International, Cercle de recherche sur les droits et les devoirs de la personne humaine, December Twelfth Movement International Secretariat (also on behalf of the International Association against Torture), Defence for Children International, Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos (on behalf of other 164 non-governmental organizations; see A/HRC/10/NGO/113), Indian Council of South America, International Federation of Human Rights Leagues, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Institute for Non-Aligned Studies, International Institute for Peace, Indian

Movement Tupaj Amaru, International Youth and Student Movement for the United Nations, Mbororo Social and Cultural Development Association, Mouvement contre le racisme et pour l'amitié entre les peuples, Nord-Sud XXI, Rencontre africaine pour la défense des droits de l'homme (also on behalf of the Al-Hakim Foundation and Interfaith International), United Nations Watch.

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

### **Combating defamation of religions**

768. At the 43rd meeting, on 26 March 2009, the representative of Pakistan (on behalf of the Organization of the Islamic Conference and co-sponsors) introduced draft resolution A/HRC/10/L.2/Rev.1, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference). Subsequently, Belarus and Venezuela (Bolivarian Republic of) joined the sponsors.

769. At the same meeting, statements in explanation of vote before the vote in connection with the draft resolution were made by the representatives of Angola, Canada, Chile, Germany (on behalf of States members of the European Union that are members of the Council) and India.

770. Also at the same meeting, at the request of the representative of Germany (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 23 votes to 11, with 13 abstentions. The voting was as follows:

#### *In favour:*

Angola, Azerbaijan, Bahrain, Bangladesh, Bolivia, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Indonesia, Jordan, Malaysia, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa;

#### *Against:*

Canada, Chile, France, Germany, Italy, Netherlands, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland;

#### *Abstaining:*

Argentina, Bosnia and Herzegovina, Brazil, Burkina Faso, Ghana, India, Japan, Madagascar, Mauritius, Mexico, Republic of Korea, Uruguay, Zambia.

771. For the text as adopted, see part one, chapter I, resolution 10/22.

772. At the 45th meeting, on 27 March 2009, statements in explanation of vote after the vote were made by the representatives of Brazil and Japan.

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

773. At the 45th meeting, on 27 March 2009, the representative of South Africa (on behalf of the Group of African States) introduced draft resolution A/HRC/10/L.8/Rev.1, sponsored by South Africa (on behalf of the Group of African States) and co-sponsored by Cuba, Indonesia and Venezuela (Bolivarian Republic of). Subsequently, Bolivia and Pakistan joined the sponsors.

774. At the same meeting, statements in explanation of vote before the vote were made by the representatives of Chile (also on behalf of Argentina and Uruguay) and Germany (on behalf of States members of the European Union that are members of the Council).

775. Also at the same meeting, at the request of the representative of Germany (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 34 votes to 13. The voting was as follows:

*In favour:*

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

*Against:*

Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

776. For the text as adopted, see part one, chapter I, resolution 10/30.

**From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance**

777. At the 45th meeting, on 27 March 2009, the representative of South Africa (on behalf of the Group of African States) introduced draft resolution A/HRC/10/L.9/Rev.1, sponsored by South Africa (on behalf of the Group of African States) and co-sponsored by Cuba and Indonesia. Subsequently, Belarus, Bolivia, China, Pakistan and Venezuela (Bolivarian Republic of) joined the sponsors.

778. At the same meeting, the representative of South Africa orally revised the draft resolution by modifying the first and third preambular paragraphs, moving paragraph 1 to the fourth preambular paragraph and modifying it, moving the original fourth preambular paragraph to paragraph 1 and modifying it, and modifying paragraphs 2 and 3.

779. Also at the same meeting, the representative of Germany (on behalf of States members of the European Union that are members of the Council) made a general comment on the draft resolution.

780. At the same meeting, statements in explanation of vote before the vote were made by the representatives of South Africa and Switzerland.

781. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/31).

## **X. Technical assistance and capacity-building**

### **A. Interactive dialogue with the mandate holder**

#### **Somalia**

782. At the 40th meeting, on 25 March 2009, the independent expert on the situation of human rights in Somalia, Shamsul Bari, introduced his report (A/HRC/10/85).

783. At the same meeting, the representative of Somalia made a statement as the concerned country.

784. 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: Bahrain, Bangladesh, Canada, Czech Republic<sup>7</sup> (on behalf of the European Union), Djibouti, Egypt (on behalf of the Group of African States), Italy, United Kingdom of Great Britain and Northern Ireland, Yemen<sup>7</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Ethiopia, Norway, Sweden, Yemen;

(c) Observer for Palestine;

(d) Observers for the following non-governmental organizations: Cercle de recherche sur les droits et les devoirs de la personne humaine, Human Rights Watch.

785. At the same meeting, the independent expert answered questions and made his concluding remarks.

### **B. General debate on agenda item 10**

786. At the 41st meeting, on 25 March 2009, the Council held a general debate on agenda item 10, during which the following made statements:

(a) Representatives of States members of the Council: Brazil, Czech Republic<sup>7</sup> (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, the Republic of Moldova, the former Yugoslav Republic of Macedonia, Turkey and Ukraine);

(b) Representatives of the following observer States: Democratic Republic of the Congo, Kuwait, United States of America;

(c) Observer for a national human rights institution: National Human Rights Committee of Qatar;

(d) Observers for the following non-governmental organizations: Arab Commission of Human Rights, Cercle de recherche sur les droits et les devoirs de la personne humaine, Nord-Sud XXI, Union of Arab Jurists, United Nations Watch.

787. At the same meeting, statements in exercise of the right of reply were made by the representatives of Iraq and Sri Lanka.

## C. Consideration of and action on draft proposals

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

788. At the 45th meeting, on 27 March 2009, the representative of Egypt (on behalf of the Group of African States) introduced draft resolution A/HRC/10/L.12, sponsored by Egypt (on behalf of the Group of African States).

789. At the same meeting, the representative of Germany (on behalf of States members of the European Union that are members of the Council) made a general comment on the draft resolution.

790. Also at the same meeting, the representative of Somalia made a statement as the concerned country.

791. 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).

792. The draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 10/32).

793. At the same meeting, a statement in explanation of vote after the vote was made by the representative of Italy.

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

794. At the 45th meeting, on 27 March 2009, in accordance with rule 131 of the rules of procedure of the General Assembly, the representative of Egypt requested that the Council consider and act on draft resolution A/HRC/10/L.3 before acting on draft resolution A/HRC/10/L.1.

795. At the same meeting, statements in connection with the motion proposed by Egypt were made by the representatives of Germany (on behalf of States members of the European Union that are members of the Council) and Egypt.

796. Also at the same meeting, a recorded vote was taken on the motion proposed by Egypt. The motion was carried by the Council by 30 votes to 15, with 2 abstentions. The voting was as follows:

*In favour:*

Angola, Azerbaijan, Bahrain, Bangladesh, Bolivia, Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mauritius, Nicaragua, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Zambia;

*Against:*

Bosnia and Herzegovina, Canada, Chile, France, Germany, Italy, Japan, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay;

*Abstaining:*

Argentina, Mexico.

797. At the same meeting, the representative of Egypt (on behalf of the Group of African States) introduced draft resolution A/HRC/10/L.3, sponsored by Egypt (on behalf of the Group of African States).

798. Also at the same meeting, the representative of Germany (on behalf of States members of the European Union that are members of the Council) moved that an amendment be made to draft resolution A/HRC/10/L.3.

799. At the same meeting, the representative of Egypt made a general comment on the draft amendment and the representative of Chile made a general comment on the draft amendment and the draft resolution.

800. Also at the same meeting, the representative of the Democratic Republic of the Congo made a statement as the concerned country.

801. 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).

802. At the same meeting, at the request of the representative of Egypt, a recorded vote was taken on the draft amendment. The draft amendment was rejected by 21 votes to 18, with 8 abstentions. The voting was as follows:

*In favour:*

Argentina, Bosnia and Herzegovina, Canada, Chile, France, Germany, Italy, Japan, Mexico, Netherlands, Nicaragua, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay;

*Against:*

Angola, Azerbaijan, Bahrain, Bangladesh, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, India, Indonesia, Madagascar, Malaysia, Nigeria, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa;

*Abstaining:*

Bolivia, Brazil, Burkina Faso, Ghana, Jordan, Mauritius, Senegal, Zambia.

803. Also at the same meeting, statements in explanation of vote before the vote in relation to draft resolution A/HRC/10/L.3 were made by the representatives of Chile and Germany (on behalf of States members of the European Union that are members of the Council).

804. At the same meeting, at the request of Germany (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 33 in favour, with 14 abstentions. The voting was as follows:

*In favour:*

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

*Abstaining*

Bosnia and Herzegovina, Canada, France, Germany, Italy, Japan, Netherlands, Nicaragua, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.

805. For the text as adopted, see part one, chapter I, resolution 10/33.

806. At the same meeting, the Council decided not to take action on draft resolution A/HRC/10/L.1.

## Annexes

### Annex I

#### Attendance

##### Members

Angola	Gabon	Qatar
Argentina	Germany	Republic of Korea
Azerbaijan	Ghana	Russian Federation
Bahrain	India	Saudi Arabia
Bangladesh	Indonesia	Senegal
Bolivia	Italy	Slovakia
Bosnia and Herzegovina	Japan	Slovenia
Brazil	Jordan	South Africa
Burkina Faso	Madagascar	Switzerland
Cameroon	Malaysia	Ukraine
Canada	Mauritius	United Kingdom of Great Britain and Northern Ireland
Chile	Mexico	Uruguay
China	Netherlands	Zambia
Cuba	Nicaragua	
Djibouti	Nigeria	
Egypt	Pakistan	
France	Philippines	

##### States Members of the United Nations represented by observers

Afghanistan	Colombia	Gambia
Albania	Comoros	Georgia
Algeria	Congo	Greece
Andorra	Costa Rica	Guatemala
Armenia	Côte d'Ivoire	Guinea
Australia	Croatia	Guyana
Austria	Cyprus	Haiti
Bahamas	Czech Republic	Honduras
Barbados	Democratic People's Republic of Korea	Hungary
Belarus	Democratic Republic of the Congo	Iceland
Belgium	Denmark	Iran (Islamic Republic of)
Benin	Dominican Republic	Iraq
Bhutan	Ecuador	Ireland
Botswana	El Salvador	Israel
Brunei Darussalam	Equatorial Guinea	Jamaica
Bulgaria	Estonia	Kazakhstan
Burundi	Ethiopia	Kenya
Cambodia	Fiji	Kuwait
Cape Verde	Finland	Lao People's Democratic Republic
Central African Republic		
Chad		

Latvia	Paraguay	Thailand
Lebanon	Peru	The former Yugoslav Republic of Macedonia
Libyan Arab Jamahiriya	Poland	Timor-Leste
Liechtenstein	Portugal	Togo
Lithuania	Republic of Korea	Tunisia
Luxembourg	Republic of Moldova	Turkey
Maldives	Romania	Turkmenistan
Malta	Rwanda	Tuvalu
Marshall Islands	Saint Kitts and Nevis	Uganda
Mauritania	Samoa	United Arab Emirates
Micronesia	San Marino	United Republic of Tanzania
Monaco	Serbia	United States of America
Montenegro	Seychelles	Uzbekistan
Morocco	Singapore	Vanuatu
Mozambique	Solomon Islands	Venezuela (Bolivarian Republic of)
Myanmar	Somalia	Viet Nam
Nauru	Spain	Yemen
Nepal	Sri Lanka	Zimbabwe
New Zealand	Sudan	
Norway	Suriname	
Oman	Sweden	
Palau	Syrian Arab Republic	
Panama	Tajikistan	

### **Non-Member States represented by observers**

Holy See

### **Other observers**

Palestine

### **United Nations**

Joint United Nations Programme on HIV/AIDS	United Nations Framework Convention on Climate Change
Office of the United Nations High Commissioner for Refugees	United Nations Population Fund
United Nations Children's Fund	United Nations Relief and Works Agency for Palestine in the Near East
United Nations Development Programme (Moldova)	World Food Programme

### **Specialized agencies and related organizations**

Food and Agriculture Organization of the United Nations	World Bank Group
International Labour Organization	World Health Organization
United Nations Educational, Scientific and Cultural Organization	World Trade Organization

## Intergovernmental organizations

African Union	European Union
African, Caribbean and Pacific Group	International Organization of la Francophonie
Commonwealth Secretariat	League of Arab States
Council of Europe	Organization of the Islamic Conference
European Commission	Organization for Security and Cooperation in Europe
European Community	

## Other entities

International Committee of the Red Cross	Sovereign Military Order of Malta
International Federation of Red Cross and Red Crescent Societies	

## National human rights institutions, international coordinating committees and regional groups of national institutions

Advisory Council on Human Rights of Morocco	Georgian Office of the Ombudsman
Asia Pacific Forum of National Human Rights Institutions	German Institute for Human Rights
Commission consultative des droits de l'homme du Grand-Duché de Luxembourg	International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights
Commission nationale des droits de l'homme du Togo	Irish Human Rights Commission
Commission on Human Rights of the Philippines	Network of African National Human Rights Institutions
European Group of National Human Rights Institutions	National Human Rights Commission of Mexico
	National Human Rights Commission of the Republic of Korea
	Spanish Office of the Ombudsman

## Non-governmental organizations

Action Canada for Population and Development	Arab Commission for Human Rights
Action internationale pour la paix et le développement dans la région des Grands Lacs	Article 19 – the International Centre against Censorship
African Commission of Health and Human Rights Promoters	Asia Pacific Forum on Women, Law and Development
African-American Society for Humanitarian Aid and Development	Asian Centre for Human Rights
Agir ensemble pour les droits de l'homme	Asian Forum for Human Rights and Development (Forum-Asia)
Aim for Human Rights	Asian Indigenous and Tribal Peoples Network
Al Zubair Charity Foundation	Asian Legal Resource Centre
Al-Hakim Foundation	Association for the Prevention of Torture
Amnesty International	Association of World Citizens
Arab Centre for the Independence of the Judiciary and the Legal Profession	Association Points-Coeur
	Association tunisienne de la communication "Atucom"

Badil Resource Center for Palestinian  
 Residency and Refugee Rights  
 Baha'i International Community  
 B'nai B'rith International  
 Cairo Institute for Human Rights Studies  
 Caritas Internationalis  
 Catholic Organization for Relief and  
 Development (Cordaid)  
 Centre de documentation, de recherche et  
 d'information des peuples autochtones  
 Centre Europe Tiers-Monde  
 Centre for Human Rights and Peace  
 Advocacy  
 Centre on Housing Rights and Evictions  
 Centrist Democratic International  
 Cercle de recherche sur les droits et les  
 devoirs de la personne humaine  
 Charitable Institute for Protecting Social  
 Victims  
 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  
 Coalition against Trafficking in Women  
 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 of the Churches on  
 International Affairs of the World  
 Council of Churches  
 Commission to Study the Organization  
 of Peace  
 Conectas Direitos Humanos  
 Congregation of Our Lady of Charity of  
 the Good Shepherd  
 Conscience and Peace Tax International  
 Consultative Council of Jewish  
 Organizations  
 Coordinating Board of Jewish  
 Organizations  
 Credo-Action  
 David M. Kennedy Center for  
 International Studies  
 Defence for Children International  
 Dominicans for Justice and Peace  
 (Order of Preachers)  
 Ecpat International  
 Europe Third World Centre  
 European Bureau for Lesser Used  
 Languages  
 European Centre for Law and Justice  
 European Disability Forum  
 European Union of Public Relations  
 Federacion de Asociaciones de Defensa y  
 Promoción de los Derechos Humanos  
 Federatie van Nederlandse Verenigingen  
 tot Integratie van Homoseksualiteit coc  
 Nederland (COC NEDERLAND)  
 Federation for Women and Family  
 Planning  
 Federation of Western Thracian Turks in  
 Europe  
 Femmes Africa Solidarité  
 Foodfirst Information and Action Network  
 France Libertés: Fondation Danielle  
 Mitterrand  
 Franciscans International  
 Freedom House  
 Friedrich Ebert Foundation  
 Friends World Committee for Consultation  
 (Quakers)  
 Front Line  
 General Federation of Iraqi Women  
 Global Alliance against Traffic in Women  
 Hawa Society for Women  
 Helsinki Foundation for Human Rights  
 Himalayan Research and Cultural Foundation  
 Human Rights Advocates, Inc.  
 Human Rights Information and  
 Documentation Systems International  
 Human Rights Watch  
 Indian Council of South America  
 Indian Movement Tupaj Amaru  
 Institute for Women Studies and Research  
 Inter-African Committee on Traditional  
 Practices affecting the Health of Women  
 and Children  
 Interfaith International  
 International Association against Torture  
 International Association for Religious  
 Freedom  
 International Association of Democratic  
 Lawyers  
 International Association of Jewish Lawyers  
 and Jurists  
 International Association of Schools of Social  
 Work  
 International Catholic Child Bureau  
 International Catholic Migration Commission  
 International Centre for Human Rights and  
 Democratic Development (Rights and  
 Democracy)  
 International Commission of Jurists

International Council of Nurses  
 International Council of Women  
 International Educational Development, Inc.  
 International Environmental Law Research Centre  
 International Federation for Family Development  
 International Federation of Action of Christians for the Abolition of Torture  
 International Federation of Business and Professional Women  
 International Federation of Human Rights Leagues  
 International Federation of Social Workers  
 International Federation of University Women  
 International Federation Terre des Hommes  
 International Fellowship of Reconciliation  
 International Foundation for the Protection of Human Rights Defenders  
 International Harm Reduction Association  
 International Human Rights Association of American Minorities  
 International Humanist and Ethical Union  
 International Indian Treaty Council  
 International Institute for Non-Aligned Studies  
 International Institute for Peace  
 International Islamic Federation of Student Organizations  
 International Movement against All Forms of Discrimination and Racism  
 International Movement ATD Fourth World  
 International Movement for Fraternal Union among Races and Peoples  
 International NGO Forum on Indonesian Development  
 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 Religious Liberty Association  
 International Save the Children Alliance  
 International Service for Human Rights  
 International Society for Human Rights  
 International Union of Latin Notariat  
 International Volunteerism Organization for Women, Education and Development – Vides  
 International Work Group for Indigenous Affairs  
 International Youth and Student Movement for the United Nations  
 Iranian Elite Research Center  
 Istituto Internazionale Maria Ausiliatrice  
 Ius Primi Viri International Association  
 Japanese Workers' Committee for Human Rights  
 Jubilee Campaign  
 Landmine Survivors Network  
 Latin American Federation of Associations of Relatives of Disappeared Detainees  
 Leonard Cheshire Disability  
 Liberal International (World Liberal Union)  
 Liberation  
 Lutheran World Federation  
 Mandat International  
 Marangopoulos Foundation for Human Rights  
 Mbororo Social and Cultural Development Association (Mboscuda)  
 Microteam education apprentissage et nouvelles technologies  
 Migrants Rights International  
 Minbyun – Lawyers for a Democratic Society  
 Mouvement contre le racisme et pour l'amitié entre les peuples  
 Myochikai (Arigatou Foundation)  
 New Humanity  
 Nonviolence International  
 Nord-Sud XXI  
 Norwegian Refugee Council  
 Open Society Institute  
 Organisation pour la communication en Afrique et de promotion de la coopération économique internationale (Ocaproce International)  
 Organization for Defending Victims of Violence  
 Pax Christi International, International Catholic Peace Movement  
 Pax Romana  
 Penal Reform International  
 People's Solidarity for Participatory Democracy  
 Permanent Assembly for Human Rights  
 Philippine Human Rights Information Centre

Physicians for Human Rights	Women's International Zionist Organization
Plan International, Inc.	Women's World Summit Foundation
Prison Fellowship International	World Alliance for Breastfeeding Action
Servas International	World Alliance of Young Men's Christian
Social Service Agency of the Protestant	Associations (YMCA)
Church in Germany	World Association for the School as an
Society Studies Center	Instrument of Peace
Soka Gakkai International	World Evangelical Alliance
Sudan Council of Voluntary Agencies	World Federation of Trade Unions
Sudanese Women General Union	World Federation of United Nations
Susila Dharma International Association,	Associations
Inc.	World for World Organization
Swiss Catholic Lenten Fund	World Muslim Congress
Transnational Radical Party	World Organization against Torture
UNESCO Centre Basque Country	World Peace Council
Union de l'action féminine	World Population Foundation
Union of Arab Jurists	World Student Christian Federation
United Nations Association of San Diego	World Vision International
United Nations Watch	World Young Women's Christian
Women's International League for Peace	Association (World YWCA)
and Freedom	Worldwide Organization for Women

## Annex II

### Agenda

- Item 1. Organizational and procedural matters.
- Item 2. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General.
- Item 3. Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.
- Item 4. Human rights situations that require the Council's attention.
- Item 5. Human rights bodies and mechanisms.
- Item 6. Universal periodic review.
- Item 7. Human rights situation in Palestine and other occupied Arab territories.
- Item 8. Follow-up to and implementation of the Vienna Declaration and Programme of Action.
- Item 9. Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action.
- Item 10. Technical assistance and capacity-building.

## Annex III

### **Administrative and programme budget implications of Council resolutions adopted by the Council at its tenth session**

#### **10/33**

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

1. In paragraphs 5 and 10 of draft resolution A/HRC/10/L.3 (adopted as resolution 10/33), the Council:

(a) Noted the report of the thematic special procedures presented by the Special Representative of the Secretary-General on the human rights of internally displaced persons, acting on behalf of the other six representatives and special rapporteurs, and invited them to report again to the Council on the development of the situation at its thirteenth session;

(b) Called on the Office of the United Nations High Commissioner for Human Rights (OHCHR) to increase and enhance, through its presence in the Democratic Republic of the Congo, its technical assistance programmes and activities, in consultation with the authorities of the country.

2. A total amount of \$132,900 would be required under section 23 (Human Rights) to implement the activities called for by the Council in paragraph 5, as follows:

(a) Travel of the Special Representative to present the report of the seven experts to the Council, and one field mission of the seven mandate holders to the Democratic Republic of the Congo (\$74,900);

(b) Travel of staff to accompany the mandate holders during the field mission (\$44,000);

(c) Local transportation, security, communication and other miscellaneous expenses during the field mission (\$14,000).

3. The requirements to implement the activities outlined in paragraph 2 above have been included under section 23 (Human Rights) of the programme budget for the biennium 2008–2009. Since the period of the terms of the draft resolution extends into the biennium 2010–2011, the requirements for that period are expected to be met within the provisions included in the proposed programme budget for the biennium 2010–2011. No additional appropriations would be required as a result of the adoption of the draft resolution.

4. The activities envisaged under paragraph 10 of the draft resolution would be implemented on the basis of available resources under the regular programme for technical cooperation or voluntary contributions that may be forthcoming under the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights.

**A/HRC/10/L.12****Assistance to Somalia in the field of human rights**

5. Owing to the late submission of the revisions to the draft resolution, a formal statement of financial implications could not be prepared. If the draft resolution is adopted, there would be financial implications relating to the continuation of work of the independent expert. Resources for the work of the independent expert have, however, been included under section 23 (Human Rights) of the programme budget for the present biennium; thus, there would be no additional appropriations required as a result of the adoption of the resolution.

**10/11****The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination**

6. In paragraphs 13, 16 and 18 of draft resolution A/HRC/10/L.24, the Council:
- (a) Requests the Working Group:
    - (i) To consult with intergovernmental and non-governmental organizations, academic institutions and experts on the content and scope of a possible draft convention on private companies offering military assistance, consultancy and other military security-related services on the international market, and an accompanying Model Law, and other legal instruments;
    - (ii) To share with Member States, through OHCHR, elements for a possible draft convention on private military and security companies, requesting their input on the content and scope of such a convention, and to transmit their replies to the Working Group;
    - (iii) To report to the Council at its fifteenth session on the progress achieved in the elaboration of the draft legal instrument for proper consideration and action;
  - (b) Requested OHCHR to continue to support the Working Group by convening regional governmental consultations on this matter, in conformity with paragraph 15 of General Assembly resolution 62/145, with the remaining three to be held before the end of 2010, bearing in mind that this process may lead to the holding of a high-level round table of States, under the auspices of the United Nations, to discuss the fundamental question of the role of the State as holder of the monopoly of the use of force, with the objective of facilitating a critical understanding of the responsibilities of the different actors, including private military and security companies, in the current context, and their respective obligations for the protection and promotion of human rights and in reaching a common understanding as to which additional regulations and controls were needed at the international level;
  - (c) Requested the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the necessary assistance and support for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities.
7. The requirements of the activities of the Working Group are regarded as perennials and have therefore been included in the programme budget for the biennium 2008–2009 and the proposed programme budget for the biennium 2010–2011. However, the resource requirements with regard to an anticipated regional consultation in Africa have not been

considered within the proposed programme budget for the biennium 2010–2011. Should the draft resolution be adopted, it is estimated that the additional requirements of \$316,600 would be required in 2010 under sections 2 and 23 (Human Rights), as follows:

- (a) Travel of five members of the Working Group (\$29,200, under section 23);
- (b) Travel of 52 representatives for two working days (\$135,200, under section 23);
- (c) Travel of five experts for two working days (\$29,200, under section 23);
- (d) Travel of staff to accompany the members of the Working Group (\$10,800, under section 23);
- (e) Conference servicing costs (\$112,200, under section 2).

8. The additional \$316,600 required to implement the activities for the regional consultation in Africa will be presented to the General Assembly at its sixty-fourth session in a revised estimates report resulting from resolutions and decisions adopted by the Council, in the context of its consideration of the proposed programme budget for the biennium 2010–2011. No additional appropriations would be required for the biennium 2008–2009 as a result of the adoption of the draft resolution.

9. With regard to paragraph 18, attention is drawn to the provisions of section IV of General Assembly resolution 45/248 B of 21 December 1990, and subsequent resolutions, the most recent of which is resolution 62/236 of 22 December 2007, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

## **10/23**

### **Promotion and protection of cultural rights and respect for cultural diversity**

10. In paragraphs 6, 8, 9 and 10 of draft resolution A/HRC/10/L.26 (adopted as resolution 10/23), the Council:

- (a) Decided to establish, for a period of three years, the mandate of independent expert on the promotion and protection of cultural rights;
- (b) Called upon all Governments to cooperate with and assist the independent expert in the discharge of his or her mandate, to provide him or her with all necessary information requested and to give serious consideration to responding favourably to his or her requests to visit their countries in order to enable him or her to effectively fulfil his or her duties;
- (c) Requested the High Commissioner for Human Rights to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the independent expert;
- (d) Requested the independent expert to submit his or her first report to the Council at its thirteenth session.

11. A total amount of \$338,800 per annum or \$677,600 per biennium would be required to implement the activities arising from the terms of the resolutions, as follows:

- (a) Travel of the independent expert for consultations/to attend the annual meeting of special procedures, to present his or her report to the Council and the General

Assembly, two field missions per year and two missions per year to attend and follow up on relevant international conferences and events (\$109,800 per biennium under section 23);

(b) Travel of five experts (one from each region) for each of the three annual consultations (\$76,400 per biennium, under section 23);

(c) Travel of staff to accompany the independent expert during field missions (\$20,800 per biennium, under section 23);

(d) Local transportation, security, communication and other miscellaneous expenses during field missions (\$8,000 per biennium, under section 23);

(e) One P-3 staff member to assist the independent expert (12 months per year) (\$311,000 per biennium, under section 23);

(f) Conference services for the organization of a two-day consultation meeting in each of the three years, involving all relevant stakeholders, to identify proposals enhancing international cooperation, overcome obstacles and fill gaps in the promotion and protection of cultural rights, as well as to clarify the content and scope of cultural diversity (\$111,600 per biennium: \$108,600 under section 2 and \$3,000 under section 28 E);

(g) Consultant services (two work months each year) to assist the independent expert in technical matters relating to the identification of good practices and lessons learned and on studies to clarify the content and scope of cultural rights and their relationship with respect for cultural diversity (\$40,000 per biennium, under section 23).

12. The requirements to implement the activities for the mandate of the independent expert have not been included under sections 2, 23 (Human Rights) and 28 E of the programme budget for the biennium 2008–2009. Although the resource requirements are estimated at a total amount of \$338,800 per annum, the actual implementation of the mandate may require a maximum of nine months of resources for 2009. Every effort will be made to meet the estimated requirements within the provisions for the biennium 2008–2009 and to be reported in the context of the second performance for the biennium 2008–2009. Since the period of the mandate of the independent expert would extend to the biennium 2010–2011, the requirements for that period will be presented to the General Assembly at its sixty-fourth session in a revised estimates report resulting from resolutions and decisions adopted by the Council, in the context of its consideration of the proposed programme budget for the biennium 2010–2011. No additional appropriations would be required as a result of the adoption of the draft resolution.

13. With regard to paragraph 9, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, and subsequent resolutions, the most recent of which is resolution 62/236 of 22 December 2007, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

## **10/16**

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

14. In paragraphs 3, 8 and 9 of draft resolution A/HRC/10/L.27 (adopted as resolution 10/16), the Council:

(a) Decided to extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, in accordance with Council resolution 7/15, for a period of one year;

(b) Requested 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 OHCHR;

(c) Invited the Special Rapporteur to submit regular reports on the implementation of his mandate to the Council and the General Assembly.

15. A total amount of \$58,400 per annum (\$116,800 per biennium) would be required under section 23 (Human Rights) to implement the activities arising from the terms of the draft resolution, as follows:

(a) Travel of the Special Rapporteur for consultations and to attend the annual meeting of special procedures, to present his/her report to the Council and the General Assembly, two missions per year to the Democratic People's Republic of Korea (\$42,200 per annum, or \$84,400 per biennium);

(b) Travel of staff to accompany the Special Rapporteur during field missions (\$10,200 per annum, or \$20,400 per biennium);

(c) Local transportation, security, communication and other miscellaneous expenses during field missions (\$6,000 per annum, or \$12,000 per biennium).

16. The requirements to implement the activities for the mandate of the Special Rapporteur have been included under section 23 (Human Rights) of the programme budget for the biennium 2008–2009. Since the period of the terms of the draft resolution extends to the biennium 2010–2011, it is considered that the requirements for that period would be met within the provisions included in the proposed programme budget for the biennium 2010–2011. No additional appropriations would be required as a result of the adoption of the draft resolution.

17. With regard to paragraph 8, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, and subsequent resolutions, the most recent of which is resolution 62/236 of 22 December 2007, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

## **10/27**

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

18. In paragraphs 18, 20 and 21 of draft resolution A/HRC/10/L.28 (adopted as resolution 10/27), 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 resolution 7/32;

(b) Requested the Special Rapporteur to submit a progress report to the General Assembly at its sixty-fourth 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.

19. A total amount of \$72,700 per annum (\$145,400 per biennium) would be required under section 23 (Human Rights) to implement the activities arising from the terms of the resolution, as follows:

(a) Travel of the Special Rapporteur for consultations, to present his/her report to the Council and the General Assembly, two field missions per year (\$56,300 per annum, or \$112,600 per biennium);

(b) Travel of staff to accompany the Special Rapporteur during field missions (\$10,400 per annum, or \$20,800 per biennium);

(c) Local transportation, security, communication and other miscellaneous expenses during field missions (\$6,000 per annum, or \$12,000 per biennium).

20. The requirements to implement the activities for the mandate of the Special Rapporteur have been included under section 23 (Human Rights) of the programme budget for the biennium 2008–2009. Since the period of the terms of the draft resolutions extends to the biennium 2010–2011, it is considered that the requirements for that period would be met within the provisions included in the proposed programme budget for the biennium 2010–2011. No additional appropriations would be required as a result of the adoption of the draft resolution.

21. With regard to paragraph 21, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, and subsequent resolutions, the most recent of which is resolution 62/236 of 22 December 2007, in which the Assembly reaffirmed that the Fifth Committee is the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

## Annex IV

### Documents issued for the tenth session

#### *Documents issued in the general series*

<i>Symbol</i>	<i>Agenda item</i>
A/HRC/10/1 and Corr.1	1 Annotations to the agenda for the tenth session of the Human Rights Council: note by the Secretary-General
A/HRC/10/2	5 Report of the Advisory Committee on its first session
A/HRC/10/3	3 Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin
A/HRC/10/3/Add.1	3 Communications to and from Governments
A/HRC/10/3/Add.2	3 Mission to Spain
A/HRC/10/4	5 Draft declaration on human rights education and training prepared by the Human Rights Council Advisory Committee
A/HRC/10/5	3 Report of the Special Rapporteur on the right to food, Olivier de Schutter
A/HRC/10/5/Add.1	3 Communications to and from Governments
A/HRC/10/5/Add.2	3 Mission to the World Trade Organization
A/HRC/10/6	3 Report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation, Catarina de Albuquerque
A/HRC/10/7	3 Report 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, Raquel Rolnik
A/HRC/10/7/Add.1	3 Communications to and from Governments
A/HRC/10/7/Add.2	3 Follow-up to country recommendations
A/HRC/10/7/Add.3	3 Mission to Canada
A/HRC/10/7/Add.4	3 Mission to Maldives: preliminary note
A/HRC/10/8	3 Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir
A/HRC/10/8/Add.1	3 Communications to and from Governments

A/HRC/10/8/Add.2	3	Mission to Israel
A/HRC/10/8/Add.3	3	Mission to India
A/HRC/10/8/Add.4	3	Mission to Turkmenistan
A/HRC/10/9	3	Report of the Working Group on Enforced or Involuntary Disappearances
A/HRC/10/9/Add.1	3	Mission to Argentina
A/HRC/10/10	3	Summary of the panel discussion on the question of missing persons prepared by the Office of the United Nations High Commissioner for Human Rights
A/HRC/10/11	3	Report of the independent expert on minority issues, Gay McDougall
A/HRC/10/11/Add.1	3	Recommendations of the Forum on Minority Issues
A/HRC/10/11/Add.2	3	Missions to Guyana
A/HRC/10/11/Add.3	3	Missions to Greece
A/HRC/10/12	3	Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya
A/HRC/10/12/Add.1	3	Communications to and from Governments
A/HRC/10/12/Add.2	3	Mission to Togo
A/HRC/10/12/Add.3	3	Report of the Special Representative of the Secretary-General on the situation of human rights defenders, Hina Jilani: mission to Guatemala
A/HRC/10/13	3	Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin
A/HRC/10/13/Add.1	3	Protection of internally displaced persons in situations of natural disasters
A/HRC/10/13/Add.2	3	Mission to Georgia
A/HRC/10/13/Add.3	3	High-level conference on “Ten years of the Guiding Principles on Internal Displacement: achievements and future challenges”, Oslo, 16–17 October 2008
A/HRC/10/14	3	Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination
A/HRC/10/14/Add.1	3	Communications to and from Governments
A/HRC/10/14/Add.2	3	Mission to the United Kingdom of Great Britain and Northern Ireland

A/HRC/10/14/Add.3	3	Eastern European Group and Central Asia region regional consultation on the activities of private military and security companies: regulation and oversight
A/HRC/10/15	7	Human rights in the occupied Syrian Golan
A/HRC/10/15/Add.1	7	Addendum
A/HRC/10/16 and Corr.1	3	Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo
A/HRC/10/17	4	Situation of human rights in Myanmar: note by the Secretary-General
A/HRC/10/18	4	Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Vítit Muntarbhorn
A/HRC/10/19	4	Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana
A/HRC/10/20	7	Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk
A/HRC/10/21	3	Report of the Working Group on Arbitrary Detention
A/HRC/10/21/Add.1	3	Opinions adopted by the Working Group on Arbitrary Detention
A/HRC/10/21/Add.2	3	Mission to Mauritania
A/HRC/10/21/Add.3	3	Mission to Cambodia
A/HRC/10/21/Add.4	3	Mission to Ukraine
A/HRC/10/21/Add.5	3	Mission to Italy
A/HRC/10/22	7	Combined report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on violence against women, its causes and consequences, the Representative of the Secretary-General on the human rights of internally displaced persons, 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, the Special Rapporteur on the right to food, the Special Rapporteur on extrajudicial, arbitrary or summary executions, the Special Rapporteur on the right to education, and the independent expert on the question of human rights and extreme poverty

A/HRC/10/23	2	Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of technical assistance in the field of human rights
A/HRC/10/24	3	Note by the United Nations High Commissioner for Human Rights transmitting the report on the fifteenth meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups to the Human Rights Council
A/HRC/10/25	2	Report of the United Nations High Commissioner for Human Rights on the prevention of genocide
A/HRC/10/26	2	Report of the United Nations High Commissioner for Human Rights on the enhancement of international cooperation in the field of human rights
A/HRC/10/26/Add.1 and Corr.1	2	Addendum
A/HRC/10/27	7	Follow-up on the implementation of the recommendations contained in the report of the high-level fact-finding mission to Beit Hanoun established under Human Rights Council resolution S-3/1: report of the Secretary-General
A/HRC/10/28	2	Missing persons: report of the Secretary-General
A/HRC/10/29	1	Report of the Human Rights Council on its tenth session
A/HRC/10/30	2	Efforts of the United Nations system to prevent genocide and the activities of the Special Adviser to the Secretary-General on the Prevention of Genocide: report of the Secretary-General
A/HRC/10/31	2	Follow-up to the World Conference on Human Rights: report of the United Nations High Commissioner for Human Rights
A/HRC/10/31/Add.1	2	Report of the United Nations High Commissioner for Human Rights on the activities of her office in Guatemala in 2008
A/HRC/10/31/Add.2	2	Report of the United Nations High Commissioner for Human Rights on the activities of her office in Bolivia
A/HRC/10/31/Add.3	2	Expert seminar on the links between articles 19 and 20 of the International Covenant on Civil and Political Rights: report of the Office of the United Nations High Commissioner for Human Rights

A/HRC/10/32	2	Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia
A/HRC/10/33	2	Efforts made by the Office of the United Nations High Commissioner for Human Rights for the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination: note by the Secretariat
A/HRC/10/34	2	Arbitrary deprivation of nationality: report of the Secretary-General
A/HRC/10/35	7	The issue of Palestinian pregnant women giving birth at Israeli checkpoints: report of the United Nations High Commissioner for Human Rights
A/HRC/10/36	2	Progress of reports and studies relevant to cooperation with representatives of United Nations human rights bodies: report of the Secretary-General
A/HRC/10/37	2	Note by the Secretary-General transmitting the report of the Office of the United Nations High Commissioner for Human Rights on the question of human rights in Cyprus
A/HRC/10/38 and Corr.1	2	The rights of persons belonging to national or ethnic, religious and linguistic minorities: report of the Secretary-General
A/HRC/10/38/Add.1	2	Report on the expert meeting on integration with diversity in policing, Vienna, 15–16 January 2008
A/HRC/10/39	2	Conclusions and recommendations of special procedures: report of the Secretary-General
A/HRC/10/40	2	Operations of the United Nations Voluntary Fund for Victims of Torture: report of the Secretary-General
A/HRC/10/41	2	Report of the Secretary-General on the workshop on regional arrangements for the promotion and protection of human rights, 24–25 November 2008
A/HRC/10/42– E/CN.6/2009/7	2	Joint workplan of the Division for the Advancement of Women and the Office of the United Nations High Commissioner for Human Rights: report of the Secretary-General
A/HRC/10/43– E/CN.6/2009/10	2	Note by the Secretary-General transmitting the report of the United Nations Development Fund for Women on the activities of the Fund to eliminate violence against women

A/HRC/10/44 and Corr.1	3	Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Novak
A/HRC/10/44/Add.1	3	Mission to Equatorial Guinea
A/HRC/10/44/Add.2	3	Mission to Denmark
A/HRC/10/44/Add.3	3	Mission to the Republic of Moldova
A/HRC/10/44/Add.4	3	Communications to and from Governments
A/HRC/10/44/Add.5	3	Follow-up to the recommendations made by the Special Rapporteur: visits to China, Georgia, Jordan, Nepal, Nigeria and Togo
A/HRC/10/45	2	Composition of the staff of the Office of the United Nations High Commissioner for Human Rights: report of the United Nations High Commissioner for Human Rights
A/HRC/10/46	2	Report of the Secretary-General on the question of the realization in all countries of economic, social and cultural rights
A/HRC/10/47	2	Progress report of the Secretary-General on the protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)
A/HRC/10/48	2	Thematic study by the Office of the United Nations High Commissioner for Human Rights on enhancing awareness and understanding of the Convention on the Rights of Persons with Disabilities
A/HRC/10/49	2	Report of the Secretary-General on the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery
A/HRC/10/50	1	Election of the members of the Human Rights Council Advisory Committee: note by the Secretary-General
A/HRC/10/50/Add.1	1	Note by the Secretary-General: addendum
A/HRC/10/51	2	The rights of indigenous peoples: report of the United Nations High Commissioner for Human Rights
A/HRC/10/52	2	Assistance to Sierra Leone in the field of human rights: report of the United Nations High Commissioner for Human Rights
A/HRC/10/53	2	Report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of her Office, including technical cooperation, in Nepal

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|------------------------|----|---|
| A/HRC/10/54            | 2  | National institutions for the promotion and protection of human rights: report of the Secretary-General   |
| A/HRC/10/55            | 2  | Process currently utilized by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights to accredit national institutions compliant with the Paris Principles: report of the Secretary-General |
| A/HRC/10/56            | 5  | Report of the Expert Mechanism on the Rights of Indigenous Peoples on its first session, Geneva, 1–3 October 2008   |
| A/HRC/10/57 and Corr.1 | 10 | Advisory services and technical cooperation in the field of human rights: report of the Secretary-General   |
| A/HRC/10/58            | 2  | Report of the United Nations High Commissioner for Human Rights on the situation of human rights and the activities of her Office in the Democratic Republic of the Congo   |
| A/HRC/10/59            | 10 | Combined report of seven thematic special procedures on technical assistance to the Government of the Democratic Republic of the Congo and urgent examination of the situation in the east of the country   |
| A/HRC/10/60            | 2  | Report of the United Nations High Commissioner for Human Rights on the promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity   |
| A/HRC/10/61            | 2  | Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights   |
| A/HRC/10/62            | 2  | Elimination of discrimination against persons affected by leprosy and their family members: report of the Office of the United Nations High Commissioner for Human Rights   |
| A/HRC/10/63            | 2  | Integrating the human rights of women throughout the United Nations system: note by the Secretariat   |
| A/HRC/10/64            | 2  | Report of the Office of the United Nations High Commissioner for Human Rights on the latest developments in the United Nations relating to combating trafficking in persons as well as on the activities of the Office on this issue                    |

A/HRC/10/65	5	Report of the 2008 Social Forum, Geneva, 1–3 September 2008
A/HRC/10/66	9	Report of the Working Group of Experts on People of African Descent on its eighth session
A/HRC/10/6– A/HRC/AC/2/2	5	Report of the Advisory Committee on its second session
A/HRC/10/69	6	Report of the Working Group on the Universal Periodic Review: Botswana
A/HRC/10/69/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review: addendum
A/HRC/10/70 and Corr.1	6	Report of the Working Group on the Universal Periodic Review: Bahamas
A/HRC/10/70/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies by the State under review: addendum
A/HRC/10/71	6	Report of the Working Group on the Universal Periodic Review: Burundi
A/HRC/10/72	6	Report of the Working Group on the Universal Periodic Review: Luxembourg
A/HRC/10/72/Add.1	6	Views concerning the recommendations and/or conclusions, voluntary commitment and replies presented by the State under review: addendum
A/HRC/10/73	6	Report of the Working Group on the Universal Periodic Review: Barbados
A/HRC/10/73/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review: addendum
A/HRC/10/74	6	Report of the Working Group on the Universal Periodic Review: Montenegro
A/HRC/10/74/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review: addendum
A/HRC/10/75	6	Report of the Working Group on the Universal Periodic Review: United Arab Emirates
A/HRC/10/76	6	Report of the Working Group on the Universal Periodic Review: Israel
A/HRC/10/77	6	Report of the Working Group on the Universal Periodic Review: Liechtenstein
A/HRC/10/77/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review: addendum

A/HRC/10/78	6	Report of the Working Group on the Universal Periodic Review: Serbia
A/HRC/10/78/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review: addendum
A/HRC/10/79	6	Report of the Working Group on the Universal Periodic Review: Turkmenistan
A/HRC/10/79/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review: addendum
A/HRC/10/80 and Corr.1	6	Report of the Working Group on the Universal Periodic Review: Burkina Faso
A/HRC/10/81	6	Report of the Working Group on the Universal Periodic Review: Cape Verde
A/HRC/10/82	6	Report of the Working Group on the Universal Periodic Review: Colombia
A/HRC/10/82/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review: addendum
A/HRC/10/83	6	Report of the Working Group on the Universal Periodic Review: Uzbekistan
A/HRC/10/83/Add.1	6	Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review: addendum
A/HRC/10/84	6	Report of the Working Group on the Universal Periodic Review: Tuvalu
A/HRC/10/85	10	Report of the independent expert on the situation of human rights in Somalia, Shamsul Bari
A/HRC/10/86	3	Implementation of Human Rights Council resolution 7/29 on the rights of the child: note by the Secretariat
A/HRC/10/87	9	Report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action on its sixth session
A/HRC/10/88	9	Report of the Ad Hoc Committee on the elaboration of complementary standards on its first session
A/HRC/10/CRP.1	3	Mission en République du Tchad du Représentant du Secrétaire général pour les droits de l'homme des personnes déplacées dans leur propre pays (Walter Kälin): note préliminaire

*Documents issued in the limited series*

<i>Symbol</i>	<i>Agenda item</i>
A/HRC/9/L.1	1 Security arrangements for the Human Rights Council
A/HRC/10/L.1	10 Technical cooperation and advisory services in the Democratic Republic of the Congo
A/HRC/10/L.2	9 Combating defamation of religions
A/HRC/10/L.2/Rev.1	9 Combating defamation of religions
A/HRC/10/L.3	10 Situation of human rights in the Democratic Republic of the Congo and the strengthening of technical cooperation and consultative services
A/HRC/10/L.4	7 Human rights in the occupied Syrian Golan
A/HRC/10/L.5	7 Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan
A/HRC/10/L.6	7 Human rights violations emanating from the Israeli military attacks and operations in the Occupied Palestinian Territory, particularly the recent ones in the occupied Gaza Strip
A/HRC/10/L.7	7 Right of the Palestinian people to self-determination
A/HRC/10/L.8	9 Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination
A/HRC/10/L.8/Rev.1	9 Elaboration of complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination
A/HRC/10/L.9	9 From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance
A/HRC/10/L.9/Rev.1	9 From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance
A/HRC/10/L.10	1 Draft report of the Human Rights Council on its tenth session
A/HRC/10/L.11	1 Draft report of the Human Rights Council on its tenth session
A/HRC/10/L.12	10 Assistance to Somalia in the field of human rights

A/HRC/10/L.13	3	Human rights of persons with disabilities: national frameworks for the promotion and protection of the human rights of persons with disabilities
A/HRC/10/L.14	3	Question of the realization in all countries of economic, social and cultural rights: follow-up to Human Rights Council resolution 4/1
A/HRC/10/L.15	3	Human rights in the administration of justice, in particular juvenile justice
A/HRC/10/L.16	5	United Nations Declaration on Human Rights Education and Training
A/HRC/10/L.17	3	World Programme for Human Rights Education
A/HRC/10/L.18	3	Draft United Nations guidelines for the appropriate use and conditions of alternative care for children
A/HRC/10/L.19	3	Arbitrary detention
A/HRC/10/L.20	3	Enforced or involuntary disappearances
A/HRC/10/L.21	2	Composition of the staff of the Office of the United Nations High Commissioner for Human Rights
A/HRC/10/L.21/Rev.1	2	Composition of the staff of the Office of the United Nations High Commissioner for Human Rights
A/HRC/10/L.22	5	The Social Forum
A/HRC/10/L.23	2	Enhancement of international cooperation in the field of human rights
A/HRC/10/L.24	3	The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination
A/HRC/10/L.25	3	The right to food
A/HRC/10/L.26	3	The promotion and protection of cultural rights and respect for cultural diversity
A/HRC/10/L.27	4	Situation of human rights in the Democratic People's Republic of Korea
A/HRC/10/L.28	4	Situation of human rights in Myanmar
A/HRC/10/L.29	3	Implementation of the Convention on the Rights of the Child and its Optional Protocols
A/HRC/10/L.30	3	Human rights and climate change
A/HRC/10/L.31	3	Protection of human rights and fundamental freedoms while countering terrorism
A/HRC/10/L.32	3	Torture and other cruel, inhuman or degrading treatment or punishment: the role and responsibilities of medical and other personnel

A/HRC/10/L.33	5	Publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights
A/HRC/10/L.33/Rev.1	5	Publication of reports completed by the Subcommission on the Promotion and Protection of Human Rights
A/HRC/10/L.34	3	Discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights
A/HRC/10/L.35	3	Human rights and arbitrary deprivation of nationality
A/HRC/10/L.36	3	Forensic genetics and human rights
A/HRC/10/L.37	7	Follow-up to Council resolution S-9/1 on the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip

*Documents issued in the Government series*

<i>Symbol</i>		<i>Agenda item</i>
A/HRC/10/G/1	4	Letter dated 29 October 2008 from the Permanent Mission of the Sudan addressed to the Secretariat of the Human Rights Council
A/HRC/10/G/2	3	Respuesta y observaciones del Gobierno español al informe sobre España del Relator Especial para la promoción y protección de los derechos humanos y libertades fundamentales en la lucha contra el terrorismo, Martin Scheinin
A/HRC/10/G/3	3	Observations du Gouvernement togolais sur le projet de rapport de Mme Sekaggya, Rapporteuse spéciale sur la situation des défenseurs des droits de l'homme concernant sa Mission au Togo (24 juillet–4 août 2008)
A/HRC/10/G/4	2	Nota verbal con fecha de 2 de febrero de 2009 de la Misión de Colombia ante la Oficina de las Naciones Unidas y los Organismos Internacionales en Ginebra
A/HRC/10/G/5	3	Comments of the Greek Government on the report of the independent expert on minority issues following her visit to Greece, dated 6 March 2009
A/HRC/10/G/6	4	Letter dated 29 January 2009 from the Democratic People's Republic of Korea concerning the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea

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|---------------|---|---|
| A/HRC/10/G/7  | 3 | Note verbale dated 11 and 12 March 2009 from the Permanent Mission of the Republic of Guyana to the United Nations addressed to the Office of the United Nations High Commissioner for Human Rights concerning the report of the independent expert on minority issues, Gay McDougall   |
| A/HRC/10/G/8  | 8 | Reply of the Greek Government to the written statement made by the Federation of Western Thrace Turks in Europe   |
| A/HRC/10/G/9  | 4 | Comments of the Permanent Mission of the Republic of Turkey with regard to the joint statement made by the representative of Centre Europe – Tiers monde (CETIM) on behalf of Women’s International League for Peace and Freedom, Mouvement contre le racisme et pour l’amitié entre les peuples (MRAP), Association internationale des juristes démocrates (AIJD), 23 March 2009 |
| A/HRC/10/G/10 | 4 | Letter from the Permanent Mission of the Socialist Republic of Viet Nam to the United Nations Office at Geneva addressed to the President of the Human Rights Council, 24 March 2009  |
| A/HRC/10/G/11 | 2 | Views expressed by the Permanent Mission of the Republic of Turkey on the contribution made by Armenia to the OHCHR report on prevention of genocide (A/HRC/10/25)  |
| A/HRC/10/G/12 | 2 | Note verbale dated 26 March 2009 from the Permanent Mission of the Republic of Turkey addressed to the Office of the United Nations High Commissioner for Human Rights  |
| A/HRC/10/G/13 | 2 | Letter dated 28 April 2009 from the Permanent Mission of Cyprus addressed to the President of the Human Rights Council  |
| A/HRC/10/G/14 | 2 | Note verbale from the Permanent Mission of the Syrian Arab Republic addressed to the President of the Human Rights Council  |

*Documents issued in the non-governmental organizations series*

- | <i>Symbol</i>  | <i>Agenda item</i> |   |
|----------------|--------------------|---|
| A/HRC/10/NGO/1 | 3                  | Written statement submitted by Europe – Third World Centre (CETIM), a non-governmental organization in general consultative status    |
| A/HRC/10/NGO/2 | 3                  | Written statement* submitted by International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), a non- |

		governmental organization in special consultative status
A/HRC/10/NGO/3	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/10/NGO/4	3	Written statement submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organization in special consultative status
A/HRC/10/NGO/5	3	Written statement submitted by Fondation Ostad Elahi – éthique et solidarité humaine, a non-governmental organization in special consultative status
A/HRC/10/NGO/6	3	Written statement submitted by Human Rights Advocates Inc. (HRA), a non-governmental organization in special consultative status
A/HRC/10/NGO/7	3	Idem
A/HRC/10/NGO/8	3	Idem
A/HRC/10/NGO/9	3	Idem
A/HRC/10/NGO/10	3	Written statement submitted by World Federation of Trade Unions (WFTU), a non-governmental organization in general consultative status
A/HRC/10/NGO/11	7	Written statement submitted by Badil Resource Center for Palestinian Residency and Refugee Rights, a non-governmental organization in special consultative status
A/HRC/10/NGO/12	3	Written statement submitted by Himalayan Research and Cultural Foundation (HRCF), a non-governmental organization in special consultative status
A/HRC/10/NGO/13	6	Exposé écrit par Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture (FIACAT), organisation non gouvernementale dotée du statut consultatif spéciale
A/HRC/10/NGO/14	3	Exposé écrit par l'Union Internationale du Notariat Latin (UINL), organisation non gouvernementale dotée du statut consultatif spécial
A/HRC/10/NGO/15	3	Written statement submitted by International Association of Schools of Social Work (IASSW), a non-governmental organization in special consultative status

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A/HRC/10/NGO/16	3	Written statement submitted by the Organization for Defending Victims of Violence (ODVV), a non-governmental organization in special consultative status
A/HRC/10/NGO/17	3	Written statement submitted by the Organization for Defending Victims of Violence (ODVV), a non-governmental organization in special consultative status
A/HRC/10/NGO/18	3	Written statement submitted by the Organization for Defending Victims of Violence (ODVV), a non-governmental organization in special consultative status
A/HRC/10/NGO/19	7	Idem
A/HRC/10/NGO/20	9	Idem
A/HRC/10/NGO/21	3	Exposé écrit par le Cercle de recherche sur les droits et les devoirs de la personne humaine, organisation non gouvernementale dotée du statut consultatif special
A/HRC/10/NGO/22	3	Idem
A/HRC/10/NGO/23	3	Written statement submitted by France Libertés: Fondation Danielle Mitterrand, a non-governmental organization in special consultative status
A/HRC/10/NGO/24	3	Written statement submitted by the Federation of Western Thrace Turks in Europe (ABTTF), a non-governmental organization in special consultative status
A/HRC/10/NGO/25	3	Exposición escrita presentada por la Asamblea Permanente por los Derechos Humanos (APDH), organización no gubernamental reconocida como entidad consultiva especial
A/HRC/10/NGO/26	3	Idem
A/HRC/10/NGO/27	9	Idem
A/HRC/10/NGO/28	3	Written statement submitted by the European Bureau for Lesser Used Languages (EBLUL), a non-governmental organization in special consultative status
A/HRC/10/NGO/29	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/10/NGO/30	3	Written statement submitted by Fundación para la Libertad, a non-governmental organization in special consultative status

A/HRC/10/NGO/31	4	Written statement submitted by International Educational Development (IED), Inc., a non-governmental organization on the Roster
A/HRC/10/NGO/32	4	Idem
A/HRC/10/NGO/33	4	Written statement submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization with general consultative status
A/HRC/10/NGO/34	3, 4	Idem
A/HRC/10/NGO/35	4	Idem
A/HRC/10/NGO/36	3, 4	Idem
A/HRC/10/NGO/37	4	Idem
A/HRC/10/NGO/38	4	Idem
A/HRC/10/NGO/39	4	Idem
A/HRC/10/NGO/40	4	Idem
A/HRC/10/NGO/41	4	Idem
A/HRC/10/NGO/42	4	Idem
A/HRC/10/NGO/43	4	Idem
A/HRC/10/NGO/44	3	Written statement submitted by Human Rights Advocates, Inc. (HRA), a non-governmental organization in special consultative status
A/HRC/10/NGO/45	3	Idem
A/HRC/10/NGO/46	3	Idem
A/HRC/10/NGO/47	3	Idem
A/HRC/10/NGO/48	3	Written statement submitted by the Japanese Workers' Committee for Human Rights (JWCHR), a non-governmental organization with special consultative status
A/HRC/10/NGO/49	3	Written statement submitted by International Society for Human Rights (ISHR), a non-governmental organization on the Roster
A/HRC/10/NGO/50	3	Joint written statement submitted by Defence for Children International (DCI) and the World Organisation against Torture (OMCT), non-governmental organizations in special consultative status
A/HRC/10/NGO/51	3	Written statement submitted by Interfaith International, a non-governmental organization with special consultative status
A/HRC/10/NGO/52	4	Exposé écrit par la Fédération Internationale de l'ACAT (Action des Chrétiens pour l'Abolition de la Torture-FIACAT), organisation non

		gouvernementale dotée du statut consultatif spécial
A/HRC/10/NGO/53	6	Idem
A/HRC/10/NGO/54	7	Written statement submitted by the Bahrain Women Association (BWA), a non-governmental organization in special consultative status
A/HRC/10/NGO/55	7	Joint written statement submitted by Al-Haq, Law in the Service of Man and Defence for Children International (DCI), non-governmental organizations in special consultative status
A/HRC/10/NGO/56	3	Written statement submitted by International Save the Children Alliance, a non-governmental organization in general consultative status
A/HRC/10/NGO/57	3	Written statement submitted by the Cairo Institute for Human Rights Studies (CIHRS), a non-governmental organization in special consultative status
A/HRC/10/NGO/58	4	Written statement submitted by the Cairo Institute for Human Rights Studies (CIHRS), a non-governmental organization in special consultative status
A/HRC/10/NGO/59	3	Written statement submitted by the Jammu and Kashmir Council for Human Rights (JKCHR), a non-governmental organization in special consultative status
A/HRC/10/NGO/60	4	Written statement submitted by the Jammu and Kashmir Council for Human Rights (JKCHR), a non-governmental organization in special consultative status
A/HRC/10/NGO/61	3	Written statement submitted by the Foodfirst Information and Action Network (FIAN), a non-governmental organization on the Roster
A/HRC/10/NGO/62	4	Written statement submitted by the Society Studies Centre (SSC), a non-governmental organization in special consultative status
A/HRC/10/NGO/63	7	Written statement submitted by Society Studies Centre (SSC), a non-governmental organization in special consultative status
A/HRC/10/NGO/64	3	Exposé écrit conjoint présenté par New Humanity, organisation non gouvernementale dotée du statut consultatif général, le Bureau International Catholique de l'Enfance (BICE), Mouvement International ATD Quart Monde, la Communauté Internationale Baha'ie, Dominicains pour Justice et Paix-Ordre des Frères Prêcheurs, Organisation Internationale

		pour le Droit à l'Éducation et à la Liberté d'Enseignement (OIDE), Institution Teresiana, Association Points-Cœur, organisations non gouvernementales dotées du statut consultatif spécial
A/HRC/10/NGO/65	6	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/10/NGO/66	4	Written statement submitted by Amnesty International, a non-governmental organization in special consultative status
A/HRC/10/NGO/67	9	Written statement submitted by the Center for Inquiry-International (CFI), a non-governmental organization in special consultative status
A/HRC/10/NGO/68	3	Written statement submitted by Conscience and Peace Tax International (CPTI), a non-governmental organization in special consultative status
A/HRC/10/NGO/69	9	Joint written statement submitted by Freedom House and the Becket Fund for Religious Liberty, non-governmental organizations in special consultative status
A/HRC/10/NGO/70	3	Written statement submitted by the International Union of Latin Notariat, a non-governmental organization in special consultative status
A/HRC/10/NGO/71	4	Written statement submitted by the Pasumai Thaayagam Foundation, a non-governmental organization in special consultative status
A/HRC/10/NGO/72	4	Exposé écrit par Pax Romana (Mouvement International des Intellectuels Catholiques) (Mouvement International des Etudiants Catholiques), organisation non gouvernementale dotée du statut consultatif spécial
A/HRC/10/NGO/73	3	Exposé écrit par le Bureau International Catholique de l'Enfance (BICE), organisation non gouvernementale dotée du statut consultatif spécial
A/HRC/10/NGO/74	3	Written statement submitted by the Hawa Society for Women (HSW), a non-governmental organization in special consultative status
A/HRC/10/NGO/75	3	Exposición escrita presentada por la Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, organización no gubernamental reconocida como entidad consultiva especial
A/HRC/10/NGO/76	7	Written statement submitted by Federación de Asociaciones de Defensa y Promoción de los

- Derechos Humanos, a non-governmental organization in special consultative status
- A/HRC/10/NGO/78 7 Joint written statement submitted by the Sudan Council of Voluntary Agencies (SCOVA), a non-governmental organization in special consultative status and the African American Society for Humanitarian Aid & Development (ASHAD), a non-governmental organization on the Roster
- A/HRC/10/NGO/79 3 Joint written statement submitted by World Vision International (WVI) and the International Save the Children Alliance, non-governmental organizations in general consultative status, Kindernothilfe, Help for Children in Need, SOS-Kinderdorf International (SOS-KDI), World Organization Against Torture (OMCT), and the Youth Empowerment Alliance, non-governmental organizations in special consultative status, and Plan International, Inc., a non-governmental organization on the Roster
- A/HRC/10/NGO/80 3 Exposición escrita presentada por Indian Movement Tupaj Amaru (MITA), organización no gubernamental reconocida como entidad consultiva especial
- A/HRC/10/NGO/81 3 Joint written statement submitted by World Blind Union (WBU), International Save the Children Alliance, non-governmental organizations in general consultative status, Disabled Peoples' International (DPI), European Disability Forum (EDF), Handicap International, Inclusion International (International League of Societies for Persons with Mental Handicap), International Federation of Hard of Hearing People (IHFOH), Rehabilitation International (RI), Survivor Corps (ex-Landmine Survivors Network), World Federation of the Deaf (WFD), World Federation of the Deafblind (WFDB), World Network of Users and Survivors of Psychiatry (WNUSP), non-governmental organizations in special consultative status, Mindfreedom International, a non-governmental organization on the Roster
- A/HRC/10/NGO/82 4 Written statement submitted by MINBYUN – Lawyers for a Democratic Society (MINBYUN), a non-governmental organization in special consultative status
- A/HRC/10/NGO/83 3 Written statement submitted by the World Alliance of Young Men's Christian Associations (YMCA), a non-governmental organization in special consultative status

A/HRC/10/NGO/84	4	Written statement submitted by Sign of Hope E.V. – Hoffnungszeichen, a non-governmental organization in special consultative status
A/HRC/10/NGO/85	4	Written statement submitted by International Educational Development (IED), Inc., a non-governmental organization on the Roster
A/HRC/10/NGO/86	3	Joint written statement submitted by the Assembly of First Nations – National Indian Brotherhood (AFN), the International Indian Treaty Council (IITC), the International Organization of Indigenous Resource Development (IOIRD) and the Union of British Columbia Indian Chiefs (UBCIC), non-governmental organizations in special consultative status
A/HRC/10/NGO/87	3	Written statement submitted by the Charitable Institute for Protecting Social Victims, a non-governmental organization in special consultative status
A/HRC/10/NGO/88	4	Written statement submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status
A/HRC/10/NGO/89	3, 4	Idem
A/HRC/10/NGO/90	3, 4	Idem
A/HRC/10/NGO/91	7	Written statement submitted by Centre on Housing Rights and Evictions (COHRE) a non-governmental organization in special consultative status
A/HRC/10/NGO/92	3	Joint written statement submitted by the International Humanist and Ethical Union (IHEU) and the World Population Foundation (WPF), non-governmental organizations in special consultative status
A/HRC/10/NGO/93	3, 4	Written statement submitted by the International NGO Forum on Indonesian Development (INFID), a non-governmental organization in special consultative status
A/HRC/10/NGO/94	3, 4	Written statement submitted by the Women's International League for Peace and Freedom (WILPF), a non-governmental organization in special consultative status
A/HRC/10/NGO/95	3	Joint written statement submitted by HelpAge International (HAI), International Alliance of Women (IAW), International Council of Women (ICW-CIF), International Council on Social Welfare (ICSW), International Federation of Associations of the Elderly (FIAPA), International Federation of Business and

Professional Women (IFBPW), International Federation on Ageing (IFA), Soroptimist International (SI), Women's Federation for World Peace International (WFWPI), Zonta International, non-governmental organizations with general consultative status, International Council of Jewish Women (ICJW), World Federation for Mental Health (WFMH), Worldwide Organization for Women (WOW), African Commission of Health and Human Rights Promoters (ACHHRP), American Psychological Association (APA), International Council of Psychologists (ICP,) International Federation of Social Workers (IFSW), International Federation of University Women (IFUW), World Federation for Mental Health (WFMH), International Network for the Prevention of Elder Abuse (INPEA), Pan Pacific and Southeast Asia Women's Association International (PPSEAWA), Solar Cookers International (SCI), The Society for the Psychological Study of Social Issues (SPSSI), Women's International League for Peace and Freedom (WILPF), Women's International Zionist Organization (WIZO), Women's World Summit Foundation (WWSF), World Federation of Mental Health (WFMH), non-governmental organizations in special consultative status, International Society for Human Rights (ISHR), Gray Panthers, Indian Council of South America (CISA), International Association of Gerontology and Geriatrics (IAGG), International Association of the Third Age Universities (IAUTA), UNESCO Centre Basque Country (UNESCO ETXEA), World Union for Progressive Judaism (WUPJ), non-governmental organizations on the Roster

A/HRC/10/NGO/96

- 3 Written statement submitted by the International Human Rights Association of American Minorities (IHRAAM), a non-governmental organization on the Roster

A/HRC/10/NGO/97

- 3 Joint written statement submitted by International Youth and Student Movement for the United Nations (ISMUN), a non-governmental organization in general consultative status, Union of Arab Jurists, The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), General Arab Women Federation, North-South XXI, Women's International League for Peace and Freedom (WILPF), Arab Lawyers Union, The Indian Movement (TUPAJ AMARU),

- General Federation of Iraqi Women (GFIW), United Towns Agency for the North-South Cooperation, The International Association of Democratic Lawyers, International Educational Development – Humanitarian Law Project, Women International Democratic Federation (WIDF), Association of Humanitarian Lawyers, non-governmental organizations in special consultative status
- A/HRC/10/NGO/98 3 Joint written statement submitted by the International Youth and Student Movement for the United Nations (ISMUN), a non-governmental organization in general consultative status, the Union of Arab Jurists, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the General Arab Women Federation, North-South XXI, the Women’s International League for Peace and Freedom (WILPF), the Arab Lawyers Union, the Indian Movement (TUPAJ AMARU), General Federation of Iraqi Women (GFIW), United Towns Agency for the North-South Cooperation, The International Association of Democratic Lawyers, International Educational Development – Humanitarian Law Project, Women International Democratic Federation (WIDF), Association of Humanitarian Lawyers, non-governmental organizations in special consultative status
- A/HRC/10/NGO/99 4 Joint written statement submitted by International Youth and Student Movement for the United Nations (ISMUN), a non-governmental organization in general consultative status, Union of Arab Jurists, The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), General Arab Women Federation, North-South XXI, Women’s International League for Peace and Freedom (WILPF), Arab Lawyers Union, The Indian Movement (TUPAJ AMARU), General Federation of Iraqi Women (GFIW), United Towns Agency for the North-South Cooperation, The International Association of Democratic Lawyers, International Educational Development – Humanitarian Law Project, Women International Democratic Federation (WIDF), Association of Humanitarian Lawyers, non-governmental organizations in special consultative status
- A/HRC/10/NGO/100 3 Joint written statement submitted by International Youth and Student Movement for the United Nations (ISMUN), a non-

- governmental organization in general consultative status, Union of Arab Jurists, The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), General Arab Women Federation, North-South XXI, Women's International League for Peace and Freedom (WILPF), Arab Lawyers Union, The Indian Movement (TUPAJ AMARU), General Federation of Iraqi Women (GFIW), United Towns Agency for the North-South Cooperation, The International Association of Democratic Lawyers, International Educational Development – Humanitarian Law Project, Women International Democratic Federation (WIDF), Association of Humanitarian Lawyers, non-governmental organizations in special consultative status
- A/HRC/10/NGO/101 7 Joint written statement submitted by Union of Arab Jurists, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), General Arab Women Federation, Nord-Sud XXI, Arab Lawyers Union, the Indian Movement Tupaj Amaru (IMTA), General Federation of Iraqi Women (GFIW), United Towns Agency for the North-South Cooperation, The International Association of Democratic Lawyers, International Educational Development – Humanitarian Law Project, Women International Democratic Federation (WIDF), Association of Humanitarian Lawyers, non-governmental organizations in special consultative status
- A/HRC/10/NGO/102 7 Joint written statement submitted by Union of Arab Jurists, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), General Arab Women Federation, Arab Lawyers Union, the Indian Movement Tupaj Amaru (IMTA), General Federation of Iraqi Women (GFIW), United Towns Agency for the North-South Cooperation, the International Association of Democratic Lawyers, International Educational Development – Humanitarian Law Project, Women International Democratic Federation (WIDF), Association of Humanitarian Lawyers, non-governmental organizations in special consultative status
- A/HRC/10/NGO/103 7 Written statement submitted by International Federation for Human rights (FIDH), a non-governmental organization in special consultative status

A/HRC/10/NGO/104	4	Exposé écrit par la Fédération Internationale des Ligues des Droits de l'Homme (FIDH), organisation non gouvernementale dotée du statut consultatif spécial
A/HRC/10/NGO/105	4	Joint written statement submitted by Franciscans International (FI), a non-governmental organization in general consultative status and Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), a non-governmental organization in special consultative status
A/HRC/10/NGO/106	4	Exposé écrit présenté par Franciscain International (FI), organisation non gouvernementale dotée du statut consultatif général
A/HRC/10/NGO/107	4	Written statement submitted by the International Commission of Jurists (ICJ), a non-governmental organization in special consultative status
A/HRC/10/NGO/108	3	Joint written statement submitted by International Youth and Student Movement for the United Nations (ISMUN), a non-governmental organization in general consultative status, Union of Arab Jurists, The International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), General Arab Women Federation, North-South XXI, Arab Lawyers Union, The Indian Movement (TUPAJ AMARU), General Federation of Iraqi Women (GFIW), United Towns Agency for the North-South Cooperation, The International Association of Democratic Lawyers, International Educational Development – Humanitarian Law Project, Women International Democratic Federation (WIDF), Association of Humanitarian Lawyers, non-governmental organizations in special consultative status
A/HRC/10/NGO/109	3	Written statement submitted by the Asian Forum for Human Rights and Development (FORUM-ASIA), a non-governmental organization in special consultative status
A/HRC/10/NGO/110	3, 4	Idem
A/HRC/10/NGO/111	4	Idem
A/HRC/10/NGO/112	3	Joint written statement submitted by CIVICUS (World Alliance for Citizen Participation), International Alliance of Women (IAW), International Association for Religious Freedom

(IARF), International Council of Women (ICW-CIF), Soroptimist International (SI), World Federation of United Nations Associations (WFUNA) and Asian Legal Resource Centre (ALRC), non-governmental organizations in general consultative status, Pax Romana, International Organization for the Development of Freedom of Education (OIDEF), International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), International Federation of Social Workers (IFSW), International Network for the Prevention of Elder Abuse (INPEA), Anti-Racism Information Service (ARIS), Equitas-International Centre for Human Rights Education, Pax Christi International, International Federation of University Women (IFUW), World Federation for Mental Health (WFMH), Association Points Cœur, Institut Arabe des Droits de l'Homme, Myochikai (Arigatou Foundation), International Catholic Child Bureau (ICCB), Lutheran World Federation (LWF), Village Suisse ONG, Sovereign Military Order of the Temple of Jerusalem (OSMTH), Planetary Association for Clean Energy, Inc. (PACE), International Council of Jewish Women (ICJW), Al-Hakim Foundation, Women's World Summit Foundation (WWSF), Ius Primi Viri International Association (IPV), Worldwide Organization for Women (WOW), World Student Christian Federation (WSCF), Disabled People's International (DPI), International Indian Treaty Council (IITC), International Volunteerism Organization for Women, Education and Development-VIDES, Istituto Internazionale Maria Ausiliatrice (IIMA), Netherlands Centre for Indigenous Peoples (NCIV), Organization for Defending Victims of Violence (ODVV), the Advocates for Human Rights, Latin American Committee for the Defence of Women's Rights (CLADEM), Amman Center for Human Rights Studies (ACHRS), Cairo Institute for Human Rights Studies (CIHRS), Centre for Organization Research and Education (CORE), Dignity International, Helsinki Foundation for Human Rights, International Bureau for Children's Rights, SOS-Kinderdorf International (SOS-KDI), Aldet Centre-Saint Lucia and International Association of Schools of Social Work (IASSW), non-governmental organizations in special consultative status,

Soka Gakkai International (SGI), Servas International, UNESCO Centre Basque Country (UNESCO Etxea), Association of World Citizens (AWC), Association for World Education (AWE), Institute for Planetary Synthesis (IPS), Asia Pacific Forum on Women, Law and Development (APWLD), International Movement Against All Forms of Discrimination and Racism (IMADR), non-governmental organizations on the roster

A/HRC/10/NGO/113

- 9 Joint written statement submitted by International Alliance of Women (IAW), Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), Brahma Kumaris World Spiritual University (BKWSU), International Association of Soldiers for Peace, Zonta International, International Federation of Settlements and Neighbourhood Centres (IFS), International Council of Women (ICW-CIF), International Women's Tribune Centre, International Federation of Business and Professional Women (BPWI), International Youth and Student Movement for the United Nations (ISMUN), International Association for Religious Freedom (IARF), Soroptimist International (SI), World Movement of Mothers, Asian Legal Resource Centre (ALRC), Women's Federation for World Peace International (WFWPI), CIVICUS: World Alliance for Citizen Participation, World Vision International (WVI), Buddha's Light International Association, International Council on Social Welfare (ICSW), World Young Women's Christian Association (World YWCA), Association for Progressive Communications (APC), non-governmental organizations in special consultative status, Conscience and Peace Tax International (CPTI), Dominicans for Justice and Peace (Order of Preachers), Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos (España), Interfaith International, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), Temple of Understanding (TOU), Women's International League for Peace and Freedom (WILPF), Women's World Summit Foundation (WWSF), International Society for Human Rights (ISHR), International Federation of University Women (IFUW), Femmes Africa Solidarité (FAS), Lutheran World Federation

(LWF), Worldwide Organization for Women (WOW), Anglican Consultative Council (ACC), Union of Arab Jurists, Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO), Foundation for the Refugee Education Trust (RET), International Bridges to Justice (IBJ), Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (IAC), American Association of Jurists (AAJ), Lassalle-Institut, UNESCO Centre of Catalonia, Anti-Racism Information Service (ARIS), Colombian Commission of Jurists (CCJ), Pan Pacific and South East Asia Women's Association (PPSEAWA), Ius Primi Viri International Association (IPV), Permanent Assembly for Human Rights (APDH), International Movement for Fraternal Union Among Races and Peoples (UFER), Women's International Zionist Organization (WIZO), International Federation of Women Lawyers (FIDA), International Federation of Women in Legal Careers (FIFCJ), Canadian Federation of University Women (CFUW), International Association for Women's Mental Health (IAWMH), European Union of Women (EUW), European Women's Lobby, International Women's Year Liaison Group (IWYLG), African Services Committee, Inc., International Federation of Family Associations of Missing Persons from Armed Conflict (IFFAMPAC), Institute of International Social Development, African Action on AIDS, International Society for Traumatic Stress Studies (ISTSS), Lama Gangchen World Peace Foundation (LGWPF), Pax Christi International, International Catholic Peace Movement, Tandem Project, Al-Hakim Foundation, Canadian Voice of Women for Peace (VOW), Organization for Defending Victims of Violence (ODVV), Solar Cookers International (SCI), Medical Women's International Association (MWIA), World Federation for Mental Health (WFMH), United States Federation for Middle East Peace, Susila Dharma International Association, Network Women in Development Europe, Nord-Sud XXI, General Arab Women Federation, United Towns Agency for North-South Cooperation, World Association for the School as an Instrument of Peace, International Organization for the Elimination of All Forms of Racial Discrimination, Latin American Committee for

the Defense of Women's Rights (CLADEM), African Women's Association (AWA), United Nations Association of Spain (ANUE), Maryknoll Fathers and Brothers, Maryknoll Sisters of St. Dominic, International Forum for Child Welfare, BADIL Resource Center for Palestinian Residence and Refugee Rights, Virginia Gildersleeve International Fund, African Commission on Health and Human Rights Promoters, Arab Lawyers Union, General Federation of Iraqi Women, Wittenberg Center for Alternative Resources, International Federation of Social Workers (IFSW), International Association of Peace Messenger Cities (IAPMC), Interreligious and International Federation for World Peace (IIFWP), Committee for Hispanic Children and Families, Peace Boat, Prison Fellowship International (PFI), MYOCHIKAI (Arigatou Foundation), International Association of Charities (AIC), National Council of Women of Great Britain (NCWGB), Indian Movement Tupaj Amaru (MITA), Peter Hesse Stiftung Foundation, The Salvation Army, Action Internationale pour la Paix et Développement dans la Région des Grands Lacs (AIPD), Federation for Peace and Conciliation (FPC), National Council of Women of the United States of America, Cairo Institute for Human Rights Studies (CIHRS), Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC), World for the World Organisation (WFWO), Education International (EI), Universal Esperanto Association, National Council of German Women's Organisations, Associated Country Women of the World (ACWW), International Grail, Council of American Overseas Research Centres, ICVolunteers (ICV), International Association for the Defence of Religious Liberty (AIDLR), Zenab for Women in Development, The Grail, non-governmental organization in general consultative status, Institute for Planetary Synthesis (IPS), International Peace Bureau (IPB), UNESCO Centre Basque Country (UNESCO ETXEA), 3HO Foundation (Healthy, Happy, Holy Organization), Dzeno Association, Country Women Association of Nigeria (COWAN), International Movement against all Forms of Discrimination and Racism (IMADR), Association Nigérienne des Scouts de l'Environnement (ANSEN), International Peace

		Research Association (IPRA), International Association of Gerontology and Geriatrics (IAGG), Asia Pacific Forum on Women, Law and Development (APWLD), International Progress Organization (IPO), non-governmental organizations on the roster
A/HRC/10/NGO/114	9	Written statement submitted by Nord-Sud XXI, a non-governmental organization in special consultative status
A/HRC/10/NGO/115	6	Written statement submitted by Cairo Institute for Human Rights (CIHRS), a non-governmental organization in special consultative status
A/HRC/10/NGO/116	3	Written statement submitted by Cairo Institute for Human Rights Studies (CIHRS) a non-governmental organization in special consultative status
A/HRC/10/NGO/117	3, 7	Idem
A/HRC/10/NGO/118	3	Joint written statement submitted by People's Solidarity for Participatory Democracy (PSPD) and Asian Forum for Human Rights And Development (FORUM-ASIA), non-governmental organizations in special consultative status
A/HRC/10/NGO/119	2	Written statement submitted by the Jammu and Kashmir Council for Human Rights (JKCHR), a non-governmental organization in special consultative status
A/HRC/10/NGO/120	3	Written statement submitted by Physicians for Human Rights (PHR), a non-governmental organization in special consultative status
A/HRC/10/NGO/121	4	Joint written statement submitted by the Women's International Democratic Federation (WIDF), non-governmental organization in general consultative status, 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 (ALU), the Indian Movement Tupaj Amaru (MITA), the General Federation of Iraqi Women, the United Towns Agency for North-South Cooperation, the International Association of Democratic Lawyers (IADL), non-governmental organizations in special consultative status, International Educational Development (IED), Inc., a non-governmental organization on the roster

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*Documents issued in the national institutions series*

<i>Symbol</i>	<i>Agenda item</i>
A/HRC/10/NI/1	3 Information presented by the National Human Rights Commission of Korea: note by the Secretariat
A/HRC/10/NI/2	3 Information presented by the National Human Rights Commission of Spain: note by the Secretariat
A/HRC/10/NI/3	3 Information presented by the National Human Rights Commission of Togo: note by the Secretariat
A/HRC/10/NI/4	3 Information presented by the Afghanistan Independent Human Rights Commission, the Danish Institute for Human Rights, the National Consultative Commission of France, the German Institute for Human Rights and the Greek National Commission on Human Rights: note by the Secretariat
A/HRC/10/NI/5	3 Information presented by Greek National Commission on Human Rights: note by the Secretariat
A/HRC/10/NI/6	3 Information presented by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and its A status accredited National Human Rights Institutions: note by the Secretariat

## Annex V

### List of Advisory Committee members and duration of terms of membership

<i>Member</i>	<i>Term expires in</i>
José Antonio Bengoa Cabello (Chile)	2010
Ansar Ahmed Burney (Pakistan)	2011
Chen Shiqiu (China)	2012
Chung Chinsung (Republic of Korea)	2010
Emmanuel Decaux (France)	2011
Héctor Felipe Fix Fierro (Mexico)	2011
Wolfgang Stefan Heinz (Germany)	2010
Latif Hüseyinov (Azerbaijan)	2011
Baba Kura Kaigama (Nigeria)	2011
Vladimir Kartashkin (Russian Federation)	2010
Miguel Alfonso Martínez (Cuba)	2012
Bernards Andrews Nyamwaya Mudho (Kenya)	2010
Purificacion V. Quisumbing (Philippines)	2011
Shigeki Sakamoto (Japan)	2010
Dheerujlall Seetulsingh (Mauritius)	2011
Halima Embarek Warzazi (Morocco)	2012

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<i>Member</i>	<i>Term expires in</i>
Jean Ziegler (Switzerland)	2012
Mona Zulficar (Egypt)	2010

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