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## Human Rights Council

Eleventh session

Agenda item 1

**Organizational and procedural matters**

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

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

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## **Part One**

### **Resolutions and decisions**

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

##### **11/1.**

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

*The Human Rights Council,*

*Recalling* the Principles proclaimed in the Charter of the United Nations and that recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

*Recalling also* that, in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), the World Conference reiterated the principle of “First Call for Children” and emphasized that the rights of the child should be a priority in the United Nations system-wide action on human rights,

*Welcoming* the almost universal ratification of the Convention on the Rights of the Child and the ratification by more than 120 States of each of the two Optional Protocols to the Convention,

*Taking note* of Council resolution 10/14 of 26 March 2009, in which the Council celebrated the twentieth anniversary of the Convention on the Rights of the Child, and called for effective implementation of the Convention by all States parties to ensure that all children may fully enjoy all their human rights and fundamental freedoms,

*Noting with interest* general comment No. 5 (2003) of the Committee on the Rights of the Child, in which the Committee emphasized that the special and dependent status of children creates real difficulties for them in pursuing remedies for breaches of their rights,

*Noting* that procedures allowing for individual communications have been established for other core international human rights treaties, namely, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities,

*Noting also* that children and their representatives lack a communications procedure under the Convention on the Rights of the Child by which communications concerning the effective implementation of the rights set out in the Convention can be considered by an appropriate committee of independent experts,

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

1. *Decides* to establish an open-ended working group of the Human Rights Council to explore the possibility of elaborating an optional protocol to the Convention on the Rights of the Child to provide a communications procedure complementary to the reporting procedure under the Convention;

2. *Also decides* that the working group shall hold its first session for five working days in Geneva before the end of 2009, within existing resources;

3. *Further decides* to invite a representative of the Committee on the Rights of the Child to attend the session of the working group as a resource person and, where appropriate, relevant United Nations special procedures and other relevant independent experts, and also invites them to submit inputs to the working group for its consideration;

4. *Requests* the working group to submit a report on progress made to the Council for consideration at its thirteenth session.

27th meeting

17 June 2009

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

## **11/2.**

### **Accelerating efforts to eliminate all forms of violence against women**

*The Human Rights Council,*

*Reaffirming* the obligation of all States to promote and protect all human rights and fundamental freedoms, and reaffirming also that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women and girls,

*Reaffirming also* the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action, the Cairo Programme of Action, the outcome of the twenty-third special session of the General Assembly entitled “Women 2000: gender equality, development and peace for the twenty-first century”, and the Declaration adopted at the forty-ninth session of the Commission on the Status of Women,

*Reaffirming further* Council resolutions 6/30 of 14 December 2007 on integrating the human rights of women throughout the United Nations system, and 7/24 of 28 March 2008 on the elimination of violence against women, all resolutions of the Commission on Human Rights on the elimination of violence against women, General Assembly resolution 63/155 of 30 January 2009 on the intensification of efforts to eliminate all forms of violence against women and all other Assembly resolutions relevant to the elimination of all forms of violence against women, and Security Council resolutions 1325 (2000) of 31 October 2000 and 1820 (2008) of 19 June 2008 on women, peace and security,

*Deeply concerned* that all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance and multiple or aggravated forms of discrimination and disadvantage, can lead to the particular targeting or vulnerability to violence of girls and some groups of women, such as women belonging to minority groups, indigenous women, refugee and internally displaced women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, women with disabilities, elderly women, widows and women in situations of

armed conflict, women who are otherwise discriminated against, including on the basis of HIV status, and victims of commercial sexual exploitation,

*Recalling* the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court, and the recognition by the ad hoc international criminal tribunals that rape can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide or torture,

*Stressing* the importance of a comprehensive, well-coordinated, effective and adequately resourced response by the United Nations system to all forms of violence against women and girls,

*Stressing also* the need for renewed political will and enhanced efforts to overcome obstacles and challenges faced by States in addressing, preventing, investigating, prosecuting and punishing the perpetrators of all forms of violence against women and girls,

*Welcoming* the holding of the Council's panel discussion on 5 June 2008 on the theme "Violence against women: identification of priorities",

*Welcoming also* the report of the Secretary-General on the intensification of efforts to eliminate all forms of violence against women (A/63/214),

1. *Stresses* that "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life;

2. *Strongly condemns* all acts of violence against women and girls, whether they be perpetrated by the State, private persons or non-State actors, and calls for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, in accordance with the Declaration on the Elimination of Violence against Women, and stresses the need to treat all forms of violence against women and girls as a criminal offence, punishable by law, and the duty to provide access to just and effective remedies and specialized assistance to victims, including medical and psychological assistance, as well as effective counselling;

3. *Stresses* that States have the obligation to promote and protect all human rights and fundamental freedoms of women and girls and must exercise due diligence to prevent, investigate, prosecute and punish the perpetrators of violence against women and girls and provide protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms;

4. *Calls upon* States to enact and, where necessary, reinforce or amend domestic legislation, including measures to enhance the protection of victims, to investigate, prosecute, punish and redress the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, in custody or in situations of armed conflict, to ensure that such legislation conforms with relevant international human rights instruments and international humanitarian law, to abolish existing laws, regulations, customs and practices which constitute discrimination against women, to remove gender bias in the administration of justice, and to take action to investigate and punish persons who perpetrate acts of violence against women and girls;

5. *Also calls upon* States to support initiatives undertaken by women's and non-governmental organizations on the elimination of violence against women and girls and to establish and/or strengthen, at the national level, collaborative relationships with relevant non-governmental and community-based organizations, and public and private sector institutions, aimed at the development and effective implementation of provisions and

policies relating to violence against women and girls, including in the area of support services, assistance redress and empowerment of victims;

6. *Urges* States and the United Nations system to give attention to, and encourages greater international cooperation in, systematic research and the collection, analysis and dissemination of data, including data disaggregated by sex, age and other relevant information, on the extent, nature and consequences of violence against women and girls and on the impact and effectiveness of policies and programmes for combating this violence, and, in this context, welcomes the establishment of the Secretary-General's coordinated database on violence against women, and urges States and the United Nations system to regularly provide information for inclusion in the database;

7. *Encourages* States to supply information on all forms of violence against women and girls in their reports submitted to the Committee on the Elimination of Discrimination against Women and other relevant treaty bodies;

8. *Also encourages* States to implement Security Council resolutions 1325 (2000) and 1820 (2008) to contribute to their efforts to eliminate all forms of violence against women and girls;

9. *Notes with appreciation* the work of the Special Rapporteur on violence against women, its causes and consequences, including her latest report on the political economy of women's human rights (A/HRC/11/6);

10. *Encourages* the Special Rapporteur to consider in future reporting the needs of women who experience multiple forms of discrimination, and to examine effective measures to respond to those situations;

11. *Stresses* the importance of accelerating efforts to eliminate all forms of violence against women and girls, its causes and consequences throughout its work, and in this regard:

(a) Encourages States to ensure that eliminating violence against women and girls is given due attention in the work of the Council, including relevant Council processes and debates, including the universal periodic review;

(b) Requests the special procedures of the Council to ensure that due consideration is given to violence against women and girls within their respective mandates;

(c) Encourages all relevant stakeholders to give due attention to all forms of violence against women and girls in their work with the Council and its mechanisms;

(d) Requests the Office of the United Nations High Commissioner for Human Rights to convene, in 2010 within existing resources, in cooperation with other relevant entities of the United Nations system, an expert workshop, open to the participation of Governments, regional organizations, relevant United Nations bodies, civil society organizations and experts from different legal systems, to discuss specific measures for overcoming obstacles and challenges that States may face in preventing, investigating, prosecuting and punishing the perpetrators of violence against women and girls, as well as measures for providing protection, support, assistance and redress for victims, and requests the Office to prepare a summary report thereon to be submitted to the Council;

(e) Invites the Office of the High Commissioner to include violence against women and girls in its reporting on integrating the human rights of women throughout the United Nations system;

12. *Requests* United Nations organs and bodies, specialized agencies and intergovernmental organizations, and encourages the human rights treaty bodies, to

continue to give consideration to violence against women and girls within their respective mandates;

13. *Calls upon* relevant United Nations entities within their respective mandates to support, upon request, the follow-up by States to relevant recommendations of the special procedures, concluding observations of treaty bodies and outcomes of the universal periodic review to prevent violence against women and girls, protect victims of such violence and prosecute the perpetrators;

14. *Stresses* that challenges and obstacles remain in the implementation of international standards and norms to address the inequality between men and women, and violence against women in particular, and pledges to intensify action to ensure their full and accelerated implementation;

15. *Decides* to continue consideration of the issue of the elimination of all forms of violence against women, its causes and consequences, as a matter of high priority, in conformity with its annual programme of work.

*27th meeting*

*17 June 2009*

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

### **11/3.**

#### **Trafficking in persons, especially women and children**

*The Human Rights Council,*

*Reaffirming* all previous resolutions on the problem of trafficking in persons, especially women and children, in particular General Assembly resolutions 63/156 and 63/194 of 18 December 2008, and also its resolution 8/12 of 18 June 2008, in which the Council extended the mandate of the Special Rapporteur on trafficking in persons, especially women and children,

*Recalling* the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

*Reaffirming* the principles set forth in relevant human rights instruments and declarations, including the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, and the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto,

*Recalling* the United Nations Convention against Transnational Organized Crime and the protocols thereto, and reaffirming in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, and recalling the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

*Recognizing* that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance, and that women and girl victims are often subject to multiple forms of discrimination and violence, including on the grounds of their gender, age, ethnicity, culture and religion, as well as their origins, and that these forms of discrimination may themselves fuel trafficking in persons,

*Recognizing also* that trafficking in persons violates human rights and impairs the enjoyment of them, continues to pose a serious challenge to humanity and requires a

concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for it to be eradicated,

*Bearing in mind* that all States have an obligation to exercise due diligence to prevent trafficking in persons, to investigate and punish perpetrators, to rescue victims and to provide for their protection, and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

*Recognizing* the need to address the impact of globalization on the particular problem of trafficking in women and children,

*Recognizing also* the challenges to combating trafficking in persons, especially women and children, owing to the lack of adequate legislation and implementation of existing legislation, the lack of availability of reliable sex- and age-disaggregated data and statistics and the lack of resources,

*Noting* that some of the demand for prostitution and forced labour is met by trafficking in persons in some parts of the world,

*Recognizing* that policies and programmes for prevention, rehabilitation, return and reintegration should be developed through a gender- and age-sensitive, comprehensive and multidisciplinary approach, with concern for the security of the victims and respect for the full enjoyment of their human rights and with the involvement of all actors in countries of origin, transit and destination,

*Taking note with appreciation* of the report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16), presented to the Council at its tenth session,

*Taking note with appreciation also* of the report of the Office of the United Nations High Commissioner for Human Rights on the latest developments within the United Nations relating to combating trafficking in persons and on the relevant activities of the Office (A/HRC/10/64), and taking note of the Recommended Principles and Guidelines on Human Rights and Human Trafficking contained in that report, presented to the Council at its tenth session,

*Taking note* of the meeting of the Open-ended Interim Working Group on Trafficking in Persons of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, held in Vienna on 14 and 15 April 2009, and the recommendations resulting there from, and the interactive dialogue on the theme "Taking collective action to end human trafficking" of the General Assembly, held on 13 May 2009, which included a discussion on the advisability of a global plan of action against human trafficking,

*Welcoming especially* the efforts of Governments, United Nations bodies and agencies and intergovernmental and non-governmental organizations to address the problem of trafficking in persons, especially women and children,

*Recognizing* the concern expressed by the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee against Torture at the persistence of trafficking and the vulnerability of victims to human rights violations,

1. *Affirms* that it is essential to place the protection of human rights at the centre of measures taken to prevent and end trafficking in persons, and to protect, assist and provide access to adequate redress to victims, including the possibility of obtaining compensation from the perpetrators;

2. *Reiterates its concern at:*

(a) The high number of people, especially women and children, in particular from developing countries and countries with economies in transition, who are being trafficked to developed countries, as well as within and between regions and States;

(b) The increasing activities of transnational and national organized crime and others who profit from trafficking in persons, especially women and children, without regard for dangerous and inhumane conditions and in flagrant violation of domestic laws and international law and contrary to international standards;

(c) The use of new information technologies, including the Internet, for the purposes of exploitation of the prostitution of others and other forms of sexual exploitation, for trafficking in women as brides and for sex tourism, child pornography, paedophilia and any other forms of sexual exploitation of children;

(d) The high level of impunity enjoyed by traffickers and their accomplices and the denial of rights and justice to victims of trafficking;

3. *Urges Governments:*

(a) To take appropriate measures to address the root factors, including external factors, that encourage trafficking in persons for prostitution and other forms of commercialized sex, forced marriages and forced labour, slavery or practices similar to slavery, servitude or the removal of organs, including by strengthening existing legislation or by considering the enactment of anti-trafficking legislation and the adoption of national plans of action;

(b) To criminalize trafficking in persons in all its forms and to condemn and penalize traffickers, facilitators and intermediaries, including, where applicable, by imposing sanctions against legal entities involved in the process of trafficking, without making accusations by or the participation of the victims of trafficking a precondition to the prosecution of trafficking;

(c) To ensure protection and assistance to the victims of trafficking with full respect for their human rights, including, where appropriate, through legislation;

(d) To provide resources, as appropriate, for the comprehensive protection and assistance to victims of trafficking, including access to adequate social, necessary medical and psychological care and services, including those related to HIV/AIDS, as well as shelter, legal assistance in a language that they can understand and helplines, and to cooperate in this regard, as appropriate, with intergovernmental and non-governmental organizations;

(e) To take all appropriate measures to ensure that victims of trafficking are not penalized for being trafficked and that they do not suffer from revictimization as a result of actions taken by Government authorities, bearing in mind that they are victims of exploitation, and encourages Governments to provide trafficked persons with access to specialized support and assistance, regardless of their immigration status;

(f) To devise, enforce and strengthen effective gender- and age-sensitive measures to combat and eliminate all forms of trafficking, especially in women and children, including for sexual and labour exploitation, as part of a comprehensive anti-trafficking strategy that integrates a human rights perspective, and to draw up, as appropriate, national plans of action in this regard;

(g) To adopt or strengthen legislative or other measures to discourage the demand that fosters all forms of exploitation of persons and leads to trafficking in persons, including the demand created by sex tourism, especially in children, and forced labour, and

to enhance, in this regard, preventive measures, including legislative measures, to deter exploiters of trafficked persons and to ensure their accountability;

(h) To establish mechanisms, where appropriate, in cooperation with the international community, to combat the use of the Internet to facilitate trafficking in persons and crimes related to sexual or other forms of exploitation, and to strengthen international cooperation to investigate and prosecute trafficking facilitated by the use of the Internet;

(i) To provide or strengthen training for law enforcement, immigration, criminal justice and other relevant officials, including personnel participating in peacekeeping operations, in preventing and responding effectively to trafficking in persons, including the identification and treatment of victims with full respect for their human rights;

(j) To conduct information campaigns for the general public, including children, aimed at promoting awareness of the dangers associated with all forms of trafficking and at encouraging the public, including the victims of trafficking themselves, to report on instances of trafficking;

(k) To support allocation of the necessary resources, as appropriate, in cooperation with intergovernmental and non-governmental organizations, to strengthen preventive action, in particular education for women and men, as well as for girls and boys, on the human rights of women and children, gender equality, self-respect and mutual respect;

(l) To consider setting up or strengthening a national coordinating mechanism, for example, a national rapporteur or an inter-agency body, with the participation of civil society, including non-governmental organizations, to encourage the exchange of information and to report on data, root causes, factors and trends in trafficking;

(m) To enhance information-sharing and data-collection capacities as a way of promoting cooperation to combat trafficking in persons, including through the systematic collection of sex- and age-disaggregated data;

(n) To enhance cooperation with each other and with relevant intergovernmental and non-governmental organizations to ensure effective prevention and countering of trafficking in people, and to consider strengthening existing regional cooperation and mechanisms aimed at combating trafficking in persons or to establish such mechanisms where they do not exist;

(o) To consider signing and ratifying, as a matter of priority, in the case of Governments that have not yet done so, and for States parties to implement relevant United Nations legal instruments, such as the United Nations Convention against Transnational Organized Crime and the Protocols thereto, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the Convention, and to take immediate steps to incorporate provisions of the Protocol into domestic legal systems;

4. *Calls upon* all Governments to continue to cooperate with the Special Rapporteur on trafficking in persons, especially women and children, and to consider responding favourably to requests to visit their countries, and to provide all necessary information related to the mandate to enable the mandate holder to fulfil the duties of the mandate effectively and, in this regard, expresses its appreciation to the large number of Governments that provided responses to the initial questionnaire on trafficking developed by the Special Rapporteur;

5. *Invites* Governments to include information on measures and best practices to combat trafficking in persons, especially women and children, in their national reports submitted for the universal periodic review;

6. *Encourages* Governments to take into account, as a useful tool to integrate a human rights-based approach, the Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1) developed by the Office of the United Nations High Commissioner for Human Rights, including, as appropriate, in the formulation, review and implementation of legislation, policies and programmes aimed at preventing and eradicating trafficking in persons, especially women and children, and providing assistance to victims;

7. *Encourages* the Office of the High Commissioner to provide or to support, within existing resources, training at the national level for all stakeholders on the integration of a human rights approach into the prevention and response to trafficking in persons, including the identification and treatment of victims with full respect for their human rights;

8. *Requests* the Office of the High Commissioner to enhance its efforts within the Inter-Agency Coordination Group against Trafficking to promote and integrate a human rights-based approach into efforts to combat human trafficking;

9. *Also requests* the Office of the High Commissioner to organize, within existing resources, and in close coordination with the Special Rapporteur, a two-day seminar aimed at identifying opportunities and challenges in the development of rights-based responses to trafficking in persons with a view to acknowledging emerging good practices and further promoting the practical application of the Recommended Principles and Guidelines on Human Rights and Human Trafficking, with the participation of Governments, the Special Rapporteur and other relevant special procedures, treaty bodies, United Nations specialized agencies and programmes, regional, intergovernmental and non-governmental organizations, national human rights institutions, academics, medical experts and representatives of victims, and to submit a report on the proceedings of the seminar to the Council;

10. *Further requests* the Office of the High Commissioner to disseminate the Recommended Principles and Guidelines on Human Rights and Human Trafficking, and to collect the views of stakeholders, including Governments, observers of the United Nations, relevant United Nations bodies, specialized agencies and programmes, regional bodies, non-governmental organizations and national human rights institutions, on the Recommended Principles and Guidelines, as well as on experiences and emerging good practices while applying them, and to make available to the Council a compilation of these views as an addendum to the above-mentioned report;

11. *Requests* the Secretary-General to provide the Office of the High Commissioner with sufficient resources to fulfil its mandate in relation to combating trafficking in persons, especially women and children;

12. *Decides* to continue consideration of this matter under the same agenda item according to its annual programme of work.

*27th meeting*

*17 June 2009*

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

## **11/4. Promotion of the right of peoples to peace**

*The Human Rights Council,*

*Recalling* all previous resolutions on the promotion of the right of peoples to peace adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

*Taking note* of General Assembly resolution 39/11 of 12 November 1984, entitled “Declaration of the Right of Peoples to Peace”, and the United Nations Millennium Declaration,

*Determined* to foster strict respect for the Purposes and Principles enshrined in the Charter of the United Nations,

*Bearing in mind* that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and to promote and encourage respect for human rights and fundamental freedoms for all without distinction of race, sex, language or religion,

*Underlining*, in accordance with the purposes and principles of the United Nations, its full and active support for the Organization and the enhancement of its role and effectiveness in strengthening international peace, security and justice and in promoting the solution of international problems, and the development of friendly relations and cooperation among States,

*Reaffirming* the obligation of all States to settle their international disputes by peaceful means in such a manner that international peace, security, human rights and justice are not endangered,

*Emphasizing* its objective of promoting better relations among all States and contributing to creating conditions in which their people can live in true and lasting peace, free from any threat to or attack against their security,

*Reaffirming* the obligation of all States to refrain, in their international relations, from the threat or use of force against the territorial integrity or political independence of any State, or from acting in any other manner inconsistent with the purposes of the United Nations,

*Reaffirming also* its commitment to peace, security and justice, respect for human rights and the continuing development of friendly relations and cooperation among States,

*Rejecting* the use of violence in the pursuit of political aims, and stressing that only peaceful political solutions can assure a stable and democratic future for all peoples around the world,

*Reaffirming* the importance of ensuring respect for the Purposes and Principles of the Charter and international law, including sovereignty, territorial integrity and political independence of States,

*Reaffirming also* that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue 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,

*Recognizing* that peace and security, development and human rights are mutually interlinked and reinforcing,

*Affirming* that human rights include social, economic and cultural rights and the right to peace, a healthy environment and development, and that development is, in fact, the realization of these rights,

*Underlining* that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter and an impediment to the promotion of world peace and cooperation,

*Recalling* that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

*Convinced* of the aim of creating conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based on respect for the principle of the equal rights and self-determination of peoples,

*Convinced also* that life without war is the primary international prerequisite for the material well-being, development and progress of countries and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations,

*Convinced further* that international cooperation in the field of human rights contributes to the creation of an international environment of peace and stability,

1. *Reaffirms* that the peoples of our planet have a sacred right to peace;
2. *Also reaffirms* that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of all States;
3. *Stresses* the importance of peace for the promotion and protection of all human rights for all;
4. *Also stresses* that the deep fault line that divides human society between the rich and the poor and the ever-increasing gap between the developed world and the developing world pose a major threat to global prosperity, peace, human rights, security and stability;
5. *Further stresses* that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being;
6. *Emphasizes* that ensuring the exercise of the right of peoples to peace and its promotion demand that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;
7. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and an international system based on respect for the Principles enshrined in the Charter and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination;
8. *Urges* all States to respect and to put into practice the Principles and Purposes of the Charter in their relations with all other States, irrespective of their political, economic or social systems or of their size, geographical location or level of economic development;

9. *Reaffirms* the duty of all States, in accordance with the Principles of the Charter, to use peaceful means to settle any dispute to which they are parties and the continuance of which is likely to endanger the maintenance of international peace and security, and encourages States to settle their disputes as early as possible, as an important contribution to the promotion and protection of all human rights of everyone and all peoples;

10. *Underlines* the vital importance of education for peace as a tool to foster the realization of the right of peoples to peace, and encourages States, United Nations specialized agencies and intergovernmental and non-governmental organizations to contribute actively to this endeavour;

11. *Reiterates its request* to the United Nations High Commissioner for Human Rights to convene, before February 2010, and taking into account previous practices, a workshop on the right of peoples to peace, with the participation of experts from all regions of the world, in order to:

- (a) Clarify further the content and scope of this right;
- (b) Propose measures that raise awareness of the importance of realizing this right;
- (c) Suggest concrete actions to mobilize States, intergovernmental and non-governmental organizations in the promotion of the right of peoples to peace;

12. *Requests* the High Commissioner to report on the outcome of the workshop to the Council at its fourteenth session;

13. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

14. *Decides* to continue considering the issue at its fourteenth session under the same agenda item.

*27th meeting  
17 June 2009*

[Adopted by a recorded vote of 32 to 13, with 1 abstention (see part II, chap. III). The voting was as follows:

*In favour:*

Angola, Argentina, Azerbaijan, Bahrain, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, 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;

*Abstaining:*

India.]

11/5.

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

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and other relevant international human rights instruments,

*Reaffirming* all resolutions and decisions adopted by the Commission on Human Rights on the effects of structural adjustment and economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, including Commission resolutions 1998/24 of 17 April 1998, 1999/22 of 23 April 1999, 2000/82 of 26 April 2000, 2004/18 of 16 April 2004 and 2005/19 of 14 April 2005, as well as Council resolution 7/4 of 27 March 2008,

*Reaffirming also* its resolution S-10/1 of 23 February 2009 on the impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights,

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

*Stressing* that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character,

*Emphasizing* that the World Conference on Human Rights agreed to call upon the international community to make all efforts to help alleviate the external debt burden of developing countries in order to supplement the efforts of the Governments of such countries to attain the full realization of economic, social and cultural rights of their people,

*Stressing* the determination expressed in the United Nations Millennium Declaration to deal comprehensively and effectively with the debt problems of low- and middle-income developing countries, through various national and international measures designed to make their debt sustainable in the long term,

*Noting with concern* that the total external debt of low- and middle-income countries had risen to 2,983 billion United States dollars by 2006, from 1,951 billion dollars in 1995, and that, by 2007, the total debt service payments of developing countries had risen to 523 billion dollars, from 220 billion in 1995,

*Acknowledging* that there is greater acceptance that the increasing debt burden faced by the most indebted developing countries, in particular the least developed countries, is unsustainable and constitutes one of the principal obstacles to achieving progress in people-centred sustainable development and poverty eradication and that, for many developing countries and countries with economies in transition, excessive debt servicing has severely constrained their capacity to promote social development and to provide basic services to realize economic, social and cultural rights,

*Expressing its concern* that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

*Affirming* that debt burden further complicates the numerous problems facing developing countries, contributes to extreme poverty and is an obstacle to sustainable human development, and is thus a serious impediment to the realization of all human rights,

1. *Welcomes* the report of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (A/HRC/11/10);

2. *Takes note with appreciation* of the proposed elements for a conceptual framework for understanding the relationship between foreign debt and human rights, and encourages the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights to continue to develop them with a view to addressing the debt crisis in a just, equitable and sustainable manner;

3. *Welcomes* the areas of focus identified by the independent expert for the period 2009–2010, in particular the development of the draft general guidelines on foreign debt and human rights and the issue of illegitimate debt, and, in that regard, calls on the Office of the United Nations High Commissioner for Human Rights to assist the independent expert in the organization and holding of regional consultations on these issues, including through the allocation of sufficient budgetary resources;

4. *Recalls* that every State has the primary responsibility to promote the economic, social and cultural development of its people, and, to that end, has the right and responsibility to choose its means and goals of development and should not be subject to external specific prescriptions for economic policy;

5. *Recognizes* that structural-adjustment reform programmes limit public expenditure, impose fixed expenditure ceilings and give inadequate attention to the provision of social services, and that only a few countries manage to achieve sustainable higher growth under these programmes;

6. *Affirms* that the current global financial and economic crises should not result in a decrease in debt relief, nor should they be used as an excuse to stop debt relief measures, as that would have negative implications for the enjoyment of human rights in affected countries;

7. *Expresses* its concern that the level of implementation and the reduction of overall debt stock under the enhanced Heavily Indebted Poor Countries Initiative are still low, and that the Initiative is not intended to offer a comprehensive solution to the long-term debt burden;

8. *Reiterates* its conviction that, for heavily indebted poor countries to achieve debt sustainability, long-term growth and poverty reduction goals, the debt relief under the above-mentioned Initiative will not be sufficient and that additional resource transfers, in the form of grants and concessional loans and the removal of trade barriers and better prices for their exports, would be required to ensure sustainability and permanent exit from debt overhang;

9. *Regrets* the absence of mechanisms to find appropriate solutions to the unsustainable foreign debt burden of middle- and low-income heavily indebted countries, and that, to date, little headway has been made in redressing the unfairness of the current system of debt resolution, which continues to place the interests of the lenders above those of indebted countries and the poor in them, and therefore calls for an intensification of efforts to devise effective and equitable mechanisms to cancel or reduce substantially the foreign debt burden of all developing countries, in particular those severely affected by the devastation of natural disasters, such as tsunamis and hurricanes, and by armed conflicts;

10. *Acknowledges* that, in least developed countries and in several low- and middle-income countries, unsustainable levels of external debt continue to create a considerable barrier to economic and social development and increase the risk that the Millennium Development Goals for development and poverty reduction will not be attained;

11. *Recognizes* that debt relief can play a key role in liberating resources that should be directed towards activities consistent with attaining sustainable growth and development, including poverty reduction and the achievement of the development goals, including those set out in the United Nations Millennium Declaration, and therefore that debt relief measures, where appropriate, should be pursued vigorously and expeditiously, ensuring that they do not replace alternative sources of financing and that they are accompanied by an increase in official development assistance;

12. *Recalls once again* the call on industrialized countries, as expressed in the Millennium Declaration, to implement the enhanced programme of debt relief for the heavily indebted poor countries without further delay and to agree to cancel all official bilateral debts of those countries in return for their making demonstrable commitments to poverty reduction;

13. *Urges* the international community, including the United Nations system, the Bretton Woods institutions and the private sector, to take appropriate measures and actions for the implementation of the pledges, commitments, agreements and decisions of the major United Nations conferences and summits, including the Millennium Summit, the World Conference on Human Rights, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the World Conference on Sustainable Development and the International Conference on Financing for Development, in particular those relating to the question of the external debt problem of developing countries, in particular of heavily indebted poor countries, least developed countries and countries with economies in transition;

14. *Recalls* the pledge contained in the Political Declaration annexed to General Assembly resolution S-24/2, adopted on 1 July 2000 by the Assembly, to find effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing burdens of developing countries;

15. *Stresses* the need for the economic reform programmes arising from foreign debt to be country-driven and for any negotiations and conclusion of debt relief and new loan agreements to be formulated with public knowledge and transparency, with legislative frameworks, institutional arrangements and mechanisms for consultation being established to ensure the effective participation of all components of society, including people's legislative bodies and human rights institutions, and particularly of the most vulnerable or disadvantaged, in the design, application and evaluation of strategies, policies and programmes, as well as in the follow-up to and systematic national supervision of their implementation, and for macroeconomic and financial policy issues to be integrated, on an equal footing and in a consistent way, in the realization of broader social development goals, taking into account the national context and the priorities and needs of the debtor countries to allocate resources in a way that ensures balanced development conducive to the overall realization of human rights;

16. *Also stresses* that the economic reform programmes arising from foreign debt should maximize the policy space of developing countries in pursuing their national development efforts, taking into account the views of relevant stakeholders in a way that ensures balanced development conducive to the overall realization of all human rights;

17. *Further stresses* that the economic programmes arising from foreign debt relief and cancellation must not reproduce past structural adjustment policies that have not worked, such as dogmatic demands for privatization and reduced public services;

18. *Calls upon* States, the International Monetary Fund and the World Bank to continue to cooperate closely to ensure that additional resources made available through the Heavily Indebted Poor Countries Initiative, the Global Fund to Fight AIDS, Tuberculosis and Malaria and other new initiatives are absorbed in the recipient countries without affecting ongoing programmes;

19. *Calls upon* creditors, particularly international financial institutions, and debtors alike to consider the preparation of human rights impact assessments with regard to development projects, loan agreements or Poverty Reduction Strategy Papers;

20. *Reaffirms* that the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment policies, growth programmes and economic reforms arising from the debt;

21. *Urges* States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by HIV/AIDS, so that more financial resources can be released and used for health care, research and treatment of the population in the affected countries;

22. *Reiterates* its view that, in order to find a durable solution to the debt problem and for the consideration of any new debt resolution mechanism, there is a need for a broad political dialogue between creditor and debtor countries and the multilateral financial institutions, within the United Nations system, based on the principle of shared interests and responsibilities;

23. *Reiterates* its request to the United Nations High Commissioner for Human Rights to pay more attention to the problem of the debt burden of developing countries, in particular of least developed countries, and especially the social impact of the measures arising from foreign debt;

24. *Requests* the independent expert to continue to explore the interlinkages with trade and other issues, including HIV/AIDS, when examining the impact of structural adjustment and foreign debt, and also to contribute, as appropriate, to the process entrusted with the follow-up to the International Conference on Financing for Development, with a view to bringing to its attention the issue of the effects of structural adjustment and foreign debt on the enjoyment of human rights, particularly economic, social and cultural rights;

25. *Also requests* the independent expert to continue to seek the views and suggestions of States, international organizations, United Nations agencies, funds and programmes, regional economic commissions, international and regional financial institutions and non-governmental organizations on the draft general guidelines and his proposal of possible elements for consideration, and urges them to respond to his requests;

26. *Encourages* the independent expert to continue to cooperate, in accordance with his mandate, with the Committee on Economic, Social and Cultural Rights, special rapporteurs, independent experts and members of the expert working groups of the Council and its Advisory Committee on issues relating to economic, social and cultural rights and the right to development in his work towards the elaboration of the draft general guidelines;

27. *Requests* the independent expert to report to the General Assembly on the issue of the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;

28. *Requests* the Secretary-General to provide the independent expert with all necessary assistance, in particular all the staff and resources required to carry out his functions;

29. *Urges* Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the independent expert in the discharge of his mandate;

30. *Requests* the independent expert to submit an analytical report on the implementation of the present resolution to the Council in 2009 in accordance with its annual programme of work, and to submit a progress report thereon to the General Assembly at its sixty-fourth session;

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

*27th meeting*

*17 June 2009*

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

*In favour:*

Angola, Argentina, Azerbaijan, Bahrain, Bolivia (Plurinational State of), 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, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland;

*Abstaining:*

Chile, Mexico.]

## **11/6.**

### **The right to education: follow-up to Human Rights Council resolution 8/4**

*The Human Rights Council,*

*Reaffirming* its resolution 8/4 of 18 June 2008, and recalling the resolutions adopted by the Commission on Human Rights on the right to education,

*Reaffirming also* that everyone should enjoy the human right to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and other relevant international instruments,

*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,

*Deeply concerned* that, on current trends, some key goals of the Education for All initiative agreed upon at the World Education Forum, held in Dakar in April 2000, will not be achieved by 2015, including the goal of universal primary education, despite progress made in recent years towards achieving such goals,

1. *Calls upon* all States to take all measures to implement Council resolution 8/4 with a view to ensuring the full realization of the right to education for all;

2. *Welcomes* the work of the Special Rapporteur on the right to education, in particular his report on the right to education of persons in detention in the criminal justice system (A/HRC/11/8);

3. *Also welcomes* the work of the United Nations treaty bodies in the promotion of the right to education, and notes with interest the holding, by the Committee on the Rights of the Child, of a general discussion day on the theme “The right of the child to education in emergency situations”;

4. *Further welcomes* the contribution of the United Nations Children’s Fund and that of the United Nations Educational, Scientific and Cultural Organization towards attaining the Millennium Development Goals of achieving universal primary education and eliminating gender disparity in education and the goals of the Education for All initiative, agreed upon at the World Education Forum;

5. *Welcomes* the convening by the United Nations Educational, Scientific and Cultural Organization of four major conferences on education in 2008 and 2009, including the 48th International Conference on Education, held from 25 to 28 November 2008, in Geneva, the World Conference on Education for Sustainable Development, held from 31 March to 2 April 2009, in Bonn, the Sixth International Conference on Adult Education, held in 2009 in Belém, Brazil, and the World Conference on Higher Education, held from 5 to 8 July 2009, in Paris;

6. *Notes with interest* the activities of the joint expert group of the Committee on Economic, Social and Cultural Rights and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization on the monitoring of the right to education;

7. *Welcomes* the work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

8. *Urges* all relevant stakeholders to increase their efforts so that the goals of the Education for All initiative can be achieved by 2015, including by tackling persistent inequalities based on income, gender, location, ethnicity, language, disability and other factors, and notes the role that good governance can play in this regard;

9. *Stresses* the need for cultural and educational programmes to be developed with a view to raise awareness on human rights, and urges States to intensify their efforts in this regard;

10. *Urges* all States to ensure the right to education, an imperative in its own right, of persons in detention in the criminal justice system, and to provide appropriate education to foster reintegration into society and help reduce recidivism, including by making every effort:

- (a) To ensure equal access to education for all female and male detainees;
- (b) To develop a coherent policy for education in detention;
- (c) To remove barriers to education in detention, including its possible negative impact on opportunities for remuneration in prison;

- (d) To make available to all detainees comprehensive education programmes aimed at the development of the full potential of each detainee;
- (e) To incorporate human rights education in the programmes;
- (f) To develop individual education plans with the full participation of the detainee, taking into account the diverse backgrounds and needs of persons in detention, including women, persons belonging to minority and indigenous groups, persons of foreign origin and persons with physical, learning and psychosocial disabilities, while recalling that a detainee may belong to more than one of these groups;
- (g) To integrate education programmes into the public school system in order to allow for the continuation of education upon release;
- (h) To ensure appropriate professional training and working conditions and a safe working environment for teachers in places of detention;
- (i) To evaluate and monitor all education programmes in places of detention, and to undertake multidisciplinary and detailed research in this regard;
- (j) To share best practices concerning education programmes in detention;
- (k) To produce and deliver adequate pedagogical materials for persons in detention, including appropriate opportunities to receive education and training in the use of new information technologies;
- (l) To ensure that primary education is compulsory, accessible and available free to all, including to all children in detention or living in prisons;
- (m) To ensure curricula and educational practices that are gender-sensitive but not gender-stereotypical in places of detention, in order to fulfil the right to education of women and girls;

11. *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 the right to education worldwide and to enhance their cooperation in this regard;

12. *Notes with appreciation* the Special Rapporteur's intention to focus his 2010 annual report on the right to education of migrants, refugees and asylum-seekers;

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

*27th meeting*

*17 June 2009*

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

## **11/7. Guidelines for the Alternative Care of 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, 9/13 of 24 September 2008 and 10/8 of 26 March 2009 and Assembly resolution 63/241 of 24 December 2008,

*Considering* that the Guidelines for the Alternative Care of Children, the text of which is annexed to the present resolution, set out desirable orientations for policy and practice with the intention of enhancing the implementation of the Convention on the Rights of the Child and of relevant provisions of other international instruments regarding the protection and well-being of children deprived of parental care or who are at risk of being so,

1. *Welcomes* the accomplishment of the Guidelines for the Alternative Care of Children;
2. *Decides* to submit the Guidelines to the General Assembly for consideration with a view to their adoption on the twentieth anniversary of the Convention on the Rights of the Child.

*27th meeting*

*17 June 2009*

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

## **Annex**

### **Guidelines for the alternative care of children**

#### **I. Purpose**

1. The present Guidelines are intended to enhance the implementation of the Convention on the Rights of the Child and of relevant provisions of other international instruments regarding the protection and well-being of children who are deprived of parental care or who are at risk of being so.
2. Against the background of these international instruments and taking account of the developing body of knowledge and experience in this sphere, the Guidelines set out desirable orientations for policy and practice. They are designed for wide dissemination among all sectors directly or indirectly concerned with issues relating to alternative care, and seek in particular to:
  - (a) Support efforts to keep children in, or return them to, the care of their family or, failing this, to find another appropriate and permanent solution, including adoption and *kafala* of Islamic law;
  - (b) Ensure that, while such permanent solutions are being sought, or in cases where they are not possible or are not in the best interests of the child, the most suitable forms of alternative care are identified and provided, under conditions that promote the child's full and harmonious development;
  - (c) Assist and encourage governments to better implement their responsibilities and obligations in these respects, bearing in mind the economic, social and cultural conditions prevailing in each State; and
  - (d) Guide policies, decisions and activities of all concerned with social protection and child welfare in both the public and private sectors, including civil society.

## II. General principles and perspectives

### A. The child and the family

3. The family being the fundamental group of society and the natural environment for the growth, well-being and protection of children, efforts should primarily be directed to enabling the child to remain in or return to the care of his/her parents, or when appropriate, other close family members. The State should ensure that families have access to forms of support in the care-giving role.

4. Every child and young person should live in a supportive, protective and caring environment that promotes his/her full potential. Children with inadequate or no parental care are at special risk of being denied such a nurturing environment.

5. Where the child's own family is unable, even with appropriate support, to provide adequate care for the child, or abandons or relinquishes the child, the State is responsible for protecting the rights of the child and ensuring appropriate alternative care, with or through competent local authorities and duly authorized civil society organizations. It is the role of the State, through its competent authorities, to ensure the supervision of the safety, well-being and development of any child placed in alternative care and the regular review of the appropriateness of the care arrangement provided.

6. All decisions, initiatives and approaches falling within the scope of the present Guidelines should be made on a case-by-case basis, with a view notably to ensuring the child's safety and security, and must be grounded in the best interests and rights of the child concerned, in conformity with the principle of non-discrimination and taking due account of the gender perspective. They should respect fully the child's right to be consulted and to have his/her views duly taken into account in accordance with his/her evolving capacities, and on the basis of his/her access to all necessary information. Every effort should be made to enable such consultation and information provision to be carried out in the child's preferred language.

6.bis In applying the present Guidelines, determination of the best interests of the child shall be designed to identify courses of action for children deprived of parental care, or at risk of being so, that are best suited to satisfying their needs and rights, taking into account the full and personal development of their rights in their family, social and cultural environment and their status as subjects of rights, both at the time of the determination and in the longer term. The determination process should take account of, *inter alia*, the right of the child to be heard and to have his/her views taken into account in accordance with his/her age and maturity.

7. States should develop and implement comprehensive child welfare and protection policies within the framework of their overall social and human development policy, with attention to the improvement of existing alternative care provision, reflecting the principles contained in the present Guidelines.

8. As part of efforts to prevent separation of children from their parents, States should seek to ensure appropriate and culturally sensitive measures:

(a) To support family care-giving environments whose capacities are limited by factors such as disabilities; drug and alcohol misuse; discrimination against families with indigenous or minority backgrounds; and those living in armed conflict regions or under foreign occupation;

(b) To provide appropriate care and protection for vulnerable children, such as child victims of abuse and exploitation; abandoned children; children living on the street;

children born out of wedlock; unaccompanied and separated children; internally displaced and refugee children; children of migrant workers; children of asylum-seekers; or children living with or affected by HIV/AIDS and other serious illnesses.

9. Special efforts should be made to tackle discrimination on the basis of any status of the child or parents, including poverty, ethnicity, religion, sex, mental and physical disability, HIV/AIDS status or other serious illnesses, whether physical or mental, birth out of wedlock, and socio-economic stigma, and all other statuses and circumstances that can give rise to relinquishment, abandonment and/or removal of a child.

## **B. Alternative care**

10. All decisions concerning alternative care should take full account of the desirability, in principle, of maintaining the child as close as possible to his/her habitual place of residence, in order to facilitate contact and potential reintegration with his/her family and to minimize disruption of his/her educational, cultural and social life.

11. Decisions regarding children in alternative care, including those in informal care, should have due regard for the importance of ensuring children a stable home and of meeting their basic need for safe and continuous attachment to their caregivers, with permanency generally being a key goal.

12. Children must be treated with dignity and respect at all times and must benefit from effective protection from abuse, neglect and all forms of exploitation, whether on the part of care providers, peers or third parties, in whatever care setting they may find themselves.

13. Removal of a child from the care of the family should be seen as a measure of last resort and should be, whenever possible, temporary and for the shortest possible duration. Removal decisions should be regularly reviewed and the child's return to parental care, once the original causes of removal have been resolved or have disappeared, should be in the child's best interests, in keeping with the assessment foreseen in paragraph 48 below.

14. Financial and material poverty, or conditions directly and uniquely imputable to such poverty, should never be the only justification for the removal of a child from parental care, for receiving a child into alternative care, or for preventing his/her reintegration, but should be seen as a signal for the need to provide appropriate support to the family.

15. Attention must be paid to promoting and safeguarding all other rights of special pertinence to the situation of children without parental care, including, but not limited to, access to education, health and other basic services, the right to identity, freedom of religion or belief, language and protection of property and inheritance rights.

16. Siblings with existing bonds should in principle not be separated by placements in alternative care unless there is a clear risk of abuse or other justification in the best interests of the child. In any case, every effort should be made to enable siblings to maintain contact with each other, unless this is against their wishes or interests.

17. Recognizing that, in most countries, the majority of children without parental care are looked after informally by relatives or others, States should seek to devise appropriate means, consistent with the present Guidelines, to ensure their welfare and protection while in such informal care arrangements, with due respect for cultural, economic, gender and religious differences and practices that do not conflict with the rights and best interests of the child.

18. No child should be without the support and protection of a legal guardian or other recognized responsible adult or competent public body at any time.

19. The provision of alternative care should never be undertaken with a prime purpose of furthering the political, religious or economic goals of the providers.
20. Use of residential care should be limited to cases where such a setting is specifically appropriate, necessary and constructive for the individual child concerned and in his/her best interests.
21. In accordance with the predominant opinion of experts, alternative care for young children, especially those under the age of 3 years, should be provided in family-based settings. Exceptions to this principle may be warranted in order to prevent the separation of siblings and in cases where the placement is of an emergency nature or is for a predetermined and very limited duration, with planned family reintegration or other appropriate long-term care solution as its outcome.
22. While recognizing that residential care facilities and family-based care complement each other in meeting the needs of children, where large residential care facilities (institutions) remain, alternatives should be developed in the context of an overall deinstitutionalization strategy, with precise goals and objectives, which will allow for their progressive elimination. To this end, States should establish care standards to ensure the quality and conditions that are conducive to the child's development, such as individualized and small-group care, and should evaluate existing facilities against these standards. Decisions regarding the establishment of, or permission to establish, new residential care facilities, whether public or private, should take full account of this deinstitutionalization objective and strategy.

#### **Measures to promote application**

23. States should, to the maximum extent of their available resources and, where appropriate, in the framework of development cooperation, allocate human and financial resources to ensure the optimal and progressive implementation of the present Guidelines throughout their respective territories in a timely manner. States should facilitate active cooperation among all relevant authorities and the mainstreaming of child and family welfare issues within all ministries directly or indirectly concerned.
24. States are responsible for determining any need for, and requesting, international cooperation in implementing the present Guidelines. Such requests should be given due consideration and should receive a favourable response wherever possible and appropriate. The enhanced implementation of the present Guidelines should figure in development cooperation programmes. When providing assistance to a State, foreign entities should abstain from any initiative inconsistent with the Guidelines.
25. Nothing in the present Guidelines should be interpreted as encouraging or condoning lower standards than those that may exist in given States, including in their legislation. Similarly, competent authorities, professional organizations and others are encouraged to develop national or professionally-specific guidelines that build upon the letter and spirit of the present Guidelines.

### **III. Scope of the guidelines**

26. The present Guidelines apply to the appropriate use and conditions of alternative formal care for all persons under the age of 18 years, unless under the law applicable to the child majority is attained earlier. Only where indicated do the Guidelines also apply to informal care settings, having due regard for both the important role played by the extended family and community and the obligations of States for all children not in the care of their

parents or legal and customary caregivers, as set out in the Convention on the Rights of the Child.

27. Principles in the present Guidelines are also applicable, as appropriate, to young persons already in alternative care and who need continuing care or support for a transitional period after reaching the age of majority under applicable law.

28. For the purposes of the present Guidelines, and subject notably to the exceptions listed in paragraph 29 below, the following definitions shall apply:

(a) Children without parental care: all children not in the overnight care of at least one of their parents, for whatever reason and under whatever circumstances. Children without parental care who are outside their country of habitual residence or victims of emergency situations may be designated as:

(i) “Unaccompanied” if they are not cared for by another relative or an adult who by law or custom is responsible for doing so; or

(ii) “Separated” if they are separated from a previous legal or customary primary caregiver, but who may nevertheless be accompanied by another relative.

(b) Alternative care may take the form of:

(i) Informal care: any private arrangement provided in a family environment, whereby the child is looked after on an ongoing or indefinite basis by relatives or friends (informal kinship care) or by others in their individual capacity, at the initiative of the child, his/her parents or other person without this arrangement having been ordered by an administrative or judicial authority or a duly accredited body;

(ii) Formal care: all care provided in a family environment which has been ordered by a competent administrative body or judicial authority, and all care provided in a residential environment, including in private facilities, whether or not as a result of administrative or judicial measures.

(c) With respect to the environment where it is provided, alternative care may be:

(i) Kinship care: family-based care within the child’s extended family or with close friends of the family known to the child, whether formal or informal in nature;

(ii) Foster care: situations where children are placed by a competent authority for the purpose of alternative care in the domestic environment of a family other than the children’s own family, that has been selected, qualified, approved and supervised for providing such care;

(iii) Other forms of family-based or family-like care placements;

(iv) Residential care: care provided in any non-family-based group setting, such as places of safety for emergency care, transit centres in emergency situations, and all other short and long-term residential care facilities including group homes;

(v) Supervised independent living arrangements for children.

(d) With respect to those responsible for alternative care:

(i) Agencies are the public or private bodies and services that organize alternative care for children;

(ii) Facilities are the individual public or private establishments that provide residential care for children.

29. The scope of alternative care as foreseen in the present Guidelines does not extend, however, to:

(a) Persons under the age of 18 years who are deprived of their liberty by decision of a judicial or administrative authority as a result of being alleged as, accused of or recognized as having infringed the law, and whose situation is covered by the United Nations Standard Minimum Rules for the Administration of Juvenile Justice and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Care by adoptive parents from the moment the child concerned is effectively placed in their custody pursuant to a final adoption order, as of which moment, for the purposes of the present Guidelines, the child is considered to be in parental care. The Guidelines are, however, applicable to pre-adoption or probationary placement of a child with the prospective adoptive parents, as far as they are compatible with requirements governing such placements as stipulated in other relevant international instruments;

(c) Informal arrangements whereby a child voluntarily stays with relatives or friends for recreational purposes and reasons not connected with the parents' general inability or unwillingness to provide adequate care.

30. Competent authorities and others concerned are also encouraged to make use of the present Guidelines, as applicable, at boarding schools, hospitals, centres for children with mental and physical disabilities or other special needs, camps, the workplace and other places which may be responsible for the care of children.

## **IV. Preventing the need for alternative care**

### **A. Promoting parental care**

31. States should pursue policies that ensure support for families in meeting their responsibilities towards the child and promote the right of the child to have a relationship with both parents. These policies should address the root causes of child abandonment, relinquishment and separation of the child from his/her family by ensuring, inter alia, the right to birth registration, access to adequate housing and to basic health, education and social welfare services, as well as by promoting measures to combat poverty, discrimination, marginalization, stigmatization, violence, child maltreatment and sexual abuse, and substance abuse.

32. States should develop and implement consistent and mutually reinforcing family-oriented policies designed to promote and strengthen parents' ability to care for their children.

33. States should implement effective measures to prevent child abandonment, relinquishment and separation of the child from his/her family. Social policies and programmes should, inter alia, empower families with attitudes, skills, capacities and tools to enable them to provide adequately for the protection, care and development of their children. The complementary capacities of the State and civil society, including non-governmental and community-based organizations, religious leaders and the media should be engaged to this end. These social protection measures should include:

(a) Family strengthening services, such as parenting courses and sessions, the promotion of positive parent-child relationships, conflict resolution skills, opportunities for employment, income-generation and, where required, social assistance;

(b) Supportive social services, such as day care, mediation and conciliation services, substance abuse treatment, financial assistance, and services for parents and

children with disabilities. Such services, preferably of an integrated and non-intrusive nature, should be directly accessible at community level and should actively involve the participation of families as partners, combining their resources with those of the community and the carer;

(c) Youth policies aiming at empowering youth to face positively the challenges of everyday life, including when they decide to leave the parental home, and preparing future parents to make informed decisions regarding their sexual and reproductive health and to fulfil their responsibilities in this respect.

34. Various complementary methods and techniques should be used for family support, varying throughout the process of support, such as home visits, group meetings with other families, case conferences and securing commitments by the family concerned. They should be directed towards both facilitating intrafamilial relationships and promoting the family's integration within its community.

35. Special attention should be paid, in accordance with local laws, to the provision and promotion of support and care services for single and adolescent parents and their children, whether or not born out of wedlock. States should ensure that adolescent parents retain all rights inherent to their status both as parents and as children, including access to all appropriate services for their own development, allowances to which parents are entitled, and their inheritance rights. Measures should be adopted to ensure the protection of pregnant adolescents and to guarantee that they do not interrupt their studies. Efforts should also be made to reduce stigma attached to single and adolescent parenthood.

36. Support and services should be available to siblings who have lost their parents or caregivers and choose to remain together in their household, to the extent that the eldest sibling is both willing and deemed capable of acting as the household head. States should ensure, including through the appointment of a legal guardian, a recognized responsible adult or, where appropriate, a public body legally mandated to act as guardian, as stipulated in paragraph 18 above, that such households benefit from mandatory protection from all forms of exploitation and abuse, and supervision and support on the part of the local community and its competent services, such as social workers, with particular concern for the children's health, housing, education and inheritance rights. Special attention should be given to ensuring the head of such a household retains all rights inherent to his/her child status, including access to education and leisure, in addition to his/her rights as a household head.

37. States should ensure opportunities for day care, including all-day schooling, and respite care which would enable parents better to cope with their overall responsibilities towards the family, including additional responsibilities inherent in caring for children with special needs.

#### **Preventing family separation**

38. Proper criteria based on sound professional principles should be developed and consistently applied for assessing the child's and family's situation, including the family's actual and potential capacity to care for the child, in cases where the competent authority or agency has reasonable grounds to believe that the well-being of the child is at risk.

39. Decisions regarding removal or reintegration should be based on this assessment and made by suitably qualified and trained professionals, on behalf of or authorized by a competent authority, in full consultation with all concerned and bearing in mind the need to plan for the child's future.

40. States are encouraged to adopt measures for the integral protection and guarantee of rights during pregnancy, birth and the breastfeeding period, in order to ensure conditions of

dignity and equality for the adequate development of the pregnancy and care of the child. Therefore, support programmes should be provided to future mothers and fathers, particularly adolescent parents, who have difficulties in exercising their parental responsibilities. Such programmes should aim at empowering mothers and fathers to exercise their parental responsibilities in conditions of dignity, and at avoiding their being induced to surrender their child because of their vulnerability.

41. When a child is relinquished or abandoned, States should ensure that this may take place in conditions of confidentiality and safety for the child, respecting his/her right to access information on his/her origins where appropriate and possible under the law of the State.

42. States should formulate clear policies to address situations where a child has been abandoned anonymously, which indicate whether and how family tracing should be undertaken and reunification or placement within the extended family pursued. Policies should also allow for timely decision-making on the child's eligibility for permanent family placement and for arranging such placements expeditiously.

43. When a public or private agency or facility is approached by a parent or legal guardian wishing to relinquish a child permanently, the State should ensure that the family receives counselling and social support to encourage and enable them to continue to care for the child. If this fails, a social worker or other appropriate professional assessment should be undertaken to determine whether there are other family members who wish to take permanent responsibility for the child, and whether such arrangements would be in the child's best interests. Where such arrangements are not possible or in the child's best interests, efforts should be made to find a permanent family placement within a reasonable period.

44. When a public or private agency or facility is approached by a parent or caregiver wishing to place a child in care for a short or indefinite period, the State should ensure the availability of counselling and social support to encourage and enable them to continue to care for the child. A child should be admitted to alternative care only when such efforts have been exhausted and acceptable and justified reasons for entry into care exist.

45. Specific training should be provided to teachers and others working with children, in order to help them to identify situations of abuse, neglect, exploitation or risk of abandonment and to refer such situations to competent bodies.

46. Any decision to remove a child against the will of his/her parents must be made by competent authorities, in accordance with applicable law and procedures and subject to judicial review, the parents being assured the right of appeal and access to appropriate legal representation.

47. When the child's sole or main carer may be the subject of deprivation of liberty as a result of preventive detention or sentencing decisions, non-custodial remand measures and sentences should be taken in appropriate cases wherever possible, the best interests of the child being given due consideration. States should take into account the best interests of the child when deciding whether to remove children born in prison and children living in prison with a parent. The removal of such children should be treated in the same way as other instances where separation is considered. Best efforts should be made to ensure that children remaining in custody with their parent benefit from adequate care and protection, while guaranteeing their own status as free individuals and access to activities in the community.

## **B. Promoting family reintegration**

48. In order to prepare and support the child and the family for his/her possible return to the family, his/her situation should be assessed by a duly designated individual or team with access to multidisciplinary advice, in consultation with the different actors involved (the child, the family, the alternative caregiver), so as to decide whether the reintegration of the child in the family is possible and in the best interests of the child, which steps this would involve and under whose supervision.

49. The aims of the reintegration and the family's and alternative caregiver's principal tasks in this respect should be set out in writing and agreed on by all concerned.

50. Regular and appropriate contact between the child and his/her family specifically for the purpose of reintegration should be developed, supported and monitored by the competent body.

51. Once decided, reintegration of the child in his/her family should be designed as a gradual and supervised process, accompanied by follow-up and support measures that take account of the child's age, needs and evolving capacities, as well as the cause of the separation.

## **V. Framework of care provision**

52. In order to meet the specific psychoemotional, social and other needs of each child without parental care, States should take all necessary measures to ensure that the legislative, policy and financial conditions exist to provide for adequate alternative care options, with priority to family- and community-based solutions.

53. States should ensure the availability of a range of alternative care options, consistent with the general principles of the present Guidelines, for emergency, short-term and long-term care.

54. States should ensure that all entities and individuals engaged in the provision of alternative care for children receive due authorization to do so from a competent authority and be subject to the latter's regular monitoring and review in keeping with the present Guidelines. To this end, these authorities should develop appropriate criteria for assessing the professional and ethical fitness of care providers and for their accreditation, monitoring and supervision.

55. With regard to informal care arrangements for the child, whether within the extended family, with friends or with other parties, States should, where appropriate, encourage such carers to notify the competent authorities accordingly so that they and the child may receive any necessary financial and other support that would promote the child's welfare and protection. Where possible and appropriate, States should encourage and enable informal caregivers, with the consent of the child and parents concerned, to formalize the care arrangement after a suitable lapse of time, to the extent that the arrangement has proved to be in the child's best interests to date and is expected to continue in the foreseeable future.

## **VI. Determination of the most appropriate form of care**

56. Decision-making on alternative care in the best interests of the child should take place through a judicial, administrative or other adequate and recognized procedure, with legal safeguards, including, where appropriate, legal representation on behalf of children in any legal proceedings. It should be based on rigorous assessment, planning and review,

through established structures and mechanisms, and carried out on a case-by-case basis, by suitably qualified professionals in a multidisciplinary team, wherever possible. It should involve full consultation at all stages with the child, according to his/her evolving capacities, and with his/her parents or legal guardians. To this end, all concerned should be provided with the necessary information on which to base their opinion. States should make every effort to provide adequate resources and channels for the training and recognition of the professionals responsible for determining the best form of care so as to facilitate compliance with these provisions.

57. Assessment should be carried out expeditiously, thoroughly and carefully. It should take into account the child's immediate safety and well-being, as well as his/her longer-term care and development, and should cover the child's personal and developmental characteristics, ethnic, cultural, linguistic and religious background, family and social environment, medical history and any special needs.

58. The resulting initial and review reports should be used as essential tools for planning decisions from the time of their acceptance by the competent authorities onwards, with a view to, *inter alia*, avoiding undue disruption and contradictory decisions.

59. Frequent changes in care setting are detrimental to the child's development and ability to form attachments, and should be avoided. Short-term placements should aim at enabling an appropriate permanent solution to be arranged. Permanency for the child should be secured without undue delay through reintegration in his/her nuclear or extended family or, if this is not possible, in an alternative stable family setting or, where paragraph 20 above applies, in stable and appropriate residential care.

60. Planning for care provision and permanency should be carried out from the earliest possible time, ideally before the child enters care, taking into account the immediate and longer-term advantages and disadvantages of each option considered, and should comprise short- and long-term propositions.

61. Planning for care provision and permanency should be based on, notably, the nature and quality of the child's attachment to his/her family; the family's capacity to safeguard the child's well-being and harmonious development; the child's need or desire to feel part of a family; the desirability of the child remaining within his/her community and country; his/her cultural, linguistic and religious background; and relationships with siblings, with a view to avoiding their separation.

62. The plan should clearly state, *inter alia*, the goals of the placement and the measures to achieve them.

63. The child and his/her parents or legal guardians should be fully informed about the alternative care options available, the implications of each option and their rights and obligations in the matter.

64. The preparation, enforcement and evaluation of a protective measure for a child should be carried out, to the greatest extent possible, with the participation of his/her parents or legal guardians and potential foster carers and caregivers, with respect to his/her particular needs, convictions and special wishes. At the request of the child, parents or legal guardians, other important persons in the child's life may also be consulted in any decision-making process, at the discretion of the competent authority.

65. States should ensure that any child who has been placed in alternative care by a properly constituted court, tribunal or administrative or other competent body, as well as his/her parents or others with parental responsibility, are given the opportunity to make representations on the placement decision before a court, are informed of their rights to make such representations and are assisted in doing so.

66. States should ensure the right of any child who has been placed in temporary care to regular and thorough review — preferably at least every three months — of the appropriateness of his/her care and treatment, taking into account notably his/her personal development and any changing needs, developments in his/her family environment, and the adequacy and necessity of the current placement in these lights. The review should be carried out by duly qualified and authorized persons, and fully involve the child and all relevant persons in the child's life.

67. The child should be prepared for all changes of care settings resulting from the planning and review processes.

## **VII. Provision of alternative care**

### **A. Policies**

68. It is a responsibility of the State or appropriate level of government to ensure the development and implementation of coordinated policies regarding formal and informal care for all children who are without parental care. Such policies should be based on sound information and statistical data. They should define a process for determining who has responsibility for a child, taking into account the role of the child's parents or principal caregivers in his/her protection, care and development. Presumptive responsibility, unless shown to be otherwise, is with the child's parents or principal caregivers.

69. All State entities involved in the referral of, and assistance to, children without parental care, in cooperation with civil society, should adopt policies and procedures which favour information-sharing and networking between agencies and individuals in order to ensure effective care, aftercare and protection for these children. The location and/or design of the agency responsible for the oversight of alternative care should be established so as to maximize its accessibility to those who require the services provided.

70. Special attention should be paid to the quality of alternative care provision, both in residential and family-based care, in particular with regard to the professional skills, selection, training and supervision of carers. Their role and functions should be clearly defined and clarified with respect to those of the child's parents or legal guardians.

71. In each country, the competent authorities should draw up a document setting out the rights of children in alternative care in keeping with the present Guidelines. Children in alternative care should be enabled to understand fully the rules, regulations and objectives of the care setting and their rights and obligations therein.

72. All alternative care provision should be based on a written statement of the provider's aims and objectives in providing the service and the nature of their responsibilities to the child that reflects the standards set by the Convention on the Rights of the Child, the present Guidelines and applicable law. All providers should be appropriately qualified or approved in accordance with legal requirements to provide alternative care services.

73. A regulatory framework should be established to ensure a standard process for the referral or admission of a child to an alternative care setting.

74. Cultural and religious practices regarding provision of alternative care, including those related to gender perspectives, should be respected and promoted to the extent that they can be shown to be consistent with the children's rights and best interests. The process of considering whether such practices should be promoted should be carried out in a broadly participatory way, involving the cultural and religious leaders concerned,

professionals and those caring for children without parental care, parents and other relevant stakeholders, as well as the children themselves.

## **1. Informal care**

75. With a view to ensuring that appropriate conditions of care are met in informal care provided by individuals or families, States should recognize the role played by this type of care and take adequate measures to support its optimal provision on the basis of an assessment of which particular settings may require special assistance or oversight.

76. Competent authorities should, where appropriate, encourage informal carers to notify the care arrangement and should seek to ensure their access to all available services and benefits likely to assist them in discharging their duty to care for and protect the child.

77. The State should recognize the de facto responsibility of informal carers for the child.

78. States should devise special and appropriate measures designed to protect children in informal care from abuse, neglect, child labour and all other forms of exploitation, with particular attention to informal care provided by non-relatives, by relatives previously unknown to the child or far from the child's habitual place of residence.

## **2. General conditions applying to all forms of formal alternative care arrangements**

79. The transfer of a child into alternative care should be carried out with the utmost sensitivity and in a child-friendly manner, in particular involving specially trained and, in principle, non-uniformed personnel.

80. When a child is placed in alternative care, contact with his/her family, as well as with other persons close to him or her, such as friends, neighbours and previous carers, should be encouraged and facilitated, in keeping with the child's protection and best interests. The child should have access to information on the situation of his/her family members in the absence of contact with them.

81. States should pay special attention to ensuring that children in alternative care because of parental imprisonment or prolonged hospitalization have the opportunity to maintain contact with their parents and receive any necessary counselling and support in that regard.

82. Carers should ensure that children receive adequate amounts of wholesome and nutritious food in accordance with local dietary habits and relevant dietary standards, as well as with the child's religious beliefs. Appropriate nutritional supplementation should also be provided when necessary.

83. Carers should promote the health of the children for whom they are responsible and make arrangements to ensure that medical care, counselling and support are made available as required.

84. Children should have access to formal, non-formal and vocational education in accordance with their rights, to the maximum extent possible in educational facilities in the local community.

85. Carers should ensure that the right of every child, including children with disabilities, living with or affected by HIV/AIDS or having any other special needs, to develop through play and leisure activities is respected and that opportunities for such activities are created within and outside the care setting. Contacts with the children and others in the local community should be encouraged and facilitated.

86. The specific safety, health, nutritional, developmental and other needs of babies and young children, including those with special needs, should be catered for in all care settings, including ensuring their ongoing attachment to a specific carer.
87. Children should be allowed to satisfy the needs of their religious and spiritual life, including by receiving visits from a qualified representative of their religion, and to freely decide to participate or not in religious services, religious education or counselling. The child's own religious background should be respected, and no child should be encouraged or persuaded to change his/her religion or belief during a care placement.
88. All adults responsible for children should respect and promote the right to privacy, including appropriate facilities for hygiene and sanitary needs, respecting gender differences and interaction, and adequate, secure and accessible storage space for personal possessions.
89. Carers should understand the importance of their role in developing positive, safe and nurturing relationships with children, and be able to do so.
90. Accommodation in all alternative care settings should meet the requirements of health and safety.
91. States must ensure through their competent authorities that accommodation provided to children in alternative care, and their supervision in such placements, enable them to be effectively protected against abuse. Particular attention needs to be paid to the age, maturity and degree of vulnerability of each child in determining his/her living arrangements. Measures aimed at protecting children in care should be in conformity with the law and not involve unreasonable constraints on their liberty and conduct in comparison with children of similar age in their community.
92. All alternative care settings should provide adequate protection to children from abduction, trafficking, sale and all other forms of exploitation. Any consequent constraints on their liberty and conduct should be no more than are strictly necessary to ensure their effective protection from such acts.
93. All carers should promote and encourage children and young people to develop and exercise informed choices, taking account of acceptable risks and the child's age, and according to his/her evolving capacities.
94. States, agencies and facilities, schools and other community services should take appropriate measures to ensure that children in alternative care are not stigmatized during or after their placement. This should include efforts to minimize the identification of the child as being looked after in an alternative care setting.
95. All disciplinary measures and behaviour management constituting torture, cruel, inhuman or degrading treatment, including closed or solitary confinement or any other forms of physical or psychological violence that are likely to compromise the physical or mental health of the child, must be strictly prohibited in conformity with international human rights law. States must take all necessary measures to prevent such practices and ensure that they are punishable by law. Restriction of contact with members of the child's family and other persons of special importance to the child should never be used as a sanction.
96. Use of force and restraints of whatever nature should not be authorized unless strictly necessary for safeguarding the child's or others' physical or psychological integrity, in conformity with the law and in a reasonable and proportionate manner and with respect for the fundamental rights of the child. Restraint by means of drugs and medication should be based on therapeutic needs and should never be employed without evaluation and prescription by a specialist.

97. Children in care should be offered access to a person of trust in whom they may confide in total confidentiality. This person should be designated by the competent authority with the agreement of the child concerned. The child should be informed that legal or ethical standards may require breaching confidentiality under certain circumstances.

98. Children in care should have access to a known, effective and impartial mechanism whereby they can notify complaints or concerns regarding their treatment or conditions of placement. Such mechanisms should include initial consultation, feedback, implementation and further consultation. Young people with previous care experience should be involved in this process, due weight being given to their opinions. This process should be conducted by competent persons trained to work with children and young people.

99. To promote the child's sense of self-identity, a life story book comprising appropriate information, pictures, personal objects and mementoes regarding each step of the child's life should be maintained with the child's participation and made available to the child throughout his/her life.

## **B. Legal responsibility for the child**

100. In situations where the child's parents are absent or are incapable of making day-to-day decisions in the best interests of the child, and the child's placement in alternative care has been ordered or authorized by a competent administrative body or judicial authority, a designated individual or competent entity should be vested with the legal right and responsibility to make such decisions in the place of parents, in full consultation with the child. States should ensure that a mechanism is in place for designating such an individual or entity.

101. Such legal responsibility should be attributed by the competent authorities and be supervised directly by them or through formally accredited entities, including non-governmental organizations. Accountability for the actions of the individual or entity concerned should lie with the designating body.

102. Persons exercising such legal responsibility should be reputable individuals with relevant knowledge of children's issues, an ability to work directly with children, and an understanding of any special and cultural needs of the children to be entrusted to them. They should receive appropriate training and professional support in this regard. They should be in a position to make independent and impartial decisions that are in the best interests of the children concerned and that promote and safeguard each child's welfare.

103. The role and specific responsibilities of the designated person or entity should include:

- (a) Ensuring that the rights of the child are protected and that, in particular, the child has appropriate care, accommodation, health-care provision, developmental opportunities, psychosocial support, education and language support;
- (b) Ensuring that the child has access to legal and other representation where necessary, consulting with the child so that the child's views are taken into account by decision-making authorities, and advising and keeping the child informed of his/her rights;
- (c) Contributing to the identification of a stable solution in the child's best interests;
- (d) Providing a link between the child and various organizations that may provide services to the child;
- (e) Assisting the child in family tracing;

- (f) Ensuring that, if repatriation or family reunification is carried out, it is done in the best interests of the child;
- (g) Helping the child to keep in touch with his/her family, when appropriate.

**1. Agencies and facilities responsible for formal care**

104. Legislation should stipulate that all agencies and facilities must be registered and authorized to operate by social welfare services or another competent authority, and that failure to comply with such legislation constitutes an offence punishable by law. Authorization should be granted and regularly reviewed by the competent authorities on the basis of standard criteria covering, at a minimum, the agency's or facility's objectives, functioning, staff recruitment and qualifications, conditions of care and financial resources and management.

105. All agencies and facilities should have written policy and practice statements consistent with the present Guidelines, setting out clearly their aims, policies, methods and the standards applied for the recruitment, monitoring, supervision and evaluation of qualified and suitable carers to ensure that those aims are met.

106. All agencies and facilities should develop a staff code of conduct, consistent with the present Guidelines, that defines the role of each professional and of the carers in particular and includes clear reporting procedures on allegations of misconduct by any team member.

107. The forms of financing care provision should never be such as to encourage a child's unnecessary placement or prolonged stay in care arrangements organized or provided by an agency or facility.

108. Comprehensive and up-to-date records should be maintained regarding the administration of alternative care services, including detailed files on all children in their care, staff employed and financial transactions.

109. The records on children in care should be complete, up to date, confidential and secure, and include information on their admission and departure and the form, content and details of the care placement of each child, together with any appropriate identity documents and other personal information. Information on the child's family should be included in the child's file as well as in the reports based on regular evaluations. This record should follow the child throughout the alternative care period and be consulted by duly authorized professionals responsible for his/her current care.

110. The above-mentioned records could be made available to the child, as well as to the parents or guardians, within the limits of the child's right to privacy and confidentiality, as appropriate. Appropriate counselling should be provided before, during and after consultation of the record.

111. All alternative care services should have a clear policy on maintaining the confidentiality of information pertaining to each child, which all carers are aware of and adhere to.

112. As a matter of good practice, all agencies and facilities should systematically ensure that, prior to employment, carers and other staff in direct contact with children undergo an appropriate and comprehensive assessment of their suitability to work with children.

113. Conditions of work, including remuneration, for carers employed by agencies and facilities should be such as to maximize motivation, job satisfaction and continuity, and hence their disposition to fulfil their role in the most appropriate and effective manner.

114. Training should be provided to all carers on the rights of children without parental care and on the specific vulnerability of children, in particularly difficult situations, such as emergency placements or placements outside their area of habitual residence. Cultural, social, gender and religious sensitization should also be assured. States should also provide adequate resources and channels for the recognition of these professionals in order to favour the implementation of these provisions.

115. Training in dealing appropriately with challenging behaviour, including conflict resolution techniques and means to prevent acts of harm or self-harm, should be provided to all care staff employed by agencies and facilities.

116. Agencies and facilities should ensure that, wherever appropriate, carers are prepared to respond to children with special needs, notably those living with HIV/AIDS or other chronic physical or mental illnesses, and children with physical or mental disabilities.

## 2. Foster care

117. The competent authority or agency should devise a system, and should train concerned staff accordingly, to assess and match the needs of the child with the abilities and resources of potential foster carers and to prepare all concerned for the placement.

118. A pool of accredited foster carers should be identified in each locality, who can provide children with care and protection while maintaining ties to family, community and cultural group.

119. Special preparation, support and counselling services for foster carers should be developed and made available to carers at regular intervals, before, during and after the placement.

120. Carers should have, within fostering agencies and other systems involved with children without parental care, the opportunity to make their voice heard and to influence policy.

121. Encouragement should be given to the establishment of associations of foster carers that can provide important mutual support and contribute to practice and policy development.

## C. Residential care

122. Facilities providing residential care should be small and organized around the rights and needs of the child, in a setting as close as possible to a family or small group situation. Their objective should generally be to provide temporary care and to contribute actively to the child's family reintegration or, if this is not possible, to secure his/her stable care in an alternative family setting, including through adoption or *kafala* of Islamic law, where appropriate.

123. Measures should be taken so that, where necessary and appropriate, a child solely in need of protection and alternative care may be accommodated separately from children who are subject to the criminal justice system.

124. The competent national or local authority should establish rigorous screening procedures to ensure that only appropriate admissions to such facilities are made.

125. States should ensure that there are sufficient carers in residential care settings to allow individualized attention and to give the child, where appropriate, the opportunity to bond with a specific carer. Carers should also be deployed within the care setting in such a way as to implement effectively its aims and objectives and ensure child protection.

126. Laws, policies and regulations should prohibit the recruitment and solicitation of children for placement in residential care by agencies, facilities or individuals.

#### **D. Inspection and monitoring**

127. Agencies, facilities and professionals involved in care provision should be accountable to a specific public authority, which should ensure, inter alia, frequent inspections comprising both scheduled and unannounced visits, involving discussion with and observation of the staff and the children.

128. To the extent possible and appropriate, inspection functions should include a component of training and capacity-building for care providers.

129. States should be encouraged to ensure that an independent monitoring mechanism is in place, with due consideration for the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles). The monitoring mechanism should be easily accessible to children, parents and those responsible for children without parental care. The functions of the monitoring mechanism should include:

(a) Consulting in conditions of privacy with children in all forms of alternative care, visiting the care settings in which they live and undertaking investigations into any alleged situation of violation of children's rights in those settings, on complaint or on its own initiative;

(b) Recommending relevant policies to appropriate authorities with the aim of improving the treatment of children deprived of parental care and ensuring that it is in keeping with the preponderance of research findings on child protection, health, development and care;

(c) Submitting proposals and observations concerning draft legislation;

(d) Contributing independently to the reporting process under the Convention on the Rights of the Child, including to periodic State party reports to the Committee on the Rights of the Child with regard to the implementation of the present Guidelines.

#### **E. Support for aftercare**

130. Agencies and facilities should have a clear policy and carry out agreed procedures relating to the planned and unplanned conclusion of their work with children to ensure appropriate aftercare and/or follow-up. Throughout the period of care, they should systematically aim at preparing the child to assume self-reliance and to integrate fully in the community, notably through the acquisition of social and life skills, which are fostered by participation in the life of the local community.

131. The process of transition from care to aftercare should take into consideration the child's gender, age, maturity and particular circumstances and include counselling and support, notably to avoid exploitation. Children leaving care should be encouraged to take part in the planning of aftercare life. Children with special needs, such as disabilities, should benefit from an appropriate support system, ensuring, inter alia, avoidance of unnecessary institutionalization. Both the public and private sectors should be encouraged, including through incentives, to employ children from different care services, particularly children with special needs.

132. Special efforts should be made to allocate to each child, whenever possible, a specialized person who can facilitate his/her independence when leaving care.

133. Aftercare should be prepared as early as possible in the placement and, in any case, well before the child leaves the care setting.

134. Ongoing educational and vocational training opportunities should be imparted as part of life skill education to young people leaving care in order to help them to become financially independent and generate their own income.

135. Access to social, legal and health services, together with appropriate financial support, should also be provided to young people leaving care and during aftercare.

## **VIII. Care provision for children outside their country of habitual residence**

### **A. Placement of a child for care abroad**

136. The present Guidelines should apply to all public and private entities and all persons involved in arrangements for a child to be sent for care to a country other than his/her country of habitual residence, whether for medical treatment, temporary hosting, respite care or any other reason.

137. States concerned should ensure that a designated body has responsibility for determining specific standards to be met regarding, in particular, the criteria for selecting carers in the host country and the quality of care and follow-up, as well as for supervising and monitoring the operation of such schemes.

138. To ensure appropriate international cooperation and child protection in such situations, States are encouraged to ratify or accede to the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.

### **B. Provision of care for a child already abroad**

139. The present Guidelines, as well as other relevant international provisions, should apply to all public and private entities and all persons involved in arrangements for a child needing care while in a country other than his/her country of habitual residence, for whatever reason.

140. Unaccompanied or separated children already abroad should in principle enjoy the same level of protection and care as national children in the country concerned.

141. In determining appropriate care provision, the diversity and disparity of unaccompanied or separated children (such as ethnic and migratory background or cultural and religious diversity) should be taken into consideration on a case-by-case basis.

142. Unaccompanied or separated children, including those who arrive irregularly in a country, should not be, in principle, deprived of their liberty solely for having breached any law governing access to and stay within the territory.

143. Child victims of trafficking should neither be detained in police custody nor subjected to penalties for their involvement under compulsion in unlawful activities.

144. As soon as an unaccompanied child is identified, States are strongly encouraged to appoint a guardian or, where necessary, representation by an organization responsible for his/her care and well-being to accompany the child throughout the status determination and decision-making process.

145. As soon as an unaccompanied or separated child is taken into care, all reasonable efforts should be made to trace his/her family and re-establish family ties, when this is in the best interests of the child and would not endanger those involved.

146. In order to assist in planning the future of an unaccompanied or separated child in a manner that best protects his/her rights, relevant State and social service authorities should make all reasonable efforts to procure documentation and information in order to conduct an assessment of the child's risk and social and family conditions in his/her country of habitual residence.

147. Unaccompanied or separated children must not be returned to their country of habitual residence:

(a) If, following the risk and security assessment, there are reasons to believe that the child's safety and security are in danger;

(b) Unless, prior to the return, a suitable caregiver, such as a parent, other relative, other adult caretaker, a Government agency or an authorized agency or facility in the country of origin, has agreed and is able to take responsibility for the child and provide him/her with appropriate care and protection;

(c) If, for other reasons, it is not in their best interests, according to the assessment of the competent authorities.

148. With the above aims in mind, cooperation among States, regions, local authorities and civil society associations should be promoted, strengthened and enhanced.

149. The effective involvement of consular services or, failing that, legal representatives of the country of origin should be foreseen, when this is in the best interests of the child and would not endanger the child or his/her family.

150. Those responsible for the welfare of an unaccompanied or separated child should facilitate regular communication between the child and his/her family, except where this is against the child's wishes or is demonstrably not in his/her best interests.

151. Placement with a view to adoption or *kafala* of Islamic law should not be considered a suitable initial option for an unaccompanied or separated child. States are encouraged to consider this option only after efforts to determine the location of his/her parents, extended family or habitual carers have been exhausted.

## **IX. Care in emergency situations**

### **A. Application of the Guidelines**

152. The present Guidelines should continue to apply in situations of emergency arising from natural and man-made disasters, including international and non-international armed conflicts, as well as foreign occupation. Individuals and organizations wishing to work on behalf of children without parental care in emergency situations are strongly encouraged to operate in accordance with the Guidelines.

153. In such circumstances, the State or de facto authorities in the region concerned, the international community and all local, national, foreign and international agencies providing or intending to provide child-focused services should pay special attention:

(a) To ensure that all entities and persons involved in responding to unaccompanied or separated children are sufficiently experienced, trained, resourceful and equipped to do so in an appropriate manner;

- (b) To develop, as necessary, temporary and long-term family-based care;
- (c) To use residential care only as a temporary measure until family-based care can be developed;
- (d) To prohibit the establishment of new residential facilities structured to provide simultaneous care to large groups of children on a permanent or long-term basis;
- (e) To prevent the cross-border displacement of children, except under the circumstances described in paragraph 159 below;
- (f) To make cooperation with family tracing and reintegration efforts mandatory.

### **Preventing separation**

154. Organizations and authorities should make every effort to prevent the separation of children from their parents or primary caregivers, unless the best interests of the child so require, and ensure that their actions do not inadvertently encourage family separation by providing services and benefits to children alone rather than to families.

155. Separations initiated by the child's parents or other primary caregivers should be prevented by:

- (a) Ensuring that all households have access to basic food and medical supplies and other services, including education;
- (b) Limiting the development of residential care options and restricting their use to those situations where it is absolutely necessary.

## **B. Care arrangements**

156. Communities should be supported to play an active role in monitoring and responding to care and protection issues facing children in their local context.

157. Care within a child's own community, including fostering, should be encouraged, as it provides continuity in socialization and development.

158. As unaccompanied or separated children may be at heightened risk of abuse and exploitation, monitoring and specific support to carers should be foreseen to ensure their protection.

159. Children in emergency situations should not be moved to a country other than that of their habitual residence for alternative care except temporarily for compelling health, medical or safety reasons. In that case, this should be as close as possible to their home, they should be accompanied by a parent or caregiver known to the child, and a clear return plan should be established.

160. Should family reintegration prove impossible within an appropriate period or be deemed contrary to the child's best interests, stable and definitive solutions, such as *kafala* of Islamic law or adoption, should be envisaged; failing this, other long-term options should be considered, such as foster care or appropriate residential care, including group homes and other supervised living arrangements.

## **C. Tracing and family reintegration**

161. Identifying, registering and documenting unaccompanied or separated children are priorities in any emergency and should be carried out as quickly as possible.

162. Registration activities should be conducted by or under the direct supervision of State authorities and explicitly mandated entities with responsibility for and experience in this task.

163. The confidential nature of the information collected should be respected and systems put in place for safe forwarding and storage of information. Information should only be shared among duly mandated agencies for the purpose of tracing, family reintegration and care.

164. All those engaged in tracing family members or primary legal or customary caregivers should operate within a coordinated system, using standardized forms and mutually compatible procedures, wherever possible. They should ensure that the child and others concerned would not be endangered by their actions.

165. The validity of relationships and the confirmation of the willingness of the child and family members to be reunited must be verified for every child. No action should be taken that may hinder eventual family reintegration, such as adoption, change of name, or movement to places far from the family's likely location, until all tracing efforts have been exhausted.

166. Appropriate records of any placement of a child should be made and kept in a safe and secure manner so that reunification can be facilitated in the future.

## **11/8.**

### **Preventable maternal mortality and morbidity and human rights**

*Reaffirming* the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and their Review Conferences and the targets and commitments regarding the reduction of maternal mortality and universal access to reproductive health, including those contained in the 2000 Millennium Declaration (General Assembly resolution 55/2) and the 2005 World Summit Outcome (General Assembly resolution 60/1),

*Reaffirming also* the Millennium Development Goals, in particular the Goals on improving maternal health, promoting gender equality and empowering women, reducing child and infant mortality and the development of a global partnership,<sup>1</sup>

*Recalling* the obligations of States parties to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Protection of the Rights of All Migrant Workers and Their Families,

*Convinced* that increased political will and commitment, cooperation and technical assistance at the international and national levels are urgently required to reduce the unacceptably high global rate of preventable maternal mortality and morbidity,

*Recognizing* the leading role of the World Health Organization in maternal health and the work under the annual World Health Assembly agenda item on the monitoring of the achievement of the health-related Millennium Development Goals,

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<sup>1</sup> Millennium Development Goals 5, 3, 4 and 8, respectively.

*Recognizing also* that the unacceptably high global rate of preventable maternal mortality and morbidity is a health, development and human rights challenge, and that a human rights analysis of preventable maternal mortality and morbidity and the integration of a human rights perspective in international and national responses to maternal mortality and morbidity could contribute positively to the common goal of reducing this rate, with a view to eliminating preventable maternal mortality and morbidity,

*Welcoming* the ongoing efforts of the United Nations human rights treaty bodies to highlight the human rights aspects of preventable maternal mortality and morbidity, including those of the Committee on the Elimination of Discrimination against Women, the Human Rights Committee, the Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights, and of the special procedures, in particular those described in the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/61/338),

*Recognizing* that the Council has a constructive role to play in raising awareness of the human rights aspects of the unacceptably high global rate of maternal mortality and morbidity and in supporting, promoting and enhancing existing national and international efforts to reduce this rate,

*Welcoming* its initiative to hold an interactive dialogue at its eighth regular session on maternal mortality and the human rights of women, on 5 June 2008,

*Recognizing* that preventable maternal mortality and morbidity affects women and their families in all regions and cultures, and that it is exacerbated by factors such as poverty, gender inequality, age and multiple forms of discrimination, as well as factors such as lack of access to adequate health facilities and technology, and lack of infrastructure,

1. *Expresses grave concern* at the unacceptably high global rate of preventable maternal mortality and morbidity, noting in this regard that the World Health Organization has assessed that over 1,500 women and girls die every day as a result of preventable complications occurring before, during and after pregnancy and childbirth, and that, globally, maternal mortality is the leading cause of death among women and of girls of reproductive age;

2. *Recognizes* that most instances of maternal mortality and morbidity are preventable, and that preventable maternal mortality and morbidity is a health, development and human rights challenge that also requires the effective promotion and protection of the human rights of women and girls, in particular their rights to life, to be equal in dignity, to education, to be free to seek, receive and impart information, to enjoy the benefits of scientific progress, to freedom from discrimination, and to enjoy the highest attainable standard of physical and mental health, including sexual and reproductive health;

3. *Requests* all States to renew their political commitment to eliminating preventable maternal mortality and morbidity at the local, national, regional and international levels, and to redouble their efforts to ensure the full and effective implementation of their human rights obligations, the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and their review conferences, and the Millennium Declaration and the Millennium Development Goals, in particular the Goals on improving maternal health and promoting gender equality and empowering women,<sup>2</sup> including through the allocation of necessary domestic resources to health systems;

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<sup>2</sup> Millennium Development Goals 5 and 3.

4. *Also requests* States to give renewed emphasis to maternal mortality and morbidity initiatives in their development partnerships and cooperation arrangements, including by honouring existing commitments and considering new commitments, and the exchange of effective practices and technical assistance to strengthen national capacities, as well as to integrate a human rights perspective into such initiatives, addressing the impact that discrimination against women has on maternal mortality and morbidity;

5. *Encourages* States and other relevant stakeholders, including national human rights institutions and non-governmental organizations, to give increased attention and resources to preventable maternal mortality and morbidity in their engagement with the United Nations human rights system, including with the human rights treaty bodies, the universal periodic review and special procedures;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a thematic study on preventable maternal mortality and morbidity and human rights, in consultation with States, the World Health Organization, the United Nations Population Fund, the United Nations Children's Fund, the World Bank and all other relevant stakeholders, and requests that the study include identification of the human rights dimensions of preventable maternal mortality and morbidity in the existing international legal framework; an overview of initiatives and activities within the United Nations system to address all causes of preventable maternal mortality and morbidity; identification of how the Council can add value to existing initiatives through a human rights analysis, including efforts to achieve the Millennium Development Goal on improving maternal health,<sup>3</sup> and recommended options for better addressing the human rights dimension of preventable maternal mortality and morbidity throughout the United Nations system;

7. *Decides* to address the thematic study requested in paragraph 6 above within the programme of work of its fourteenth session, and to consider taking further possible action on preventable maternal mortality and morbidity and human rights at that session, and invites the Office of the High Commissioner, the World Health Organization, the United Nations Population Fund and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to participate in an interactive dialogue on the study in the Council.

*27th meeting*

*17 June 2009*

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

## **11/9.**

### **The human rights of migrants in detention centres**

*The Human Rights Council,*

*Recalling* previous resolutions of the General Assembly, the Commission on Human Rights and the Council on the protection of the human rights of migrants and the work of various special mechanisms of the Council that have reported on the situation of human rights and fundamental freedoms of migrants, particularly those held in detention centres,

*Aware* of the report of the Special Rapporteur on the human rights of migrants (A/HRC/11/7), which focuses on the protection of children in the context of migration,

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<sup>3</sup> Millennium Development Goal 5.

Aware also of the report of the Working Group on Arbitrary Detention (A/HRC/7/4),

*Emphasizing* the importance of addressing the situation of migrants in detention centres and in administrative detention, which creates conditions for the potential violation of their human rights, through a comprehensive, integrated, concerted and balanced approach,

1. *Decides* to hold a panel discussion on the matter at its twelfth session, with equitable geographic and gender participation of Governments, relevant experts and representatives of civil society, including national institutions;

2. *Invites* the members of the above-mentioned panel:

(a) To discuss the current trends, good practices, challenges and possible approaches to address the issue of the detention of migrants and to explore ways to promote and protect their human rights;

(b) To elaborate on how to reduce the recourse to and duration of detention of persons who enter or remain in a country in an irregular manner, as well as on how to provide them with appropriate access to due legal process;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the necessary assistance and support for holding the panel.

*29th meeting*

*18 June 2009*

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

## **11/10. Situation of human rights in the Sudan**

*The Human Rights Council,*

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

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

*Recalling* its resolutions 5/1, on institution-building of the 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,

*Reaffirming* Commission on Human Rights resolution 2005/82 of 21 April 2005, and Council resolutions 6/34 and 6/35 of 14 December 2007, 7/16 of 27 March 2008 and 9/17 of 24 September 2008, and calling on the Government of the Sudan to continue and intensify its efforts to implement them,

*Recalling* that, in its resolution 5/1, the Council stipulated that the review, rationalization and improvement of mandates, as well as the creation of new ones, must be guided by the principles of universality, impartiality, objectivity and non-selectivity, thereupon leading to constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,

*Stressing* that resolution 5/1 also provides that every effort should be made to avoid unnecessary duplication,

*Recalling* that the founding principles of the Council are objectivity, non-selectivity and the elimination of double standards and politicization,

1. *Takes note* of the reports of the Special Rapporteur of the situation of human rights in the Sudan (A/HRC/11/14) and on the status of implementation of the recommendations compiled by the Group of Experts on Darfur (A/HRC/11/14/Add.1);

2. *Acknowledges* the progress made in the implementation of the Comprehensive Peace Agreement and the steps taken by the Government of National Unity to strengthen the human rights legal and institutional framework, principally in law reform, and urges the Government to intensify those efforts;

3. *Also acknowledges* the decision of the Government of National Unity to hold general elections in February 2010, in accordance with the provisions of the Comprehensive Peace Agreement, and expresses its hope that the elections will lead to the democratic and peaceful devolution of power;

4. *Calls on* the Government of National Unity to continue and intensify its efforts for the promotion and protection of human rights by taking all possible concrete steps to improve the human rights situation;

5. *Stresses* the primary responsibility of the Government of National Unity to protect all its citizens;

6. *Welcomes* the initial measures taken by the Government of National Unity to implement the recommendations of the Group of Experts and to address human rights concerns, including the deployment of police personnel in Darfur and the sentencing of several perpetrators of serious violations of human rights, but notes that a number of the recommendations have not yet been implemented;

7. *Reiterates* its call upon the signatories of the Darfur Peace Agreement to comply with their obligations under the Agreement, and calls upon non-signatory parties to join in and to commit themselves to the peace process in compliance with relevant United Nations resolutions;

8. *Recalls* that the Darfur Peace Agreement stipulates the principles of enhancing accountability and preventing impunity;

9. *Commends* the completion of the nation-wide population census as a prerequisite condition for holding national general elections;

10. *Welcomes* the submission by the Government of National Unity on the Abyei dispute to the Permanent Court of Arbitration;

11. *Notes with appreciation* that the Government of National Unity has approved the deployment of more than seventy-five human rights monitors all over the country;

12. *Welcomes* the invitation of the Government of National Unity to the United Nations High Commissioner for Human Rights to visit the country;

13. *Takes note* of the press statement on the consultative meeting between the Government of National Unity, the African Union, the League of Arab States and the Organization of the Islamic Conference, in which they took note of, inter alia, the reports of the African Union-United Nations Hybrid Operation in Darfur;

14. *Also takes note* of the communications, requests, statements and reports issued by the High Commissioner for Human Rights, the Office of the High Commissioner and thematic mandate holders concerning human rights in the Sudan;

15. *Notes* that the terms of reference of the Human Rights Forum include:
- (a) To inform the Government of National Unity in a systematic and timely manner on human rights violations in Darfur identified by the Human Rights Component of the African Union-United Nations Hybrid Operation in Darfur;
  - (b) To seek the best possible means to end human rights violations in Darfur and to identify ways and means to improve the human rights situation in Darfur;
  - (c) To provide a forum to discuss projects, activities or initiatives undertaken by the African Union-United Nations Hybrid Operation in Darfur, the Government of National Unity and other actors which support the Government in addressing human rights concerns;
  - (d) To provide an open and constructive forum for the discussion of the Government's implementation of the recommendations of the Group of Experts on Darfur;
  - (e) To obtain support for initiatives aimed at addressing human rights concerns;
16. *Invites* the Office of the High Commissioner to engage itself through the appropriate components of the Forum in following and verifying the human rights situation in Darfur in order to inform the Council on the situation of human rights in the Sudan, as appropriate;
17. *Requests* the Office of the High Commissioner to identify specific priority areas for technical assistance and to evaluate where the Government of National Unity needs technical and financial assistance;
18. *Recognizes* the work of the African Union and existing mechanisms, and calls for greater coordination and elimination of duplication;
19. *Decides* to create the mandate of independent expert on the situation of human rights in the Sudan for a period of one year, who shall assume the mandate and responsibilities set out by the Council in its resolutions 6/34, 6/35, 7/16 and 9/17, requests the independent expert to engage with the newly created human rights forums in the Sudan as well as the human rights sections of the African Union, the United Nations Mission in the Sudan and the African Union-United Nations Hybrid Operation in Darfur and to submit a report to the Council for consideration at its fourteenth session, and requests the Secretary-General to provide the independent expert with all necessary assistance to discharge the mandate fully.
20. *Expresses* its conviction that various human rights mechanisms, by securing the cooperating and fostering dialogue with the Government of National Unity, can effectively and sustainably realize the objective of promotion and protection of human rights in the country, and notes in this context the value of the mechanisms of the universal periodic review.

*29th meeting  
18 June 2009*

[Adopted by a recorded vote of 20 to 18, with 9 abstentions (see part II, chap. IV). The voting was as follows:

*In favour:*

Argentina, Bosnia and Herzegovina, Brazil, Canada, Chile, France, Germany, Italy, Japan, Mauritius, Mexico, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

*Against:*

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

*Abstaining:*

Angola, Bolivia (Plurinational State of), Burkina Faso, Gabon, Ghana, India, Madagascar, Nicaragua, Senegal.]

## **11/11. System of special procedures**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and all other relevant international human rights instruments,

*Bearing in mind* General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council,

*Recalling* its resolutions 5/1 and 5/2 of 18 June 2007 and the annexes thereto on the institution-building of the Council, General Assembly resolution 62/219 of 22 December 2007 and President's statement 8/2 of 18 June 2008,

*Expressing its appreciation* for the valuable contribution of all special procedures to the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, and the need for all mandate holders to act in an objective, independent, non-selective, impartial and non-politicized manner, and recalling the need for all States to cooperate with and assist the special procedures in the performance of their tasks, to provide all information in a timely manner and to respond without undue delay to communications transmitted to them by the special procedures,

1. *Reaffirms* that the code of conduct for special procedures mandate holders is aimed at strengthening the capacity of mandate holders to exercise their functions while enhancing their moral authority and credibility, and that it requires supportive action by all stakeholders, and in particular by States;

2. *Recalls* that it is incumbent on special procedures mandate holders to exercise their functions with full respect for and strict observance of their mandates, as outlined in the relevant Council resolutions providing such mandates, and to comply fully with the provisions of the code of conduct;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights, in accordance with Council resolution 5/2, to assist the special procedures further with a view to contributing to their awareness of and full compliance with the code of conduct;

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

*29th meeting*

*18 June 2009*

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

**11/12.  
Intergovernmental Working Group on the effective implementation of  
the Durban Declaration and Programme of Action**

*The Human Rights Council,*

*Recalling* Commission on Human Rights resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003,

*Recalling also* Council resolution 1/5 of 30 June 2006,

*Stressing* that the Durban Declaration and Programme of Action, adopted on 8 September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, provides a solid basis for combating racism, racial discrimination, xenophobia and related intolerance,

*Acknowledging with appreciation* the outcome document of the Durban Review Conference, held in the framework of the General Assembly from 20 to 24 April 2009, including paragraph 124 thereof,

1. *Decides* to extend the mandate of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action for a period of three years;

2. *Also decides* to remain seized of this matter under the relevant agenda item.

*29th meeting*

*18 June 2009*

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

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

### 11/101.

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

*The Human Rights Council,*

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

*Having conducted* the review of Germany on 2 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Germany which is constituted of the report of the Working Group on the review of Germany (A/HRC/11/15), together with the views of Germany 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/11/37, chap. VI and A/HRC/11/15/Add.1).

*14th meeting*

*9 June 2009*

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

### 11/102.

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

*The Human Rights Council,*

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

*Having conducted* the review of Djibouti on 2 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Djibouti which is constituted of the report of the Working Group on the review of Djibouti (A/HRC/11/16), together with the views of Djibouti 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/11/37, chap. VI).

*14th meeting*

*9 June 2009*

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

**11/103.****Outcome of the universal periodic review: Canada**

*The Human Rights Council,*

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

*Having conducted* the review of Canada on 3 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Canada which is constituted of the report of the Working Group on the review of Canada (A/HRC/11/17), together with the views of Canada 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/11/37, chap. VI and A/HRC/11/17/Add.1).

*14th meeting*

*9 June 2009*

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

**11/104.****Outcome of the universal periodic review: Bangladesh**

*The Human Rights Council,*

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

*Having conducted* the review of Bangladesh on 3 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Bangladesh which is constituted of the report of the Working Group on the review of Bangladesh (A/HRC/11/18), together with the views of Bangladesh 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/11/37, chap. VI and A/HRC/11/18/Add.1).

*15th meeting*

*10 June 2009*

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

**11/105.****Outcome of the universal periodic review: Russian Federation**

*The Human Rights Council,*

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

*Having conducted* the review of the Russian Federation on 4 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on the Russian Federation which is constituted of the report of the Working Group on the review of the Russian Federation (A/HRC/11/19), together with the views of the Russian Federation 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/11/37, chap. VI and A/HRC/11/19/Add.1/Rev.1).

*15th meeting*

*10 June 2009*

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

## **11/106.**

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

*The Human Rights Council,*

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

*Having conducted* the review of Cameroon on 5 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Cameroon which is constituted of the report of the Working Group on the review of Cameroon (A/HRC/11/21), together with the views of Cameroon 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/11/37, chap. VI and A/HRC/11/21/Add.1).

*16th meeting*

*10 June 2009*

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

## **11/107.**

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

*The Human Rights Council,*

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

*Having conducted* the review of Cuba on 5 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Cuba which is constituted of the report of the Working Group on the review of Cuba (A/HRC/11/22), together with the views of Cuba 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/11/37, chap. VI and the additional written information submitted by Cuba).

*16th meeting*

*10 June 2009*

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

## **11/108.**

### **Outcome of the universal periodic review: Saudi Arabia**

*The Human Rights Council,*

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

*Having conducted* the review of Saudi Arabia on 6 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Saudi Arabia which is constituted of the report of the Working Group on the review of Saudi Arabia (A/HRC/11/23), together with the views of Saudi Arabia 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/11/37, chap. VI and A/HRC/11/23/Add.1).

*16th meeting*

*10 June 2009*

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

## **11/109.**

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

*The Human Rights Council,*

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

*Having conducted* the review of Senegal on 6 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Senegal which is constituted of the report of the Working Group on the review of Senegal (A/HRC/11/24), together with the views of Senegal 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/11/37, chap. VI and A/HRC/11/24/Add.1).

*17th meeting*

*11 June 2009*

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

## **11/110.**

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

*The Human Rights Council,*

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

*Having conducted* the review of China on 9 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on China which is constituted of the report of the Working Group on the review of China (A/HRC/11/25), together with the views of China 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/11/37, chap. VI).

*17th meeting*

*11 June 2009*

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

## **11/111.**

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

*The Human Rights Council,*

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

*Having conducted* the review of Azerbaijan on 4 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Azerbaijan which is constituted of the report of the Working Group on the review of Azerbaijan (A/HRC/11/20), together with the views of Azerbaijan 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/11/37, chap. VI and A/HRC/11/20/Add.1).

*18th meeting*

*11 June 2009*

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

## **11/112. Outcome of the universal periodic review: Nigeria**

*The Human Rights Council,*

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

*Having conducted* the review of Nigeria on 9 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Nigeria which is constituted of the report of the Working Group on the review of Nigeria (A/HRC/11/26), together with the views of Nigeria 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/11/37, chap. VI).

*18th meeting*

*11 June 2009*

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

## **11/113. Outcome of the universal periodic review: Mexico**

*The Human Rights Council,*

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

*Having conducted* the review of Mexico on 10 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Mexico which is constituted of the report of the Working Group on the review of Mexico (A/HRC/11/27), together with the views of Mexico 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/11/37, chap. VI and the additional written information submitted by Mexico).

*18th meeting*

*11 June 2009*

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

## **11/114. Outcome of the universal periodic review: Mauritius**

*The Human Rights Council,*

*Acting in compliance* with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006 and Council resolution 5/1 of 18 June 2007, and in

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

*Having conducted* the review of Mauritius on 10 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Mauritius which is constituted of the report of the Working Group on the review of Mauritius (A/HRC/11/28), together with the views of Mauritius 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/11/37, chap. VI and A/HRC/11/28/Add.1).

*18th meeting*

*11 June 2009*

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

## **11/115.**

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

*The Human Rights Council,*

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

*Having conducted* the review of Jordan on 11 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Jordan which is constituted of the report of the Working Group on the review of Jordan (A/HRC/11/29), together with the views of Jordan 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/11/37, chap. VI).

*19th meeting*

*12 June 2009*

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

## **11/116.**

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

*The Human Rights Council,*

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

*Having conducted* the review of Malaysia on 11 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1,

*Adopts* the outcome of the universal periodic review on Malaysia which is constituted of the report of the Working Group on the review of Malaysia (A/HRC/11/30),

together with the views of Malaysia 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/11/37, chap. VI and A/HRC/11/30/Add.1).

*19th meeting*

*12 June 2009*

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

## **11/117.**

### **Issuance of reports of the Working Group on the Universal Periodic Review in all official languages of the United Nations**

At its 28th meeting, on 18 June 2009, the Human Rights Council decided to adopt the following text and to submit it to the General Assembly as a matter of urgency, for its implementation:

*“Bearing in mind* General Assembly resolutions 60/251 of 15 March 2006 and 62/219 of 22 December 2007, Human Rights Council resolution 5/1 of 18 June 2007 and 8/1 of 18 June 2008, Council decision 9/103 of 24 September 2008 and President’s statements 8/1 of 24 September 2008 and 9/2 of 9 April 2008,

*Stressing* that the Working Group on the Universal Periodic Review of the Human Rights Council adopted the reports on the review of 32 Member States at its fourth and fifth sessions,

*Concerned* that 13 of the reports adopted by the Working Group at its fourth session were not issued as official documents of the United Nations in the six official languages prior to their consideration and adoption by the Council at its eleventh session, and that the processing and issuance of two of the reports adopted by the Working Group at its fifth session remains delayed,

*Recalling* the importance of multilingualism in the work of the United Nations and the need to issue all reports of the Working Group in all official languages of the Organization,

1. *Decides* that all the reports adopted by the Working Group on the Universal Periodic Review at its fourth and fifth sessions and the additional information *submitted* by the States under review before the adoption of the outcome by the Council shall be issued as official documents in all official languages of the United Nations prior to the twelfth session of the Council, and requests the Secretary-General to take the necessary measures to that effect;

2. *Recalls* that the Working Group should endeavour to apply in its reports the word limits established in the annex to President’s statement 9/2, bearing in mind that the Working Group is entrusted with the authority to decide on the adoption of reports that exceptionally exceed those word limits;

3. *Decides* that all reports adopted by the Working Group shall be issued as official documents in all official languages of the United Nations, in a timely manner before their consideration by the Council, and requests the Secretary-General to ensure the necessary support to that effect.”

*28th meeting*

*18 June 2009*

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

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

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

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

1. The Human Rights Council held its eleventh session at the United Nations Office at Geneva from 2 to 18 June 2009. The President of the Council opened the session.
2. At its 12th meeting, on 8 June 2009, the Council observed one minute of silence for the victims of the Air France flight 447 accident.
3. At the 13th meeting, on 9 June 2009, the President made a statement in relation to his visits to Brazil and Bahrain.
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 eleventh session was held on 15 May 2009.
5. The eleventh session consisted of 29 meetings over 13 days (see paragraph 16 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. Agenda and programme of work of the session**

7. At its 1st meeting, on 2 June 2009, the Council adopted the agenda and programme of work of the eleventh session.

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

8. At the 1st meeting, on 2 June 2009, the President outlined the modalities for the interactive dialogue with mandate holders of special procedures under agenda item 3, which would be as follows: 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.
9. At the 6th meeting, on 4 June 2009, the President outlined the modalities for the full-day discussion on women's human rights, which would be 7 minutes for panellists, 3

minutes for States Members of the Council and 2 minutes for observer States and other observers.

10. At the 8th meeting, on 4 June 2009, the President outlined the modalities for the general debate on the update by the United Nations High Commissioner of the activities of her Office, which would be 3 minutes for Member States and 2 minutes for observer States and other observers.

11. At the 10th meeting, on 5 June 2009, the President outlined the modalities for the general debate on reports of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Secretary-General, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.

12. At the 11th meeting, on 8 June 2009, the President outlined the modalities for the general debate on agenda item 4, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.

13. At the 13th meeting, on 9 June 2009, the President outlined the modalities for the general debate on agenda item 5, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.

14. At the 14th meeting, on 9 June 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 to present its views; up to 20 minutes for States Members of the Council, observer States and United Nations agencies to express their views on the outcome of the review and whenever necessary, and in order to accommodate the maximum number of speakers; 2 minutes for States Members and observer States; and up to 20 minutes for stakeholders to make general comments on the outcome of the review, of which 2 minutes would be given to each speaker.

15. At the 19th meeting, on 12 June 2009, 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.

## **E. Meetings and documentation**

16. The Council held 29 fully serviced meetings during its eleventh session.

17. The text of the resolutions and decisions adopted by the Council is contained in Part One of the present report.

18. Annex I contains the list of attendance.

19. Annex II contains the estimated administrative and programme budget implications of Council resolutions and decisions.

20. Annex III contains the agenda of the Council, as included in section V of the annex to Council resolution 5/1.

21. Annex IV contains the list of documents issued for the eleventh session of the Council.

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

## **F. Visits**

23. At the 2nd meeting, on 2 June 2009, the Minister for Disaster Management and Human Rights of Sri Lanka, Mahinda Samarasinghe, delivered a statement to the Council.
24. At the 8th meeting, on 4 June 2009, the Minister for Justice, National Cohesion and Constitutional Affairs of Kenya, Mutula Kilonzo, delivered a statement to the Council.
25. At the 21st meeting, on 15 June 2009, the President of Brazil, Luiz Inácio Lula da Silva, made a statement to the Council.
26. At the 24th meeting, on 16 June 2009, the Vice-President of Nigeria, Goodluck Ebele Jonathan, made a statement to the Council.

## **G. Panel discussion on the work format of panels**

27. At its 20th meeting, on 12 June 2009, the Council held a panel discussion on the work format of panels. The President made introductory remarks for the panel discussion.
28. During the ensuing discussion at the same meeting, the following made statements:
  - (a) Representatives of States Members of the Council: Brazil, Canada, China, Czech Republic<sup>4</sup> (on behalf of the European Union), India, Indonesia, Mexico, Nigeria, Pakistan, Philippines, Senegal, Switzerland;
  - (b) Representatives of the following observer States: Algeria, United States of America;
  - (c) Observer for a non-governmental organization: Arab Commission for Human Rights.
29. Also at the same meeting, the President made concluding remarks for the discussion.

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

30. At its 28th meeting, on 18 June 2009, the Council appointed mandate holders in accordance with Council resolutions 5/1 and 6/36 (see annex V).
31. At the same meeting, the representative of India made a statement in relation to the appointment of mandate holders, disassociating the delegation from the decision with regard to the appointment to the Working Group of Experts on People of African Descent.

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

32. At the 29th meeting, on 18 June 2009, the Rapporteur and Vice-President of the Council made a statement in connection with the draft report of the Council (A/HRC/11/L.10) and the annual report of the third year of the Council.
33. At the same meeting, the Council adopted the draft reports ad referendum and decided to entrust the Rapporteur with their finalization.
34. Also at the same meeting, the representative of Uganda and the observer for Amnesty International made general remarks in relation to the session.

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

35. At the same meeting, the representatives of Egypt and the Sudan made statements in exercise of the right of reply.
36. 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. Update by the United Nations High Commissioner for Human Rights**

37. At the 8th meeting, on 4 June 2009, the United Nations High Commissioner for Human Rights made a statement providing an update of the activities of her Office.

38. At the same meeting, the representatives of Afghanistan, Chad, Colombia, the Democratic Republic of the Congo, Iraq, Israel, Nepal, Pakistan, Somalia, Sri Lanka and the Sudan made statements as concerned countries, and the representative of Palestine made a statement as a concerned party.

39. During the ensuing general debate at the same meeting, and at the 9th meeting, on 5 June 2009, the following made statements:

(a) Representatives of States Members of the Council: Argentina, Azerbaijan, Brazil, Canada, Chile, 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, Iceland, Montenegro, the Republic of Moldova, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Egypt (on behalf of the Group of African States), France, Germany, India, Indonesia, Japan, Jordan, Malaysia, Mexico, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Qatar, Republic of Korea, Russian Federation, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Denmark, Ireland, Kazakhstan, Maldives, Morocco, Norway, Turkey, United States of America;

(c) Observers for the following non-governmental organizations: Amnesty International, Arab Commission for Human Rights, Asia Forum for Human Rights and Development, Asia Pacific Forum on Women, Law and Development, Asian Legal Resource Centre, Cairo Institute for Human Rights Studies, Canadian HIV/AIDS Legal Network, Colombian Commission of Jurists, Commission to Study the Organization of Peace, France Libertés: Fondation Danielle Mitterrand, Human Rights Council of Australia, Indian Council of South America, Indian Movement Tupaj Amaru, International Institute for Non-Aligned Studies, International Movement against All Forms of Discrimination and Racism (also on behalf of the Lutheran World Federation and Pax Romana), Nord-Sud XXI.

40. At the 10th meeting, on 5 June 2009, statements in exercise of the right of reply were made by the representatives of Nepal and Sri Lanka.

### **B. Reports of the Office of the United Nations High Commissioner for Human Rights and the Secretary-General**

41. At the 10th meeting, on 5 June 2009, the Deputy High Commissioner for Human Rights presented thematic reports prepared by the Office of the High Commissioner and the Secretary-General.

42. At the same meeting, and at the 11th meeting, on 8 June 2009, the Council held a general debate on thematic reports presented by the Deputy High Commissioner (see paragraphs 98–99).

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

#### **A. Interactive dialogue with special procedures**

##### **Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises**

43. At the 1st meeting, on 2 June 2009, the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises, John Ruggie, presented his reports (A/HRC/11/13 and Add.1).

44. During the ensuing interactive dialogue at the same meeting, and at the 2nd meeting on the same day, the following made statements and asked the Special Representative questions:

(a) Representatives of States Members of the Council: Argentina, Brazil, Canada, China, Czech Republic<sup>1</sup> (on behalf of the European Union), Egypt (on behalf of the Group of African States), France, Ghana, India, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Switzerland, United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Denmark, Finland, Norway, Sweden, United States of America;

(c) Observer for an intergovernmental organization: European Commission;

(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, Europe Third World Centre (also on behalf of Mouvement contre le racisme et pour l'amitié entre les peuples and the Women's International League for Peace and Freedom), Human Rights Advocates, International Federation of Human Rights Leagues, Nord-Sud XXI.

45. At the 2nd meeting, on 2 June 2009, the Special Representative answered questions and made his concluding remarks.

##### **Special Rapporteur on the human rights of migrants**

46. At the 1st meeting, on 2 June 2009, the Special Rapporteur on the human rights of migrants, Jorge A. Bustamante, presented his reports (A/HRC/11/7 and Add.1-3).

47. At the same meeting, the representatives of Guatemala and Mexico made statements as concerned countries.

48. During the ensuing interactive dialogue at the same meeting, and at the 2nd meeting on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Argentina, Azerbaijan, Brazil, China, Czech Republic<sup>4</sup>(on behalf of the European Union), Egypt (on behalf of the Group of African States), Indonesia, Philippines, Russian Federation, Senegal;

(b) Representatives of the following observer States: Algeria, Costa Rica, Ecuador, Spain, Thailand, Turkey;

(c) Observer for a national human rights institution: National Human Rights Commission of Mexico;

(d) Observers for the following non-governmental organizations: Amnesty International, Arab Commission for Human Rights, Human Rights Watch, International Commission of Jurists.

49. At the 2nd meeting, on 2 June 2009, the Special Rapporteur answered questions and made his concluding remarks.

50. Also at the same meeting, a statement in exercise of the right of reply was made by the representative of Thailand.

#### **Special Rapporteur on the right to education**

51. At the 1st meeting, on 2 June 2009, the Special Rapporteur on the right to education, Vernor Muñoz Villalobos, presented his reports (A/HRC/11/8 and Add.1–3).

52. At the same meeting, the representatives of Guatemala and Malaysia made statements as concerned countries.

53. During the ensuing interactive dialogue at the same meeting, and at the 2nd meeting on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Argentina, Brazil, China, Czech Republic<sup>4</sup> (on behalf of the European Union), Djibouti, Egypt (on behalf of the Group of African States), Indonesia, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Switzerland, United Arab Emirates<sup>4</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Costa Rica, Morocco, Portugal, Thailand, Yemen;

(c) Observer for Palestine;

(d) Observer for a national human rights institution: Human Rights Commission of Malaysia;

(e) Observers for the following non-governmental organizations: Arab Commission for Human Rights, Friends World Committee for Consultation (Quakers), General Federation of Iraqi Women.

54. At the 2nd meeting, on 2 June 2009, the Special Rapporteur answered questions and made his concluding remarks.

#### **Special Rapporteur on the independence of judges and lawyers**

55. At the 2nd meeting, on 2 June 2009, the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, presented his reports (A/HRC/11/41 and Add.1–3).

56. At the same meeting, the representatives of Guatemala and the Russian Federation made statements as concerned countries.

57. During the ensuing interactive dialogue at the same meeting, and at the 3rd and 4th meetings, on 3 June 2009, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Argentina, Azerbaijan, Brazil, Cuba, Czech Republic<sup>4</sup> (on behalf of the European Union), Indonesia, Italy, Jordan, Mexico, Nigeria, Pakistan, Switzerland, United Arab Emirates<sup>4</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Austria, Colombia, Hungary, Maldives, New Zealand, Sudan, United States of America, Venezuela (Bolivarian Republic of);

(c) Observers for the following non-governmental organizations: Amnesty International, Asian Legal Resource Centre, International Commission of Jurists (also on behalf of Centro de Derechos Humanos Miguel Agustín Pro Juárez, Human Rights Watch and the World Organization against Torture), Lawyers Rights Watch Canada, Society for Threatened Peoples, Union of Arab Jurists.

58. At the 4th meeting, on 3 June 2009, the Special Rapporteur answered questions and made his concluding remarks.

59. At the 6th meeting, on 4 June 2009, a statement in exercise of the right of reply was made by the representative of Mexico.

60. At the 10th meeting, on 5 June 2009, a statement in exercise of the right of reply was made by the representative of Colombia.

#### **Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

61. At the 2nd meeting, on 2 June 2009, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue Lewy, presented his reports (A/HRC/11/4 and Add.1–3).

62. At the same meeting, the representatives of Honduras and Maldives made statements as concerned countries.

63. During the ensuing interactive dialogue at the same meeting, and at the 3rd and 4th meetings, on 3 June 2009, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Argentina, Azerbaijan, Brazil, Canada, Chile, Cuba, Czech Republic<sup>4</sup> (on behalf of the European Union), Egypt (also on behalf of the Group of African States), France, India, Indonesia, Italy, Jordan, Malaysia, Mexico, Netherlands, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Slovenia, South Africa, Switzerland, United Arab Emirates<sup>4</sup> (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Belgium, Colombia, Denmark, Greece, Luxembourg, Morocco, New Zealand, Norway, Peru, Sri Lanka, Sudan, Sweden, Thailand, Turkey, United States of America, Venezuela (Bolivarian Republic of), Yemen;

(c) Observers for the following non-governmental organizations: Amnesty International, Asian Legal Resource Centre, Canadian HIV/AIDS Legal Network, Human Rights Council of Australia, Reporters without Borders.

64. At the 4th meeting, on 3 June 2009, the Special Rapporteur answered questions and made his concluding remarks.

**Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

65. At the 2nd meeting, on 2 June 2009, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover, presented his reports (A/HRC/11/12 and Add.1 and 2).

66. During the ensuing interactive dialogue at the same meeting, and at the 3rd and 4th meetings, on 3 June 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), Djibouti, Egypt (on behalf of the Group of African States), India, Indonesia, Mexico, Nigeria, Pakistan, Philippines, Russian Federation, Switzerland, United Arab Emirates<sup>4</sup> (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Australia, Colombia, Luxembourg, Morocco, Norway, Sri Lanka, Thailand, United States of America, Yemen;

(c) Observer for Palestine;

(d) Observer for an intergovernmental organization: European Commission;

(e) Observers for the following non-governmental organizations: Action Canada for Population and Development, Association for World Citizens, Conectas Direitos Humanos.

67. At the 4th meeting, on 3 June 2009, the Special Rapporteur answered questions and made his concluding remarks.

**Special Rapporteur on extrajudicial, summary or arbitrary executions**

68. At the 4th meeting, on 3 June 2009, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, presented his reports (A/HRC/11/2 and Add.1–8).

69. At the same meeting, the representatives of Afghanistan, Brazil, Kenya and the United States of America made statements as concerned countries.<sup>5</sup>

70. During the ensuing interactive dialogue at the 5th meeting, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Canada, Czech Republic<sup>4</sup> (on behalf of the European Union), India, Netherlands, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Russian Federation, Switzerland, United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Australia, Austria, Colombia, Denmark, Iran (Islamic Republic of), Norway, Sri Lanka, Sweden;

(c) Observers for national human rights institutions: Afghanistan Independent Human Rights Commission, Commission on Human Rights of the Philippines, Kenya National Commission on Human Rights;

<sup>5</sup> For the written response of Guatemala to the report of the Special Rapporteur on the follow-up to his mission to Guatemala (A/HRC/11/2/Add.7) see A/HRC/11/G/3.

(d) Observers for the following non-governmental organizations: Amnesty International, Arab Commission for Human Rights, Asian Legal Resource Centre, Commonwealth Human Rights Initiative, Conectas Direitos Humanos, General Federation of Iraqi Women, International Human Rights Association of American Minorities (also on behalf of the World Muslim Congress), Society for Threatened Peoples, Union of Arab Jurists.

71. At the same meeting, the Special Rapporteur answered questions and made his concluding remarks.

72. At the 10th meeting, on 5 June 2009, a statement in exercise of the right of reply was made by the representative of Brazil.

#### **Special Rapporteur on violence against women, its causes and consequences**

73. At the 4th meeting, on 3 June 2009, the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, presented her reports (A/HRC/11/6 and Add.1–6).

74. At the same meeting, the representatives of the Republic of Moldova, Saudi Arabia and Tajikistan made statements as concerned countries.

75. During the ensuing interactive dialogue at the 5th meeting, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Brazil, Burkina Faso, Canada, Cuba, Czech Republic<sup>4</sup> (on behalf of the European Union), Djibouti, Egypt, Indonesia, Italy, Japan, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Korea, Russian Federation, Senegal, Slovenia, Switzerland, United Arab Emirates<sup>4</sup> (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Belgium, Colombia, Denmark, Finland, Iceland, Maldives, New Zealand, Norway, Sweden, Thailand, Turkey, United States of America;

(c) Observer for Palestine;

(d) Observer for the Holy See;

(e) Observers for the following non-governmental organizations: Amnesty International, Arab Commission for Human Rights, Centro de Derechos Humanos Miguel Agustín Pro Juárez (also on behalf of the Asia Pacific Forum on Women, Law and Development and the World Organization against Torture), General Federation of Iraqi Women.

76. At the 6th meeting, on 4 June 2009, the Special Rapporteur answered questions and made her concluding remarks.

77. At the same meeting, a statement in exercise of the right of reply was made by the representative of Mexico.

#### **Independent expert on the question of human rights and extreme poverty**

78. At the 9th meeting, on 5 June 2009, the independent expert on the question of human rights and extreme poverty, María Magdalena Sepúlveda Carmona, presented her reports (A/HRC/11/9 and Add.1).

79. At the same meeting, the representative of Ecuador made a statement as a concerned country.

80. During the ensuing interactive dialogue at the same meeting, and at the 10th meeting, on the same day, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: Bangladesh, Brazil, Chile, China, Cuba, Czech Republic<sup>4</sup> (on behalf of the European Union), Djibouti, Egypt, France, Ghana, India, Mexico, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Russian Federation, Senegal, United Arab Emirates<sup>4</sup> (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland, Zambia;

(b) Representatives of the following observer States: Algeria, Morocco, Peru, Tunisia, Turkey, United States of America, Venezuela (Bolivarian Republic of), Yemen;

(c) Observer for Palestine;

(d) Observer for a national human rights institution: Defensoria del Pueblo de Ecuador;

(e) Observers for the following non-governmental organizations: Arab Commission for Human Rights, Colombian Commission of Jurists, Franciscans International, Indian Movement Tupaj Amaru, International Human Rights Association of American Minorities (also on behalf of the International Association of Schools of Social Work), International Movement ATD Fourth World, Nord-Sud XXI.

81. At the 10th meeting, on the same day, the independent expert answered questions and made her concluding remarks.

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

82. At the 9th meeting, on 5 June 2009, the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights, Cephias Lumina, presented his report (A/HRC/11/10).

83. During the ensuing interactive dialogue at the same meeting, and at the 10th meeting, on the same day, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: Bangladesh, Brazil, Cameroon, China, Cuba, Egypt, Ghana, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Russian Federation, United Arab Emirates<sup>4</sup> (on behalf of the Group of Arab States), Zambia;

(b) Representatives of the following observer States: Algeria, Ecuador, Norway, United States of America;

(c) Observers for the following non-governmental organizations: Arab Commission for Human Rights, Europe Third World Centre (also on behalf of the African Association of Education for Development, Mouvement contre le racisme et pour l'amitié entre les peuples and the Women's International League for Peace and Freedom), Nord-Sud XXI.

84. At the 10th meeting, on the same day, the independent expert answered questions and made his concluding remarks.

## B. Panels

### Discussion on women's human rights

85. On 4 June 2009, the Council held a full-day discussion on women's human rights in accordance with Council resolution 6/30. The Council divided the discussion into two panel discussions: the first panel discussion was held at the 6th and 7th meetings, on 4 June 2009; the second panel discussion was held at the 7th and 8th meetings, on the same day.

86. At the 6th meeting, the High Commissioner made introductory remarks for the first panel. At the same meeting, the following panellists of the first panel made statements: Rama Yade, Leandro Despouy, Frank La Rue Lewy, Michael O'Flaherty, Pramila Patten, Philip Alston and Yakin Ertürk.

87. During the ensuing panel discussion for the first panel, at the 6th and 7th meetings, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Argentina, Azerbaijan, Bahrain, Bosnia and Herzegovina, Chile (on behalf of the Group of Latin American and Caribbean States), China, Czech Republic<sup>4</sup> (on behalf of the European Union), Germany, India, Indonesia, Mexico, Nigeria, Paraguay<sup>4</sup> (also on behalf of Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Peru, Uruguay and Venezuela (Bolivarian Republic of)), Philippines (on behalf of the Association of Southeast Asian Nations), Russian Federation, Slovenia, South Africa, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Algeria, Colombia, Iceland, Kazakhstan, Lithuania, Luxembourg, Norway, Serbia, Turkey, United Arab Emirates, Yemen;

(c) Observers for national human rights institutions: Equality and Human Rights Commission of Great Britain, National Human Rights Commission of Malaysia;

(d) Observers for the following non-governmental organizations: Amnesty International, Cairo Institute for Human Rights Studies, Equality Now, Women's International Democratic Federation.

88. At the 7th meeting, the following panellists of the first panel answered questions and made comments: Leandro Despouy, Frank La Rue Lewy, Michael O'Flaherty, Pramila Patten, Philip Alston and Yakin Ertürk.

89. At the same meeting, Mr. Despouy and Ms. Patten answered questions and made their concluding remarks.

90. At the 7th meeting, the following panellists of the second panel made statements: Maha Abu-Dayyeh Shamas, Ratna Kapur and Marianne Mollmann.

91. During the ensuing panel discussion for the second panel, at the 7th and 8th meetings, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Brazil, Canada (also on behalf of Australia and New Zealand), Chile, Cuba, Egypt, Italy, Netherlands, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Senegal;

(b) Representatives of the following observer States: Austria, Congo, Croatia, Iran (Islamic Republic of), Morocco, Nepal, Sri Lanka, Sweden, Thailand, Tunisia, United States of America, Venezuela (Bolivarian Republic of), Viet Nam;

(c) Observers for intergovernmental organizations: European Commission, International Organization of la Francophonie;

(d) Observers for the following non-governmental organizations: Center for Women's Global Leadership (also on behalf of the Asian Forum for Human Rights and Development, the Canadian HIV/AIDS Legal Network and the Centre for Reproductive Rights), Interfaith International (also on behalf of Union de l'action feminine), International Federation of Human Rights, Worldwide Organization for Women.

92. At the 7th meeting, the following panellists of the second panel answered questions and made comments: Maha Abu-Dayyeh Shamas, Ratna Kapur, Marianne Mollmann, Michael O'Flaherty and Pramila Patten.

93. At the 8th meeting, Ms. Patten answered questions, then the President of the Council made concluding remarks on the discussion on women's human rights.

#### **Panel on human rights and climate change**

94. At the 22nd meeting, on 15 June 2009, the Council held a panel discussion on human rights and climate change, in accordance with Council resolution 10/4. The Deputy High Commissioner made opening remarks for the panel. At the same meeting, the following panellists made statements: Feng Gao, Atiq Rahman, Dalindyebo Shabalala, Raquel Rolnik and John Knox.

95. During the ensuing panel discussion, at the same meeting, the following made statements and asked the panellists questions:

(a) Sponsor States of Council resolution 10/4: Maldives (also on behalf of Timor-Leste and the Pacific small island developing States of Fiji, Kiribati, Marshall Islands, Micronesia (Federated State of), Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu);

(b) Representatives of States Members of the Council: Azerbaijan, Bangladesh, Bolivia (Plurinational State of), Brazil, Canada, China, Cuba, Czech Republic<sup>4</sup> (on behalf of the European Union), Germany, India, Indonesia, Mauritius, Mexico, Pakistan, Philippines, Russian Federation, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, Uruguay;

(c) Representatives of the following observer States: Algeria, Australia, Bhutan, Chad, Costa Rica, Finland, Israel, Monaco, Morocco, New Zealand, Thailand, Turkey, United Arab Emirates, United States of America;

(d) Observer for an intergovernmental organization: European Commission;

(e) Observers for non-governmental organizations: Civicus-World Alliance for Citizen Participation, Friedrich Ebert Foundation, Nord-Sud XXI, Worldwide Organization for Women (also on behalf of the International Council of Women, the Pan Pacific and South East Asia Women's Association and the World Circle of the Consensus).

96. At the same meeting, the following panellists answered questions and made comments: Atiq Rahman, Raquel Rolnik and John Knox.

97. Also at the same meeting, the following panellists answered questions and made their concluding remarks: Feng Gao, Atiq Rahman, Dalindyebo Shabalala, Raquel Rolnik and John Knox.

### **C. General debate on agenda item 3**

98. At the 10th meeting, on 5 June 2009, and at the 11th meeting, on 8 June 2009, the Council held a general debate on thematic reports under agenda item 3, during which the following made statements:

(a) Representatives of States Members of the Council: Bolivia (Plurinational State of), Brazil, Chile (on behalf of the Group of Latin American and Caribbean States), Czech Republic<sup>4</sup> (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Iceland, Georgia, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Egypt (also on behalf of the Group of African States), Germany, Netherlands, Pakistan, Philippines (also on behalf of Argentina, Bolivia (Plurinational State of), Chile, Colombia, the Dominican Republic, Ecuador, Egypt, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, Rwanda, Sri Lanka, Turkey, Uganda and Uruguay), Russian Federation;

(b) Representatives of the following observer States: Algeria, Turkey, United States of America;

(c) Observer for United Nations entities, specialized agencies and related organizations: World Trade Organization;

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

(e) Observers for the following non-governmental organizations: Al-Hakim Foundation, Amnesty International, Arab Commission for Human Rights, Asian Forum for Human Rights and Development, Cairo Institution for Human Rights Studies (also on behalf of the Asian Legal Resource Centre), Centro de Derechos Humanos Miguel Agustín Pro Juárez, Commission to Study the Organization of Peace, European Union of Public Relations, Federación de Asociaciones para la Promoción y Defensa de los Derechos Humanos, Femmes Africa Solidarité, France Libertés: Fondation Danielle Mitterrand, Franciscans International (also on behalf of the Baha'i International Community, Dominicans for Justice and Peace, Federation européenne des femmes actives au foyer, the International Council of Women and International Movement ATD Fourth World), Friends World Committee for Consultation (also on behalf of the Human Rights Council of Australia), General Federation of Iraqi Women, Hawa Society for Women, Helsinki Foundation for Human Rights, Human Rights Advocates, Indian Council of South America, Interfaith International, International Association against Torture (also on behalf of the American Association of Jurists), International Educational Development, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Institute for Non-Aligned Studies, International Institute for Peace, Liberation, Mbororo Social and Cultural Development Association, Nord-Sud XXI, Permanent Assembly for Human Rights, Society Studies Centre, Union de l'action féminine, Union of Arab Jurists, United Nations Watch, Women's International League for Peace and Freedom, World Muslim Congress.

99. At the 11th meeting, on 8 June 2009, statements in exercise of the right of reply were made by the representatives of Argentina, Iraq, Morocco and Sri Lanka.

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

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

100. At the 27th meeting, on 17 June 2009, the representative of Slovakia introduced draft resolution A/HRC/11/L.3, sponsored by Slovakia and co-sponsored by Austria, Belarus, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Chile, Colombia, Costa Rica, Croatia, Cyprus, Denmark, the Dominican Republic, Ecuador, Egypt, Finland, France, Germany, Guatemala, Honduras, Italy, Kazakhstan, Kenya, Lebanon, Liechtenstein, Lithuania, Malta, Mexico, Montenegro, the Netherlands, Nicaragua, Panama, Peru, Portugal, Slovenia, Spain, Thailand, the former Yugoslav Republic of Macedonia,

Ukraine and Uruguay. Subsequently, Azerbaijan, Iceland, Luxembourg, Maldives, Paraguay, the Republic of Korea, Romania, Senegal, Serbia and Sri Lanka joined the sponsors.

101. 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 II).

102. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 11/1).

#### **Accelerating efforts to eliminate all forms of violence against women**

103. At the 27th meeting, on 17 June 2009, the representative of Canada introduced draft resolution A/HRC/11/L.5, sponsored by Canada and co-sponsored by Albania, Armenia, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, the Netherlands, New Zealand, Norway, Panama, Peru, the Philippines, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Subsequently, Andorra, Azerbaijan, Congo, Hungary, Jordan, Kenya, Morocco, Palestine, the Republic of Korea, Romania, Rwanda, Senegal, Serbia, South Africa, Thailand and Ukraine joined the sponsors.

104. At the same meeting, the representative of Canada orally revised the draft resolution by deleting paragraph 7 and modifying paragraphs 3, 9 and 12.

105. 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 II).

106. At the same meeting, the representatives of Egypt and Saudi Arabia made statements in explanation of vote before the vote.

107. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 11/2).

#### **Trafficking in persons, especially women and children**

108. At the 27th meeting, on 17 June 2009, the representatives of Germany and the Philippines introduced draft resolution A/HRC/11/L.6, sponsored by the Philippines and Germany and co-sponsored by Armenia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Egypt, El Salvador, Estonia, Finland, France, Greece, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Lithuania, Luxembourg, Maldives, Mexico, Monaco, Montenegro, the Netherlands, Nigeria, Norway, Panama, Peru, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Uganda, Ukraine, Uruguay and Viet Nam. Subsequently, Albania, Australia, Azerbaijan, Benin, Brazil, Burkina Faso, Congo, Côte d'Ivoire, Guatemala, Maldives, Malta, Morocco, Nicaragua, the Republic of Korea, the Republic of Moldova, Senegal, Venezuela (Bolivarian Republic of), Zambia and Zimbabwe joined the sponsors.

109. 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 II).

110. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 11/3).

#### **Promotion of the right of peoples to peace**

111. At the 27th meeting, on 17 June 2009, the representative of Cuba introduced draft resolution A/HRC/11/L.7, sponsored by Cuba and co-sponsored by Algeria, Belarus, Bolivia (Plurinational State of), China, Honduras, Nicaragua, Nigeria, Panama, Sri Lanka, Uruguay, Venezuela (Bolivarian Republic of) and Viet Nam. Subsequently, Iran (Islamic Republic of) joined the sponsors.

112. 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 II).

113. 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 statement in explanation of vote before the vote.

114. 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 draft resolution A/HRC/11/L.7. The draft resolution was adopted by 32 votes in favour, 13 against, with 1 abstention. The voting was as follows:

*In favour:*

Angola, Argentina, Azerbaijan, Bahrain, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Egypt, Gabon, Ghana, 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;

*Abstaining:*

India.

115. For the text as adopted, see part one, chapter I, resolution 11/4.

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

116. At the 27th meeting, on 17 June 2009, the representative of Cuba introduced draft resolution A/HRC/11/L.9, sponsored by Cuba and co-sponsored by Algeria, Bolivia (Plurinational State of), the Dominican Republic, Ecuador, Honduras, Iran (Islamic Republic of), Nicaragua, the Philippines, Sri Lanka, the Syrian Arab Republic, Uruguay, Venezuela (Bolivarian Republic of) and Viet Nam. Subsequently, Belarus, China and Senegal joined the sponsors.

117. 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 statement in explanation of vote before the vote.

118. 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 draft resolution A/HRC/11/L.9. The draft resolution was adopted by 31 votes in favour, 13 against, with 2 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Azerbaijan, Bahrain, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Chile, 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, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland;

*Abstaining:*

Chile, Mexico.

119. For the text as adopted, see part one, chapter I, resolution 11/5.

#### **The right to education: follow-up to Human Rights Council resolution 8/4**

120. At the 27th meeting, on 17 June 2009, the representative of Portugal introduced draft resolution A/HRC/11/L.12, sponsored by Portugal and co-sponsored by Albania, Argentina, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, the Czech Republic, Chile, Denmark, the Dominican Republic, Ecuador, Estonia, France, Germany, Greece, Honduras, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Maldives, Malta, Mexico, Monaco, Montenegro, Morocco, the Netherlands, Nicaragua, Norway, Panama, Peru, Poland, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Andorra, Finland, Guatemala, Iceland, Israel, Japan, Mauritius, Pakistan, the Republic of Moldova, the Russian Federation, Senegal, Timor-Leste, Ukraine and the United Kingdom of Great Britain and Northern Ireland joined the sponsors.

121. At the same meeting, the representative of Portugal orally revised the draft resolution by modifying paragraph 10.

122. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 11/6).

#### **Guidelines for the alternative care of children**

123. At the 27th meeting, on 17 June 2009, the representative of Brazil introduced draft resolution A/HRC/11/L.13, sponsored by Brazil and co-sponsored by Angola, Argentina, Austria, Belarus, Bolivia (Plurinational State of), Chad, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, Egypt, Guatemala, Honduras, Italy, Lebanon, Mexico, Monaco, Morocco, the Netherlands, New Zealand, Nicaragua, Palestine, Panama, Peru, the Philippines, Portugal, the Russian Federation, Slovakia, Somalia, Switzerland, Ukraine and Uruguay. Subsequently, Cuba, Equatorial Guinea, Ghana, Greece, Nigeria, South Africa, Turkey and Venezuela (Bolivarian Republic of) joined the sponsors.

124. At the same meeting, the representative of Brazil orally revised the draft resolution by modifying paragraph 2.

125. Also at the same meeting, the representatives of China and Germany, on behalf of States Members of the European Union that are members of the Council, made general comments in relation to the draft resolution.

126. At the same meeting, the representative of Canada made a statement in explanation of vote before the vote.

127. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 11/7).

128. At the 29th meeting, on 18 June 2009, the representative of Japan made a statement in explanation of vote after the vote.

129. At the same meeting, the representatives of Finland and the United States of America made general remarks in relation to the adopted resolution.

#### **Preventable maternal mortality and morbidity and human rights**

130. At the 27th meeting, on 17 June 2009, the representative of Colombia introduced draft resolution A/HRC/11/L.16/Rev.1, sponsored by Colombia and New Zealand and co-sponsored by Australia, Austria, Belgium, Bolivia (Plurinational State of), Brazil, Canada, Chile, Congo, Croatia, Cyprus, the Czech Republic, the Dominican Republic, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Ireland, Israel, Italy, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Mexico, Monaco, the Netherlands, Nicaragua, Norway, Panama, Peru, Poland, Portugal, Romania, Rwanda, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Subsequently, Andorra, Cameroon, Costa Rica, Cuba, Equatorial Guinea, Hungary, Iceland, Jordan, Latvia, Mauritius, Morocco, Senegal, Serbia, Singapore, Slovakia and South Africa joined the sponsors.

131. At the same meeting, the representatives of Chile and Egypt made general comments in relation to the draft resolution.

132. 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 II).

133. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 11/8).

#### **The human rights of migrants in detention centres**

134. At the 29th meeting, on 18 June 2009, the President informed the Council that the draft resolution A/HRC/11/L.4 has been moved under agenda item 3.

135. At the same meeting, the representative of Egypt (on behalf of the Group of African States) introduced draft resolution A/HRC/11/L.4, sponsored by Egypt (on behalf of the Group of African States) and co-sponsored by Brazil, Cuba, Haiti and Pakistan. Subsequently, Bolivia (Plurinational State of), Ecuador, Honduras, Indonesia, Mexico, Nicaragua, Uruguay and Venezuela (Bolivarian Republic of) joined the sponsors.

136. Also at the same meeting, the representative of Egypt (on behalf of the Group of African States) orally revised the draft resolution.

137. 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 II).

138. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 10/9).

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

139. At the 29th meeting, on 18 June 2009, the representative of France (also on behalf of Albania, Belgium, Chile, Morocco, Peru, the Philippines, Romania and Senegal) made a statement in relation to draft resolution A/HRC/11/L.14, sponsored by France and co-sponsored by Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, Germany, Greece, Guatemala, Honduras, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Monaco, Morocco, the Netherlands, Nicaragua, Norway, Panama, Peru, the Philippines, Portugal, Romania, Senegal, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia and Uruguay.

140. At the same meeting, at the request of the representative of France, the draft resolution was deferred for consideration by the Council at its twelfth session.

## IV. Human rights situations that require the Council's attention

### A. General debate on agenda item 4

141. At its 11th and 12th meetings, on 8 June 2009, and its 13th meeting, on 9 June 2009, the Council held a general debate on agenda item 4, during which the following made statements:

(a) Representatives of States Members of the Council: Argentina, Canada, Cuba, Czech Republic<sup>4</sup> (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Montenegro and the former Yugoslav Republic of Macedonia), France, Germany, Italy, Japan, Netherlands, Switzerland, United Arab Emirates<sup>4</sup> (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Australia, Belgium, Ireland, Israel, Libyan Arab Jamahiriya, Sudan, Sweden, United States of America;

(c) Observers for the following non-governmental organizations: Amnesty International, Arab Commission for Human Rights, Asamblea Permanente por los Derechos Humanos, Asian Forum for Human Rights and Development, Asian Legal Resource Centre, Association for World Education (also on behalf of the World Union for Progressive Judaism), Baha'i International Community, Cairo Institute for Human Rights Studies, Centre Europe Tiers Monde (also on behalf of Mouvement contre le racisme et pour l'amitié entre les peuples), Centrist Democratic International, Cercle de recherche sur les droits et les devoirs de la personne humaine, Charitable Institute for Protecting Social Victims, Colombian Commission of Jurists, Commission to Study the Organization of Peace, European Union for Public Relations, Federación de Asociaciones para la Promoción y Defensa de los Derechos Humanos, France Libertés: Fondation Danielle Mitterrand, Franciscans International (also on behalf of Dominicans for Justice and Peace and Pax Romana), General Federation of Iraqi Women, Hawa Society for Women, Helsinki Foundation for Human Rights, Human Rights Council of Australia, Human Rights Watch, Interfaith International, International Educational Development, International Federation of Human Rights Leagues, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Institute for Peace, Lawyers Rights Watch Canada (also on behalf of Nord-Sud XXI), Liberation, Mbororo Social and Cultural Development Association, MINBYUN – Lawyers for a Democratic Society, Mouvement contre le racisme et pour l'amitié entre les peuples (also on behalf of Centre Europe Tiers Monde and the Women's International League for Peace and Freedom), Nord-Sud XXI, Organization for Defending Victims of Violence, Pax Romana, Society for Threatened Peoples, Society Studies Centre, Union de l'action féminine, Union of Arab Jurists, United Nations Watch, World Muslim Congress.

142. At the 12th meeting, on 8 June 2009, statements in exercise of the right of reply were made by the representatives of China, the Democratic People's Republic of Korea, Iran (Islamic Republic of), Israel, Japan, Myanmar, Sri Lanka, the Syrian Arab Republic and Zimbabwe.

143. 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, Iran (Islamic Republic of), Japan and the Syrian Arab Republic.

## B. Interactive dialogue with special procedures

144. At the 23rd meeting, on 16 June 2009, the Special Rapporteur on the situation of human rights in the Sudan, Sima Samar, presented her reports (A/HRC/11/14 and Add.1).

145. At the same meeting, the representative of the Sudan made a statement as the concerned country.

146. During the ensuing interactive dialogue at the 24th meeting, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Bahrain, Canada, China, Czech Republic<sup>4</sup> (on behalf of the European Union), Egypt (on behalf of the Group of African States), Japan, Malaysia, Pakistan (on behalf of the Organization of the Islamic Conference), Philippines, Qatar, Saudi Arabia, Slovenia, Switzerland, United Arab Emirates<sup>4</sup> (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Algeria, Australia, Costa Rica, Democratic People's Republic of Korea, Lebanon, New Zealand, Norway, Sweden, Syrian Arab Republic, United States of America, Yemen;

(c) Observer for an intergovernmental organization: League of Arab States;

(d) Observers for the following non-governmental organizations: Al Zubair Charity Foundation, Amnesty International, Cairo Institute for Human Rights Studies, Hawa Society for Women, Human Rights Watch, International Federation of Human Rights Leagues, Society Studies Centre.

147. At the 24th meeting, on 16 June 2009, the Special Rapporteur answered questions and made her concluding remarks.

## C. Consideration of and action on draft proposals

### Situation of human rights in the Sudan

148. At the 29th meeting, on 18 June 2009, the representative of Egypt (on behalf of the Group of African States) introduced draft resolution A/HRC/11/L.17, sponsored by Egypt (on behalf of the Group of African States, with the exception of Uganda).

149. At the same meeting, the representative of Egypt (on behalf of co-sponsors) orally revised the draft resolution.

150. Also at the same meeting, the representative of Germany (on behalf of States Members of the European Union that are members of the Council) introduced amendment A/HRC/11/L.19 to the draft resolution A/HRC/11/L.17. Amendment A/HRC/11/L.19 was sponsored by the Czech Republic, on behalf of the European Union, and co-sponsored by Canada, Norway, Switzerland and the United States of America. Subsequently, Australia and Japan joined the sponsors.

151. At the same meeting, the representatives of Egypt and the Russian Federation made general comments in relation to the draft resolution and the amendment.

152. Also at the same meeting, the representative of the Sudan made a statement as the concerned country.

153. 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 amendment A/HRC/11/L.19 (see annex II).

154. At the same meeting, the representative of Brazil made a statement in explanation of vote before the vote in relation to amendment A/HRC/11/L.19.

155. Also at the same meeting, at the request of the representative of Egypt, a recorded vote was taken on amendment A/HRC/11/L.19. The amendment was adopted by 20 votes in favour, 19 against, with 8 abstentions. The voting was as follows:

*In favour:*

Argentina, Bosnia and Herzegovina, Brazil, Canada, Chile, France, Germany, Italy, Japan, Mauritius, Mexico, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

*Against:*

Angola, Bahrain, Bangladesh, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Indonesia, Jordan, Madagascar, Malaysia, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, South Africa;

*Abstaining:*

Azerbaijan, Bolivia (Plurinational State of), Burkina Faso, Ghana, India, Nicaragua, Nigeria, Senegal.

156. At the same meeting, the representative of Egypt made a statement withdrawing sponsorship to draft resolution A/HRC/11/L.17 as amended and calling for a vote on draft resolution A/HRC/11/L.17 as orally revised and amended.

157. Also at the same meeting, at the request of the representative of Egypt, a recorded vote was taken on draft resolution A/HRC/11/L.17 as orally revised and amended. The draft resolution, as orally revised and amended, was adopted by 20 votes in favour, 18 against, with 9 abstentions. The voting was as follows:

*In favour:*

Argentina, Bosnia and Herzegovina, Brazil, Canada, Chile, France, Germany, Italy, Japan, Mauritius, Mexico, Netherlands, Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;

*Against:*

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

*Abstaining:*

Angola, Bolivia (Plurinational State of), Burkina Faso, Gabon, Ghana, India, Madagascar, Nicaragua, Senegal.

158. Subsequently, the former Yugoslav Republic of Macedonia joined the sponsors for draft resolution A/HRC/11/L.17 as orally revised and amended. For the text as adopted, see part one, chapter I, resolution 11/10.

159. At the same meeting, the representative of Zambia made a statement in explanation of vote after the vote.

160. Also at the same meeting, the representatives of the Sudan and the United States of America made general remarks in relation to the adopted resolution.

## V. Human rights bodies and mechanisms

### A. Complaint procedure

161. At its 12th meeting, on 8 June 2009, and its 27th meeting, on 17 June 2009, the Council held two closed meetings of the complaint procedure.

162. At the 28th meeting, on 18 June 2009, the President made a statement on the outcome of the meetings, stating that the Human Rights Council had, in closed meetings, decided to discontinue consideration of the human rights situation in the Democratic Republic of the Congo under the complaint procedure established pursuant to Council resolution 5/1.

### B. General debate on agenda item 5

163. At its 13th meeting, on 9 June 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: Bahrain, Brazil, Canada, China, Czech Republic<sup>4</sup> (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Iceland, Montenegro, Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Nigeria;

(b) Representatives of the following observer States: United States of America;

(c) Observers for the following non-governmental organizations: Amnesty International, Arab Commission for Human Rights, Commission to Study the Organization of Peace, Conectas Direitos Humanos, Human Rights Council of Australia (also on behalf of the Asian Legal Resource Centre, the Baha'i International Community and the Cairo Institute for Human Rights Studies), Indian Council of Education, International Institute for Non-Aligned Studies, International Service for Human Rights.

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

#### System of special procedures

164. At the 29th meeting, on 18 June 2009, the representative of Cuba introduced draft resolution A/HRC/11/L.8, sponsored by Cuba (on behalf of the Non-Aligned Movement) and co-sponsored by China and the Russian Federation.

165. At the same meeting, the representative of Cuba orally revised the draft resolution by modifying the title, the fourth preambular paragraph, paragraphs 1 and 2, and adding a new paragraph 3.

166. Also at the same meeting, the representatives of Canada, Germany (on behalf of States Members of the European Union that are members of the Council) and Switzerland made general comments in relation to the draft resolution.

167. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 11/11).

## VI. Universal periodic review

168. At the 14th meeting, on 9 June 2009, the President made a statement in relation to the status of documentation of the fourth session of the Working Group on the Universal Periodic Review.

169. Pursuant to General Assembly resolution 60/251, Council resolution 5/1 and the President's statements (PRST/8/1 and PRST/9/2) on modalities and practices for the universal periodic review process, the Council considered the outcome of the reviews conducted during the fourth session of the Working Group on the Universal Periodic Review, held from 2 to 13 February 2009.

### A. Consideration of universal periodic review outcomes

170. In accordance with paragraph 4.3 of President's statement PRST/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.

#### Germany

171. The review of Germany was held on 2 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Germany in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/4/DEU/1);

(b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/4/DEU/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/4/DEU/3).

172. At its 14th meeting, on 9 June 2009, the Council considered and adopted the outcome of the review on Germany (see section C below).

173. The outcome of the review on Germany comprises the report of the Working Group on the Universal Periodic Review (A/HRC/11/15), the views of Germany 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/11/15/Add.1).

#### 1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and the outcome

174. The Permanent Representative of Germany to the United Nations Office at Geneva presented the additional views of Germany to the recommendations made during the working group review on 2 February 2009. The full text of the German comments to the 44 clustered recommendations is contained in the addendum to the report of the Working Group (A/HRC/11/15/Add.1).

175. The Permanent Representative indicated that the answers of Germany reflect the very positive interest the country had taken in the creation and conduct of the universal periodic review as well as the open and constructive spirit in which it had approached the recommendations. The review process had received considerable attention in Germany at all levels, including Parliament, and discussion on the issues raised would certainly continue.

176. A total of 35 of the 44 clusters of recommendations were accepted, most of which without reservations or restrictions. Germany regretted not to be yet in a position to provide a definite answer on the signing and ratification of the new Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, in view of the fact that it was an issue still under consideration. In that regard, the Permanent Representative noted that the recommendations that could not be accepted related to issues that had been and were the subject of ongoing and intense debate among all stakeholders in Germany, and the relevant recommendations were considered to be a valuable addition to that debate.

177. Germany indicated that all recommendations had been subjected to careful scrutiny by the relevant authorities at the federal level, and had been considered in the light of both international obligations and national laws, as well as to their added value for the protection and promotion of human rights in Germany. As was already the case with the national report, the answers to the recommendations had been the subject of consultations with civil society organizations and the national human rights institution of Germany. The delegate thanked them for their engagement, constructive criticism and devotion to human rights. He underlined that throughout the review process, from the summary of the stakeholder's input to the current consultations, it had again been demonstrated how essential the free participation of active, lively and varied civil society organizations was to the functioning of a human rights culture. Germany owed them its respect and full support, both at home and in the Council.

178. Turning to the substance of its answers to the recommendations, Germany noted that many recommendations referred to the specific areas of human rights of migrants, questions of racism, xenophobia and related intolerance, as well as minority issues. Almost all related recommendations had been accepted. Germany remained fully committed to effectively combating all instances of racism, racial discrimination and related phenomena. In this context, Germany looked forward to the visit in the country of the Special Rapporteur, Githu Muigai.

179. Although Germany was currently not in a position to accept the call for the creation of a centralized statistic database on racist and xenophobic incidents as contained in recommendation 16, it looked forward to pursuing an open dialogue on the need and feasibility of such a mechanism. The Permanent Representative added that, despite its decision not to participate in the recent Durban Review Conference, Germany would continue to engage itself fully in the international fight against racism and all forms of discrimination. Germany also remained committed to protecting the human rights of all migrants, minorities and religious groups. Germany saw no contradiction between this commitment and its well-known stand on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and existing limitations to the open display of religious beliefs by teachers and civil servants while on duty. The first instance was due to the full protection of the relevant rights in other conventions, while the second was rooted in nothing else but the need to weigh the positive and negative freedom of belief against each other and to retain the State's neutrality in matters of belief.

180. The Permanent Representative also drew the attention of the Council to the answer to recommendation 30, where Germany not only fully embraced the recommendation, but also provided basic data and information relating to the factual situation in the country.

**2. Views expressed by Member and observer States of the Council on the review outcome**

181. Qatar saluted Germany's efforts to respond positively to the recommendations, particularly with regard to better integration of Muslims in society and the full enjoyment by Muslims of their human rights, such as freedom of religion and non-discrimination. It noted that Germany had taken positive measures in countering discrimination on the basis of religion. It encouraged Germany to implement the recommendations concerning combating discrimination, in particular vis-à-vis ethnic and religious minorities. Qatar welcomed developments, in line with its recommendation, with regard to the punishment of perpetrators of acts of violence on the grounds of racial discrimination, particularly against Muslims. It also noted the measures taken by Germany to ensure compliance with international standards, such as protection of freedom of religion, for example of Islam, adding that this showed the political will to allow foreigners and above all Muslims to enjoy their rights fully. It hoped for further improvements in this regard.

182. Algeria highlighted the increase in racist incidents, particularly against Muslims, Sinti, Roma and asylum-seekers of African origin. It said it would follow with great interest the implementation of its recommendation to follow up on the recommendations of the Committee on the Elimination of Racial Discrimination. It expressed interest in measures to prevent racially motivated offences, guarantee equality in the right to suitable housing, lift obstacles for asylum-seekers to educate their children and make ethnically, racially or religiously motivated hatred an aggravating circumstance in criminal cases. Noting Germany's commitment to combating racism, Algeria had recommended that it contribute actively to the Durban Review Conference preparations. Given Germany's contribution to the preparatory process, Algeria regretted its boycott of the Conference and called on it to join the consensus on the outcome document. It regretted that Germany had not accepted the recommendations with regard to migrant workers and accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

183. The Russian Federation thanked Germany for its detailed and substantive replies to the recommendations made. It noted Germany's constructive approach to the universal periodic review, which was displayed in particular by the fact that Germany had agreed fully to 70 per cent of the recommendations, including two from the Russian Federation. It looked forward to the report on their implementation during the next cycle of the review process. It highlighted Germany's agreement with the recommendation to intensify efforts to combat racism, racial discrimination, xenophobia and related intolerance. It trusted that appropriate steps in this regard would include the adoption of a final decision on Germany's accession to the outcome document of the Durban Review Conference.

184. Saudi Arabia commended Germany's acceptance of recommendation 15 and the commitment to continue implementing the national plan of action to eliminate xenophobia and Islamophobia. It cited the integration into German society of 3.4 million Muslims and the protection of their rights as proof of Germany's interest in implementing its national plan of action to eliminate racism and racial discrimination. Saudi Arabia said that Germany had reaffirmed its commitment to cooperate with the international community, commended it for its tireless efforts to protect human rights, especially minority rights, and called on it to continue doing so.

185. The Islamic Republic of Iran reiterated its serious concerns at the growing racism and persistent discrimination on the grounds of race, ethnic origin, gender, religion and belief; ill-treatment by law-enforcement officials; the dramatic increase in racist violence against minorities; and the Government's poor strategy to counter this phenomenon. It said that the Government had failed to deal sufficiently with race-related incidents and discrimination against Muslim, Sinti/Roma and other communities. It noted that no

concrete response had been given on the absence of a definition of racial discrimination in domestic legislation and recommended that a clear and comprehensive definition be adopted thereon. No clear response had been provided in relation to ensuring that relevant criminal law provisions were effectively implemented in case of racially motivated offences. The Islamic Republic of Iran expressed concern that some Muslim women had been denied positions as training teachers and civil servants and been threatened with disciplinary action for wearing the headscarf, contravening freedom of religion and expression. It also noted that adherence to certain religious organizations or beliefs constituted one of the main grounds for disqualifying individuals from employment in the public service.

186. Sweden noted that a recommendation relating to the human rights aspects in the fight against terrorism had been accepted. It expressed hope that it would also include how legislation was applied with regard to searches of private computers. It welcomed the fact that recommendations with a view to promote integration further and ensure that all persons enjoy the right to education, regardless of their background, enjoyed the support of Germany.

187. The United States of America commended Germany for its recent actions to extend permanent residence to those granted asylum. It also commended it for its efforts to better integrate members of immigrant communities into mainstream society. It noted, however, that discrimination and hostility towards some racial and religious minority groups remained a problem. It thus applauded the creation of the national plan of action against racism and commended Germany for its ongoing efforts to combat racism, xenophobia and intolerance.

188. Chad noted with satisfaction that Germany had accepted most of the recommendations made, which clearly showed the importance Germany attaches to the universal periodic review. It noted that Germany assisted poor countries in combating poverty by financing development projects, of which Chad was one of the beneficiaries.

### **3. General comments made by other relevant stakeholders**

189. The German Institute for Human Rights welcomed Germany's acceptance of most of the recommendations, of which it would closely monitor the implementation. It sought stronger commitment concerning the ratification of all core human rights treaties and the withdrawal of reservations, particularly concerning the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and lifting reservations to the Convention on the Rights of the Child. It said the universal periodic review procedure needed to be further developed, particularly relating to the interactive dialogue and adoption of recommendations. Given the importance of human rights, Governments could not simply disregard recommendations and should operate under the presumption that any rejection should be treated as an exception, deserving an explanation. It added that the review process should be seen in conjunction with other human rights mechanisms. Those recommendations based on treaty body or special procedures findings deserved additional attention. It added that a consultation process was initiated by the Government of Germany regarding adoption of recommendations and this should be a regular part of the review process. Governments should share whether, how and when such consultations had taken place.

190. The Charitable Institute for the Protection of Social Victims drew the attention of the Council to cases of human rights violations in Germany on the pretext of the war on terror. It noted that the adoption of secrecy policies by the Government and the grave violation of the rights of detainees suspected of terrorism were just a few examples of these extraordinary measures. It expressed concern at Germany's adoption of double-standard

policies in the war on terror, and considered that a confession from a suspect of terrorism obtained as a result of torture was a blatant violation of human rights, in particular in view of the fact that the German law would not in normal circumstances accept those confessions as credible evidence.

191. The Organization for Defending Victims of Violence noted that German teachers wearing the hijab were discriminated against on the basis of their gender and religion, while exceptions were made for Christians and western cultural traditions. Another alarming issue was the increase of attacks by neo-Nazi criminal groups against migrants and minorities. It expressed concern about the conditions of the migrant population and called for more sensitivity towards them. It called on the Council to request Germany to increase its commitment to human rights and to pay attention to the neglect of freedom of expression and belief, which amounted to discrimination.

192. The Iranian Elite Research Center expressed concern at the neglect of the freedom of belief and religion. It noted that this issue in some German States had resulted in legal restrictions for Muslims, particularly women who faced religious and gender discrimination. The banning of religious clothes in some State-run schools violated the fundamental rights of Muslim women. The Center called upon Germany to review and re-evaluate laws banning the wearing of religious signs and insignia in some States, so that the freedom of religion and belief of people would not be violated. It also called on the Government to take to Muslims the same non-discriminatory approach it takes to other religions.

193. The Arab Commission for Human Rights expressed concern at Germany's refusal to accept the recommendation to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, noting that its argument remained unchanged since, at the time when the Convention was negotiated in 1990, regarding the Durban Review Conference, it noted Germany's commitments to continue its fight against racism, and underlined the statements that democratic countries had enormous responsibility for the universal acceptance of the outcome document, particularly paragraph 66, which stated that the Holocaust should never be forgotten.

194. Amnesty International welcomed Germany's acceptance of the majority of recommendations, including the upcoming ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. It saw Germany's contribution to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights as a strong commitment to consider its ratification in due course as announced in the national human rights plan. It welcomed the acceptance of the recommendation to fully respect provisions of international human rights instruments, including the International Covenant on Civil and Political Rights and the Convention against Torture. Despite Germany's assertion that it had always acted in accordance with these, Amnesty International expressed concern about the continued reliance on inherently unenforceable diplomatic assurances and the failure to introduce measures to prevent future renditions through its territory, including air space. It regretted that Germany had declined recommendations to strengthen efforts to prevent ill-treatment by law enforcement officials and to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

195. The Canadian HIV/AIDS Legal Network commended Germany for accepting recommendations to take further initiatives to combat hate crimes based on sexual orientation, strengthen measures to counter discriminatory attitudes, and include sexual orientation and gender identity in public education and equality programmes. It commended Germany for accepting recommendation 22 on the proposal to change the law governing gender registration of transgender people, granting them the right to maintain their existing marriages. However, concerns remained that the proposed law still contained

intrusive and unnecessary restrictions, for example, requiring transgender people to undergo sterilization and hormone treatment to be able to change their official documentation. It recommended that the new law should conform to the Yogyakarta principles on sexual orientation and gender identity. It also recommended that the Government should consult with transgender people to ensure that the new law conformed to their needs.

196. The World Council of Churches commended Germany for having accepted 75 per cent of the recommendations, but noted that a higher rate could have been met. It expressed concern on issues relating to migration and discrimination against migrants. It regretted that migrants did not have all their rights guaranteed, in particular irregular migrants, whose rights to education, health and access to justice were hindered. The right of migrants to live with their families did not exist in the legal framework and the Government of Germany was part of the hard-line faction in the European Union seeking to further restrict this right. Even those living in Germany for years with legal status were threatened with expulsion because of a bureaucratic deadline. The ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families would help improve their rights. It regretted the lack of political will to withdraw Germany's reservation to the Convention on the Rights of the Child, saying that the argument that the federal system would not allow withdrawal of the reservation without the consent of the federal states was a pretext. It encouraged the Government to unconditionally ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights soon and to declare officially its support for the outcome document of the Durban Review Conference, possibly during the debate on item 9 at the current Council session.

#### **4. Concluding remarks of the State under review**

197. In his concluding remarks, the Permanent Representative wholeheartedly thanked the OHCHR for its hard work and the resources it was putting at the disposal of the universal periodic review, the Conference Services for their excellent and often overtime work, and the President for his kind and very able stewardship.

### **Djibouti**

198. The review of Djibouti was held on 2 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Djibouti, in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/4/DJI/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/4/DJI/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/4/DJI/3).

199. At its 14th meeting, on 9 June 2009, the Council considered and adopted the outcome of the review of Djibouti (see section C below).

200. The outcome of the review on Djibouti comprises the report of the Working Group on the Universal Periodic Review (A/HRC/11/16), the views of Djibouti concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

**1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and the outcome**

201. Djibouti extended the apologies of the Minister for Justice in charge of human rights, who was unable to attend the consideration of the outcome of his country at the plenary session of the Council.

202. In relation to the freedom of expression, Djibouti referred to article 1 of its Constitution, which stated that each and every person had the right to express and disseminate freely his or her opinions by word, pen or image. These rights were limited by the stipulations of the law and in respect of the honour of others. Organic law number two concerning freedom of the press and communication authorized every person in Djibouti to create and use freely the media of his or her choice to express their thought and to communicate to any others and have access to the expression of the thoughts of others. In addition to the public press bodies, there was private press as well as international press and no restriction or censorship thereof.

203. The Government had also taken appropriate measures to improve the status of journalists. Djibouti hosted the Association of Journalists of Eastern and Central Africa and the Pen Club, an association for the defence and promotion of freedom of expression.

204. In the areas of social dialogue, freedom of association and trade union rights, Djibouti was convinced of the need to create conditions to promote the emergence of a positive environment for collective negotiations and the establishment of a framework of true tripartism. With this aim in mind, the Djibouti labour code provided for the establishment of several tripartite or joint bodies: the National Council for Labour, Employment and Professional Training; the National Joint Commission for Collective Agreements and Pay Agreements; and the National Commission for Security and Labour Health.

205. Article 15 of the Djibouti Constitution guaranteed freedom of association. The modalities were detailed in a law of 1901.

206. Concerning trade union freedoms, the legislation provided the necessary guarantees to trade unions to organize themselves freely. In the new labour code, two provisions had been the subject of comments by International Labour Organization (ILO) monitoring bodies. Djibouti had committed itself to comply with ILO Convention No. 87.

207. Djibouti noted that, during the review, many delegations had taken the floor and that the recommendations covered a wide range of areas dealing with integration of women; combating female genital mutilation; the right to education; access to health; the protection of children; the ratification of international instruments; the fight against unemployment and the establishment of programmes to combat poverty; the strengthening of the judicial system and access to justice; the establishment of a schedule to address the backlog encountered in the submission of reports to treaty bodies; the establishment of a programme of cooperation and capacity-building with OHCHR; and the strengthening of efforts to establish regional assemblies to help regional communities.

208. Djibouti had accepted the overwhelming majority of recommendations, although it rejected a small number because they were either incompatible with provisions of domestic legislation or did not correspond to the reality in the country.

209. The delegation of Djibouti, as soon as it returned from the universal periodic review Working Group, organized a workshop involving all concerned stakeholders, including civil society. Four main pillars have been defined: strengthening the capacities of national bodies dealing with periodic reports and the implementation of international conventions; strengthening the capacities of the national human rights commission and civil society to raise awareness for the promotion and protection of fundamental human rights; the

development of training modules aimed at staff and justice auxiliaries, namely, judges, lawyers, penitentiary wardens, law enforcement agencies and policemen; and the continuing of a policy of ratifying human rights treaties and the submission of reports to treaty bodies.

210. With the support of the United Nations system, Djibouti organized, in March 2009, a four-day workshop on drafting and techniques for the submission of reports to treaty bodies. Shortly after, an initial report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women was drawn up, endorsed and sent to the competent bodies.

211. A wide-ranging programme of functional literacy had been established and benefited thousands of young women. The Ministry for the Promotion of Women, Family Well-being and Social Affairs planned to strengthen and continue these programmes. It had also established post-literacy programmes, whereby 400 girls were currently being trained in professional and vocational courses.

212. In response to the universal periodic review recommendations, the Ministry had adopted a master plan and a strategic framework for the period 2009–2013, which will make it possible to speed up the institutionalization of gender issues and strengthen the empowerment of women by the emergence of entrepreneurs among women.

213. On 18 April 2009, a workshop on the national study on poverty and disparities involving children had been held. The objective of the study was to propose a fact-based systematic analysis on the impact of poverty and disparities on children.

214. In order to respond to recommendations 9 and 11 on juvenile justice, the Government was working on reforming provisions on juvenile delinquency. The draft text, which incorporated articles of the Convention on the Rights of the Child, provided for the introduction of true justice for minors through a juvenile judge, a court for children and a chamber of appeals for children.

215. With regard to access to health, including in rural areas, the Government had adopted, on 2 June 2009, a national charter for the promotion of health, aimed at reducing the current gaps and at offering citizens equal opportunities to optimize their potential in the health sphere.

216. The fight against poverty had been discussed and considered in a national seminar on Government action, held from 9 to 18 May 2009. The seminar, which was chaired by the President of the Republic, had also involved actors from civil society.

217. With regard to unemployment, an assessment had revealed that the main obstacle was the mismatch between the qualifications of young people and the demands of the market. The Government had defined priority actions for the promotion of employment and development of vocational training.

218. The Council of Ministers had also adopted a bill allowing it to become a party to the Convention on the Rights of Persons with Disabilities, which will soon be considered by the National Assembly. Measures had been taken to deposit with the Secretary-General the instruments of ratification of the International Convention on the Elimination of All Forms of Racial Discrimination.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

219. Qatar welcomed the spirit of cooperation and openness demonstrated by Djibouti in relation to the recommendations and observations made by delegations during the review in February. It welcomed in particular the acceptance by Djibouti of 37 recommendations.

Qatar stressed the progress made in Djibouti in the area of human rights, in particular regarding the right to education and the rights of the child.

220. Algeria welcomed the establishment of a national human rights institution in line with the Paris Principles. It acknowledged the efforts made in the areas of education, health care, the protection of women and children and poverty eradication. Algeria reiterated its recommendation that OHCHR provide the necessary technical assistance requested by Djibouti to meet its human rights commitments, particularly to overcome the current delay in submitting its reports to treaty bodies.

221. Cuba congratulated Djibouti on its efforts, saying it was particularly meritorious given the fact that Djibouti was fighting for the well-being of its people under the difficult conditions imposed by the existing economic world order, aggravated by the impact of the current global financial crisis. It noted with satisfaction that Djibouti continued taking positive steps to implement the recommendations.

222. The United Arab Emirates noted with satisfaction that Djibouti had accepted most of the recommendations made during the session of the Working Group, and had decided to involve civil society in their implementation. The United Arab Emirates considered that Djibouti was going in the right direction in the area of human rights and appreciated the efforts that it was making.

223. Egypt commended Djibouti for the efforts made, noting that these were fraught with challenges and constraints, but that they had no doubt Djibouti would overcome these. Noting that Djibouti had voluntarily accepted the majority of the recommendations, it encouraged the Government to further its efforts, while welcoming the attention paid to the areas of education, health, poverty reduction and strengthening of the judicial system and the national human rights architecture.

224. Bahrain noted with appreciation the steps taken by Djibouti to implement a number of recommendations contained in the report of the Working Group. The measures taken showed Djibouti's willingness to give new impetus to human rights and to cooperate with human rights mechanisms. Bahrain noted in particular the measures to promote the right to education, especially for children.

225. Saudi Arabia welcomed the acceptance of most of the recommendations, in particular recommendation 17 on continuing efforts to increase the number of primary and secondary schools and to strengthen higher education. Despite the obstacles encountered, Djibouti had achieved progress in the promotion and protection of human rights, having set up a ministry for the promotion and protection of the rights of women, and enacted laws to strengthen the right to education so that children between 6 and 16 years of age could benefit from free education.

226. Indonesia commended Djibouti for its ongoing work and constructive strategies to reduce illiteracy and to promote the education of girls between the ages of 6 and 16, saying that this would empower girls and women in society. It also commended it for the incorporation of ratified international norms and human rights instruments into national legislation. It welcomed the initiatives aiming at increasing the participation of women in the political and social sphere, especially with regard to the national commitments to the Millennium Development Goals.

227. Morocco noted that Djibouti had accepted 37 recommendations and reiterated its call to the international community to support Djibouti in its efforts to promote human rights, in particular in the area of the harmonization of domestic legislation and related institutional reform. Djibouti should be encouraged to make specific technical assistance requests to relevant agencies and international institutions, including OHCHR, in order to develop and promote the Millennium Development Goals.

228. Yemen said that the presentation and report made by Djibouti during the universal periodic review clearly illustrated its achievements and challenges. The acceptance of a large number of recommendations was a further indication of the importance given by the country to many of the issues raised and of the moral commitment to promote and protect human rights. It encouraged Djibouti to persevere in its efforts.

229. Senegal welcomed the efforts made and policies put in place by Djibouti to promote the social condition of its citizens, in particular through programmes to reduce unemployment and the promotion of the rights to housing, education and health. It noted that the measures taken by the authorities in various areas showed the determination of Djibouti to overcome the constraints faced and to attain its objectives in the area of human rights. Senegal called on the international community to express more solidarity for Djibouti.

230. Nigeria was impressed by Djibouti's initiative to take measures to strengthen its capacity in the administration of justice; establish a juvenile justice system; train judicial and law enforcement officers dealing with juvenile cases; and develop and strengthen legislative measures to ensure prompt investigation and prosecution of sexual offences against children.

231. Burkina Faso encouraged Djibouti to pursue its efforts to implement the recommendations made during the review. It noted with satisfaction the action already taken to this end. Burkina Faso expressed its solidarity with Djibouti in its efforts to implement strategies for the realization of human rights.

### **3. General comments made by other relevant stakeholders**

232. The Organisation pour la communication en Afrique et de promotion de la coopération économique internationale, in a joint statement with the Indian Council of South America, the International Human Rights Association of American minorities and the Organization for defending victims of violence, welcomed Djibouti's particular attention to the rights of the child and women. It encouraged Djibouti to continue its efforts to reduce illiteracy, which remained very high among women. It recommended that Djibouti should continue its efforts to elaborate a plan of action for the implementation of the recommendations made by the Committee on the Rights of the Child, and reminded Djibouti of the importance of ratifying other human rights instruments.

233. The Rencontre africaine pour la défense des droits de l'homme stressed that, after many years of political instability, Djibouti had committed itself to building a State based on the rule of law thanks to its adherence to international human rights instruments. It recommended that Djibouti should establish a national programme to promote women's rights and rehabilitate victims of poverty and sexual mutilation, and to establish a framework to promote freedom of the press.

234. The Arab Commission for Human Rights congratulated Djibouti for having accepted several recommendations, but regretted that, in certain paragraphs, the report did not identify more clearly which recommendations had been accepted and which had been rejected. In that regard, it noted a contradiction between the rejection of recommendation 59 (e), and the apparent endorsement of recommendation 7 of paragraph 68, thus creating a conflict of interpretation.

235. The Cercle de recherche sur les droits et les devoirs de la personne humaine expressed its willingness to work in collaboration with Djibouti to ensure that its commitments were realized, in particular in the area of harmonization of domestic legislation with international standards.

236. The Al-Hakim Foundation urged Djibouti to reform effectively the judiciary, which was reportedly under the influence of the executive, with courts failing to respect fair trial standards, particularly in political cases not tried in public. It further noted reports of political and tribal intervention in the selection of judges and judicial officers, and the application of tribal laws to cases, including murder and rape, where fines were determined as blood money to be offered to the family or tribe of the victim. It said that, although the Constitution and the law provided for the creation of trade unions, workers associations and political parties, in some instances the Government had imposed some restrictions, noting for example that the labour code stipulated that the Government must give prior authorization to the creation of trade federations and unions.

237. The Cairo Institute encouraged Djibouti to enhance its collaboration with all international human rights instruments and mechanisms, notably by extending a standing invitation to the special procedures mandate holders by ensuring treaty body reporting, and by publicly speaking out in favour of the International Criminal Court, to which it is a State party. It called on the Government to bring an immediate end to the continued harassment of human rights activists such as the President of the Ligue djiboutienne des droits de l'homme, to create an enabling environment for the independent media by repealing the current press law and passing new legislation, that eliminates criminal sanctions for press offences among other provisions, and to guarantee freedom of the media as stipulated in the numerous regional and international treaties ratified by Djibouti. It called on the Government to refrain from harassment, arbitrary arrest and detention of trade unionists and to expand the space available to free and independent activism.

#### **4. Concluding remarks of the State under review**

238. In its concluding remarks, Djibouti reiterated that there was no persecution of trade unionists in Djibouti. The press was free; journalists worked in an environment that allowed them to move about and participate in the formulation of policy and to give their views on issues.

239. Djibouti reaffirmed its deep gratitude to the States and representatives of civil society, who in their statements had expressed their interest in the human rights situation in Djibouti.

240. Before the adoption of the outcome of the review, and in compliance with paragraph 32 of Council resolution 5/1, Switzerland invited Djibouti to clarify the status of the eight recommendations listed in paragraph 68 and for which responses were to be provided by Djibouti during the plenary session. The representative of Djibouti confirmed that the concerned noted recommendations were being carefully considered and reviewed by the authorities and that substantive responses would be provided in the future.

### **Canada**

241. The review of Canada was held on 3 February 2009, in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Canada in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/4/CAN/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/4/CAN/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/4/CAN/3).

242. At its 14th meeting, on 9 June 2009, the Council considered and adopted the outcome of the review on Canada (see section C below).

243. The outcome of the review on Canada comprises the report of the Working Group on the Universal Periodic Review (A/HRC/11/17), the views of Canada 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/11/17/Add.1).

**1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and the outcome**

244. The Permanent Representative of Canada to the United Nations Office at Geneva indicated that Canada had submitted a written response that addressed the 68 recommendations contained in the Working Group report as well as other recommendations submitted in writing by States that were unable to speak at the review owing to time constraints.

245. As outlined in its response, Canada accepted 32 recommendations, accepted in part 22 recommendations, and did not accept 14 recommendations. Canada also made a number of voluntary commitments in the response. To inform its response to these recommendations, Canada held meetings with non-governmental organizations and Aboriginal representatives, and also conducted online consultations through a web portal. Canada worked with all the actors involved in the implementation of the recommendations or on which the recommendations would have an impact to prepare its national response for the plenary session. Interest in the follow-up to the review had been strong, from Governments to civil society organizations and Parliamentarians. Two parliamentary committees were examining the results of the universal periodic review of Canada. In support to these ongoing discussions, the Government of Canada committed to submit the outcome of the review of Canada to its Parliament.

246. Canada elaborated on some issues addressed in its written responses. Regarding Aboriginal peoples, new funding had been allocated to support training to improve labour market outcomes for Aboriginal people and to address First Nations on-reserve housing, as well as infrastructure needs. Canada continued to support practical partnership approaches with Aboriginal organizations and provincial and territorial governments on the delivery of First Nations and Inuit health programme and child and family services. On 11 June 2008, the Prime Minister of Canada had offered a historic statement of apology to former students of Indian residential schools. A truth and reconciliation commission had been established in 2008 and Canada committed to considering its future recommendations.

247. Governments in Canada were working to advance equality for women and to ensure the protection of their rights, including by exploring ways to facilitate women's labour force participation and economic security, improve the lives of Inuit, Métis and First Nations women, both on and off reserve, and address violence against women. Domestic violence courts had been established in many jurisdictions. Canada committed to identifying the causes of violence against Aboriginal women and developing appropriate responses, in consultation with Aboriginal and civil society organizations. Governments were working together to strengthen preventative measures and improve the response of the criminal justice system to violence against all women, including Aboriginal women.

248. Governments in Canada were taking measures to respond to the social and economic needs of Canadians. Provincial and territorial governments had policies and programmes aimed at reducing poverty; four had implemented poverty reduction strategies. As a result of these measures, in the past decade, low-income rates for seniors, women, and children

had fallen considerably. The Government of Canada committed to continuing to find ways to build on efforts to address poverty and housing issues, in collaboration with provinces and territories.

249. Canada was committed to taking decisive steps to eliminate racism and to address any and all issues of discrimination facing Canada's diverse racial, ethnic, cultural and religious communities. "A Canada for All", Canada's plan of action against racism, addressed racial discrimination in a coordinated manner across 20 federal departments and agencies.

250. Canada monitored the implementation of its legislation, programmes and services related to the protection of victims of trafficking. Canada pursued a multipronged approach to protect children from all form of sexual exploitation, including a comprehensive legal framework to deter exploitation and to hold offenders accountable; the development of tools and strategies for law enforcement agencies; and support for community-based projects that foster prevention and support victims.

251. Federal, provincial and territorial governments worked both individually and collaboratively to enhance implementation of international human rights treaties to which Canada was a party. Canada recognized that there may be opportunities to improve existing processes and therefore committed to considering options for enhancing mechanisms and procedures related to the implementation of international human rights obligations.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

252. Making reference to the recommendations accepted, rejected and or partially accepted by Canada, Algeria indicated that it had expected more openness and consistency from Canada in the universal periodic review exercise. Algeria referred to the persistent refusal of Canada to join the consensus on the institution-building package of the Council and its refusal to systematically denounce violations committed by an occupying Power in a particular region of the world. Algeria noted Canada's rejection of recommendation 61, which took up a recommendation from the Committee on the Elimination of All Forms of Racial Discrimination regarding awareness-raising intended to protect certain groups associated with terrorism and to amend anti-terrorist law. Algeria indicated it would have liked Canada to take the opportunity to announce its support for the final document of the Durban Review Conference. Algeria noted the refusal of Canada to adhere to various international human rights instruments while it had made similar recommendations in the context of the universal periodic review to other countries.

253. Cuba noted that, in the course of the review of Canada, around 68 recommendations had been formulated. It highlighted those asking Canada to ratify international conventions to which it was not yet a party and to intensify efforts to combat racism, racial discrimination and xenophobia, particularly against First Nations, as an essential component to democracy. It noted that Canada had accepted a number of recommendations, but regretted that it continued to refuse to comply fully with and implement the United Nations Declaration on the Rights of Indigenous Peoples, one of Cuba's recommendations. Cuba also regretted that Canada dissociated itself from international efforts to combat racism, racial discrimination and xenophobia and urged it to join the activities to implement the Durban Declaration and Programme of Action, as well as the outcome document of the Review Conference. Cuba indicated it missed the time when Canada took a pro-third-world approach, committed to the noblest causes, always on the side of the weakest, and awaited its return.

254. The Russian Federation regretted that the recommendations that it made to Canada had not been implemented. It recommended that Canada not isolate itself from international

cooperation with respect to work on combating racism, racial discrimination, xenophobia and related intolerance and that it consider the possibility of accepting the final document of the Durban Review Conference. The Russian Federation also stressed the importance of a nationwide strategy to combat poverty, particularly in the context of the current global financial and economic crisis and of the desirability to pay special attention to the situation of representatives of indigenous peoples, who were experiencing the greatest difficulties.

255. The Islamic Republic of Iran made reference to concerns raised by the treaty bodies and in stakeholders' submissions, including on continued cases of violation of human rights in Canada, as well as the growing discriminatory treatment of indigenous people, aboriginal women, migrants, Muslims, Arabs and Afro-Canadians. Iran noted that, since September 2001, Canada's Muslim and Arab communities had continuously felt victimized. It made reference to concerns about serious acts of violence against Aboriginal women and urged Canada to examine its failure to investigate cases of missing and murdered Aboriginal women. Iran also noted that Canada placed barriers to refugee and migrant family reunification, and recommended that Canada address the root causes of various forms of discriminations in the country, ensure effective access to justice, establish means of redress and protection of the rights of ethnic minorities and indigenous people and Aboriginals, and revisit its decision with regard to the United Nations Declaration on the Rights of Indigenous Peoples.

256. Sweden welcomed this opportunity to participate formally in the universal periodic review dialogue on Canada, and made two comments. Firstly, Sweden noted that the recommendations on the issue of violence against women, including indigenous women, including its own recommendation posted on the extranet, enjoyed the support of the Government of Canada. Secondly, concerning the issue of violence against children, Sweden noted that the recommendations made on this issue enjoyed the Government's support and encouraged Canada to include a prohibition of corporal punishment.

257. The United States of America appreciated Canada's efforts to settle Aboriginal land claims, with a view to accelerating the process. It also welcomed the attention paid to recommendations to review the effectiveness of its anti-trafficking laws and to coordinate law enforcement efforts among national, provincial and State authorities, and requested more information in this regard. It commended Canada's acknowledgement of civil society concerns and appreciated its efforts to build on these constructive relationships, consulting them on universal periodic review follow-up activities. It noted that Canada had been a model member of the Council, demonstrating deep commitment to the protection and promotion of human rights.

258. Chad noted with satisfaction the acceptance of most of the recommendations made by Canada.

### **3. General comments made by other relevant stakeholders**

259. The Canadian Human Rights Commission wished to see the universal periodic review process move the dialogue forwards with regard to the Declaration on the Rights of Indigenous Peoples and the acceleration of Canada's ratification of the Convention on the Rights of Persons with Disabilities. The Commission commended Canada for its acceptance of a number of recommendations. For those not accepted, it encouraged Canada to develop practical strategies to reach the objectives they were designed to achieve. It also called on Canada to establish a national mechanism to implement and report on its international commitments, which should include human rights commissions and countrywide civil society. The Commission promised to follow Canada's implementation of the outcome document with great interest.

260. The Charitable Institute for Protecting Social Victims commented on the prevention of violence against women. It emphasized the importance of assessing the complex issue of the effects of violence and abuse on women and on society. It called for closer attention to be paid to negligence in promoting and protecting women's rights and to the causes of neglect in investigating the condition of women threatened with violence and abuse by their husbands.

261. The Organization for Defending Victims of Violence expressed concern over the violence or excessive force that the Canadian police use against people. While expressing grave concern at the application of these forms of violence by the Canadian police, the Organization deemed the use of Taser stun guns as a policy contrary to all international human rights instruments and guidelines and called upon the Council to consider this issue in its review on Canada.

262. The Iranian Elite Research Center referred to the human rights issues of the Muslim, indigenous and African-Canadian citizens of Canada and the increase in Islamophobia in the country. It noted that, following the September 11 attacks, the Muslim community had been under constant pressure and was subjected to various forms of prejudice. It expressed concern about the conditions of migrants and the excessive violence of police and security forces. The Center invited the Council to call upon Canada to observe all its human rights commitments.

263. The Indian Council of South America, in a joint statement with the Organisation pour la communication en Afrique et de promotion de la coopération économique internationale and the International Organization of Indigenous Resource Development, referred to complaints received about the use of the term "aboriginal" in the universal periodic review of Canada. It raised the need to address unresolved issues, issue an apology in general, create a truth and reconciliation commission for all indigenous peoples and adopt the Declaration on the Rights of Indigenous Peoples. Reference was made to recommendation 61 and to the need for States to be careful that they do not stereotype individuals or groups to conveniently identify them as terrorists so that accusations of terrorism did not become a convenient excuse for the use of force and arms against non-violent and peaceful resistance.

264. Rencontre africaine pour la défense des droits de l'homme made reference to Canada's enormous difficulties regarding people of African descent living in Canada. It exhorted Canada to set up a programme for the implementation of the Durban Programme of Action and to promote real integration of indigenous women and black women and other minorities in Canada's economic tissue. It congratulated Canada on its contribution to combating poverty in developing countries and on its adoption, in 2004, of a law to enable Canadian enterprises to communicate medical patents to combat AIDS in developing countries.

265. The International Organization of Indigenous Resource Development noted that Canada could not or did not accept the recommendations on ILO Convention 169, the lifting of reservations, with regard to the Convention on the Rights of the Child, on indigenous children and the United Nations Declaration on the Rights of Indigenous Peoples. It supported Canada's commitment to submit the universal periodic review outcome to the Parliament and highlighted the need for a permanent domestic mechanism related to the implementation of international human rights obligations generally and specifically for indigenous peoples. It underscored Canada's commitment to considering recommendations of the truth and reconciliation commission, though this would not in itself ensure justice and respect.

266. The World Association for the School as an Instrument of Peace (on behalf of three other organizations), the Arab Commission for Human Rights, the International Federation

of Human Rights Leagues and Amnesty International were scheduled to speak within the 20-minute segment for non-governmental organizations, but were not allowed to do so because the meeting was running late. At its 15th meeting, on 10 June, the President of the Council decided, on an exceptional basis, that, although not delivered during the proceedings, summaries of the statements of the above-mentioned organizations would be reflected in the present report.

267. A joint written statement by the World Association for the School as an Instrument of Peace with Action Canada for Population and Development, the Canadian HIV/AIDS Legal Network and the International Organization of Indigenous Resource Development welcomed the Government's acknowledgement of the importance of the issue of missing and murdered Aboriginals. With reference to recommendations 33 to 38 and recommendations 45, 47 to 49, 50 and 54, the World Association for the School as an Instrument of Peace considered Canada's responses insufficient. It reiterated comments that Canada's failure to accept recommendation 17 contradicted the 2006 election promise to close the gap in quality of life standards between indigenous peoples and the rest of Canada. It expressed its disappointment with Canada's refusal of recommendation 52, to endorse the United Nations Declaration on the Rights of Indigenous Peoples. Regarding recommendation 57, it considered that consultations on the Migrant Workers Convention had been inadequate.

268. In its written statement, the Arab Commission for Human Rights saluted the acceptance of recommendation 2. It regretted the rejection of recommendation 5 on the ratification of the International Convention on the Rights of Migrant Workers, and recommendation 21, especially its second part, urging Canada to contribute to global efforts in the fight against racism, racial discrimination, xenophobia and related intolerance. It was especially concerned over the argument that the Review Conference had elicited manifestations of intolerance and anti-Semitism. It invited Canada to reconsider its position on the Durban Review Conference and to join the Outcome Document, ensuring its universal acceptance. It recommended that Canada ratify the 1960 Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

269. In its written statement, the International Federation of Human Rights Leagues regretted Canada's decision not to accept fully or partially 28 recommendations. It referred to the refusal of Canada to endorse the Declaration on the Rights of Indigenous Peoples, and regretted that consultations with civil society had not been serious, and indicated that the choice of recommendations accepted had not been done in a transparent manner. It regretted Canada's refusal to recognize the justiciability of economic, social and cultural rights and to adhere to the Optional Protocol to the International Covenant on the Economic, Social and Cultural Rights. It expressed concern at the refusal to accept recommendations relating to Canadian citizens facing the death penalty abroad.

270. In its written statement, Amnesty International welcomed Canada's acceptance of many recommendations, although it had expected a more ambitious response from Canada. It was disappointed that Canada had rejected recommendations relating to the ratification of international human rights instruments and to declaring support for the United Nations Declaration on the Rights of Indigenous Peoples. It welcomed the commitment of Canada to submitting the outcome of its review to the Parliament and urged that provincial and territorial legislatures do the same, and that the Government move quickly to develop a new approach to the implementation of Canada's international human rights obligations.

#### **4. Concluding remarks of the State under review**

271. Canada expressed appreciation to the Troika members, and the delegations and organizations that contributed to the process. Canada viewed the universal periodic review

as a four-year cycle centred on the country under review. Having completed the preparations for its review and the review itself, Canada was looking ahead to the implementation phase. Implementing the recommendations accepted and its voluntary commitments would require sustained engagement by all orders of government.

272. Canada had been an early and committed proponent of the universal periodic review as one of the most important innovations of the Council. Canada remained committed to working to strengthen this dynamic new mechanism as it developed and to improving the protection of human rights for all people across Canada.

## **Bangladesh**

273. The review of Bangladesh was held on 3 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Bangladesh in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/4/BGD/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/4/BGD/2); and

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/4/BGD/3).

274. At its 15th meeting, on 10 June 2009, the Council considered and adopted the outcome of the review on Bangladesh (see section C below).

275. The outcome of the review on Bangladesh comprises the report of the Working Group on the Universal Periodic Review (A/HRC/11/18), the views of Bangladesh 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/11/18/Add.1).

### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and the outcome**

276. The Chargé d'affaires of the Permanent Mission of Bangladesh to the United Nations Office at Geneva indicated that the fact that the Minister for Foreign Affairs, on her first visit since the new Government took office, had headed the Bangladesh delegation during its review held on 3 February 2009 reflected the importance that the Government attached to this new human rights mechanism. The conduct of the review had been a productive and rewarding experience for Bangladesh, obliging it to have a deeper look into its human rights situation and to identify possible areas requiring more attention. It had offered an opportunity to engage all relevant Government agencies and civil society in the human rights discourse within the country.

277. The interactive dialogue in the Working Group had been very productive. Bangladesh had learned how its situation and efforts had been perceived by the international community. It noted with great satisfaction that there had been positive recognition of the efforts made, with some accomplishments regarded as examples of best practice. Despite its many achievements, Bangladesh was aware that there were a number of shortcomings and room for improvement. Several delegates referred to Bangladesh's deficits. Most of the questions and recommendations presented were challenging, yet constructive. Bangladesh considered them carefully and consulted with Government

departments before finalizing its response to the recommendations, which was available as a public document.

278. Bangladesh had accepted almost all recommendations, with action already initiated to implement some of them. One or two could not be accepted as they were in conflict with Bangladesh's Constitution, legal provisions or deeply-held social values. In a few cases, explanations had also been provided to better understand the context of human rights protection and Bangladesh hoped the Council would understand and appreciate this approach. Bangladesh stated that its commitment to the promotion of human rights was not limited to these recommendations. It was convinced that it needed to continuously pursue higher norms and standards, be it in the area of human rights or in socio-economic development. It also referred to its institutional framework in addressing all human rights challenges, including its democratic polity, vibrant civil society and newly established national human rights commission.

279. Bangladesh explained that most of its human rights challenges were rooted in poverty and underdevelopment. As a result, the Government had given priority attention to the alleviation of poverty through a range of home-grown ideas and policies, such as microcredit, non-formal education and social safety net programmes. Bangladesh would continue to strive for further progress and was confident that there would be significant progress to report in its pursuit of human rights by the next review.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

280. Pakistan noted that the presentation of the national report by the Minister for Foreign Affairs of Bangladesh was a manifestation of the priority that the newly elected Government attached to human rights. The acceptance of almost all recommendations was further proof of this commitment. Pakistan stated that the recommendations not taken on board by Bangladesh were clearly those that neither fell under the rubric of international human rights standards nor conformed to its national laws, commitments and values. It commended this stance. Pakistan appreciated the actions initiated for implementing the recommendations made.

281. Venezuela (Bolivarian Republic of) was pleased with Bangladesh's open and cooperative presentation, which had allowed positive interaction on its achievements and challenges. It thanked Bangladesh for its replies, particularly on the implementation of the strategy to reduce poverty in remote regions and positively valued the development programmes favouring vulnerable groups, especially women in situations of poverty. Venezuela recognized the efforts and political will of Bangladesh for human rights.

282. Qatar noted that Bangladesh seriously endeavoured to promote and protect human rights through its Millennium Development Goal plans, especially on education. Bangladesh's achievements and considerable efforts to address challenges faced in the fields of good governance, economic and social development, human rights, poverty alleviation and women's rights were also noted. Qatar also called on OHCHR and other bodies to provide assistance to Bangladesh, including technical advice, to address the challenges it faces, including environment and climate change that had an impact on human rights.

283. Cuba recognized that Bangladesh had accepted the majority of recommendations and highlighted the fact that its efforts to implement them were praiseworthy. It noted that these efforts had been made in a situation exacerbated by the current international financial and economic crisis. It noted that Bangladesh continued to promote education and women's rights. Cuba recognized the actions implemented to combat poverty and hunger and to meet

basic needs, such as food, housing, education and health, and encouraged Bangladesh to continue these efforts.

284. Belarus regretted that it had not been able to speak during the review of Bangladesh. It supported a number of the recommendations accepted by Bangladesh, including those on the rights of women and children, education and health care and of continuing effective measures to eradicate poverty. Belarus expressed satisfaction that Bangladesh had agreed to all the recommendations relating to the vulnerable categories of citizens and expressed its conviction that Bangladesh would take just as serious an approach to the implementation of the recommendations as it did for the preparation of its review.

285. Bahrain noted that Bangladesh had taken numerous measures to promote and protect human rights, showing that Bangladesh was fully willing to give new impetus to its human rights movement and to fully cooperate with United Nations bodies. Bahrain welcomed the fact that Bangladesh was combating violence against women, having set up a commission to provide medical, legal and police assistance, and homes for women in need. It greatly appreciated Bangladesh's efforts to end hunger and violence against children in close cooperation with non-governmental organizations and civil society.

286. China thanked Bangladesh for presenting the efforts made and the achievements reached and for its frank account of the difficulties and challenges that it faced. China welcomed the active measures taken by Bangladesh to implement the accepted recommendations. China hoped that the international community would provide the necessary economic and technical assistance to help Bangladesh. China expressed its sincere sympathy to Bangladesh because it had recently suffered from violent tropical storms.

287. Algeria greatly appreciated the acceptance by Bangladesh of 40 of the 42 recommendations submitted to it and understood the explanations for the recommendations rejected. Algeria commended Bangladesh for its commitments and efforts to address the impact of climate change on human rights and for its achievements and commitment to poverty reduction, particularly among women, and called on the international community to assist Bangladesh in combating poverty.

288. Egypt noted that Bangladesh had succeeded in its review process to share its experiences and good practices in the elimination of poverty, ensuring food security, attaining the right to education and political participation. Egypt encouraged the international community to extend assistance to Bangladesh based on its needs assessment for further advancing all human rights. Egypt also commended Bangladesh for upholding its sovereign right to implement its laws based on the universally agreed human rights norms and standards, especially in relation to the death penalty.

289. Saudi Arabia noted that Bangladesh intended to continue the efforts under way to promote human rights. Saudi Arabia welcomed those made to combat poverty and noted its ambitious national programmes for the poorer segments of the population, especially women and children. It highlighted the fact that Bangladesh provided clear and transparent information on the challenges faced and required support from the international community.

290. The United Arab Emirates welcomed the voluntary commitments of Bangladesh made during the universal periodic review process. It commended the Government for the efforts made in the promotion and protection of human rights, especially those of children. It expressed its appreciation to other initiatives taken, including for disabled persons. The United Arab Emirates was confident in Bangladesh's capacity to face its challenges and hoped that the Council would support Bangladesh in its reforms.

291. Kazakhstan appreciated Bangladesh's consultation with civil society in the preparation of the review and encouraged continued consultation in its follow-up and implementation. Kazakhstan would appreciate Bangladesh's consideration of acceding to the core treaties to which it was not a party. It noted progress in the field of education, particularly for girls, and steps for improving the role of women in society. It stressed the need to further strengthen the national human rights commission. Kazakhstan expected the finalization of the national document on eradication of child labour and encouraged Bangladesh to address problems faced by children.

### 3. General comments made by other relevant stakeholders

292. The Asian Forum for Human Rights and Development, in a joint statement, welcomed the recent decision of the Government to establish tribunals for the trial of those responsible under the International Crimes Act of 1973. It expressed dismay that, despite the announced policy of "zero tolerance" of extrajudicial killings, such killings had allegedly continued without any substantive efforts to investigate or take appropriate action. It reported on cases of violence against women since January 2009. It urged the Government to make concrete, measurable and time-bound commitments to address these human rights violations, including investigations into ongoing and past human rights abuses, including war crimes, extrajudicial killings, torture and arbitrary detention, and cases of violence against women, minorities and indigenous people, and to provide adequate reparation to victims and families. A call was made for a road map for the repeal of discriminatory laws, with particular emphasis on those affecting religious minorities, workers and persons with disabilities, as well as juvenile justice and gender-based personal laws. It strongly urged the Government to take concrete steps for the full implementation of the peace accord in the Chittagong Hill Tracts.

293. The Asian Legal Resource Centre welcomed the attention given to the human rights situation in Bangladesh thanks to the universal periodic review process. It noted grave violations during the review period. Concerning recommendations 10, 20 and 26, the Centre said that Bangladesh had promised to address the culture of impunity. It challenged Bangladesh to produce evidence of cases in which State agents had been held responsible for torture or extrajudicial killings. Bangladesh should repeal the Joint Drive Indemnity Act of 2003 and article 46 of the Constitution, which provided blanket impunity to State agents involved in violations. Concerning recommendations 11 and 25 and despite claims that the judiciary had been separated from the executive, it noted that the Government had amended its code of criminal procedure of 1898 to allow "executive magistrates" to take control of any trial they deemed fit, which, in practice, was an obstruction to judicial independence. The Centre was deeply disappointed that Bangladesh had not accepted recommendation 12 and indicated that Bangladesh must ensure visits of three special rapporteurs, as a priority, and extend invitations to all other mandates.

294. Action Canada for Population and Development requested that Bangladesh incorporate into its law enforcement training programme issues of the transgender community. Acknowledging Bangladesh's acceptance of recommendations 6 and 7 of the universal periodic review, it requested that the Government create a special gender and sexual minority cell within the national human rights commission. With regard to recommendation 18 on vulnerable groups, it called upon Bangladesh to regard men and women attracted to the same sex living in poverty, intersex, *Hijra* and *Kothi* as special groups and bring them into safety net packages. On recommendation 23 on the setting up of a national plan of action against sexual abuse, it requested that Bangladesh take into consideration the particular vulnerabilities of intersex and "effeminate" children, the violence they faced in schools and the traumatic effects this violence had on their lives.

295. The International Work Group for Indigenous Affairs raised concerns about the situation of indigenous peoples in the Chittagong Hill Tracts. It noted that the Government of Bangladesh had expressed its sincere intention to implement fully the Chittagong Hill Tracts peace accord. It referred to recommendation 34 and the particular importance of resolving the land disputes with effectiveness and justice by amending the Land Dispute Commission Act of 2001 and by having the land disputes resolution commission resume its work and by initiating a viable process of voluntary relocation of government-sponsored Bengali settlers from the Chittagong Hill Tracts. It was also important to expedite the withdrawal of hundreds of temporary military camps, and to facilitate normal civil administration by transferring all the agreed subjects and functions to the Hill District Councils with immediate effect, taking all the necessary steps to ensure the full functioning of the Chittagong Hill Tracts Regional Council.

296. The International Human Rights Association of American Minorities noted that the 2008 elections were promising and the establishment of the human rights commission offered some hope. It considered that the continuation and expansion of poverty alleviation programmes would allow more people to be lifted out of poverty. Despite progress made in the field of human rights, the Association noted that corruption was still commonplace, that torture, extrajudicial killings and custodial deaths were still being reported, and that equality between men and women had not yet been fully realized. It encouraged Bangladesh to ratify the treaties, as recommended in the review report. It spoke of the need to bring to a halt custodial deaths and torture of people in custody and to take further steps towards ending all forms of violence against women and eradicating child labour.

#### **4. Concluding remarks of the State under review**

297. Bangladesh thanked all participants and conveyed particular thanks to those who had expressed their support and solidarity following the recent cyclone that had devastated a part of its country.

298. Bangladesh believed that, although the universal periodic review was primarily an intergovernmental process, civil society had an important role to play. As Bangladesh consulted national non-governmental organizations during its preparatory process, it would have been happy to hear more voices of national organizations on the outcome of the review, and expressed the hope that the Council would try to facilitate participation of mainstream national non-governmental organizations in deliberations on country human rights situations. Bangladesh stated that it was committed to continue involving its civil society and working with them.

299. Bangladesh was a small country, with a vast population, resource-starved and disaster-prone, for which reasons fully guaranteeing human rights protection was a daunting challenge, so expectations had to be realistic. Although there might be some instances of human rights violations, there was an adequate and effective institutional framework to deal with them. However, Bangladesh would continue to strive for further improvements.

300. Careful note had been taken of all observations, suggestions and comments made, and they would be referred faithfully back to the Government, which would give them due consideration and take practical measures within the parameters of the Constitution and in line with the expectations of its people.

301. Bangladesh viewed the universal periodic review as a continuous process to improve the human rights situation. The second part of the process was starting with the implementation of accepted recommendations.

## Russian Federation

302. The review of the Russian Federation was held on 4 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by the Russian Federation in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/4/RUS/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/4/RUS/2); and

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/4/RUS/3).

303. At its 15th meeting, on 10 June 2009, the Council considered and adopted the outcome of the review on the Russian Federation (see section C below).

304. The outcome of the review comprises the report of the Working Group on the Universal Periodic Review (A/HRC/11/19), the views of the Russian Federation 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/11/19/Add.1/Rev.1).

### 1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and the outcome

305. The Russian Federation stated that it had evaluated how the many recommendations made complied with its existing policies and efforts related to strengthening democratic State institutions, developing civil society organizations, ensuring supremacy of the law and the respect for human rights and fundamental freedoms, family traditions and political equality.

306. With great satisfaction, it announced that the Government was prepared to fully approve approximately 40 clusters of recommendations, amounting to 70 per cent, while expressing partial agreement with some of the remaining ones.

307. The Russian Federation was particularly prepared to implement recommendations regarding the continuation of the policy to protect the liberty and dignity of human beings, freedoms of thought, conscience and religion, the realization of economic, social and cultural rights, the strengthening of national institutions in the area of human rights, the development of international cooperation in this field and ensuring active participation in the Council's work. Even in the context of the international financial crisis, it did not intend to lower the level of social protection for its citizens.

308. The Russian Federation would continue its work to accede gradually to international human rights instruments, taking into account the financial implications and requirements for changes in law and practice. It intended to speed up work to ratify the Convention on the Rights of Persons with Disabilities. The State Council for the Disabled had adopted a set of decisions to prepare for the ratification of the Convention and to create an accessible environment. This included modernizing the education system for disabled children to help them integrate into society.

309. The delegation noted that Russia regularly hosted Council special procedures. After three visits in recent years, it planned to organize another two in 2009.

310. On combating manifestations of extremism and racism, it stated that the majority of recommendations were useful and would be taken into account in practical work. There

was no need, however, to establish new organizational structures to achieve this goal, as existing State bodies, including the Ministry of Internal Affairs and Public Prosecutor's Office, would be used.

311. Judicial reform would continue, aiming to strengthen confidence in the administration of justice, enhance the quality and effectiveness of judicial review of court cases and the level of enforcement of decisions, and ensure the independence of judges. A new draft of the federal law on the administration of justice was being prepared, together with the development and implementation of procedures for prejudicial consideration of disputes. The State Duma of the Federal Assembly had approved the introduction of amendments in the federal constitutional law on the country's judicial system, which provided, particularly, for the establishment of juvenile courts.

312. Further steps were planned to develop qualitatively the penitentiary system and improve conditions of detention. The President had issued an order to amend laws providing for alternative criminal sanctions that did not involve the deprivation of liberty.

313. The Russian Federation accepted all recommendations relating to interaction with non-governmental organizations and the protection of human rights defenders and journalists. It said the Presidential Council for its promotion of the development of civil society institutes and for human rights would continue to dialogue constructively with non-governmental organizations to progressively develop legislation governing their activities, taking into account international standards. Possible legal amendments were being considered to regulate matters of, inter alia, taxation of non-governmental organizations and their interaction with State bodies.

314. Further measures were also envisioned to ensure the independence of mass media outlets and to develop a legal basis for their operation, particularly given the development of new technologies. A draft federal law had already been adopted in the first reading on guarantees of equality for parliamentary parties in reporting by State mass media.

315. The delegation stated that the Russian Federation, as one of the most multi-ethnic of States, would continue to protect the rights and freedoms of minorities and ethnic groups actively. Recommendations would be duly taken into account in the realization of concept papers for State national policy, national educational policy and the plan to implement priority areas in the general education system. It would continue to monitor the issue of mother-tongue education.

316. The Russian Federation would also continue to expand and strengthen international cooperation in human rights promotion and protection, developing non-confrontational dialogue on an equal footing in the interests of all States Members of the Council and in constructive interaction with OHCHR.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

317. Pakistan welcomed the Russian Federation's detailed comments, prepared through wide consultation with stakeholders, reflecting the importance it attached to the universal periodic review from the very beginning. Pakistan was encouraged by Russia's acceptance of the majority of the recommendations, including those made by Pakistan; this reflected Russia's constructive attitude to human rights promotion and protection. It noted steps enumerated to reform different sectors, particularly the justice system. It wished Russia well in implementing the recommendations.

318. Venezuela (Bolivarian Republic of) commended the Russian Federation for its inclusive approach to the universal periodic review, including the wide consultations carried out in preparing the national report, which reflected the contributions of all sectors

of society. It welcomed the acceptance of recommendations and replies, particularly to a question asked by Venezuela regarding the implementation, scope and expected results of the national priority plan in the area of health. It commended the country for its reduction in child mortality and the expansion of immunization campaigns. Venezuela recognized the efforts of the Russian Federation and its resolve to promote and protect human rights.

319. Qatar appreciated the Russian Federation's openness towards the review process and its acceptance of recommendations made by Qatar, including that of redoubling efforts to improve the condition of detainees in prisons and to ratify the Convention on the Rights of Persons with Disabilities and Convention for the Protection of All Persons from Enforced Disappearance. It highlighted Russia's determination to combat racial discrimination and intolerance. Qatar encouraged Russia to implement the recommendations made and wished it full success in promoting human rights.

320. Algeria noted the Russian Federation's favourable response to 70 per cent of the recommendations, and its efforts to combat racism, racial discrimination, xenophobia and related intolerance at the national and international levels through the role it played in the success of the Durban Review Conference. It noted Russia's determination to continue improving the situation of detainees and children without parental care. Algeria had encouraged Russia to continue efforts to deepen international cooperation in the area of human rights by promoting constructive dialogue in the interest of all regional groups within the Council.

321. Uzbekistan welcomed the Russian Federation's constructive approach to the universal periodic review and its broad spectrum of work to promote and protect human rights and fundamental freedoms. It also welcomed Russia's cooperation with the Council, the treaty bodies and other international organizations, as well as its consistent measures relating to human rights promotion and protection, allowing its effective and transparent participation in every stage of the review process. It noted with satisfaction Russia's achievements in the protection of women's and children's rights, social welfare, health care, right to education, freedom of religion and conscience and others.

322. Cuba commended the Russian Federation for its efforts, successes and clearly defined objectives and priorities in promoting and protecting human rights. It welcomed its acceptance of the recommendations made by Cuba, noting that the right to health had been strengthened through the implementation of a national plan and that the country guaranteed accessibility and the free provision of pre-school education, general basic education and vocational training in State and municipal education centres. Cuba commended Russia for its efforts to combat poverty in the framework of the socio-economic development programme and the results achieved. Cuba encouraged full implementation of the accepted recommendations.

323. Belarus welcomed the constructive and responsible attitude of the Russian Federation to the universal periodic review. Belarus had recommended that, despite the economic crisis, Russia should continue implementing programmes to protect economic and social rights. It noted with satisfaction that expenditure for the development of human rights institutions was not to be reduced, and that Russia was actively implementing its recommendations at the national and regional levels, particularly in the Commonwealth of Independent States. Noting Russia's active participation in the work of the international academic centre in Minsk regarding migration and human trafficking, it counted on further effective work in these areas.

324. Sri Lanka paid tribute to the Russian Federation's role in the institutional-building process of the Council, the universal periodic review and the Durban Review Conference. It recognized Russia's historic contribution to the area of human rights and the difficulties it had faced. Sri Lanka commended the Russian Federation for safeguarding human rights,

strengthening the individual, strengthening society while not weakening the State or the nation.

325. China noted the Russian Federation's acceptance of the majority of recommendations and commended it for its constructive, open, practical and responsible attitude. The measures on the protection of the rights of disabled persons and on judicial reform were inspiring. China believed that Russia's next review report would be even more impressive and, through concrete actions, would demonstrate its solemn commitment to human rights.

326. Egypt commended the Russian Federation for its achievements on the path of consolidating its democratic system, while overcoming the economic and social challenges to the establishment of stability and prosperity. It expressed appreciation for Russia's efforts to achieve greater social security and the overall effective realization of all economic, social and cultural rights through the integration of a human rights approach in its national strategies and programmes. Egypt commended Russia for its constructive approach and openness throughout the review process, demonstrating its commitment to cooperating with the Council and the other human rights mechanisms.

327. Saudi Arabia commended the Russian Federation for its acceptance of the majority of recommendations and paid tribute to its efforts to implement them. It highlighted Russia's political will to deal positively with human rights mechanisms and to promote and protect human rights effectively by upgrading laws and establishing mechanisms. It commended Russia's determination to implement further judicial reforms and strengthen anti-corruption mechanisms.

328. The United Arab Emirates valued the responsible approach of the Russian Federation in the preparation of its national report and during the interactive dialogue, which was held in accordance with relevant General Assembly and Council resolutions. It expressed satisfaction for Russia's human rights achievements.

### **3. General comments made by other relevant stakeholders**

329. The Indian Council of South America commended the Russian Federation for its continued reforms in its transition to a democratic State, and its contribution during the Durban Review Conference. It urged Russia to continue combating racism, addressing extremism and improving the integrity of its justice system. It noted Russia's dialogue with indigenous peoples to address their rights and concerns. It called for the implementation of the recommendations of the Committee on the Elimination of Racial Discrimination, improving the situation of indigenous peoples and ensuring full respect for their rights. Noting Russia's abstention on the Declaration on the Rights of Indigenous Peoples, it asked that it work towards accepting its provisions, allowing indigenous peoples in Russia to enjoy all the rights therein.

330. Rencontre africaine pour la défense des droits de l'homme noted the rise of ethnic tensions, racial hatred and violence, the proliferation of young neo-Nazi groups and racist and xenophobic declarations in the media and on the Internet, including by public officials. It urged the implementation of the recommendations of the Committee on the Elimination of Racial Discrimination. It called for a lasting political solution to the conflict in Chechnya and Southern Ossetia. Democracy, respect for fundamental rights and freedoms and the rule of law had to be fully respected in accordance with Russia's international commitments. It commended Russia for its contribution to the Council and to Durban and encouraged it to accept the visits of special procedures mechanisms.

331. The Canadian HIV/AIDS Legal Network welcomed the acceptance of recommendations on sexual orientation and gender identity. It noted, however, numerous restrictions against lesbians, gays, bisexuals and transgender people with regard to freedom

of expression and peaceful assembly. Peaceful events to promote respect for such people had been banned and people subjected to arrests and violence. It urged the Government to ensure the holding of such events with adequate police protection. Noting a rise in hate crimes, it said that discrimination on the grounds of sexual orientation and gender identity should be prohibited, that such bias should be an aggravating factor, and that perpetrators should be vigorously prosecuted and punished. Noting Russia's indication that training was provided to prison guards and law enforcement officials on the needs of minorities, including on the grounds of sexual orientation and gender identity, it sought elaboration and clarification.

332. Human Rights Watch noted the many concerns about the hostile and deteriorating environment for civil society and the restrictive 2006 law on non-governmental organizations, providing for excessive Government interference and unreasonable bureaucratic requirements. It had hoped that Russia would commit to specific steps to ensure civil society operation without undue Government interference, particularly since President Medvedev had initiated a process to review the law. It urged the Government to revise the law substantially and to condemn attacks on human rights defenders and journalists, ensuring that such crimes were investigated and prosecuted. Ongoing abuses in Chechnya and the broader North Caucasus and persisting impunity were other areas of concern. Russia was urged by its peers to establish meaningful accountability mechanisms and to implement fully the more than 100 rulings of the European Court finding it responsible for serious violations in Chechnya, and to ratify Protocol No. 14 to the European Convention. It regretted that the concerns had been ignored. Russia's failure to grant access to special procedures, particularly on torture, was also raised. Noting that 10 special procedures had pending requests to visit Russia, it regretted Russia's decision not to issue invitations and agree on dates.

333. The International Work Group for Indigenous Affairs highlighted the situation of 40 ethnic groups in the North, Siberia and the Far East of Russia, which traditionally use and inhabit about two thirds of Russia's land mass, where most natural resources such as oil, gas, timber, gold and diamonds, are extracted. It noted the concern of the Committee on the Elimination of Racial Discrimination about their situation and its recommendations that Russia seek their consent and give primary consideration to their special needs prior to granting licences to private companies, and to ensure their priority rights to territories of traditional nature use and to natural resources. The Committee had urged Russia to withdraw support for the Evenkiiskaya dam, which would displace thousands of indigenous Evenks, and from other similar large-scale projects. Welcoming the announcement of a national plan to implement the recommendations and that a first interim report would be presented by end of year, the Work Group hoped that the plan would address the above-mentioned concerns, noting, however, that the indigenous umbrella organization, RAIPON, had no information on the existence of such a plan. The Work Group sought clarification on the status and timeline of the document, its title and availability. It urged actively consultation with and participation of indigenous organizations in the implementation process.

334. The International Commission of Jurists regretted Russia's last-minute responses to the recommendations, but called for their prompt and effective implementation. It urged effective investigation, accountability and redress for human rights violations, including acts of torture, ill-treatment, secret and other arbitrary detention and enforced disappearances in the North Caucasus. The lack of effective investigation of the law enforcement response to the Dubrovka theatre siege and the attack on Beslan School No. 1 should be urgently addressed. It expressed serious concern at the harassment of lawyers, journalists and other human rights defenders, and particularly at the murder, in January 2009, of Stanislav Markelov and Anastasia Baburova. These should be promptly and effectively investigated. It also cited threats and attacks against applicants to the European

Court of Human Rights, particularly those from the North Caucasus. The Government should prevent such obstruction of applications to the Court against victims, their families and legal representatives. It regretted that the threat to the independence of lawyers posed by the proposed amendments to the 2002 federal law on legal practice and the bar, which would grant the State registration agency power to initiate court action to remove lawyers' licences, had not been addressed. It called for the withdrawal of the amendments. Also unaddressed was the practice of informal transfers of suspects from Russia to other members of the Shanghai Cooperation Organization, contrary to the non-refoulement obligation. The Commission asked Russia to invite the special rapporteurs on torture, executions, independence of judges and lawyers and the Working Group on enforced disappearances.

#### **4. Concluding remarks of the State under review**

335. The Russian Federation noted that accession to the second Optional Protocol to the International Covenant on Civil and Political Rights concerning the abolition of the death penalty would depend on the prevailing view in Russian society on abolition. It noted, however, that the death penalty had been de facto abolished since August 1996 and, since 1999, all prior death sentences had been commuted to life or 25 years of imprisonment.

336. It said that the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families required an in-depth study to determine the concordance of specific provisions with Russian legislation. With regard to the ratification of ILO Convention No. 169, it stated that current legislation in Russia on indigenous peoples was more progressive and better reflected the particular characteristics of the local situation.

337. The question of ratifying the Rome Statute of the International Criminal Court was being considered, guided by the notion that the decision to accede was the prerogative of the State and made in the State's own interests. Many factors would be considered, including the initial results of the activities of the Court and outcome of the work to define the crime of aggression.

338. A draft law on the ratification of Protocol No. 14 was under consideration by the State Duma of the Federal Assembly. The preparation for ratification of the European Charter for Regional or Minority Languages was being carried out in the framework of a State inter-agency working group that, together with the Charter secretariat, aimed to find modalities for the implementation of the Charter that would take into account Russian realities and the unique cultural and linguistic diversity of its people.

339. The delegation thanked the non-governmental organizations for their comments and referred to two meetings with civil society representatives held in the Ministry of Justice and covered by the mass media. After the universal periodic review, Russia planned to convene a working group on the preparation and presentation of the national report and on further steps for implementing the recommendations accepted.

340. Prior to the adoption of the outcome, Germany, on behalf of the European Union, stated that it was in favour of the adoption of the outcome of the review of the Russian Federation on the understanding that the formulation in paragraph 86 of the Working Group report would mean that the recommendations referred to in paragraph 54 did not enjoy Russia's support. It considered the assessment contained in paragraph 86 factually incorrect, but respected the freedom of the Russian Federation to reject any recommendation made during the interactive dialogue of the Working Group.

341. The Russian Federation was of the view that it was not appropriate to discuss substantive issues at this stage and that its position had been clearly set forth in paragraph 86 of the Working Group report, which had been adopted by consensus.

## Nigeria

342. The review of Nigeria was held on 9 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Nigeria in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/4/NGA/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/4/NGA/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/4/NGA/3).

343. At its 18th meeting, on 11 June 2009, the Council considered and adopted the outcome of the review on Nigeria (see sect. C below).

344. The outcome of the review on Nigeria comprises the report of the Working Group on the Universal Periodic Review (A/HRC/11/26), the views of Nigeria concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and the outcome**

345. The head of delegation recalled that Nigeria had engaged in the universal periodic review process with the utmost openness and transparency and had benefited immensely from all views expressed on that occasion. Nigeria stated that the 32 clusters of recommendations made by the Working Group had been carefully considered with the active collaboration of relevant stakeholders. In February 2009, Nigeria had already accepted 30 of the 32 clusters of recommendations and had taken note of recommendations 12 and 13. The implementation of some recommendations was already ongoing before they were made and new legislation was ongoing. Although Nigeria was determined to work assiduously towards the implementation of the recommendations, the delegation stated that constitutional and legal implications had prevented Nigeria from giving immediate effect to some of them.

346. A substantial number of recommendations were, however, being implemented, such as the one on accession to human rights instruments, as demonstrated by the signature in January 2009 of a series of international instruments by the President of Nigeria and the recent ratification through a bill passed by the National Assembly on the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

347. Nigeria recalled that its Constitution protected minority rights, in addition to the comprehensive application of the constitutional federal character principle following the establishment of the federal character commission regarding the distribution of national resources and political appointments among the six geopolitical zones. The delegation stated that Nigeria was proud of its great ethnic, religious and cultural diversity. All Nigerian languages were spoken in Government-owned broadcast stations, and private and public initiatives promoted cultural and linguistic rights without any constraints.

348. Nigeria also continuously addressed the specific challenges of certain areas of the country with greater determination, such as in the Delta Region, with several actions such as the establishment of the Ministry for Niger Delta in 2009. Recently, Nigeria had offered amnesty to all involved in agitational activities in the Niger Delta in the logic of peace and in furtherance of dialogue.

349. The delegation stated that economic, social and cultural rights had been included in the Constitution and that successive Governments had taken initiatives aimed at their realization, such as the establishment and strengthening of pro-poor initiatives at the national, State and local levels. Nigeria had also strengthened its national poverty eradication programme aimed at creating jobs, with a particular focus on the rural areas.

350. In addition to a self-imposed moratorium on executions, Nigeria had established a national committee on the review of the death penalty, whose outcome would determine the Government's decision on this issue, subject to due process of the amendment to the 1999 Constitution of Nigeria.

351. The delegation stated that the universal periodic review would, in the years to come, be a very effective mechanism for the enhancement of human rights. Nigeria considered its recent re-election in the Council as an indication of the premium that the international community had placed on Nigeria's commitment. Nigeria was determined to honour all its commitments and asked for the support of the Council and OHCHR. Lastly, Nigeria paid tribute to the Council for electing a Nigerian President and for the support given to him, and ensured it would continue to cooperate and support the Council.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

352. Pakistan indicated that Nigeria's commitment to promote and protect human rights was explicit both by the steps taken at home and the active role played by the delegation in Geneva. Pakistan commended Nigeria for its determination to institutionalize and enhance the enjoyment of human rights and fundamental freedoms. It took particular note of the recent ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities and of other planned activities under consideration of the Parliament, including the review of the status and role of the national human rights commission in accordance with the Paris Principles, the restructuring of the administration of justice and police and prison reforms.

353. Venezuela (Bolivarian Republic of) noted that Nigeria had given a clear demonstration of its commitment to the promotion and protection of human rights by openly cooperating during the universal periodic review. It welcomed its constructive approach to the review by providing answers to questions raised, including those asked by Venezuela on the extent of the latest education programmes and its short-term expectations. Venezuela highlighted Nigeria's important and valuable efforts for the effective promotion and protection of human rights, and the Government's commitment and political will to achieve the objectives set out in this field.

354. Qatar highly appreciated Nigeria's responses to most of the review recommendations and the measures taken to translate them into tangible accomplishments on the ground. Nigeria had enhanced its efforts to disseminate a human rights culture and to combat human trafficking and corruption in order to achieve social and economic development. Qatar called on the competent United Nations institutions to provide Nigeria with the support it may need in its efforts to promote and protect human rights.

355. Belarus noted that, during the review, it had made a number of recommendations aimed at further promoting important categories of human rights. In this regard, Belarus had recommended that Nigeria continue its efforts to combat trafficking in persons, in particular women and children; take measures for the further development of primary and secondary education; and foster the strengthening of the national health system. Belarus noted with satisfaction that Nigeria had accepted these recommendations and indicated its willingness to implement them. Nigeria had expressed its resolve to implement a whole

range of recommendations aimed at strengthening the national system for the promotion and protection of human rights.

356. China indicated that, during the review process, Nigeria had adopted a positive and open posture in presenting its efforts and achievements in promoting and protecting human rights, and had spoken frankly about the difficulties and challenges it faced in this regard. It appreciated the fact that Nigeria had actively implemented the recommendations it had accepted and hoped that it would make even greater progress in ensuring judicial independence, improving education quality and realizing the Millennium Development Goals. It was convinced that Nigeria would continue to overcome its difficulties and make progress in the field of human rights, and appealed to the international community to show full understanding for the practical difficulties and challenges facing Nigeria, and to support the Government in its efforts to protect human rights.

357. Algeria stressed Nigeria's commitment to promote and protect women's rights and human rights in general, which was reflected not only domestically through the steps it had taken or intended to take to implement accepted recommendations, but also through its constructive role in the Council. Algeria was encouraged by Nigeria's acceptance of its recommendation to continue incorporating the provisions of the Convention on the Elimination of All Forms of Discrimination against Women into its domestic law. Algeria noted Nigeria's will to improve its performance in the fields of education, health and poverty reduction, which reflected its determination to fulfil human rights. It referred to Nigeria's respect of human rights in access to justice and law enforcement. Algeria added that possibilities in terms of technical assistance in these areas were significant.

358. Egypt highlighted the important progress made by Nigeria towards the attainment of the Millennium Development Goals and the priority given to the promotion and protection of human rights. It referred to the national plan of action and the seven-point agenda defining the Government's priorities in several areas, including the development of human capital, food security, functional education and the rule of law. Egypt welcomed Nigeria's cooperation with OHCHR and the international human rights mechanisms.

359. Saudi Arabia noted that Nigeria had voluntarily committed to the recommendations made. It said that the review process was an opportunity for Nigeria to conduct broad national consultations regarding human rights issues, which reaffirmed the positive interaction of the country with international human rights mechanisms. It commended Nigeria for the important legal and institutional strides taken by Nigeria to promote and protect human rights even further.

360. Kazakhstan believed that the review was a good opportunity for Nigeria to comprehensively assess the human rights situation in the country. During the interactive dialogue, Kazakhstan had learned of the challenges facing Nigeria with regard to preserving social coherence and in areas such as the rights of children, women and vulnerable groups, as well as education and health. It had also learned about the Government's commitments and plans to address these challenges. Kazakhstan greatly appreciated the Government's acceptance of most of the recommendations and believed that the ones that had not been accepted would be taken into account.

361. Bahrain commended the positive steps taken by Nigeria to implement a number of review recommendations. The universal periodic review had demonstrated the importance that Nigeria attached to the promotion and protection of human rights at the internal and international levels. Bahrain welcomed Nigeria's initiatives, taken in cooperation with different stakeholders, to design, implement and assess programmes aiming at saving, rehabilitating and integrating victims of human trafficking. Bahrain commended Nigeria for its efforts to fight all forms of human rights violations.

362. The United States of America welcomed the adoption of Nigeria's national plan of action on the promotion and protection of human rights. It noted that torture and abuse of detainees by security forces, lengthy pre-trial detention and poor prison conditions were severe problems in Nigeria. It supported the recommendations that Nigeria make efforts to end impunity for the perpetrators of human rights violations. It also supported the recommendations to ensure the independence of the national human rights commission. The United States of America hoped that the recently created Ministry for the Niger Delta had sufficient capacity and Government support to address the problems of violence and crime in the region. It supported the recommendation that consultations with minority groups in the Delta be undertaken.

363. Senegal welcomed Nigeria's continued efforts to promote and protect human rights. Despite important progress, the authorities had reaffirmed their commitment to pursue reforms to improve the human rights situation in the country. Senegal welcomed the adoption of the national plan of action for the promotion and protection of human rights, the implementation of which would be a clear opportunity to make further significant progress. It noted that the attainment of the objectives set out in the plan and the implementation of the review recommendations would be easier if Nigeria could benefit from the support of the international community.

### **3. General comments made by other relevant stakeholders**

364. Amnesty International welcomed Nigeria's engagement with the universal periodic review and its commitment to cooperate in every aspect of the work of the Council. It also welcomed Nigeria's statement according to which it continued to exercise a self-imposed moratorium on the death penalty, but expressed concern at recent legislative amendments in several States in Nigeria to extend the scope of the death penalty to include crimes related to kidnapping. Amnesty International welcomed the announcement by Nigeria to support most of the review recommendations and urged early implementation in particular of recommendations related to women's rights; access to justice; the fight against impunity; discrimination on the basis of gender and sexual orientation; the independence of the human rights commission; and on a formal moratorium on the death penalty.

365. The Canadian HIV/AIDS Legal Network stated that the delegation of Nigeria had recalled that the rights enshrined in the Constitution applied to all people, including those who considered themselves gay. It referred to the proposed same sex prohibition bill of 2006 and the same gender prohibition bill of 2008, noting that, if approved, the bill would seriously restrict essential freedoms and HIV-prevention services, as well as the activities of human rights defenders. Reference was also made to harassment and publications in the media inciting and promoting hatred against sexual minorities. The Network asked Nigeria to repeal criminal provisions against consensual same-sex conduct, and to ensure that the human rights of lesbian, gay, bisexual and transgender individuals and human rights defenders were not violated; to reject any attempt to create discriminatory new laws; and eliminate all existing legislation that discriminated on the basis of sexual orientation.

366. While referring to claims by Nigeria reflected in paragraph 6 of the Working Group report, Conectas Direitos Humanos believed that Nigeria had failed to implement reforms that did not require substantial financial resources or additional capacity, citing as an example the recommendations in paragraphs 103-1 and 103-8. Conectas regretted that there were no recommendations related to the right of housing, noting that Nigeria had failed to agree to a visit by the Special Rapporteur on adequate housing. Conectas stressed that, under international law, a country's domestic regime was no excuse for failure to implement its international obligations.

367. While taking note of the commitments made by Nigeria concerning the implementation of the universal periodic review recommendations, Cercle de recherche sur

les droits et les devoirs de la personne humaine noted the numerous difficulties involved in exercising human rights in Nigeria. It expressed concern about interreligious violence and the security problems in the Niger Delta.

368. Interfaith International, in a joint statement with the Al-Hakim Foundation, indicated that the acceptance of 30 recommendations had to be given effect through the adoption of political and legislative measures. It expressed its hope that Nigeria would take the necessary measures to rehabilitate the victims from the Ogoni minority. It encouraged Nigeria to establish a national dialogue framework for the development of a code of conduct and ethics for transnational corporations, and also urged it to foster intercultural and interreligious dialogue to combat religious intolerance against women in the northern provinces, as well as inter-community violence.

369. The International Human Rights Association of American Minorities congratulated Nigeria on the establishment of its national human rights commission, and expressed the hope that the authorities would do their utmost to ensure that the commission was independent, free and impartial. It also called on Nigeria to end as soon as possible the use of the death penalty. The Association also noted the worrying trend towards incarcerating suspected criminals without charge or trial, and indicated that it was essential that access to justice be granted to all in Nigeria. It indicated that there was significant evidence that extrajudicial executions and torture were still being carried out by the security forces, and called on Nigeria to implement procedures, and when necessary legislation, to put an end to those practices.

370. The Arab Commission for Human Rights invited Nigeria to accept and implement recommendation 1 relating to the ratification of international instruments, in particular those related to the Optional Protocol to the Convention against Torture and the International Covenant on Economic, Social and Cultural Rights. It also invited Nigeria to implement recommendation 14 with regard to the adoption of legislation to address extrajudicial executions and acts of torture committed by the police. The Commission encouraged it to accept and implement recommendation 24 on the fight against corruption. Nigeria should pay special attention to the follow-up mechanism and submit reports on progress made in the implementation of recommendations and voluntary commitments, with the participation of civil society, to the Council at its fourteenth regular session.

371. The Islamic Human Rights Commission made reference to recommendations 30 and 31, and indicated that the policies of Nigeria, as well as many trials, were not compatible with the standards of fairness and due process, including those defined by Sharia law and the Nigerian Constitution itself. The Commission expressed concern at the current general practice adopted by Nigeria in Sokoto, noting that it was not proportionate to their stated aim and position that Nigeria should launch a transparent, comprehensive and impartial inquiry and uphold the principle of fair trial, which should not contravene Nigeria's international obligations to guarantee individuals the right to equality before the law.

#### **4. Concluding remarks of the State under review**

372. The delegation highlighted the fact that the National Assembly was supportive and committed to the reform initiatives undertaken by the Government to improve the protection and promotion of human rights, and would adopt the legislation backing them.

373. The delegation stated that its commitments to the promotion and protection of human rights were irreversible. In Nigeria, individuals, institutions and public and private entities, as well as the State itself, were subject to publicly promulgated laws. These laws were equally enforced, independently adjudicated and consistent with international human rights standards. Nigeria commended all delegations for their constructive engagement in the universal periodic review process and was looking forward for its next review.

## Cameroon

374. The review of Cameroon was held on 5 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Cameroon in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/4/CMR/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/4/CMR/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/4/CMR/3).

375. At its 16th meeting, on 10 June 2009, the Council considered and adopted the outcome of the review on Cameroon (see sect. C below).

376. The outcome of the review on Cameroon comprises the report of the Working Group on the Universal Periodic Review (A/HRC/11/21), the views of Cameroon 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/11/21/Add.1).

### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and the outcome**

377. The Minister Delegate at the Ministry of External Relations in charge of Commonwealth Affairs expressed the profound gratitude of the people and Government of Cameroon to all countries that supported the renewal of their mandate in the Council. The Minister Delegate reaffirmed the commitment of Cameroon during the election and reiterated its determination to work further in the interest and advancement of human rights in Cameroon through, *inter alia*, the implementation of the road map that had been given to the country.

378. The Minister Delegate renewed the appreciation of Cameroon for the effective start and the conduct of the universal periodic review mechanism, which was in line with Cameroon's view of the Council, which must constantly be guided by the quest for objectivity, cooperation and constructive dialogue.

379. The Minister Delegate expressed gratitude to all countries that assisted Cameroon on 5 February 2009 during the universal periodic review. He indicated that their observations, comments and recommendations would continue to guide the Government to pursue its action to promote and protect all human rights in Cameroon.

380. In the course of Working Group discussions, 54 recommendations were made, 40 of which Cameroon accepted, 7 it rejected, while 7 were subject to further consideration, leading Cameroon to accept 1, reject 2 and continue consideration of 4. A total of 41 recommendations received the consent of the Cameroonian authorities. The Government would work within the limit of available possibilities and with the cooperation of the international community to implement them. The four recommendations under consideration related to the ratification of the Treaty of Rome establishing the International Criminal Court, the adoption of a law on specific cases of HIV/AIDS, the adoption of suspensive effects to decisions on deportation and measures related to non-refoulement, and accession to the Optional Protocol to the Convention against Torture.

381. The Minister Delegate indicated that nine recommendations had not been supported by Cameroon. With regard to the decriminalization of homosexuality, he stated that the penalization of homosexuality was not, according to the legal order of Cameroon, contrary to the provisions of article 12 of the Universal Declaration of Human Rights and article 26 of the International Covenant on Civil and Political Rights. Homosexual persons were not denied their rights or any benefit because of their presumed sexual orientation. The practice was, however, contrary to both prevailing legislation and what the democratic society of Cameroon still regarded as immoral.

382. The Minister Delegate also underlined the fact that the legislation of Cameroon was in line with the relevant provisions of articles 26 (2) of the Universal Declaration and article 29 (7) of the African Charter on Human and People's Rights, which constitute guarantees that can be invoked by every democratic society according to its moral characteristics. On the one hand, these provisions allowed the State to restrict a right or freedom in order to satisfy the just requirements of morality, public order and general well-being in a democratic society, and on the other required individuals to ensure in their own relations with society the preservation and strengthening of positive African cultural values. For the culture of Cameroon, homosexuality was not permitted by society; the legislator had merely ensured the affirmation of this sociological value. The Government, however, ensured that all rights of citizens were respected without any discrimination.

383. Cameroon welcomed the creation of an independent monitoring body to organize elections (ELECAM), which represented an important step forward in its democratic process and was an additional guarantee of transparency and fairness in electoral processes. The composition of the body was consistent with the decree that established it, according to which its members were to be persons of varied ethnic, cultural and professional origin and known for their independence, moral rectitude, intellectual honesty, patriotism, neutrality and impartiality. The President of the Republic had taken steps to guarantee the full and complete independence of the body.

384. At the current stage of the universal periodic review process, Cameroon would like to be able to count on international cooperation, convinced that, with the support of the United Nations and other partners, it would succeed in implementing in a satisfactory manner the recommendations that had been accepted with a view to improving the general situation of human rights in Cameroon. Cameroon was aware that the promotion and protection of human rights were important not only for development but were also a factor essential to stability and peace in society.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

385. Algeria thanked Cameroon for the additional information given on the follow-up to recommendations made at the fourth session of the universal periodic review. It welcomed Cameroon's decision to accede to the Optional Protocols to the Convention on the Rights of the Child and to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, expressing the hope that this example would be followed by other countries, in particular, developed countries. Algeria also noted Cameroon's intention to continue its efforts to ensure the conformity of conditions of detention to international standards and to increase the effectiveness of the plan of action to improve the judicial system to combat corruption in a more effective manner. Lastly, Algeria reiterated its invitation to the international community, in particular OHCHR, to provide the technical assistance requested by Cameroon to those ends.

386. Belarus noted the constructive and responsible approach shown by Cameroon during the universal periodic review. During the review, Belarus had recommended measures to further protect and promote social and economic rights of citizens, improve the quality of

education and strengthen the independence and authority of the judicial system, and noted with satisfaction that Cameroon had agreed to these and other recommendations. It commended Cameroon's intention to accede to other human rights instruments. Belarus supported the recommendation to improve national legislation in the area of women's rights and ensuring gender equality.

387. China indicated that it had been honoured to be one of the Troika members for the review of Cameroon. It expressed its great appreciation for Cameroon's comprehensive and constructive dialogue with Council Members. It noted that Cameroon had given a detailed reply to the various issues raised during the deliberations, including questions asked by China. China was confident that, with the support of the international community, Cameroon would overcome its difficulties and make new progress in the field of human rights.

388. Morocco thanked Cameroon for its constructive engagement in the universal periodic review, its efforts in the field of human rights and the measures taken in that regard. Morocco also congratulated Cameroon on having accepted the majority of recommendations made, especially the one related to difficulties encountered in the reform of the penal code. Morocco reiterated its appeal to make sure that all necessary assistance is given to Cameroon in reforming its penal code, including financial and human resources to support the country in its tasks. Any assistance should be given in close cooperation with the country in order to guarantee the best result possible. Lastly, Morocco encouraged Cameroon to continue its efforts in the implementation of the recommendations that it had accepted and to keep the Council informed with regard to their implementation.

389. Senegal noted that Cameroon had accepted the majority of the recommendations made and appreciated its commitment to continue its efforts on the promotion and protection of human rights, in particular the establishment of a national commission on human rights and freedom, as well as the launching of a ratification process for several international instruments in human rights. Senegal encouraged Cameroon to implement the different recommendations that it had accepted and called upon the international community to provide any assistance needed.

390. Nigeria commended Cameroon for its open and constructive spirit with which it approached the review process and hoped that it would implement the recommendations made. It appreciated Cameroon's acceptance of its recommendations, which were aimed at strengthening measures and mechanisms in the administration of justice, investments in prison infrastructure and the overall enjoyment of civil and political rights.

391. The United States of America appreciated the dedication to human rights that the Government of Cameroon had demonstrated during the universal periodic review process and hoped that this dedication would be translated into action. The United States shared the concerns regarding the independence of ELECAM, including the lack of representatives of the opposition appointed to it, and reports of vote rigging in the last election. It supported the recommendation that Cameroon should take measures to ensure the independence of ELECAM. It also joined the concerns expressed by a number of delegations regarding the independence of the press, including the closure of media outlets and the imprisonments of journalists. It encouraged the Government to accept and speedily implement the recommendation of a special law that would take into consideration the land rights of the "pygmy" communities.

392. Djibouti congratulated Cameroon on having accepted 75 per cent of the recommendations made, which very clearly showed the attachment of the country to the universal principles of human rights. Djibouti called upon the international community to provide Cameroon with all the necessary aid and technical assistance for it to implement the different recommendations. Djibouti encouraged Cameroon to continue to give full

attention to the situation of human rights and to continue its efforts to reach the Millennium Development Goals.

393. Burkina Faso congratulated Cameroon on its cooperation and commitment to the promotion and protection of human rights in spite of the challenges of development needs. It noted that Cameroon had made tangible progress in the promotion and protection of human rights. Burkina Faso welcomed Cameroon's spirit of dialogue in the framework of the universal periodic review and the firm will of the country's authorities to meet their human rights obligations. It noted that the majority of recommendations had been accepted by Cameroon and this would strengthen the institutional framework for the promotion and protection of human rights in the country.

394. Chad welcomed the delegation of Cameroon and noted that the country had accepted the majority of recommendations, in spite of the lack of resources necessary to implement them.

### **3. General comments made by other relevant stakeholders**

395. The Canadian HIV/AIDS Legal Network noted that an issue of concern raised during the review of Cameroon related to the criminalization of consensual same-sex conduct under article 347 of the penal code, and indicated that such provisions were a violation of established international human rights law. The delegate stated that the law continued to be the source of numerous incidents of harassment, abuse, arbitrary arrest and unlawful detention and continued to pose a threat to public health. The Network asked Cameroon to ensure that the human rights of lesbian, gay, bisexual and transgender individuals and human rights defenders were not violated and to repeal article 347 of its penal code.

396. Franciscans International welcomed the fact that recommendations on the rights of the child had been accepted, but noted that there were still many obstacles to the full realization of children's rights. As stated in recommendations 19, 55 and 76, the situation of children in the street was of concern, as were the child victims of exploitation and rape, children of divorced couples and children with handicaps. These recommendations offered an opportunity to assess programmes implemented and to adapt them to new challenges. It appreciated Cameroon's commitment to free primary education and to closing the gap between girls and boys in primary education. It noted the challenges to its implementation, however, particularly in rural areas. It highlighted the fact that Cameroon should ratify the Convention on the Rights of Persons with Disabilities and the Protocol thereto, following recommendation 76.

397. The International Federation of Acat welcomed the replies of Cameroon and congratulated the country on its commitment to accelerate the reform of the judicial system to ensure fair proceedings. It recalled that 85 per cent of persons detained in the prisons of Douala and Yaoundé were preventively detained and joined the concern on the absolute necessity to ensure the respect of the rights of those deprived of their liberty. It welcomed the remarks regarding the necessity of improving detention conditions and supported the recommendations that there be a judicial reform to eradicate corruption. It also welcomed the measures taken, in particular the creation of a national anti-corruption commission, and joined the concerns regarding torture in prisons. Lastly, it supported recommendations that Cameroon should prosecute and sanction those responsible for violence and inhuman and degrading treatment.

398. In a joint statement, Cercle de recherche sur les droits et les devoirs de la personne humaine and Organisation pour la communication en Afrique et de promotion de la coopération économique internationale welcomed the decree, signed in 2008, providing for compensation for the homeless, and requested further information on the time frame for the

decree to come into effect. They also noted the dysfunction of the national commission for human rights and freedoms and asked the Government to give its assurances on the measures taken in order to provide the commission with the necessary resources to carry out its missions.

399. Rencontre africaine pour la défense des droits de l'homme noted Cameroon's acceptance of the recommendations referred to in paragraphs 22 and 23 on judicial reform and the independence of judges, highlighting the fact that the Cameroonian justice system had a lot of failings. It reported on the killing of more than 110 people by security forces in February 2008 during demonstrations against the increased cost of living. Clarifications in that regard were requested from the authorities. It encouraged Cameroon to respect the independence and freedom of the media and the rights of political parties.

#### **4. Concluding remarks of the State under review**

400. The Minister Delegate thanked all speakers for their support and encouragement and reiterated the commitment of Cameroon to fulfil its obligations, not just as a member of the international community but also as a member of the Council itself. Concerning a number of issues that had been raised, Cameroon was in an ongoing process of reform, particularly in the area of the judiciary, where much had been done but much remained to do. Cameroon believed that the promotion and protection of human rights were an integral part of its development process. It was certain that, at the next round, a number of the issues raised would have been resolved. Cameroon was open at all times to comments from all in terms of what could be done to improve the human rights situation in the country. The Minister Delegate expressed the readiness of Cameroon to cooperate with all instances promoting human rights — the United Nations, African or regional bodies — with the assurance that this confluence of cooperation would definitely make the work easier for the country, given that the political will was there.

### **Cuba**

401. The review of Cuba was held on 5 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Cuba in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/4/CUB/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/4/CUB/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/4/CUB/3).

402. At its 16th meeting, on 10 June 2009, the Council considered and adopted the outcome of the review on Cuba (see section C below).

403. The outcome of the review on Cuba comprises the report of the Working Group on the Universal Periodic Review (A/HRC/11/22), the views of Cuba 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 written additional information submitted by Cuba).

**1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and the outcome**

404. Cuba regretted that the process of adoption of several of the reports at the session had been affected by the artificial obstacles in their translation presented by the Conference Services Division, stating that it welcomed and supported the draft decision being put forward to attempt to resolve this issue.

405. Cuba thanked the countries that supported its re-election to the Council, which it saw as a token of the international community's recognition of its efforts and achievements in the promotion and protection of human rights.

406. Cuba stressed that, in its national capacity and as the President of the Non-Aligned Movement, it had contributed to the establishment of the universal periodic review mechanism, and had undertaken the exercise with full responsibility, participating openly and transparently in the dialogue with all States. This exercise had allowed Cuba to put forward its experience and good practices, as well as the challenges it faced. It allowed Cuba to listen to the opinions of many delegations.

407. After 20 years of unjust anti-Cuban manipulation of human rights, Cuba saw the results of the universal periodic review as an important victory for its people, showing that, in the context of an objective exercise of universal participation where it was not possible to exert pressure, the truth about Cuba could not be silenced. The international community clearly confirmed its condemnation of the blockade imposed by the United States of America on Cuba. Several delegations had been explicit in their solidarity with the Cuban people in their historical demand that an end be put to that genocidal policy.

408. Several delegations had recognized the example of people's participation, inclusion and social justice that was part of the political, economic and social system chosen by the Cuban people. The success of Cuba in the area of economic, social and cultural rights, including its excellent health and education systems, were praised.

409. Cuba's international cooperation in health and education were referred to as paradigms of international solidarity. The "Yes I can" literacy programme and the "Milagro Operation" were mentioned on several occasions as good practices.

410. Cuba stated that the report adopted by the Working Group objectively reflected the results of the process; 60 delegations spoke and 89 recommendations had been made. Cuba fully accepted 60 recommendations and provided additional information and comments on the 17 others in writing. Cuba objected to a few recommendations because of their incompatibility with the exercise of the right to self-determination; some of them showed a lack of information and knowledge about Cuba's very rich and diverse reality.

411. Cuba had carefully reviewed the report of the Working Group and the recommendations made. It said it was working to put the recommendations into practice, according to its possibilities, and that the inter-institutional working group established to coordinate consultations in preparation of the national report was still active, with the objective of following up and implementing the recommendations as necessary, by carrying out consultations and guaranteeing the broad participation of civil society.

412. Cuba stated that, in the midst of the difficult conditions in the country, where the impact of the blockade had been compounded by the effects of the world financial crisis, the Government had continued to deepen its revolutionary transformation. Cuba had continued to develop and perfect its programmes in health, education, social security, protection for the elderly, persons with disabilities and the most vulnerable. Cuba had continued to promote equality, including programmes to empower women. Despite the difficulties, Cuba had continued its housing construction plan and was taking measures to increase agricultural production and ensure greater food security.

413. Cuba also stressed that it continued to offer its assistance for the realization of human rights elsewhere. It noted that, as at 5 May 2009, 50,747 professionals had provided cooperation services in 96 different countries and 4 overseas territories; of these, 75.8 per cent worked in the health sector. Cuba had recently inaugurated three new ophthalmologic centres in Latin America and the Caribbean, and the “Yes I can” literacy programme was under way in 25 countries.

414. Cuba noted it was party to 42 of the most important human rights treaties and had overcome the delays in presenting its periodic reports. It had submitted its reports to the Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination, and had established a working group to prepare the report for the Committee against Torture. It reiterated its firm commitment to continue extending an invitation to visit the country to the Council special procedures that have been established on a non-discriminatory basis. It had already extended an invitation to the Special Rapporteur on the question of torture to visit the country in 2009, and had established a national working group to organize and coordinate the visit. The Cuban people preserved their sovereign capacity to invite, as it found appropriate, other mandate holders. Cuba recalled that it was subjected to a policy of hostility and blockade by a foreign power and that this required changing priorities. Cuba also cooperated with different humanitarian organizations throughout the world.

415. Cuba explained that it had a broad and effective inter-institutional system, which included the participation of non-governmental organizations, to receive and respond to any individual or collective complaint or petition. This system also assessed the effectiveness of current policies and programmes and provided follow-up on recommendations it considered necessary to continue to perfect the enjoyment of human rights in Cuba.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

416. Pakistan thanked Cuba for its replies on recommendations made during the review, and welcomed the acceptance of its own recommendations. It welcomed Cuba’s involvement in international cooperation and hoped that Cuba would be a model for countries with limited resources. Pakistan stressed that Cuba continued to uphold the principles of objectivity, impartiality and independence in its pursuit of the universal realization of human rights, and referred to Cuba’s leading role in promoting the right to development and achieving the right balance between civil, political, economic, social and cultural rights.

417. Venezuela (Bolivarian Republic of) stated that the universal periodic review was an opportunity to see the progress made by the Cuban revolution, despite adverse conditions, and to tear away the veil on the demonization campaign that had existed for 50 years. It paid tribute to the Cuban revolution and its people for their spirit of cooperation in the area of human rights, with programmes in the areas of health, education, culture and sports, especially in the neediest countries. It stressed the efforts and successes made by Cuba for human rights on its territory, as demonstrated by the review.

418. Qatar stressed that Cuba had accepted 60 recommendations, including those made by Qatar, which demonstrated the commitment of Cuba to the universal periodic review process. It valued the efforts made in the field of economic, social and cultural rights, in particular the rights to work, education and health, and its policies and strategies on social and human development. Qatar paid tribute to the effective role played by Cuba in the institution-building of the Council and in the Non-Aligned Movement. It wished Cuba success in overcoming challenges.

419. The Russian Federation stressed that the review of Cuba reflected the progress achieved and demonstrated the constructive and responsible approach of Cuba to international cooperation. Cuba remained a good example of respect for human rights, including economic, social and cultural rights. The Russian Federation paid tribute to the active role played by Cuba in the elaboration of the universal periodic review. It wished Cuba every success in the realization of its commitments and further progress in human rights, as would certainly be shown at the next cycle of the universal periodic review.

420. Bolivia (Plurinational State of) stressed that the international community recognized Cuba's achievements, despite it being a developing country subjected to an unjust economic blockade and suffering from climate change. Cuba demonstrated solidarity with many peoples; instead of criticizing those that had chosen their destiny, it made human rights a reality in practice. During the review, it had recommended that Cuba share its experience in the fields of health and education. It congratulated Cuba on its participative and transparent approach to the universal periodic review. It called for the end of the blockade by the United States of America.

421. Uzbekistan thanked Cuba for the detailed reply provided on the recommendations, for its active participation in the universal periodic review, and commended it for the measures taken in the field of human rights. The review clearly demonstrated the achievements made, particularly with regard to gender equality, the protection of women and children, social protection, health care, the right to education, religious freedom and economic, social and cultural rights. Uzbekistan was convinced that Cuba would continue its efforts to implement the recommendations and its international human rights obligations.

422. Belarus stressed the responsive and constructive approach of Cuba during the review, which was held while unlawful sanctions were imposed on it. Belarus had recommended that Cuba continue its efforts to counter such unilateral measures. Belarus paid tribute to Cuba for its role in the Non-Aligned Movement, in promoting human rights and in strengthening the Council. It hoped that Cuba would continue to play its leading role in ending politicization of human rights issues. Belarus noted that Cuba had accepted its recommendation, as well as many others, which demonstrated Cuba's genuine interest in human rights.

423. Sri Lanka stated that Cuba's participation in the universal periodic review was a model. It paid tribute to Cuba's active role in the Council and the way in which it fought against attempts to use human rights selectively and hypocritically. Cuba discharged its responsibilities under conditions of extreme external hostility. Cuba was a model for the realization of economic, social and cultural rights. Its action was not limited to collective rights, as demonstrated by Operation Milagro and the "Yes I Can" literacy programme. Sri Lanka saluted Cuba's performance.

424. China stressed that Cuba was faced with enormous difficulties created by the embargo and had achieved outstanding achievements in the economic, political, social and cultural fields. Cuba had cooperated in a constructive manner with developing States and made important contributions to the human rights cause. A majority of States in the Working Group praised Cuba highly for its achievements. China noted that Cuba had replied to all questions raised during the review, including by China. China was convinced that Cuba would make every effort to attain the Millennium Development Goals.

425. Algeria stressed Cuba's constructive approach, as demonstrated by its acceptance of 60 recommendations. Algeria underlined Cuba's action for human rights, in particular the rights to development, food and peace, the promotion of cultural diversity, international cooperation and solidarity, and the right of peoples to self-determination. During the review, Algeria had welcomed Cuba's commitment to human rights, despite the economic blockade, and encouraged Cuba to share its experience in the areas of health, education and

the right to food. Algeria paid tribute to Cuba for its progress in the area of human rights, social justice and democracy.

426. Egypt commended Cuba for its efforts and the significant advances in the area of economic, social and cultural rights. Cuba's achievements in the field of health care had been beneficial to many countries, especially in Africa, and the health assistance provided without condition indicated Cuba's belief in international solidarity. Cuba demonstrated through the universal periodic review a high degree of professionalism and openness, and the huge number of recommendations accepted was testimony to its engagement with the Council and other bodies. Egypt thanked Cuba for its detailed replies to the recommendations.

### **3. General comments made by other relevant stakeholders**

427. The Women International Democratic Federation noted that the recommendations made to Cuba about sharing its experiences in the fields of education, social work, health, cooperation and international solidarity were deserved. Cuba protected all human rights, cooperated with United Nations mechanisms and had achieved important results in gender equality and empowerment. Despite obstacles, most of them caused by the prolonged and genocidal blockade imposed by the United States of America, Cuba kept moving forward and represented an example of dignity, courage and strength for the world.

428. The Centre of Studies about Youth recalled that young people in Cuba were born under the brutal blockade imposed by the United States. It stressed that children and young people had been guaranteed free education and the continuation of their studies, were free to express their opinions and gather in various associations, had access to the public health system and had an automatic right to participate in the election process. It indicated that there were 20 members of Parliament who were less than 30 years of age.

429. The National Association of Cuban Economists pointed out that, despite the blockade, Cuba had the lowest infant mortality rate in the continent and a life expectancy rate exceeding that of developed countries, and that education up to the university level was guaranteed, as was full employment, shelter and food. Trade was systematically affected by the blockade and the tourist sector was threatened. Cuba shared its achievements with other peoples, aware that solidarity was the highest expression of the capacity of a people to exercise its will with dignity and respect.

430. The World Federation of Trade Unions stated that it had been in close contact with the true trade union movement in Cuba and congratulated Cuba for results in the enjoyment of human rights and for its political will to build a society for the welfare of all, which had been achieved under a cruel blockade. Cuba contributed to the improvement of human rights through international solidarity and was committed to human rights, as was reflected in the 60 recommendations accepted.

431. Organización de solidaridad de los pueblos de África, Asia y America, in a joint statement with the Indian Movement Tupaj Amaru and the World Peace Council, noted that Cuba enjoyed extensive respect at the international level, having defended its self-determination and independence. It referred to Cuba's cooperation and solidarity with other peoples, unlike those who looted and destroyed the planet, referring to Operation Milagro. In the area of education, 3.5 million people had been taught to read in 24 countries.

432. The China NGO Network for International Exchanges noted Cuba's programme for social justice and equality. It welcomed Cuba's tireless efforts to improve the living standards of its people and its active participation in international cooperation on human rights. It welcomed the positive attitude of Cuba towards the universal periodic review and its cooperation with the Council. It recommended that Cuba take more concrete measures

for the full implementation of its obligations and commitments, and continue to participate actively in international cooperation on human rights.

433. The China Society for Human Rights Studies welcomed the priority given by Cuba to human rights and its significant achievements, especially in the field of education, health and food, despite the unjust blockade. It encouraged Cuba to share its experience in the right to health, in particular the primary, maternal and childcare programmes and HIV/AIDS control programmes. It recommended that Cuba continue to participate in international cooperation on human rights and provide other developing countries with medical and educational assistance.

434. Centrist Democratic International and Freedom House noted that the ratification of two international covenants on human rights was still pending. They stated that there were hundreds of political prisoners and prisoners of conscience in Cuba, many of whom were sick and not receiving medical attention. They stated that 21 deaths in prison, more than 500 arbitrary arrests and 26 cases of imprisonment of human rights defenders had been reported, and that 2 individuals had been subjected to intimidation for having submitted reports for the universal periodic review.

435. The Indian Council of South America, also on behalf of the International Human Rights Association of American Minorities, praised Cuba's contribution to the issues of indigenous peoples and the right to food. While welcoming the ratification of the Convention for the Protection of All Persons from Enforced Disappearance and the invitation to the Special Rapporteur on torture, they called on Cuba to ratify the two international covenants on human rights and to invite other special procedures to visit the country.

436. Human Rights Watch and the International Federation for Human Rights regretted that Cuba had not explained the systematic violation of civil and political rights. They supported the recommendations that Cuba should adopt measures to guarantee the independence of the judiciary, condemned the repression of dissident activity and requested the immediate abrogation of laws used to restrict fundamental rights. They called for the liberation of political prisoners and an end to arbitrary detentions, and supported recommendations to establish guarantees for the protection of human rights defenders.

437. The Federation of Cuban Women noted advances in the situation of women, observing that gender equality was part of a democratic policy for social justice, which allowed women to participate in all social, political and economic arenas. It mentioned the guarantees for women in the areas of the right to work, land rights, sexual and reproductive rights, education and culture. It noted that this had been achieved despite the economic blockade.

#### **4. Concluding remarks of the State under review**

438. Cuba reaffirmed its commitment to continue to follow up on the results of the universal periodic review and the implementation of the recommendations it had accepted, with objectivity and rigour.

439. Cuba thanked all delegations that had recognized its efforts and achievements, and for their recommendations and constructive comments to continue to perfect its system, and thus improve the enjoyment of human rights for all.

440. Cuba thanked the majority of non-governmental organizations that participated in the debate. It regretted the dissonant voices of those that were mercenaries paid by the empire and voices of the defeated counter-revolution.

441. Cuba reiterated its commitment to cooperate with United Nations human rights machinery, especially the Council and its universal periodic review, and to continue

working towards the promotion and protection of human rights through international cooperation and respectful dialogue.

## **Saudi Arabia**

442. The review of Saudi Arabia was held on 10 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Saudi Arabia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/4/SAU/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/4/SAU/2); and

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/4/SAU/3).

443. At its 16th meeting, on 10 June 2009, the Council considered and adopted the outcome of the review of Saudi Arabia (see section C below).

444. The outcome of the review on Saudi Arabia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/11/23 and A/HRC/11/23/Corr.1), the views of Saudi Arabia 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/11/23/Add.1).

### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and the outcome**

445. The delegation of Saudi Arabia was convinced that the universal periodic review mechanism had established common denominators for all States. It has helped to ensure the universality of human rights through constructive dialogue and the exchange of best practices and experience, thereby promoting cooperation and mutual understanding.

446. This mechanism, however, had to take into consideration the particularities and the stages of development and evolution of societies. This effort required a profound understanding of each culture and its guiding values and principles, which, by their very nature, converge with the humanitarian principles that have made human rights universally acceptable to and recognized by all cultures and civilizations. The principle of transparency, which is a prerequisite for the effective functioning of this mechanism, had to be fully accepted and respected by all.

447. In keeping with Saudi Arabia's commitment to these principles, the custodian of the two holy mosques, King Abdullah bin Abdul Aziz Al Saud, launched an initiative calling for dialogue among the followers of religions and cultures, with a view to promoting mutual understanding among the world's predominant cultures, on the basis of the understanding that human civilization is homogeneous and that dialogue is a means to settle conflicts and disputes.

448. This initiative, if followed up at the international level, would establish a favourable environment in which human rights could develop and flourish and in which they could be applied on a purely humanitarian basis. Saudi Arabia observed that all people, without exception, were entitled to enjoy the principle of the universality of human rights. This applied even to proponents of extremist ideologies, whom Saudi Arabia was endeavouring to save from the consequences of their aberrant modes of thought through ad hoc

counselling and rehabilitation programmes. This Saudi security project was a pilot experiment, the international circulation of which has been advocated in some recommendations.

449. The recommendations resulting from the universal periodic review dialogue were an expression of a sincere desire to offer advice and objective criticism. However, some of the recommendations might fail to achieve their goals because of a misunderstanding of the values and principles guiding each culture or an inaccurate appraisal of the real situation.

450. In consultation with the public and private bodies concerned, Saudi Arabia carefully studied the recommendations made during its review. Having considered whether their acceptance would contribute to the development of the Saudi human rights environment, it had decided to accept most of the recommendations. The reasons for non-acceptance of a few recommendations are explained in document A/HRC/11/23/Add.1.

451. Being aware that the acceptance of recommendations entailed considerable endeavours for their implementation, Saudi Arabia would continue its efforts in keeping with its belief that the realization of human rights was an integral part of the obligations that Islamic sharia commanded Saudi Arabia to fulfil.

452. The ongoing development process and political will had taken the form of sustainable development programmes to promote and protect human rights. Reference was made to some examples illustrating what had been achieved during the period following the discussion of the report on Saudi Arabia on 6 February 2009.

453. In the judicial field, royal decrees had been promulgated calling for the establishment of a supreme council of the judiciary, a supreme court, a council of the administrative judiciary and a supreme administrative court. These developments fell within the new statutes of the judiciary, which strengthened the independence of the judicial authority, established specialized labour, criminal and commercial courts and recognized the principle of two levels of jurisdiction.

454. New statutes for municipal councils currently being formulated would take into consideration the experience gained from the current municipal council elections, expand the scope of participation by citizens in the management of local affairs and develop the electoral process.

455. The consultative council had also approved the Prevention of Human Trafficking Act, which met international standards for the prevention and punishment of human trafficking.

456. Regarding the expansion of participation by women, a woman had been appointed assistant mayor of the city of Jeddah, the second largest city in Saudi Arabia. Women had also been appointed as vice-ministers, university president, deputy ministers and deans of faculties, and the number of female counsellors in the consultative council has been increased from 6 to 12. Provision had been made for women to engage in all commercial and industrial and service activities without exception, in the same way as men.

457. Within the framework of the endeavours made to prevent violence against women and children, a national register had been established to record cases of domestic violence, and numerous courses had been held to train judges, public prosecutors and police officers to deal with such cases.

458. A directorate-general for the promotion and protection of the rights of expatriate workers had been established in the Ministry of Labour to provide such workers with urgent assistance, either directly or through telephone hotlines, and also to publish, in various languages, awareness-raising information concerning their rights and obligations. The State had guaranteed the 7 million expatriate workers in Saudi Arabia full freedom to

make remittances to their families, thereby helping to greatly improve their families' living conditions and, at the same time, support their countries' economies. In 2008, workers' remittances totalled \$22 billion.

459. At the cultural and educational levels, universities and academic research institutions and chairs had been established in a number of fields, including human rights, the situation of women, extremist ideological rehabilitation and other fields related to human rights.

460. The promotion of human rights had to take into account social and cultural circumstances, which necessitated a gradual approach for the creation of an environment conducive to the further consolidation of human rights values and culture, in a manner consistent with the natural process of change and development, particularly in regard to change relating to social norms and customs.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

461. Pakistan indicated that Saudi Arabia had enumerated a number of legislative, institutional and organizational reforms, in particular the intention to promulgate a bill of law to criminalize all forms of human trafficking, the codification of sharia law, steps taken to empower women, the establishment of the new directorate for the welfare of expatriate workers and for new supreme and constitutional courts. Pakistan mentioned that Saudi Arabia's investments in the developing world and generous contributions to various United Nations projects were examples of its commitment to promote human rights. Pakistan appreciated Saudi Arabia's efforts in promoting dialogue among followers of different religions.

462. Venezuela (Bolivarian Republic of) believed that the information provided in the Saudi replies was very useful to the universal periodic review, in particular regarding the family and community medical system, which provided the highest possible health service to its population. It recognized Saudi Arabia's efforts to promote and protect human rights, especially the measures taken to change the normative and institutional framework of the country.

463. Qatar valued Saudi Arabia's open approach in dealing with the recommendations made by the delegations. Qatar commended Saudi Arabia in particular for the progress relating to the strengthening of human rights infrastructure in the legislative and institutional fields, and for the measures taken to reform the judicial system and the achievements in economic, social and cultural rights, such as the rights to education, health, work and housing. Qatar welcomed Saudi Arabia's cooperation with international human rights institutions, in particular the Council.

464. Algeria welcomed Saudi Arabia's efforts to promote all human rights and its attachment to a culture of human rights. It congratulated Saudi Arabia on its re-election to the Council. Algeria commended it for its efforts to promote the rights of children and women, in particular the creation of mechanisms to prevent domestic violence, and the adoption of legislation on children. Algeria also commended Saudi Arabia for accepting the recommendations to further its efforts to fight terrorism and protect human rights at the same time, pursue its policies aiming at the promotion of dialogue among religions and civilizations, and continue its efforts to create a positive environment for all foreign workers.

465. Cuba welcomed the fact that Saudi Arabia had accepted the majority of the recommendations. Measures taken to implement them showed the will of Saudi Arabia to promote and protect the human rights of its people. Cuba recognized the measures taken in the fields of education, health, housing, work, security and social assistance, which benefited the neediest people. Cuba recognized the generous contributions made by Saudi

Arabia to alleviate the situation of poor countries affected by the world food crisis and urged it to continue in its vocation of solidarity towards developing countries.

466. Belarus noted that Saudi Arabia had been working to develop further its national judicial system and eradicate discrimination against migrant workers. The Government had accepted the recommendations of Belarus with regard to continuing efforts to protect migrant workers' rights and child rights. It noted that Saudi Arabia planned to consider the question of acceding to international human rights instruments; a positive decision on that matter would strengthen its national system for the promotion and protection of human rights. Belarus also pointed out that Saudi Arabia had undertaken initiatives, at the national and international levels, to advance dialogue between religions and civilizations and to promote tolerance and world peace.

467. Bahrain welcomed the positive steps taken by Saudi Arabia by its acceptance and implementation of a number of universal periodic review recommendations, including those made by Bahrain, such as the one on the rehabilitation of those suspected or detained in the fight against terrorism. Bahrain welcomed Saudi Arabia's efforts to continue the dialogue among religions and civilizations, and promote the rights of women and children in conformity with sharia law and international obligations. Saudi Arabia's action reflected its political will and the importance it attached to the implementation of its international commitments.

468. China noted that Saudi Arabia had submitted a thorough national report to the Working Group, introducing its efforts and achievements in national dialogue, judicial and institutional reform, public health and protection of migrant workers' rights. China welcomed the replies of Saudi Arabia to the Working Group report, which showed the importance it attached to human rights. China was convinced that the Government of Saudi Arabia, while respecting the specific characteristics of its national culture, would take all the necessary measures to protect the universality of human rights and make new progress in this field.

469. Egypt stated that the review reflected the progress made by Saudi Arabia and its constructive cooperation with international human rights mechanisms. Egypt commended Saudi Arabia for its achievements in human rights institution-building at the national level and for its efforts in the areas of legal and judicial reforms, combating discrimination and violence against women and promoting their participation in the labour market. Egypt supported Saudi Arabia's efforts to promote and protect human rights within the overall framework of its sovereign right to implement its national legislation in a manner compatible with internationally agreed norms and principles.

470. The United Arab Emirates welcomed Saudi Arabia's efforts at the national level to promote and protect human rights. The measures taken by Saudi Arabia reflected its determination to continue its efforts in the area of human rights, including legislative and institutional reforms aimed at meeting its economic, cultural, social and political needs and specificities. The universal periodic review recommendations and Saudi Arabia's voluntary commitments would undoubtedly give new impetus to these worthy efforts.

### **3. General comments made by other relevant stakeholders**

471. The National Association of Cuban Economists noted that Saudi Arabia had achieved important objectives in terms of legislation and in putting into practice economic and social rights. Saudi Arabia helped generously to ease the situation in countries affected by the food crisis, unlike what most developed countries had done. It urged Saudi Arabia to continue its efforts to promote economic, social and cultural rights and to redouble its efforts to guarantee dialogue between religions and civilizations.

472. The Cairo Institute for Human Rights Studies welcomed the fact that Saudi Arabia had accepted most of the recommendations. It urged the State to ratify international human rights instruments, modify its legislation so as to conform to human rights standards and allow access to all special rapporteurs with pending requests for a visit. The State should abolish all legislation, measures and practices that view women as second-class citizens, enact legislation that criminalizes violence against women and withdraw its two reservations to the Convention on the Elimination of All Forms of Discrimination against Women. The Institute highlighted its concern about religious freedom in the country and discrimination against the Shiite minority. It asked the State to cease all types of corporal and inhumane punishment.

473. Amnesty International welcomed the fact that Saudi Arabia had accepted most of the recommendations. It highlighted, however, the Government's decision to reject a number of recommendations, particularly those related to the death penalty, which is used against juvenile offenders for offences with no lethal consequences and against foreign nationals. It stated that the death penalty is applied after secret and summary trials of defendants with no legal assistance. Amnesty International called on Saudi Arabia to reconsider recommendations to establish a moratorium on all executions. It also noted that thousands of people arrested on counter-terrorism grounds were currently being held in secret detention, most without charge or trial and without access to a lawyer or to the courts. Many had allegedly been tortured or otherwise ill-treated in order to extract confessions.

474. The Arab Commission for Human Rights welcomed the acceptance of recommendations 1, 2 and 3 concerning the issue of ratification of a number of international instruments, in particular the Optional Protocol to the Convention against Torture, and recommended the establishment of a national mechanism for prison visits and the prevention of torture. It also welcomed the acceptance of recommendation 23 on the minimum age and legal safeguards regarding corporal punishment. The Commission expressed concern at claims regarding the death penalty, and requested that all international commitments and conventions in this regard be respected. It invited the State to avoid special trials, and called upon it to send a standing invitation to special rapporteurs and to invite the High Commissioner for Human Rights to visit the country.

475. Action internationale pour la paix et le développement dans la région des Grands Lacs welcomed the efforts of Saudi Arabia to promote education and the protection of young people, establish mechanisms to combat violence in the family, and apply the law to people with disabilities. It noted the progress in promoting freedom of expression and opinion, the adoption of the law on governance, the law on the Choura advisory council, the law on criminal procedures, and the rights of children, women and migrant workers. It added that the selectivity and partiality of the International Criminal Court might explain the non-ratification of the Rome Statute by Saudi Arabia. It commended the State for the freedom of religion guaranteed to non-Muslims and the elaboration of a peace plan, backed by the Arab League, with a view to negotiating a solution to the Middle-East problem. It welcomed the commitments of Saudi Arabia to the Millennium Development Goals to assist developing countries by donating \$500 million.

476. The Indian Council of South America, in a joint statement with the International Human Rights Association of American Minorities, Cercle de recherche sur les droits et les devoirs de la personne humaine, the Charitable Institute for Protecting Social Victims, the Organization for Defending Victims of Violence and Organisation pour la communication en Afrique et de promotion de la coopération économique internationale, noted the generous contributions of Saudi Arabia to developing countries and to people in need. It called on the Government to continue working towards more high-level appointments of women, and to step-up the process to allow women to realize the extent of their rights in order to overcome confusion between true Islamic sharia, customs and traditions and

human rights law. They welcomed the intention of Saudi Arabia to ratify a number of international human rights instruments.

477. The International Commission of Jurists noted that the religious police were allegedly responsible for human rights violations, including torture and ill-treatment, enforced disappearances and arbitrary detentions. Saudi authorities had failed to hold fair and transparent elections. It pointed out that the Government should reform the Basic Law of Government in order to reinforce the rule of law and human rights. The Government should also incorporate into the Law the principle of equality between men and women and the prohibition of discrimination on the basis of sex. It urged the Government to accede to international human rights treaties, cooperate with the Council's special procedures and submit overdue reports to the United Nations treaty bodies.

478. Three non-governmental organizations were scheduled to speak during the 20-minute segment allocated to them, but were unable to do so because the meeting was running late.<sup>6</sup>

#### 4. Concluding remarks of the State under review

479. Owing to time constraints, Saudi Arabia was not provided with the prescribed time allocated to States under review and could thus not address the issues raised in detail. It reiterated, however, that the national report clearly illustrated the measures taken for the protection of women and migrant workers' rights and provided details on related laws. It should be noted that 13 judges of various courts examined cases involving the death penalty, and that this sentence was applied to the most odious cases only. Questions and comments should be based on reality without dismissing the figures and the contents provided in the national report.

### Senegal

480. Before the consideration of the review outcome of Senegal, Armenia raised a point of order, the content of which is reflected in the statement posted on the universal periodic review extranet.

481. The review of Senegal was held on 6 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Senegal in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/4/SEN/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/4/SEN/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/4/SEN/3).

482. At its 17th meeting, on 11 June 2009, the Council considered and adopted the outcome of the review on Senegal (see section C below).

483. The outcome of the review on Senegal comprises the report of the Working Group on the Universal Periodic Review (A/HRC/11/24), the views of Senegal concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented

<sup>6</sup> The statements of the non-governmental organizations in question have been posted, exceptionally, on the universal periodic review extranet.

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/11/24/Add.1).

**1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and the outcome**

484. The Minister of State for Justice thanked all countries that contributed to the re-election of Senegal to the Council, and assured that Senegal would be fully dedicated to contribute to the implementation of the Council's mandate. Senegal recalled that it had accepted 30 recommendations in February 2009 and had produced a document to reply to 10 other recommendations, the status of which was pending.

485. Senegal recalled that homosexuality was not a crime in Senegal, although article 319 of the penal code criminalized impure acts or unnatural acts with another person of the same sex. The Minister stated that most of the Senegalese people were hostile to homosexuality in the manner in which it was manifested in some societies. Ignoring this reality could lead to extremist attitudes. Therefore, Senegal intended to tackle this issue with serenity and moderation. Nobody was currently in detention on the basis of article 319 of the penal code since the Court of Appeal of Dakar had ruled that those who had been arrested on this basis a few months earlier should be released immediately.

486. The above-mentioned case was further proof of the independence of the judiciary. The delegation stated that the recommendation made on the separation of powers was already effective in Senegal, which was a law-abiding State. In order to reinforce the independence of the judiciary, a review of the Organic Law 92-27 was ongoing. It aimed at amending several provisions regarding the statute of magistrates, particularly with regard to the fact that they could not be removed, disciplinary measures and revocation.

487. Senegal recalled that fundamental freedoms, such as the freedom of expression and the freedom of peaceful assembly, were guaranteed in the Constitution and that the recommendation on this issue would be a new incentive to better protect these freedoms. Senegal recalled that the recommendation on non-discrimination against women and their access to education and health were in accordance with the State's voluntary policies on health and education, as were legislative and other measures to fight against gender discrimination, including the ongoing national strategy on gender equality and equity for the period 2005-2015.

488. With regard to a standing invitation to special procedures, Senegal recalled its readiness to accept formal invitations and its full collaboration with mandate holders.

489. In conclusion, Senegal expressed its deep belief in the need for the involvement of non-governmental organizations in human rights and their dialogue with States, as well as the refusal of impunity, which was essential to the promotion and protection of human rights and was not negotiable.

**2. Views expressed by Member and observer States of the Council on the review outcome**

490. The United Arab Emirates welcomed the comprehensive policies implemented by Senegal in vital human rights areas, such as the alleviation of poverty, the empowerment of women and the rights of children. It commended the Government for its efforts to give priority to education. It noted that Senegal played a pivotal role in interreligious and intercultural dialogue and was a symbol of coexistence and tolerance. It pointed out the commitment of Senegal to continue the implementation of universal periodic review recommendations and acknowledged its achievements.

491. Qatar applauded Senegal's cooperation in the framework of the universal periodic review and the spirit of understanding and openness shown regarding the recommendations made. It noted that the Constitution of Senegal made all citizens equal before the law. Qatar valued Senegal's efforts in the protection and promotion of human rights — economic, social and cultural rights — with special attention to the rights to education, health and housing. Qatar applauded the peaceful coexistence of Muslims and Christians and the building up of a culture of tolerance and dialogue, as well as its efforts to alleviate poverty, protect street children, and combat child trafficking and HIV/AIDS.

492. Algeria pointed to the seriousness of Senegal in considering the universal periodic review, as was perfectly illustrated by the acceptance of nearly all recommendations. Algeria appreciated the acceptance of its recommendations by Senegal concerning the promotion of universalization of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the continuation of efforts to guarantee the right to food for its population and the possibility of requesting technical assistance from OHCHR, and the efforts to promote dialogue for peace and tolerance among religions, civilizations and cultures. Algeria called on the international community to assist Senegal in the implementation of the recommendations made.

493. Pakistan regarded Senegal's acceptance of the majority of the recommendations as an encouraging sign that illustrated its constructive attitude in dealing with human rights. It was encouraged that Senegal had indicated that, despite resource constraints, it would continue to build on its progressive achievements in human rights. Pakistan noted the steps taken in judicial reforms, the rights of migrants and in addressing the issue of violence against women and gender equality through a comprehensive strategy. Pakistan stated that the successful implementation of the recommendations would lead to the effective promotion and protection of human rights.

494. Bahrain noted the importance attached by Senegal to the promotion and protection of human rights at the national and international levels. Bahrain welcomed the positive measures that Senegal had taken to implement certain recommendations. It noted the considerable efforts of the Government to reinforce primary education in rural areas and to provide study grants to students at public and private schools.

495. Egypt noted that Senegal had achieved significant progress in the promotion and protection of human rights, despite all difficulties, including through efforts to establish a strong human rights infrastructure. It noted Senegal's special attention to the prevention of smuggling of migrants, in addition to advances in economic, social and cultural rights, with a special focus on poverty eradication. Egypt called on the international community to assist Senegal in implementing national strategies to achieve the Millennium Development Goals. Egypt reiterated its belief in Senegal's ability to overcome challenges, while upholding its sovereign right to implement national laws based on universal human rights norms.

496. Saudi Arabia noted the willingness of Senegal to cooperate with human rights mechanisms, exemplified by the acceptance of the majority of the recommendations. It encouraged the efforts made by Senegal to reform laws and human rights institutions. It commended Senegal for its determination to continue with its programme of action for the promotion of human rights. It noted that Senegal had stepped up efforts to strengthen dialogue among civilizations, cultures and religions.

497. Morocco congratulated Senegal on its commitment to the universal periodic review, which had raised awareness about the achievements and challenges of protecting human rights in Senegal. It noted that Senegal had accepted most of the recommendations, including those proposed by Morocco, and had promised to consider other recommendations in the same spirit. The institutional human rights structure established by

Senegal attested to its consistent commitment to guaranteeing full respect for human rights. Morocco indicated that these efforts made Senegal a model and required the support of relevant international bodies to help Senegal to implement its programmes of action and promote the achievement of the Millennium Development Goals.

498. The United States of America appreciated Senegal's commitment to further strengthen its efforts to eliminate the economic exploitation of children, including by enhancing access to education and enforcing laws against child labour and trafficking. It noted the concern expressed by several delegations regarding the criminalization of homosexuality, as well as harassment and discrimination based on sexual orientation. It also echoed concerns regarding intimidation and harassment of journalists and media organizations. It urged Senegal to fulfil the African Union mandate regarding the trial of Hissène Habré in Senegal. It encouraged Senegal to undertake an awareness-raising campaign on female genital mutilation.

499. Ireland thanked the delegation of Senegal for the constructive way in which it had participated in the universal periodic review process. It noted with appreciation that Senegal had accepted its recommendation concerning the need for an awareness-raising campaign on the application of the law on female genital mutilation. Ireland stressed the importance of the mandate given to Senegal by the African Union concerning the need to bring to justice Hissène Habré, the former President of Chad.

### **3. General comments made by other relevant stakeholders**

500. Comité sénégalais des droits de l'homme noted with great satisfaction the replies provided by the Government to its complaints. It highlighted the open and sincere dialogue the Government had established with the national institution and all civil society organizations. It called on the authorities to continue their partnership with civil society and to be even more vigilant in their struggle for human rights. It was prepared to assist the Government in the implementation of the recommendations it had accepted.

501. The European Region of the International Lesbian and Gay Association noted the recent release from jail of nine gay men but stated that public statements condemning homosexuality had led to an increase in homophobia. It indicated that the penal code threatened sexual minorities and violated the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights. It urged Senegal to abolish article 319 of the penal code and to review other legislation that resulted in the discrimination, prosecution and punishment of people solely for their sexual orientation or gender identity. The Association asked Senegal to take measures to promote tolerance and to provide law enforcement and judicial officials with training on human rights and sexual minorities.

502. Organisation pour la communication en Afrique et de promotion de la coopération économique internationale, in a joint statement with the Indian Council of South America and the International Human Rights Association of American Minorities, noted the efforts made by Senegal to promote the rights of women, above all to make sure that their social status was commensurate with their eminent social role. It encouraged the Government to pursue its effort to implement its commitments. It also commended the attention paid by Senegal to the promotion and protection of the rights of the child. It pointed out that Senegal had made progress in improving access for women to positions of political responsibilities. It recommended the ratification of other international human rights instruments.

503. Rencontre africaine pour la défense des droits de l'homme welcomed the re-election of Senegal to the Council, which reflected the vitality and the mission of Senegal regarding human rights. It welcomed the acceptance by Senegal of most recommendations. It recalled

that the independence of the judiciary was guaranteed by the Constitution, but that the composition of the High Judicial Council made it dependent on the executive branch and gave a political content to some judicial cases. Senegal should therefore pay attention to the recommendation made in that regard.

504. Cercle de recherche sur les droits et les devoirs de la personne humaine expressed its full support for the follow-up to the recommendations. It highlighted the fact that the President of Senegal was devoted to human rights and development in Africa. It also referred to the fact that the first President of Cameroon was buried in Senegal and the question of repatriation of his remains had led to much ill feeling in Cameroon and at the international level. It asked for more information on this issue.

505. Comité international pour le respect et l'application de la Charte africaine des droits de l'homme et des peuples noted the strong institutional support for young people and to better protect women, children, the disabled and migrant workers. It welcomed Senegal's efforts to promote freedom of association and expression, the decriminalization of press offences and the coexistence and dialogue between religions. It indicated that recent initiatives to strengthen the independence of the judiciary, the reworking of academic programmes to include education in human rights and on the fight against HIV/AIDS all showed that Senegal was taking action in human rights.

506. Action internationale pour la paix et le développement dans la région des grands lacs noted that Senegal had accepted many recommendations, including those relating to the human rights of migrants, arbitrary detention, trafficking (especially in women and children), the situation of human rights defenders, the independence of judges and the abrogation of article 80 of the penal code. It also pointed out that Senegal had been very responsible in achieving the Millennium Development Goals, namely through the improvement of the school attendance rate in primary education, the national programme for the youngest, universal access to health services for the entire population and the plan for the elderly ensuring access to certain medications free of charge.

507. Espace Afrique International stressed Senegal's outstanding efforts in the education of girls. It noted that Senegal invested 40 per cent of its annual budget in education and this allowed the participation of citizens in all development activities. It noted the innovative and promising programmes in terms of good education accessible to all, especially to the most vulnerable. It further noted the establishment of many primary and secondary institutions and that higher education was improved, with many regional centres linked to world centres of excellence, which allowed for remote learning. It indicated that *télé-médecine* allowed Senegal to combat maternal and infant mortality.

#### **4. Concluding remarks of the State under review**

508. Senegal thanked the delegations for their observations and recalled that Senegal had met with members of civil society before coming to the plenary session.

509. Senegal recalled its commitments to fight impunity and that it was the first country to ratify the International Criminal Court statutes. The financial arrangements were being processed in order to complete the budget and to begin the trial of the former President of Chad, Hissène Habré.

510. With regard to freedom of expression, Senegal recalled its strong commitment to guarantee this freedom and that no journalists or any other persons were currently deprived of liberty for having expressed his or her convictions. The only limitations to this freedom were posed by the freedom of others and of public security.

511. Concerning female genital mutilation, some individuals had recently been sentenced in that regard despite public opposition, in addition to sensitization activities. This should

be seen in relation to other activities related to the protection of women and to child education.

512. Senegal recalled its commitment to the principles of indivisibility, universality, interdependence and non-selectivity of human rights. Senegal was very supportive of the fight against impunity and the work of the International Criminal Court. Senegal wanted the Court to be competent for all genocides, war crimes and crimes against humanity anywhere in the world, without exception. Consequently, in spite of rumours, Senegal would not be withdrawing from the Court.

513. With regard to the supposed persecution of homosexuals, Senegal was committed to protecting homosexuals in spite of a public opinion which was against that lifestyle. Concerning the independence of the judiciary, the delegation recalled that it was already ensured; however, it would be reinforced and the composition of the High Judicial Council would be reviewed, although only two members were not currently magistrates.

514. With regard to education for all, 40 per cent of the national budget was allocated to education. In addition, Senegal put emphasis on children and women from rural and remote areas in order to empower them and allow them to play an important role in the country.

515. Senegal made every effort to better protect women's and children's rights. A committee had been established to address violence against women and children with the participation of civil society.

516. On the Hissène Habré case, the delegation stated that the dignity of Africa was at stake. Therefore, every effort would be made to organize a just and fair trial. The African Union should complete the budget, which would be managed by international institutions.

## **China**

517. The review of China was held on 9 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by China in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/4/CHN/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/4/CHN/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/4/CHN/3).

518. At its 17th meeting, on 11 June 2009, the Council considered and adopted the outcome of the review on China (see section C below).

519. The outcome of the review on China comprises the report of the Working Group on the Universal Periodic Review (A/HRC/11/25), the views of Cuba concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and the outcome**

520. China thanked all countries for their active participation in the universal periodic review dialogue, and noted that quite a number of them had spoken highly of China's human rights endeavours and achievements while putting forward many valuable

recommendations. China regarded the review process as an opportunity to listen to other countries and to further promote and protect the human rights of its people. China had carefully examined all recommendations and accepted those that were compatible with its realities. Following the review, China had established an inter-agency task force, comprising more than 20 departments, and had formulated concrete implementation plans, with input from non-governmental organizations and academic institutions.

521. With regard to specific recommendations, China issued its first national human rights plan of action for the period 2009–2010 on 13 April 2009. It comprehensively covered all rights and reflected the useful recommendations made during the review process. A joint meeting mechanism had been established to supervise and evaluate the implementation.

522. In its plan of action China pledged to continue legislative, judicial and administrative reforms to bring domestic laws into line with the International Covenant on Civil and Political Rights to create the conditions for its earliest possible ratification. The Chinese legislature planned the drafting of an administrative compulsory enforcement law and amendment of laws on civil and political rights, including the laws on State compensation and the law on guarding State secrets.

523. Regarding judicial reform, the Supreme People's Court and relevant departments had taken a series of measures, including a judicial reform outline, in March 2009, covering 30 measures, such as posting judicial indictment on the Internet, regulating discretionary power and holding accountable those illegally interfering with independent court proceedings.

524. With regard to the financial crisis and safeguarding people's livelihoods, especially in rural areas, the central Government had used 44 per cent of the investment from the stimulus package of RMB 4 trillion at the end of 2008. Projects making rapid progress included the provision of access to safe drinking water for 14.6 million rural residents, nearly double the number two months earlier.

525. China had expanded the coverage of its poverty alleviation programme to 40.07 million people, and was considering shifting the focus of its programme from addressing food and clothing shortages to offering all-round support and assistance. China had entered into poverty alleviation cooperation agreements with a large number of developing countries, providing training and sharing experiences with the aim of the early realization of the Millennium Development Goals worldwide.

526. In April 2009, the Government had released a plan to deepen the reform of the pharmaceutical and health-care system, to include everyone in the medical insurance system by 2020. To put the plan into practice, China had formulated an implementation plan for the period 2009–2011. Governments at all levels would invest an additional RMB 850 billion over three years; by 2011, basic medical insurance system would cover all urban and rural residents, and the maximum payment for medical insurance would be increased to six times the per capita income.

527. Information was provided on the implementation of the recommendation that the Hong Kong Special Administrative Region and the Macao Special Administrative Region continue to function according to their realities and preserve different rights of their citizens in accordance with their laws. For example, the former was implementing the Race Discrimination Ordinance and the Independent Police Complaints Council Ordinance. The latter had undertaken legal reforms to increase the accountability of high-ranking civil servants and to strengthen a culture of integrity and to improve law in action.

528. China has responded, as it had promised, to four recommendations made by Portugal, Argentina, Canada, Australia, Brazil and Austria on inscribing a legal definition

of discrimination in domestic law, reducing the number of crimes carrying the death penalty, adopting specific legislation on domestic violence and follow-up to the universal periodic review.

529. As a populous developing country, China faced many difficulties and challenges in human rights that might be unimaginable to other countries. However, China had full confidence in making progress. It pledged to honour the commitments made to the world, taking into consideration its actual situation and the people's will and to continue to participate in the review process in a responsible way.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

530. The United Arab Emirates appreciated the country's efforts in the universal periodic review process for institutional reform to back up its development renaissance and improvements in the rule of law, with efforts to reform the system to guarantee the independence of the judiciary. This was a difficult endeavour in a multifaceted and multicultural country such as China. China's cooperation with human rights bodies and OHCHR was welcomed and the hope was expressed that the Council would take all of China's achievements into account.

531. Cuba welcomed China's efforts and actions to implement the recommendations formulated during the review. It acknowledged that China had accepted the great majority of recommendations made relating to all human rights, which would help human rights defenders in China who were truly engaged in the promotion and protection of human rights. Cuba regretted the politically motivated recommendations made during the universal periodic review and underlined the fact that the delegation had its reasons to reject them. It noted China's extraordinary achievement of consolidating national unity and taking its people towards development, and expressed its support for China.

532. Algeria welcomed China's acceptance of all the recommendations that it had formulated, especially those regarding the ratification of the International Covenant on Civil and Political Rights and the publication and implementation of the national human rights plan for 2009–2010. Algeria welcomed China's willingness to share its best practices in implementing the concept of "scientific outlook on development" with developing countries. It stressed that the development and enjoyment of human rights could be harmonized with the characteristics of Chinese society.

533. Qatar appreciated the measures to implement the recommendations accepted by the Government, including those against child labour and those aimed at promoting the right to education and the rights of ethnic minorities. Qatar called upon specialized United Nations agencies to provide more assistance to China, particularly regarding the enjoyment by children of their rights. It reiterated its invitation to China to share its experiences, particularly regarding the right to development and poverty reduction strategies and programmes.

534. Saudi Arabia saluted China's influential role in the Council and the very tangible efforts that China had made to improve and promote human rights mechanisms by implementing a national plan of action on all human rights while trying to strike a balance between rural and urban areas, particularly with respect to economic and social rights. Saudi Arabia invited China to pursue its efforts along these lines.

535. Uzbekistan welcomed the constructive approach displayed by China towards the universal periodic review process, and commended it for the work done and the results achieved in the promotion and protection of human rights, including political, civil, social and cultural rights and the right to development. Uzbekistan was convinced that China's

devotion to its international obligations would foster a continuation of the fruitful and integrated work covering the broad spectrum of human rights.

536. Pakistan highlighted the fact that China, in spite of being the most populous country in the world, was realizing many of the Millennium Development Goals ahead of time, and that these best practices should be replicated by other States. It noted that China, as a responsible global power, had always looked after the rights and interests of the developing world, the acknowledgement of which had been reflected in the statements made during the review. China's acceptance of a range of recommendations made in the fields of civil, political, economic, social and cultural rights and the establishment of an inter-agency working group to systematically analyse and implement these recommendations reflected the seriousness that it attached to human rights. Pakistan noted the promulgation of China's first national human rights plan of action and the new plan on the pharmaceutical and health-care system.

537. Sri Lanka welcomed the State's continuous role in striving for harmony, balance and fair play in the Council, and pointed to the three contributions of the Chinese Communist Party to human rights: (a) the elimination of serfdom and slavery in China, including in the province of Tibet; (b) the emancipation of women; and (c) the exemplary conduct of the Chinese revolution with regard to prisoners of war. It was particularly pleased that China had accepted a great majority of recommendations, including those made by Sri Lanka, and that China had rejected those proposals contributing to ethnic division and extremism. Sri Lanka admired China's policy concerning matters of ethnic identity and thought it could learn from China's formula.

538. The Russian Federation noted that China had expressed its willingness to implement the overwhelming majority of recommendations received, particularly those relating to the exercise of economic, social and cultural rights and that China intended to make further large-scale efforts to achieve the goals that it had set for itself in the promotion and protection of human rights. The Russian Federation pointed out that the dynamically developing Chinese economy played a vital role in consolidating efforts by the international community to find a way out from the world financial crisis.

539. Bahrain congratulated China on having accepted so many recommendations, including those by Bahrain. Bahrain welcomed the launching of the first national plan for human rights in China, developed in accordance with the outcome of the Vienna Conference as a result of a democratic process and covering all human rights. Bahrain welcomed measures included in the plan, especially for the protection of women, children, the elderly and those with disabilities, and that it took account of the recommendations from countries, which showed that China paid a great deal of attention to human rights and wished to respect its obligations. Bahrain indicated that the plan would give new impetus to human rights and a new environment for the adoption of the International Covenant on Civil and Political Rights.

### **3. General comments made by other relevant stakeholders**

540. The Women's International Democratic Federation recognized China's important advances in eliminating poverty, the enjoyment of human rights by all and the construction of a modern socialist system. It recognized China's particular efforts in promoting women's, children's and disabled people's rights. The fact that China had staged major international events was an engine for sustained development and growth, and had enormous responsibilities towards the human rights of its 1.3 billion people.

541. The United Nations Association China pointed to the consultative and participatory process followed in the preparation of China's national report and when drawing up the human rights plan of action for 2009–2010. It welcomed the plan and noted that more

efforts should be made for its implementation, including its coordination, the periodic planning to monitor and check its progress and for Chinese civil society to have a role in monitoring and evaluating its implementation.

542. The Federation of Cuban Women noted China's great efforts to guarantee food, education, health and a good life. It also noted that women in China had been given equality of rights, including through legal guarantees, and of measures taken to eliminate all forms of discrimination against women, promote gender equality for development, establish a programme for women's progress, with a special body to supervise and evaluate its implementation and indicate women's progress.

543. Amnesty International believed that the Chinese authorities had undermined the value of the country's universal periodic review by rejecting a large number of recommendations covering a broad range of human rights, and had seriously undermined the credibility of the review outcome by manipulating the contributions of civil society to the process. It urged the Government to reconsider the recommendations that had not enjoyed China's support, including regularly publishing figures on the death penalty; ending the death penalty and administrative detention, persecution for exercising rights to freedom of expression, association and assembly, repression of national ethnic minorities, including Tibetans and Uighurs, and persecution of other religious practitioners; and implementing the 2008 recommendations of the Committee against Torture and ratifying the Optional Protocol to the Convention against Torture and the International Covenant on Civil and Political Rights. Amnesty International was concerned about Macao's national security law, which could be used to imprison individuals for exercising their rights to freedom of expression and association.

544. The China NGO Network for International Exchanges considered that China's attitude to its first review had been serious and open, its report generally objective and balanced, having factored in opinions and suggestions from different sides and accepted supervision from the Chinese people and international society, as was the national human rights plan of action. It noted existing shortfalls in China, such as the imperfect social security system, insufficient protection of the rights of special groups and loose law enforcement. It urged the Government to use the review to take more effective steps, accept public supervision and continue international cooperation to upgrade the human rights protection of its people and to promote the global human rights cause.

545. The China Association for Preservation and Development of Tibetan Culture appreciated the fact that the Working Group had raised the issue of national minorities and that the human rights plan of action put emphasis on equality of all national minorities, and hoped that the Government would implement it well. With regard to priorities for improving people's livelihood, including within the present financial crisis, it called for further emphasis on the lives of rural people in Tibet, a focus on vocational training of national minorities and for better legislative work to protect the rights and interests of Tibetan people.

546. The China Care and Compassion Society submitted its constructive and critical views during the preparation of China's national report and independent reports submitted to OHCHR. It noted that China was implementing the national plan for children's development and called for more attention to be paid to the protection of migrant children and of children left behind by migrant parents, and to meeting their basic needs for education and medical care. It also called on local governments and specialized agencies to study policies for their protection.

547. The Helsinki Foundation for Human Rights was concerned about China's rejection of many recommendations, including almost all of those seeking an improvement in the human rights situation of the Tibetan people. It believed that accepting those

recommendations, including those in paragraph 82, would compel the Chinese authorities to revisit and review some issues affecting the Tibetan people, including Order No. 5, issued by the State Council of China, that interferes in an ancient religious procedure and tradition of the confirmation of reincarnates of Tibetan Buddhism, and ending the “strike hard” campaign and education programmes that forced Tibetans to denounce their spiritual leader.

548. In a joint statement, the Society for Threatened Peoples and Reporters without Borders noted that one of the many recommendations rejected by China concerned granting access to Tibetan areas, including for OHCHR and other United Nations bodies. It believed that this position contradicted China’s pledges and commitments to the Council. It urged the Chinese authorities to open Tibetan areas for visits, welcomed the authorities’ intention to invite the High Commissioner in response to the March 2008 request, and urged China to respond positively to a follow-up visit of the Special Rapporteur on freedom of religion and belief.

549. Mouvement contre le racisme et pour l’amitié entre les peuples, in a joint statement with Interfaith International and the Asian Indigenous and Tribal Peoples Network, deeply regretted the fact that the majority of recommendations had not been accepted by China, including for the resumption of dialogue between the Government of China and representatives of the Dalai Lama. They believed that the present impasse had arisen after the rejection by the Chinese authorities of the requested memorandum on genuine autonomy for Tibetan people of 2007. They recommended that the authorities seriously engage with the Dalai Lama’s representatives, as urged by the Secretary-General, and introduce laws and regulations in accordance with the regional ethnic autonomy law.

550. Human Rights Watch listed the human rights issues on which China had rejected every recommendation. It drew attention to paragraphs 70, 71 and 104 of the report containing assertions that were manifestly removed from reality, noting the continued suppression of any reference to the Beijing massacre of peaceful protestors of 3 and 4 June 1989; to the fact that an individual faced State charges for having compiled a list of names of children killed during the 2008 Sichuan earthquake; that the country’s once most prominent lawyer had disappeared for over six months after having been taken into custody; and that just a week earlier, more than 15 prominent human rights defenders had been victims of arbitrary disbarment on account of the sensitive nature of the cases they had represented. Human Rights Watch believed that China seemed to equate any expression of concern over the situation in Tibetan areas with attempts to politicize the issue.

551. The China Society for Human Rights Studies noted that the All-China Women’s Federation was working on a draft law concerning domestic violence, and hoped that it would be adopted soon. In a recent report, the China Society had expressed concern about the livelihood of migrant workers. Its recommendations had aroused the Government’s attention. The Society had carried out a project with OHCHR on civil society participation in the work of treaty bodies and hoped that China would continue to cooperate with OHCHR and consider future concrete technical cooperation projects.

#### **4. Concluding remarks of the State under review**

552. China thanked all for their support and encouragement. The Government of China would study carefully the comments and recommendations made by some countries and non-governmental organizations. China welcomed well-intentioned criticisms and constructive recommendations, but was resolutely against any assault or allegation out of political motive or prejudice, or fabrication of lies.

553. China wished to set the record straight. In Tibet, China had abolished, 50 years earlier, dark theocratic feudal serfdom, sparking historic socio-economic progress there.

People of all ethnicities in Tibet enjoyed wide-ranging human rights and freedoms inconceivable for Tibetan serfs under the rule of the Dalai Lama. The Central Government of China was sincere in its contacts and talks with the Dalai Lama's personal representatives. The present obstacle lay in the Dalai clique's refusal to give up its stance, which was virtually for Tibetan independence and non-stop activities to split China.

554. Concerning the political disturbance of 1989, the Government and people of China had already come to a clear conclusion. In 30 years of reform and opening up, China had attained tremendous achievements in economic and social development, proving that the socialism with Chinese characteristics followed by China was commensurate with its national particularities and the fundamental interests of the utmost majority of its people.

555. In the review process, the Chinese delegation had accepted recommendations from both developed and developing countries, concerning its economic, social and cultural rights as well as its civil and political rights. The fact that China had not accepted a few recommendations was due to complicated factors. Concerning all those recommendations, China affirmed its readiness to study them further.

556. Through its political, economic and social strategies and programmes, China would fully implement the accepted recommendations and the reasonable elements of other recommendations. China was confident that, when it returned for its second review, its national human rights report would be a scoreboard with inspiring human rights progress.

## **Azerbaijan**

557. The review of Azerbaijan was held on 4 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents: (a) the national report submitted by Azerbaijan in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/4/AZE/1); (b) the compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/4/AZE/2); (c) the summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/4/AZE/3).

558. At its 17th and 18th meetings, on 11 June 2009, the Council considered and adopted the outcome of the review on Azerbaijan (see section C below).

559. The outcome of the review on Azerbaijan comprises the report of the Working Group on the Universal Periodic Review (A/HRC/11/20), the views of Azerbaijan 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/11/20/Add.1).

### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and the outcome**

560. Azerbaijan thanked all the countries that had participated in its review, adding that constructive recommendations made would undoubtedly contribute to furthering human rights protection and promotion in Azerbaijan.

561. The delegation of Azerbaijan announced that it had accepted the majority of recommendations in whole or in part. Various ministries and institutions had been involved in preparing its response to the recommendations, which were also discussed in the Ombudsman's Office with governmental and non-governmental representatives. The Government was also considering establishing a working group of governmental and non-governmental organization representatives for implementation.

562. Among the accepted recommendations were those concerning further institutional strengthening in the area of human rights. It highlighted that, in March 2009, significant constitutional reforms had been passed, as detailed in its written response to recommendations. Provisions to prohibit unlawful interference in private and family life, on the right to equality, the rights of children, freedom of religion and the right to obtain information had been enhanced. A new form of direct democracy had also been included in the Constitution, granting the right of legislative initiative to 40,000 voters. A national strategy to increase transparency and combat corruption had been decreed and a national plan for the period 2009–2011 adopted to implement the strategy.

563. Having accepted recommendations on further measures to prevent violence against women, Azerbaijan was taking social, economic and legislative measures. The definition of “discrimination on the grounds of sex” had been enhanced in the law on gender equality adopted in 2006, which included “any demonstration of differentiation and superiority for reason of gender that limit or impede equal implementation of rights”. A draft law on the elimination of domestic violence contained, *inter alia*, provisions on the establishment of rehabilitation centres for women and child victims of violence in various parts of Azerbaijan.

564. Azerbaijan had accepted recommendations relating to the prohibition of corporal punishment and cruel treatment of children, the enhancement of educational programmes, and measures for the social integration of children without parental supervision that were victims of sexual exploitation and physical violence. Recommendations to continue with institutional measures to increase the effectiveness of human rights protection had also been accepted. The above-mentioned constitutional amendments also included provisions prohibiting the recruitment of children under 15 years of age and the involvement of children in work that threatened their lives, health and morals. Children deprived of parental care and guardianship were in the charge of the State. A special norm had been stipulated in the Constitution on State monitoring of children’s rights. Azerbaijan also cited a number of laws on children’s rights, including with regard to child trafficking and homelessness.

565. With regard to recommendations on the effective realization of the national plan of action against human trafficking and the provision of assistance to victims, Azerbaijan had accepted these and noted that wide awareness-raising campaigns had been held involving non-governmental organizations; special websites and television programmes had been created; and social research was conducted to understand the causes and prevent perpetration of such crimes.

566. Azerbaijan had accepted some recommendations regarding the effective realization of the rights of foreigners and stateless persons in accordance with treaty body recommendations. It had noted improvements in its collection of statistics on labour migration and the elaboration of guidelines on granting work permits or immigration status. On 4 March 2009, the President of the Republic had signed a decree with a view to simplifying procedures granting permission to foreigners and stateless persons for residence and employment. The simplified procedures allowed such individuals to leave and return to Azerbaijan with passports and relevant certificates issued by the State migration service. A draft migration code was also being prepared.

567. Regarding recommendations on the further promotion of religious tolerance, Azerbaijan was ready to share its experience and the existing practice, given its notably high level of tolerance and respect for various ethnic groups and religions over the centuries. The promotion of cross-cultural and interreligious dialogue remained one of the priorities of the foreign policy of Azerbaijan.

568. Azerbaijan had accepted recommendations to improve living conditions further in prisons and to resolve the issues of overcrowding and insufficient health care therein, detailing the measures taken and envisaged in this regard. In May 2009, the new building of the Baku detention Centre of the penitentiary service, compliant with international standards, has been opened for use. At the same time, following the amnesty act of 17 March 2009, 9,000 convicts had been released.

569. With regard to the recommendation to reform provisions on defamation in criminal law, Azerbaijan noted that a special working group, as detailed in its written response, had been established.

570. Azerbaijan disagreed with allegations about alleged pressure or physical violence against journalists and human rights defenders, allegations that had resulted from misinformation. Equality of each person before the law was a fundamental principle, and applied to all, regardless of their professional occupation and work status. However, on the basis of the recent amnesty act, four mass media representatives had been released from detention facilities. The President also issued a decree in April 2009 establishing a State support fund for the development of mass media with \$1.625 million.

571. Regarding claims of alleged impediment to the activities of human rights groups, it noted that, as a result of measures taken in recent years, the situation of non-governmental organizations and human rights defenders had improved. More than 140 human rights non-governmental organizations had been registered in Azerbaijan.

572. The delegation had also clarified in its written response to recommendations in this regard that foreign radio broadcasting was not banned in Azerbaijan.

573. The delegation committed to adopting a whole series of recommendations to improve the living conditions of internally displaced persons further. The Government was carrying out a consistent policy in this area. The last tent villages in Azerbaijan had been dismantled and more than 70,000 internally displaced persons provided with favourable housing and employment. The poverty rate among internally displaced persons and refugees had fallen from 74 to 30 per cent. During the same period, \$1.25 million had been allocated to the social protection of refugees and internally displaced persons.

574. With regard to the elimination of the root causes of poverty and the solving of social problems, Azerbaijan had accepted the recommendation and was ready to share its practice. To ensure the realization of social and economic rights, the Government had adopted States programmes on, inter alia, poverty reduction, sustainable development, employment strategies and the socio-economic progress of regions. As a result of policies and measures taken, the poverty rate had fallen considerably.

575. Azerbaijan expressed its readiness to periodically submit information on the implementation of the recommendations.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

576. The United Arab Emirates noted the importance that Azerbaijan attached to human rights and the steps taken to harmonize legislation with international law to protect human rights. It expressed satisfaction on the establishment of programmes to combat poverty and provide work opportunities to its citizens. It noted the efforts to ensure sustainable development and the rights of women and children. It also noted the efforts being made in the areas of health and education.

577. Qatar commended Azerbaijan for its constructive cooperation and openness throughout the review process. It appreciated the efforts to protect and strengthen human rights, especially through the constitutional and legal changes adopted in recent years.

Those changes had been intended to strengthen and protect human rights in accordance with international human rights and humanitarian law. It noted that, for a number of years, Azerbaijan had witnessed considerable economic growth, which had facilitated the attainment of economic and social policies. Such policies, it added, were designed to raise living standards and the social protection of Azerbaijani people, with the view to attaining the Millennium Development Goals. Qatar trusted that the Government would meet the challenges ahead, particularly relating to children's rights and the rights of refugees and internally displaced persons.

578. Algeria commended Azerbaijan for the spirit of cooperation displayed in the framework of its review, noting that 80 per cent of the recommendations had been accepted. It noted with appreciation Azerbaijan's transparency and its constructive role played in the Council. Algeria also commended it for its efforts to promote and protect human rights, especially economic and social rights, by implementing policies aimed at alleviating poverty and increasing employment, in line with Algeria's recommendations. Algeria expressed its satisfaction at Azerbaijan's efforts to tackle the problem of violence against women, including domestic violence, as recommended by Algeria. It encouraged further steps in this regard. Algeria underlined Azerbaijan's progress in ensuring the rights of the child and access to education for all children.

579. Uzbekistan commended Azerbaijan for the consistent steps taken to uphold human rights and fundamental freedoms in the framework of its international obligations and in national legislation. The results of this commitment and Azerbaijan's serious approach to the universal periodic review had created the prerequisites for its active and transparent participation in all stages of the process. Uzbekistan was convinced that Azerbaijan's commitments to its international obligations meant a continuation of efforts to enhance and strengthen the promotion and protection of human rights.

580. Pakistan noted that Azerbaijan, a founding member of the Council, had constructively participated in its institution-building. It acknowledged Azerbaijan's principled positions, open and constructive approach to the universal periodic review and frank responses to the issues raised. It noted that Azerbaijan had accepted a majority of the recommendations made. It highlighted Azerbaijan's follow-up to many of these recommendations through the establishment of a working group. It noted particularly the constitutional reforms providing additional human rights guarantees, the steps taken to empower women and eliminate all forms of violence against them, and the measures to enhance children's rights, religious tolerance and penitentiary services.

581. The Russian Federation thanked the delegation of Azerbaijan for the detailed information it provided to the Council plenary. It believed that Azerbaijan's review fully met the requirements of General Assembly resolution 60/251 and Council resolution 5/1. This was the result of the serious and constructive attitude shown by Azerbaijan at all stages of the universal periodic review process. The Russian Federation stated that participation in the review was further evidence of Azerbaijan's active engagement towards international cooperation in human rights. It expressed the hope that the Government of Azerbaijan would be highly successful in implementing all obligations undertaken during its review process.

582. Saudi Arabia stated that Azerbaijan's presentation concerning the recommendations made during its review had reflected a positive and effective approach towards the machinery of the Council. It noted that Azerbaijan had accepted the majority of recommendations. Saudi Arabia stated that Azerbaijan's cooperation with United Nations procedures and mechanisms and its determination to continue this positive dialogue had made clear the importance it attached to human rights. It also noted Azerbaijan's determination to promote the civil, cultural, political and social rights of its citizens. The review had provided a useful opportunity to learn about Azerbaijani efforts to develop

legislation and institutions to promote and protect human rights. Saudi Arabia commended Azerbaijan for its efforts and encouraged it to continue in this direction.

583. Egypt commended Azerbaijan for its progress in economic and social development, particularly on the eradication of poverty. It highlighted Azerbaijan's special attention to achieving gender equality through its national human rights infrastructure. Egypt welcomed Azerbaijan's commitment to cooperation with human rights bodies and mechanisms, including the Working Group. It expressed its confidence that Azerbaijan would make all efforts to implement its national plans and strategies in all areas of human rights in cooperation with human rights bodies and mechanisms. Egypt also believed in Azerbaijan's commitment to implement the recommendations that it had accepted in line with its national priorities.

584. China noted the importance that Azerbaijan attached to the universal periodic review and the action taken to follow up on recommendations. It cited Azerbaijan's constitutional reform as a major step in improving its rule of law. It also noted the new laws on the rights of the child and protection of migrants, with a simplified definition of the term "migrant", which would contribute to the protection of their rights. It cited measures to combat violence against women and children and the implementation of a national programme of action on human rights. It expressed its confidence that, with these efforts, Azerbaijan would overcome the impact of the financial crisis and continue to promote and protect human rights by seriously implementing the programme of action and the review recommendations.

585. Bahrain expressed its appreciation for the positive steps taken by Azerbaijan towards the implementation of a number of recommendations. It commended Azerbaijan for its efforts to promote equal rights between men and women and to develop policies and plans to ensure that education met the needs of society. It noted the programmes, projects and workshops to train judges and strengthen judicial reform, as well as the efforts made with regard to the rights of refugees and internally displaced persons and to ensuring their political participation and enjoyment of economic, social and cultural rights.

### **3. General comments made by other relevant stakeholders**

586. The Commission for Human Rights of Azerbaijan (Ombudsman) stated that the Ombudsman had conducted wide-scale work related to the universal periodic review, including organizing a training session with the participation of international experts, representatives of State bodies and civil society. On recommendation 1, it noted that a presidential decree had designated the Ombudsman in January 2009 as the national preventive mechanism envisaged by the Optional Protocol to the Convention against Torture. Regarding recommendations 6, 8, 9 and 10, it stated that several legislative acts and State programmes had been adopted on women's rights, gender equality and the fight against violence. It said that these issues had always been the focus of attention of the Ombudsman's activities. The Ombudsman considered it necessary to establish crisis centres for women and children exposed to violence, for children deprived of parental care and, ultimately, to adopt a law on domestic violence. On recommendation 19, the Ombudsman made proposals for interreligious and intercultural dialogue and noted that Azerbaijan, as a multi-religious State, supported freedom of religion through the principles of unity and diversity. The Ombudsman committed to collaborating, as a national human rights institution, with the State in implementing the review recommendations.

587. Human Rights Watch was pleased to note that Azerbaijan had extended a standing invitation to all special procedures. It said the review process had brought a spotlight on a number of core areas of concern that it had raised with the Government, including harassment and intimidation of human rights defenders, violation of freedom of assembly, politically motivated arrests and prosecutions, and torture and ill-treatment in police

custody. Improvements were even more acutely needed in the field of media freedom, which have steadily deteriorated over the past few years because of, inter alia, the use of criminal libel and other criminal charges to stifle critical reporting and imprison journalists. It urged the Government to accept and implement all recommendations from the review process, particularly in the area of media freedom. Specifically, it should release journalists imprisoned on politically motivated charges immediately and decriminalize libel.

588. Cercle de recherche sur les droits et les devoirs de la personne humaine expressed its appreciation for the ongoing reform process in the field of human rights and encouraged Azerbaijan to continue in that direction, in spite of the ongoing conflict in Nagorno-Karabakh, which it condemned, as well as the Armenian occupying forces. Through its plans to establish an office in the country in the future, it would continue to support Azerbaijan in the implementation of its international commitments and obligations.

589. The Federation for Women and Family Planning commended Azerbaijan for its commitment to gender equality. With regard to recommendations in paragraphs 69 and 90 of the Working Group report, it stressed the importance of addressing sexual harassment. In this regard, it called on Azerbaijan to conduct research and public awareness campaigns, put in place structures for reporting rape, train law-enforcement personnel and implement strong measures against corruption. It also called for education campaigns about gender roles and the value of women and girls, to reduce sex-selective abortions and protect women's rights. It called on Azerbaijan to consider recommendations 26 and 48, to train law enforcement and judicial officials on the protection of children, women and persons of minority sexual orientation or gender identity. It called for proper investigations into claims of police blackmailing, harassment and violence against lesbian, gay, bisexual and transgender people and for the punishment of those responsible, as well as administrative and legal frameworks to eradicate such practices. It requested that Azerbaijan ensure that non-governmental organizations, including those supporting vulnerable groups, were free to register and operate without State interference or fear of reprisals.

590. The Al-Hakim Foundation thanked Azerbaijan for its cooperation with human rights mechanisms and its commitment to respecting universal periodic review recommendations. It urged Azerbaijan to continue efforts to strengthen its institutional framework and to spread a culture of human rights. It indicated that Azerbaijan should establish a mechanism involving Government and civil society representatives to implement the recommendations. It stressed the importance of establishing programmes to combat violence against women and children, facilitate access to justice and equity for all victims of domestic violence, and reparation for victims. It also stressed the importance of implementing a national plan to combat trafficking in persons and the need to provide necessary assistance to victims. It commended the fact that, since 2006, there had been a forum for dialogue among civilizations and religions.

#### **4. Concluding remarks of the State under review**

591. Azerbaijan thanked all speakers, in particular non-governmental organizations, and reiterated its support for the universal periodic review and cooperation with Governments and non-governmental organizations. The recommendations mentioned in the statements by non-governmental organizations would also be taken into account to further improve human rights protection.

592. Azerbaijan pledged to pay even greater attention to improving gender equality and the protection of the rights of children, and to improving the social situation of refugees and internally displaced persons.

593. Azerbaijan believed that the elaboration of human rights was one of the greatest achievements of the international community, and would always support cooperation with the Council and the human rights machinery.

## **Mexico**

594. The review of Mexico was held on 10 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Mexico in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/4/MEX/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/4/MEX/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/4/MEX/3).

595. At its 18th meeting, on 11 June 2009, the Council considered and adopted the outcome of the review on Mexico (see section C below).

596. The outcome of the review on Mexico comprises the report of the Working Group on the Universal Periodic Review (A/HRC/11/27), the oral views of Mexico 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 additional written information submitted by Mexico).

### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and the outcome**

597. Mexico noted that it was currently undergoing a far-reaching transformation towards a more democratic society, while facing enormous challenges.

598. Since the preparation of the national report, Mexico had held an intense debate on matters relating to human rights. In February 2009, Mexico had accepted 83 of the 91 recommendations made during the review. Mexico had made comments in writing to the recommendations, which included its position regarding the eight outstanding recommendations and information on relevant recent progress.

599. Mexico referred in this regard to the adoption of an initiative seeking to incorporate in the constitution human rights contained in international instruments the “pro persona” principle in the implementation of human rights norms, as well as the strengthening of the independence of public human rights bodies; an initiative to consider offences against journalists as federal offences; and the constitutional rank given to the protection of personal data. Three new laws had been enacted to strengthen the certification, professionalization and control of police forces and of the public ministry. A national academy for prison administration had been established.

600. Mexico indicated that it had continued to promote equality, prevent and combat violence against women and that health centres, institutions and organizations had been mandated to provide medical attention to victims of sexual and domestic violence. Regarding the rights of indigenous people, it pointed out the establishment of specialized courts providing interpreters, translators and specialized public defenders. It also stressed the steps taken to guarantee the rights of migrants and prevent trafficking in persons, and to guarantee economic, social and cultural rights.

601. Mexico had taken a loan from the World Bank to strengthen the human development programme Oportunidades, intended to break the intergenerational poverty circle and to provide comprehensive care, food and education. Faced with the global financial crisis, Mexico had signed a national agreement for family economy and employment and a national agreement on labour productivity. In the area of health, it referred to its national strategy to reduce maternal mortality. Mexico had faced the recent epidemic of H1N1 in a responsible manner and with full respect for human rights and non-discrimination.

602. Regarding the eight outstanding recommendations, Mexico noted that those contained in paragraphs 94.1, 94.3 and 94.4 of the report of the Working Group, and in the first part of paragraphs 94.6 and 94.8, were either no longer applicable or had been resolved. Mexico could not support the recommendations made in paragraphs 94.2, 94.5 and 94.7.

603. Regarding paragraph 94.2, Mexico noted that the 2008 constitutional reform restricted the scope of *arraigo*, which applied only in cases of organized crime and was subject to strict legal control, and could only be dictated by a judge when necessary for the success of investigation, protection of persons or property, or when there was a founded risk of the suspect escaping justice. A control judge had been established to guarantee the rights of the accused and the victims in the procedure and to verify the legality of the process. Mexico indicated that *arraigo* complied with international standards, and that the accused were informed of their rights, given full access to a lawyer and provided with adequate defence. The *juicio de amparo* (trial for appeal for legal protection) could be used to appeal the decision of a control judge and guarantee the rights of detainees. Mexico also had a monitoring mechanism.

604. Regarding paragraphs 94.5 and 94.7, Mexico explained that the civil legal system prevailed over the military system, since resolutions or decisions by military courts and military Supreme Court could be appealed before civil courts through *recurso de amparo* (appeal for legal protection). The Ministry of National Defence had accepted all the recommendations made by the national human rights commission. Legal steps had been taken against military personnel responsible for crimes, and in particular in cases of human rights violations; reparation for victims had been provided.

605. Mexico stressed that military jurisdiction over the conduct of the armed forces was provided in the Constitution and was intended to maintain military discipline, and that military justice had made trials before military courts more transparent and had extended the scope of participation of victims in them.

606. The national human rights plan for 2008–2012 had established a commitment to promote reforms in military justice in accordance with international commitments.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

607. Algeria appreciated the distribution of Mexico's written views on the recommendations. It welcomed the fact that Mexico had decided to follow up on the recommendations that Algeria had made during the review, regarding particularly domestic violence and the ill-treatment of children, poverty reduction and access to education. Algeria had taken note of the measures taken by Mexico to give effect to those recommendations, particularly the reform of the law on education and the adoption of the national programme for the development of indigenous peoples for 2009–2012. Algeria commended Mexico for its initiative within the Council regarding the rights of migrants, and invited it to continue to promote the universal ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

608. Egypt thanked Mexico for the open spirit in which it engaged in the process. It appreciated the attention given by Mexico to the rights of migrant workers and persons with disabilities. It was confident that Mexico would make all efforts to follow up on the recommendations it had accepted, in line with its national priorities and objectives.

609. The United States of America appreciated Mexico's frank appraisal of the challenges it faced and acknowledged the efforts made in the area of human rights. It supported the recommendations made in the Working Group to bolster the Office of the Federal Special Prosecutor and efforts to prevent and punish violence against women and human trafficking, and to foster a safe environment for freedom of expression. It urged Mexico to express Government support for journalists as valuable witnesses in the struggle against impunity, corruption and lawlessness perpetuated by drug cartels and other criminal elements. A full investigation of human rights abuses by military and security forces and the adoption of the recommendations of the national human rights commission would also contribute to ending impunity.

610. Belgium stressed the importance of combating impunity and referred to the explanations by Mexico regarding its fight against organized crime. It regretted the decision to abolish the Special Prosecutor's office for past political and social movements. While thanking the delegation for the information regarding the transfer of enquiries to the Attorney-General's office for the specialized investigation of federal crimes, Belgium remained surprised that enforced disappearances or homicides during the "dirty war" had been addressed on an equal footing with ordinary crimes, and encouraged Mexico to establish a separate mechanism for enquiries relating to these crimes. Belgium welcomed the acceptance by Mexico of the recommendations regarding violence against women.

611. Chad noted with satisfaction that Mexico had accepted most recommendations made during the review, which demonstrated its attachment to human rights.

### **3. General comments made by other relevant stakeholders**

612. The national human rights commission of Mexico expressed confidence that recommendations made in the Working Group would be followed up with the participation of human rights institutions and civil society. It noted that the human rights of persons with disabilities and the right to a healthy environment had not been addressed by the Working Group. It requested that an integral analysis of all human rights issues be guaranteed in the framework of the universal periodic review.

613. Amnesty International noted that many recommendations made during the review were consistent with those of Mexican civil society. It recognized Mexico's acceptance of 83 recommendations, but noted that successive Mexican Governments had made similar commitments to address long-standing human rights issues without delivering effective results. While welcoming legislative advances to combat violence against women, it noted that most authorities in the country had not taken measures to implement them, and that many continued to view the issue as a low priority. It stressed that the federal Government had failed to demonstrate its commitment to prevent and punish violence against women, and referred to the situation in Ciudad Juarez, Chihuahua City and San Salvador Atenco.

614. Human Rights Watch was concerned that Mexico had not accepted recommendations relating to impunity for the grave human rights violations committed by the military. It stressed that the General Prosecutor for Military Justice had not provided one example over the last 10 years in which military courts had convicted a military member accused of committing a human rights violation. It stressed that Mexico's commitment to encourage military justice reform in line with its international human rights obligations would never be fulfilled if the military continued to claim jurisdiction over investigations of grave human rights violations through a system of military justice that

lacked basic guarantees, and that cases in which military members were accused of human rights violations against civilians should be immediately referred to Public Ministry officials.

615. Action Canada for Population and Development noted that the conditions put to the criminalization of seduction by deceit (*estrupo*) of minors were not in conformity with the Convention on the Elimination of All Forms of Discrimination against Women. Mexico should be encouraged to implement without delay the recommendations that it unify domestic legislation — particularly regarding *estrupo* — and harmonization with international law, and that it reform or abolish laws, regulations and practices that were discriminatory against women, with a view to protect their freedom, autonomy and sexual rights.

616. The International Commission of Jurists and the Centro de Derechos Humanos Miguel Agustín Pro Juárez referred to the need to resolve the problems of torture and arbitrary detention and to combat impunity. They referred to a pattern of criminalization of social protest and political dissidence in Oaxaca, which took the form of arbitrary detention, excessive use of force, the murder of political opponents and the intimidation of civil society, the media and independent journalists. They indicated that denial of justice for persons detained in relation to the 2006 conflict in Oaxaca was systematic, and that there was no sanction against those responsible for the repression, nor for other crimes committed before and after those events, including enforced disappearances.

617. The Federation for Women and Family Planning appreciated the steps envisaged and taken by Mexico for the rights of the child, as reflected in the Working Group report. Highlighting the importance of comprehensive sexual education for children and youth, it was pleased that Mexico had hosted a gathering of ministers for health and education from Latin America and the Caribbean in 2008 and signed a ministerial declaration on prevention through education. It urged Mexico to take action to promote comprehensive sexual education in schools in order to meet the commitments made in the Declaration.

618. *Grupo de Información en Reproducción Elegida* stressed the recommendations made that Mexico harmonize national legislation with international human rights instruments. It recalled that recommendations regarding the abolition of *arraigo* and the revision of the definition of organized crime in accordance with the Palermo Protocol were pending. It noted documented cases where social movement leaders had been falsely accused of belonging to organized crime, and stressed that *arraigo* was a form of arbitrary detention used daily by security forces and military members. It called upon Mexico to implement these recommendations and to open a public debate on *arraigo*.

619. Conectas Direitos Humanos expressed its concern about the recommendations pending acceptance by Mexico, particularly regarding the re-establishment of the Special Prosecutor's office or a similar mechanism for the investigation of past crimes. It indicated that the hearing of a case regarding the lack of access to justice for past crimes would take place before the Inter-American Court of Human Rights in July 2009, which could offer a new opportunity for Mexico to resolve this problem. It called on the Members of the Council to accompany Mexico in this process.

620. The Miguel Agustín Pro Juárez Human Rights Centre noted that most recommendations pending related to the duty to investigate and prosecute cases of alleged human rights violations in civilian rather than in military courts. It emphasized the urgent need for Mexico to comply with these recommendations. It stressed that documented military abuses included torture, arbitrary detentions and extrajudicial executions; that the number of reported violations received by the national human rights commission against Mexico's Defense Department had increased sixfold between 2006 and 2008; and that only

the investigation and prosecution of these crimes by independent civilian authorities could reverse the current situation. It urged the Government to end impunity.

621. The Social Service Agency of the Protestant Church in Germany stressed that Mexico had accepted recommendations on the issue of human rights defenders, but was concerned that recent acts had undermined those commitments, referring to two indigenous human rights defenders from Guerrero who had disappeared, had been tortured and executed. It stated that organizations had had to close their offices in Guerrero owing to threats against them and that the Inter-American Court of Human Rights had granted provisional protection measures to 107 human rights defenders, that had not been effectively implemented. It requested that the Council urge Mexico to comply with the recommendations to prevent, investigate and prosecute those responsible for human rights violations and that a legal framework and governmental programme be established to protect human rights defenders in Guerrero.

622. The Centre for Reproductive Rights recalled the 1,200 women victims of femicide and the situation of thousands of women and girls suffering from regressive reforms that criminalize abortion under any circumstance in 13 Mexican States. It stressed that access to justice remained a mere hope for women. It supported the recommendations to bring State and federal legislation in line with the general law for women's access to a life free of violence, and for all federal, State and municipal authorities to implement the law. It also supported the recommendation that effective measures be taken to ensure that femicides were duly investigated.

#### **4. Concluding remarks of the State under review**

623. Mexico stressed that it had undertaken institutional mobilization and dialogue with stakeholders for the current review, and underscored as positive elements of the process the fact that all stakeholders had had a more comprehensive vision of human rights in Mexico; the enhanced dialogue among national stakeholders; the provision of greater foundations to the international vision of Mexico's human rights situation; better focus for international aid; and the fact that the current exercise had enhanced and complemented international commitments.

624. Mexico agreed that combating impunity and effectiveness of the justice system were the primary structural paragon for a positive transformation of the national system. The constitutional reform of the public security and criminal justice system adopted by Congress in 2008 had set a timetable of eight years for implementation. Mexico had extended an invitation to the Special Rapporteur on the independence of judges and lawyers.

625. Mexico reiterated the fact that organized crime was being fought with full respect for human rights, greater professionalization of the police and with the legal and human rights system monitoring and sanctioning violations in full operation. At the express request of the civil authority, the participation of the armed forces was temporary, in a specific geographical area, and purely provisional and supplementary.

626. Combating organized crime had worsened working conditions for journalists. Mexico condemned their harassment and would establish appropriate mechanisms to investigate and punish such aggressions. It particularly appreciated recommendations made by non-governmental organizations in this respect.

627. Mexico referred Amnesty International to paragraph 36 of the supplementary report on enhancing investigations relating to the murder of women in Ciudad Juarez. Responding to comments by Human Rights Watch and others on the functioning of the military justice, Mexico stressed that the Federal Government had accepted all the recommendations of the national human rights commission. Mexico agreed with the comments on the

harmonization of legislation. Regarding Action Canada's comment, it pointed out that the needed legislative harmonization regarding violence against women had been identified and that the Federal Government was working on this issue.

## **Mauritius**

628. The review of Mauritius was held on 10 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Mauritius in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/4/MUS/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/4/MUS/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/4/MUS/3).

629. At its 18th meeting, on 11 June 2009, the Council considered and adopted the outcome of the review on Mauritius (see sect. C below).

630. The outcome of the review on Mauritius comprises of the report of the Working Group on the Universal Periodic Review (A/HRC/11/28), the views of Mauritius 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/11/28/Add.1).

### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and the outcome**

631. The Ambassador and Permanent Representative of Mauritius to the United Nations in Geneva noted that the universal periodic review had offered Mauritius a unique opportunity to make a critical self-assessment of the human rights situation and to reflect constructively on the views expressed by the international community. In addition to the human rights provisions enshrined in the Constitution, a series of measures have been taken to ensure that all citizens of Mauritius, irrespective of their race, place of origin, political opinions, colour, creed or sex, were able to exercise effectively their civil, political, economic, social and cultural rights.

632. A number of legislative measures had been taken recently to promote human rights further, such as the Equal Opportunities Act, the HIV and AIDS Act, the Truth and Justice Commission Act, the Employment Relations Act and the Employment Rights Act. Mauritius reported on the implementation of a number of accepted recommendations:

(a) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, ratified on 12 February 2009;

(b) Consultations were ongoing with a view to domesticating the provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and ratifying the Optional Protocol. In April 2009, Mauritius had announced that it had no objection to the proposed visit of the Special Rapporteur on the sale of children, child prostitution and child pornography to analyse the current situation and to make recommendations on measures to allow Mauritius to ratify the Optional Protocol. Mauritius had recommended that the said visit be made by the end of 2009;

(c) Concerning the recommendation to increase efforts to ensure full compliance of domestic legislation with the Convention on the Rights of the Child, the Ministry of Women's Rights, Child Development and Family Welfare was in the process of preparing a consolidated children's bill;

(d) The Government budget for 2009, recently approved by the National Assembly, provided for necessary funds to be allocated to the Office of the Ombudsperson for Children to achieve a number of important objectives and to monitor children's rights in Mauritius;

(e) The Combating of Trafficking in Persons Act was passed on 21 April 2009 and was aimed at not only preventing human trafficking and prosecuting traffickers, but also at providing protection and assistance to victims of trafficking;

(f) A series of measures had been announced in the recent budget exercise to eradicate poverty, including the strengthening of the eradication of poverty programme;

(g) With a view to alleviating the problem of overcrowding and to providing improved conditions to prisoners, Mauritius planned to build a new, modern prison to accommodate 750 detainees. The land for this purpose had been earmarked and the conceptual design was in progress.

633. Mauritius had also pledged to examine 13 recommendations and had drawn attention to the addendum to the report of the Working Group it had submitted and highlighted a few issues in this regard.

634. The Abolition of the Death Penalty Act had been passed in Mauritius in 1995, and all death sentences had been commuted by operation of the law. Since then, Mauritius has consistently taken an abolitionist stand in international forums. Mauritius had co-sponsored and voted in favour of the resolutions 62/149 and 63/168 on a moratorium on the use of the death penalty, adopted by the General Assembly in 2007 and 2008.

635. Mauritius had acceded to the Convention relating to the Status of Refugees of 28 July 1951, but was not a party to the Protocol relating to the Status of Refugees of 1967. Given its limited resources as a small island developing State, it would be very challenging for Mauritius to adopt an open policy of granting refugee status to foreigners. However, every application for refugee status was treated on a humanitarian basis; Mauritius indeed cooperated with international organizations and other States with a view to facilitating settlement of refugees in States willing to receive them. In practice, the principle of non-refoulement was observed with regard to persons claiming to be persecuted in their country of origin.

636. Given that the issue of "enforced disappearances" was of no direct relevance to the domestic situation in Mauritius, the ratification of the Convention for the Protection of All Persons from Enforced Disappearance would be given consideration in due course in the light of all relevant factors.

637. With regard to the recommendation to amend constitutional provisions that affected the status of women, Mauritius stated that the Constitution provided for the application, in some cases, of personal laws with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters. Such laws were not to be deemed discriminatory even if they resulted in different treatment being afforded to different persons on the ground of creed or sex. The inclusion of this provision in the Constitution had been considered necessary in view of the fact that Mauritius was a multireligious, multi-ethnic and multicultural society and that Mauritians of different religions had to be given the freedom to practise their respective religion. The amendment of that provision of the Constitution was not envisaged in the short term.

638. The amendment of section 16 of the Constitution to include new forms of discrimination would be considered in the context of a general review of the Constitution. The Equal Opportunities Act, which was voted on in 2008, prohibited discrimination on grounds not covered in the Constitution, such as sexual orientation and HIV status.

639. With regard to the recommendation to include marital rape as an offence under the proposed Sexual Offences Bill, Mauritius pointed out that there was currently no specific reference to the offence of marital rape. However, section 249 of the criminal code criminalized the offence of rape. It was also arguable that it was possible to prosecute for the offence of marital rape under the criminal code as it stood. However, to avoid any ambiguity, it was proposed to make clear reference to this offence in the Sexual Offences Bill, which was currently being considered by a select-committee of the National Assembly.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

640. Algeria appreciated Mauritius' efforts to ensure the enjoyment of human rights by all its citizens, despite its constraints as a small island developing State. Algeria underlined the measures taken to speed up the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which was in line with its recommendation. It noted that Mauritius had adopted a national plan on human rights aimed at developing and raising awareness of a human rights culture. Algeria appreciated the positive steps taken by Mauritius to reform its judicial system and reiterated its call to OHCHR to provide technical assistance to Mauritius to step up its efforts in this field.

641. Morocco noted that the universal periodic review of Mauritius, which had accepted the majority of recommendations, showed Mauritius' commitment to human rights and the universal periodic review. It stated that the dissemination of a human rights culture was essential to the promotion of human rights and would allow Mauritius to consolidate its achievements in democracy and the rule of law. Morocco thanked Mauritius for the steps taken to implement recommendations made during the review process, particularly Mauritius' decision regarding the protection of the rights of children, including through the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the elaboration of a charter on the rights of the child.

642. The United States of America recognized the efforts made to create a culture of human rights, through, inter alia, the establishment of a human rights centre, the national human rights plan of action and the actions taken in the area of poverty eradication. The United States made reference to the efforts made to promote human rights education, especially for law enforcement and judicial officials, and to carry out investigations into all violations and deaths of persons in custody attributable to police officers. The United States supported recommendations regarding discrimination against women, and expressed its hope that Mauritius would finalize and adopt soon the sexual offences bill currently under consideration, and ensure that marital rape was deemed a punishable offence in the legal code.

643. Canada welcomed the commitments and impressive achievements of Mauritius in the field of human rights since its independence and noted that Mauritius remained a model of stability and democracy in the region. It indicated that, as members of the Francophonie and the Commonwealth, Canada and Mauritius shared common values, including respect for human rights, the rule of law and democracy. Canada appreciated the fact that all recommendations that it had formulated during the review had been accepted by Mauritius.

It encouraged Mauritius to continue its efforts to promote and protect human rights both at home and around the world.

644. India noted that Mauritius' efforts and achievements exemplified the complementarities between civil and political rights on the one hand, and economic, social and cultural rights on the other. India hoped that an early adoption of the national plan of action on human rights would lead to the strengthening of a culture of human rights, and commended Mauritius for having been able to establish human rights institutions such as the national human rights commission, the Ombudsman and the Ombudsperson for Children.

645. Maldives noted that, as a small island State, Mauritius was vulnerable to external economic and environmental shocks and faced important resources constraints. It indicated that, despite these challenges, Mauritius had achieved much, including in the field of human rights. It noted that Mauritius had been active in integrating principles contained in major international human rights instruments into national laws and practices. It commended Mauritius for having established strong independent institutions, including a human rights commission and an anti-corruption commission. Maldives noted that challenges nevertheless remained but, with the country's extremely proactive and progressive policies, the legal framework for tackling such challenges was in place.

646. Chad congratulated Mauritius on having complemented the information already provided in its national report. Chad noted with satisfaction that Mauritius had accepted most recommendations, despite its insufficient financial resources, and called on the international community to assist Mauritius in this regard.

647. Botswana congratulated Mauritius on having gone through this important new process of the United Nations human rights system and on its clear pledge of genuine dialogue with other States and non-State actors. It noted that Mauritius had demonstrated its commitment to human rights and had noted with satisfaction that Mauritius had accepted most of the recommendations formulated during the review. Botswana encouraged Mauritius in the follow-up and implementation stages.

648. Nigeria commended the openness, transparency and commitment with which Mauritius had engaged in the review process. Nigeria had taken note of the acceptance by Mauritius of almost all recommendations, including Nigeria's call for efforts to attain the full enjoyment of civil and political rights as well as economic, social and cultural rights for its population.

649. Senegal thanked Mauritius for the clear replies on the recommendations made during the discussions of the Working Group. Senegal noted that the acceptance of the majority of recommendations reflected the determination of Mauritius to work towards a true culture of human rights, in particular through the implementation of its national plan of action on human rights, which aimed at consolidating fundamental human rights, specifically those of vulnerable groups.

650. New Zealand noted Mauritius' constructive and proactive approach to its review. It noted that Mauritius had made enormous progress, with limited resources, to improve the implementation of its human rights obligations and to promote good governance and democratic values. It noted Mauritius' response to the recommendation that steps be taken to amend constitutional provisions that could negatively affect the status of women, and encouraged Mauritius to intensify awareness-raising campaigns on women's rights. It recognized that Mauritius had proposed to include marital rape as an offence under the Sexual Offences Bill, and urged Mauritius to ensure its inclusion in the final legislation.

### 3. General comments made by other relevant stakeholders

651. The European International Lesbian and Gay Association commended Mauritius for its leadership in supporting the joint statement on human rights, sexual orientation and gender identity delivered before the General Assembly in December 2008. It welcomed Mauritius' acceptance of the recommendation to finalize and adopt the Sexual Offences Bill, which would decriminalize sexual activity between consenting adults, and enquired about the current status of the bill. The Association commended Mauritius for having adopted the Equal Opportunities Act, which prohibited discrimination on the grounds of sexual orientation and HIV status, and thanked Mauritius for its leadership on these important human rights issues.

652. The Arab Commission for Human Rights welcomed the acceptance by Mauritius of a large number of recommendations. It asked about the status of the bill referred to in recommendation 3 regarding the handling of police complaints. It also asked for more information on issues relating to the situation in prisons, as contained in recommendations 22, 23b, 31 and 32, which were all accepted. The Commission requested more information on recommendation 9 contained in paragraph 81 regarding the open invitation to mandate-holders of Council special procedures. It recommended that Mauritius submit a mid-term review report on the implementation of its recommendations and voluntary commitments to the Council at its fourteenth session.

### 4. Concluding remarks of the State under review

653. Mauritius indicated that it had taken note of all the interventions, including those of civil society, and that it would consider them with an open mind, but within the confines of its Constitution, which, since independence, had served Mauritius, a multiracial and multicultural country, very well. Mauritius remained firmly committed to upholding the fundamental principles of international human rights law and practice and to providing its population with the highest level of civil and political rights as well as economic, social and cultural rights. Mauritius was also engaged in expanding the breadth and depth of a rights-based approach to economic development, social justice and human rights, with the aim of making the country a human rights island.

## Jordan

654. The review of Jordan was held on 13 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Jordan in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/4/JOR/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/4/JOR/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/4/JOR/3).

655. At its 18th meeting, on 11 June 2009, the Council considered and adopted the outcome of the review on Jordan (see section C below).

656. The outcome of the review on Jordan comprises the report of the Working Group on the Universal Periodic Review (A/HRC/11/29), the views of Jordan concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

**1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and the outcome**

657. The delegation of Jordan stated that, with regard to the recommendations appearing under paragraph 93 of the report of the Working Group on the Universal Periodic Review, Jordan accepted recommendations 1 to 4, 6 to 11, 13 and 15. Information on recommendation 5 would be provided at a later stage. Regarding recommendation 12, Jordan accepted it in part and had been implementing it in accordance with its national and international obligations. With regard to recommendation 14, Jordan had established a national committee that would be preparing a draft law in line with international standards. The delegation underlined the fact that Jordan had not only accepted the above recommendations, but had also started and/or enhanced their implementation. Jordan remained committed to updating the Council thereon.

658. With regard to recommendation 1, the Government was preparing a study in cooperation with relevant authorities aiming at the accession to the Convention for the Protection of All Persons from Enforced Disappearance.

659. Regarding recommendations 2 to 8, article 340 of the penal code had been amended in order to cancel the pretext for honour crimes. The Government, in cooperation with relevant authorities, had prepared a new draft law compatible with international conventions, amending article 97 of the penal code to strengthen the minimum sanction, and for that purpose, to remove the alleviating circumstances clause for honour crimes.

660. To further the status of women, the Government had enacted many laws and legislation, particularly the Family Protection Code. Among other initiatives, Jordan mentioned (a) a project by the Prime Minister's Office on alimony fund to assist divorced women and widows; (b) a Family Affairs Division, set up on 29 April 2009, to draw up policies giving further protection to vulnerable groups; and (c) a special unit for human rights in the Ministry of Social Development, which would provide women with training on the promotion of a gender perspective and to further the role of women as equal partners in the development process. Correctional and rehabilitation centres were actively cooperating with non-governmental organizations and civil society to solve the situation of women detained without charge.

661. With regard to recommendations 9 and 10, the Government had amended the penal code in order to make the definition of torture compatible with the Committee against Torture. The amendment stipulated that any employee or official who tried to extract a confession would be sanctioned.

662. The national centre for human rights issued periodic reports, including recommendations to improve the situation of detainees. The Council of Ministers had adopted the Karama project to combat torture and to provide training in cooperation with a number of governmental and non-governmental organizations and civil society. Many lawyers had been trained on how to implement the international convention, and a guidebook on how to register and monitor acts of torture had been issued. Furthermore, a code of conduct was being developed to monitor such violations. Other initiatives included: (a) a committee on reform and rehabilitation, headed by the Director of Public Security and with the membership of many ministries, entrusted with rehabilitation programmes; (b) a committee on public freedoms, established by Parliament, which could visit all prisons of the country to make sure that all detainees enjoyed proper treatment; and (c) an office to receive the complaints of families of detainees, dealing with, inter alia, relocation to other centres and special visit needs. Additional permits to visit the rehabilitation centres were now available to the International Committee of the Red Cross and other non-governmental organizations. A total of 813 visits had been made in 2008.

663. With regard to recommendation 11 on administrative detention, the Crime Prevention Act was a law to prevent crimes, particularly murder, honour crimes and theft, through the action of the Administrative Governor, whose resolutions and decisions were reviewed by the judiciary and the High Court of Justice, to make sure that the enforcement of authority was not arbitrary and that abuses were sanctioned. The Act was applied to three categories of people, according to their level of danger in society. The Director of Public Security periodically examined the situation of detainees, releasing those who were not considered a real threat to society. A total of 700 people had been released in the first third of 2009.

664. With regard to recommendation 12, Jordan noted that there was no penal sanction for a person who changed religion. Any discrimination practised stemmed from single individuals. The Government tried to protect persons converting to another religion from any act against them.

665. With regard to recommendation 13, civil society organizations called for the amendment of the law on societies. The Government had responded by convening many meetings with the unions, and a draft amended law was prepared with the collaboration of many civil society organizations. The draft would be reviewed at the special session of Parliament in June 2009.

666. With regard to recommendation 14, the Government was currently reviewing the proposal for the establishment of an independent electoral commission, and a committee had been set up to prepare a draft law on elections.

667. Regarding recommendation 15, Jordan noted that the law on crimes of terrorism was a preventive tool designed to respect public rights. Crimes punishable under this law included the financing of terrorist acts and recruitment into terrorist groups. Allegations would be duly studied by the court to ascertain intention and premeditation. Furthermore, the law did not grant any special authority to the security apparatus, and security measures must be in conformity to the penal law applicable to these crimes, within laws and regulations on human rights. Competent authorities continued to work on the law.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

668. The United Arab Emirates noted that the acceptance by Jordan of most of the review recommendations was a clear expression of its determination to cooperate with human rights mechanisms. It was proud of the serious work done by Jordan in integrating human rights principles into its national legislation, in accordance with the international instruments that it had ratified. It noted the efforts made to promote the rights of the child through the national plan of action for children, and mentioned the provision of training and awareness-raising courses on human rights in the judicial system. Particularly, the United Arab Emirates commended Jordan for its efforts to promote the right to health and medical services.

669. Algeria commended Jordan for its efforts to advance the rights of women, combat violence against women, allow them to participate in decision-making and fight against some social prejudices. Jordan had played a pioneering role in the protection of the rights of persons with disabilities by creating a supreme council for persons with disabilities and adopting a national strategy to promote their rights. It called on Jordan to share its experience in this regard with other countries. It welcomed Jordan's efforts to promote the rights of migrant workers in keeping with Algeria's recommendation. Algeria indicated that it had asked Jordan to request technical assistance from OHCHR in order to submit overdue treaty bodies periodic reports.

670. Qatar commended Jordan for having accepted 41 recommendations, which was a reflection of its cooperation in dealing with the universal periodic review and other human rights mechanisms. It particularly valued the constitutional and legal guarantees incorporated in the Jordanian legal arsenal, and commended Jordan's economic, social and cultural development in accordance with the Millennium Development Goals.

671. Bahrain commended Jordan for the initiatives taken to implement a number of recommendations stemming from the universal periodic review. It welcomed Jordan's efforts to continue implementing national policies, including the national plan of action for children. Bahrain indicated that Jordan had continued to disseminate a culture of human rights and to provide human rights education and training to justice and law enforcement officers. It valued Jordan's efforts to empower women and to promote their role in the society.

672. Saudi Arabia welcomed Jordan's positive attitude to the recommendations, in particular its determination to continue its cooperation with OHCHR. It also welcomed the acceptance of Saudi Arabia's recommendation regarding the right to education and the dissemination of a culture of human rights through school curricula. It commended Jordan for having adopted national laws and practical measures on human rights, despite many economic and social obstacles.

673. China noted with appreciation Jordan's responsible attitude in participating in the universal periodic review and in accepting the great majority of recommendations. Under its Constitution, Jordan had established a relatively developed framework for human rights protection, upgraded protection practices and established a number of relevant institutions. The poverty rate had decreased, the health-care system was better developed and the human rights education system was improving. China appreciated the information on women's rights and the penal system. It believed that the Government would continue to conduct exchanges and cooperation with the international community in order to improve the country's human rights situation.

674. Palestine thanked Jordan for its positive attitude regarding the recommendations and applauded all the initiatives taken to implement them on the ground. It noted that Jordan had acceded to most international human rights instruments and strove to remove many of its reservations to some of the human rights instruments. The Constitution of Jordan guaranteed the protection of all civil, political, economic, social and cultural rights, in accordance with international standards. Palestine added that Jordan was at the forefront of adopting a legislation to protect women and the family.

675. Morocco commended Jordan for its constructive participation in the universal periodic review and its openness and political will in furthering efforts to promote and protect human rights and strengthen the rule of law, in accordance with its religious and cultural specificities and international obligations. Jordan had accepted most of the recommendations and committed to examine and deal positively with the remaining ones. It expressed its recognition to Jordan for having accepted Morocco's recommendations. Morocco believed that the international community and the relevant institutions should support Jordan, in terms of technical and financial assistance, to help the government to implement the accepted recommendations stemming from the universal periodic review.

676. Indonesia was encouraged by the new measures taken to promote the status of women and to eliminate all forms of violence and discrimination against women. It applauded Jordan for its national strategic plan to protect the rights of people with disabilities and children. Indonesia commended Jordan for its efforts to engage in viable policy and institutional reforms, which were in accordance with international standards, and supported its efforts to achieve socio-economic development.

677. The United States of America commended Jordan for the steps taken to promote human rights and human welfare. It noted the concern regarding honour crimes and supported the recommendations aimed at strengthening legislation to protect women from violence and ensuring that perpetrators of honour crimes were prosecuted and received sentences commensurate to the gravity of their crimes. The United States shared the concerns regarding the law on associations and supported the recommendations that Jordan enact amendments or revisions that would provide civil society groups with the broadest possible freedom of assembly. It welcomed the formation of a committee to work with civil society on promoting modifications to this law.

### **3. General comments made by other relevant stakeholders**

678. The National Centre for Human Rights indicated that steps should be taken to reform the legislation to reduce the application of the death penalty; fill gaps in the legislation to combat impunity of the perpetrators of torture, through the recognition of the competence of the Committee against Torture, as contained in articles 21 and 22 of the Convention, and accede to the Optional Protocol to the Convention against Torture; amend the legislation that violates the rights of individuals to security and personal freedoms; enhance the independence of the judiciary and limit referrals to special courts; amend legislation that restricts political freedoms; include the principles of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights into the domestic legal system, and lift the reservations to articles 9 (2) of the Convention on the Elimination of Discrimination against Women and 20 and 21 of the Convention on the Rights of the Child.

679. Human Rights Watch was disappointed at Jordan's rejection of important recommendations to eradicate torture, and requested that it implement recommendations to set up an independent complaints mechanism on torture, allow unannounced prison visits by non-governmental organizations and abolish exceptional courts, such as the police court. It noted that Jordan had curtailed its practice of administratively detaining women threatened with violence by family members, and tribal members threatened with violence by members of other tribes. However, the Government had made no concerted effort to apprehend or prosecute those who make such violent threats. Human Rights Watch was heartened by Jordan's readiness to uphold freedom of assembly and requested that Jordan abolish prior approval for public meetings, lift provisions governing executive approval to register a society, and remove excessive powers of Government interference.

680. The Arab Commission for Human Rights commended Jordan for accepting a number of review recommendations and regretted the fact that the replies had not been submitted in writing before the plenary session of the Council. It welcomed the acceptance of the recommendation to support more effective implementation of the provisions of the Committee against Torture. It called on Jordan to reconsider its position on the Optional Protocol to the Convention against Torture and to recognize the competence of the Committee against Torture, as contained in article 22 of the Convention.

681. The International Commission of Jurists stated that Jordan should investigate in a prompt, effective and independent manner all alleged acts of torture and other ill-treatment that had been systematically used in Jordan's prisons and centres of detention, as suggested in recommendations 18, 19 and 20. It urged Jordan to accept recommendation 9 of paragraph 93, break the cycle of impunity and bring the definition of torture in the penal code into line with article 1 of the Committee against Torture. It requested that Jordan accept and expeditiously implement recommendation 15 of paragraph 93. It called on Jordan to abolish the State security courts and other special courts and make sure that human rights violations were tried by ordinary civilian courts.

682. The International Federation of Human Rights Leagues regretted the fact that the Government of Jordan had refused the most substantive recommendations, in particular the official investigation on all allegations of torture and the withdrawal of reservations to the Convention on the Elimination of All forms of Discrimination against Women and the Convention on the Rights of the Child, and to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention against Torture and the Optional Protocol to the International Covenant on Civil and Political Rights. It welcomed the decision of Jordan to withdraw its reservation to article 15 (4) of the Convention on the Elimination of All Forms of Discrimination against Women, but regretted that Jordan refused to lift its reservation to articles 9 (2) and 16 of the Convention. It expressed its hope that Jordan would finally provide positive responses to several recommendations concerning honour crimes and the necessary review of the legislation applicable to terrorism. It also regretted the fact that Jordan had rejected the recommendations calling for a revision of the Association Law.

683. The Charitable Institute for Protecting Social Victims underlined the negative approach taken towards children's rights; the continued negligence of the basic rights of orphaned children; the rise in child labour; the rise in the number of women without heads of household and the spread of prostitution among these women; and the daily rise in the number of torture cases in detention centres and prisons. It also noted the rise in the number of complaints against human rights violations, the lack of proper investigation and processing of complaints and the violation of prisoner and detainee rights.

684. The Al-Hakim Foundation welcomed Jordan's acceptance of the recommendations stemming from its review and its efforts to ensure the necessary conditions for the work of human rights institutions. It expressed its appreciation to Jordan for having hosted thousands of Iraqi refugees and for its continued support and assistance to them, while calling for greater efforts in the fields of health and education. It commended Jordan for its role in peacekeeping operations and in the fight against terrorism. It mentioned the need to improve the situation of migrant workers and to protect their human rights, and called for the adoption of laws in this regard.

685. The Cairo Institute for Human Rights Studies commended Jordan for its decision to lift its reservation to article 15 (4) of the Convention on the Elimination of All Forms of Discrimination against Women. It was concerned about the situation of women, domestic violence and the prevalence of honour crimes, and urged Jordan to consider amending its penal code to ensure that perpetrators of honour crimes would be brought to justice, and to consider withdrawing its remaining reservations to the Convention on the Elimination of All Forms of Discrimination against Women, and ratifying the Optional Protocol thereto. It asked Jordan to review its nationality law to allow Jordanian mothers married to non-Jordanians to pass on their nationality to their children and to lift all its reservations to the Convention on the Rights of the Child. It also asked Jordan to revise its recent law on societies and to accede to the Optional Protocol to the International Covenant on Civil and Political Rights. It welcomed Jordan's commitment to respond to the request for a visit by the Special Rapporteur on violence against women, and requested that Jordan consider ratifying the Optional Protocol to the Convention against Torture and set up an independent national mechanism for oversight in places of detention.

#### **4. Concluding remarks of the State under review**

686. Jordan believed that the review had offered a comprehensive and objective assessment of the human rights situation in the country. Despite the wide range of challenges at the national and regional levels, the Government was determined to follow up the recommendations effectively and to report on their implementation.

## Malaysia

687. The review of Malaysia was held on 11 February 2009 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Malaysia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/4/MYS/1);
- (b) The compilation prepared by the OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/4/MYS/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/4/MYS/3).

688. At its 19th meeting, on 12 June 2009, the Council considered and adopted the outcome of the review on Malaysia (see section C below).

689. The outcome of the review on Malaysia comprises of the report of the Working Group on the Universal Periodic Review (A/HRC/11/30 and A/HRC/11/30/Corr.1), the views of Malaysia 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/11/30/Add.1).

### 1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and the outcome

690. Malaysia stated that, by accepting the majority of the recommendations, it had showed its flexibility with a view to improving the human rights situation in the country. Malaysia had already begun implementing recommendations and was committed to programmes, such as human rights awareness and training and the harmonization of national legislation with international human rights instruments.

691. The accepted recommendations included one relating to continuous training for law enforcement officials, which would be implemented through a workshop to be organized jointly with the Commonwealth secretariat in June 2009. Malaysia was also discussing with the OHCHR Regional Office in Bangkok the possibility of organizing other capacity-building workshops or seminars.

692. Since April 2009, Malaysia had a new Prime Minister, who espoused the concept of "one Malaysia", a concept that gave a clearer picture of the term "unity in diversity", and who took a pluralistic and integrationist approach.

693. Since independence, policies had been implemented for the benefit of the people. In the light of the current global economic and financial crisis, the Government continued to believe that policies that underscored the importance of achieving socio-economic and development goals as a way of ensuring unity remained vitally important.

694. Detailed comments and explanations provided by Malaysia on recommendations are available in document A/HRC/11/30/Add.1. On the issue of preventive detention legislation, the Government had decided, in early April 2009, to undertake a comprehensive study with a view to reviewing the Internal Security Act. For this purpose, a working committee had been established at the Ministry of Home Affairs. Since Malaysia's review in February 2009, the Government had released a significant number of persons previously detained under the Act.

695. Malaysia was considering inviting the Working Group on Arbitrary Detention to make a country visit. The Government was in the process of finalizing a national child

policy, a national child protection policy and the relevant plans of action. Serious efforts had been made to review some reservations to the Convention on the Elimination of All Forms of Discrimination against Women with a view to lifting them. With regard to the Convention on the Rights of the Child, a technical committee had been established to study the possibility of withdrawing reservations, which was expected to be considered before the end of 2009. The Government was in the process of amending the Child Act 2001 in order to implement the recommendations of the Committee on the Rights of the Child. The proposed amendments included the extension of powers of child protection teams, broadening the scope of coverage to include victims of trafficking, and the repeal of corporal punishment sentences for children, replacing them with community service orders. An additional M\$81.1 million had been allocated to enhance a community-based rehabilitation programme for children with disabilities.

696. Malaysia had developed gender-awareness programmes, which included books explaining to children that girls should enjoy the same rights as boys, as outlined in the Convention on the Elimination of All Forms of Discrimination against Women.

697. With a view to enhancing the transparency and independence of Malaysia's national human rights commission (SUHAKAM), in April 2009, the Government amended the 1999 SUHAKAM Act. The amendments refined the criteria for the appointment and reappointment of Commission members and provided for performance assessment mechanisms. Further proposed amendments to the SUHAKAM Act expected to be submitted to the next session of Parliament included the requirement to consult with civil society representatives in the appointment of Commission members.

698. On the issue of the death penalty, Malaysia reiterated that this was only applied to the most heinous crimes, such as drug trafficking, murder, treason and kidnapping, and the Government was considering proposals to commute the penalty to life imprisonment.

699. Malaysia was concerned at all instances of abuse, including those against foreign workers, who were protected by domestic employment laws and had access to legal remedies. Employment disputes may be referred to both the Labour Department and the Industrial Court. Foreign workers who filed cases against their Malaysian employers were granted an adequate period of stay and would be issued with a special pass while awaiting trial. Additionally, a 2-hour hotline had been established to deal with complaints of abuse from foreign workers. Guidelines for employers for the recruitment of foreign workers had been introduced.

700. Malaysia reiterated that its efforts to secure the protection and promotion of human rights had been very much focused on achieving inter-racial harmony in society and equitable socio-economic development.

## **2. Views expressed by Member and observer States of the Council on the review outcome**

701. The United Arab Emirates appreciated Malaysia's efforts to implement the result of the universal periodic review and its commitment to cooperate with human rights mechanisms. It highly valued the efforts to entrench fundamental freedoms and human rights through additional mechanisms and activities, particularly to strengthen the rights of the child. It noted that a technical committee had been established to implement the review recommendations, and paid tribute to the social and economic efforts made to guarantee integrity and harmony in society.

702. Cuba stated that Malaysia had achieved a high level of economic and social development. Malaysia had accepted a majority of the recommendations, which covered a wide range of civil, cultural, economic, political and social rights. Cuba acknowledged the undeniable progress made in the country, and referred with interest to an electronic system

of clinical management that helped guarantee the right to health, and the positive outcomes achieved in the areas of education, women's rights, employment, culture, adequate housing and fighting poverty.

703. Brunei Darussalam was encouraged by Malaysia's cooperation during the review in responding to the recommendations. It commended the voluntary commitments to the promotion and protection of human rights in the country. Brunei Darussalam appreciated the Government's close cooperation and regular engagements with stakeholders, the United Nations, relevant agencies and the international community to make more efforts to raise the economic and social status of its people.

704. Qatar was pleased with Malaysia's fruitful and constructive cooperation with the Working Group. As a member of the troika, Qatar noted the understanding shown by Malaysia by accepting 60 recommendations. It paid tribute to the efforts made to strengthen and promote economic, social and cultural rights, particularly the rights to education, health and housing; to combat poverty, promote the rights of the elderly; and to fight against human trafficking. It welcomed Malaysia's effort to promote good governance, the rule of law and poverty alleviation.

705. Algeria noted with appreciation Malaysia's endorsement of more than 72 per cent of the recommendations. It expressed understanding for the explanations given regarding recommendations that did not enjoy Malaysia's support, and commended its transparency and openness. Algeria welcomed the intention to take appropriate steps to consider the possibility of ratifying the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as well as the Convention against Torture and the International Convention on the Elimination of All Forms of Racial Discrimination. It commended Malaysia for its efforts to eliminate all forms of discrimination against women and for spearheading progress towards gender equality and the advancement of women. It paid tribute to the effective policies adopted to guarantee adequate housing at a reasonable cost for all citizens. Malaysia's sustained efforts to strengthen poverty eradication programmes were also highlighted.

706. Uzbekistan appreciated Malaysia's comprehensive information and comments on the recommendations made by the Working Group. Malaysia had participated constructively in the process, and had held open-ended consultations in the preparation of its report. It had made efforts to promote human rights and fundamental freedoms as part of its international obligations. The implementation of practical measures and the Government's commitment would promote efforts to strengthen further the system for the protection and promotion of human rights. Uzbekistan considered that it was very positive that Malaysia had accepted all recommendations.

707. Pakistan was encouraged that Malaysia had accepted most of the recommendations and had started implementation through human rights awareness and training, and harmonization of national legislation with international instruments. It had noted the steps taken to improve relevant legislation to improve the protection and promotion of the rights of children, foreign workers and detainees. Amendments made in the national human rights commission act would also add to its independence and operational effectiveness. Pakistan appreciated the Government's resolve to continue to follow policies that underscored the importance of achieving socio-economic and development goals as a way of ensuring harmony and unity in an ethnically diverse nation.

708. Thailand appreciated the fact that Malaysia had accepted most of the recommendations and was actively implementing them. It highlighted the importance of human rights awareness and training, as well as international cooperation for capacity-building, as key elements. It welcomed the efforts to review and amend certain domestic legislation and policies relating to children. Thailand placed great importance on the human

rights of women and children, and expressed its interest in learning more from Malaysia's experience and best practices, and looked forward to furthering cooperation in this regard.

709. Egypt stated that Malaysia's flexibility in accepting most of the recommendations demonstrated not only its cooperative approach but also its determination to further the human rights of its people. It commended Malaysia for the special attention paid to combating human trafficking and to the protection of the rights of women and children, as well as the measures taken to consolidate national human rights infrastructure and the emphasis placed on the advancement of economic, social and cultural rights, with priority given to utilizing the full potential of the diversity of its society. It expressed its firm belief in Malaysia's continued commitment to pursue its goals in implementing the recommendations with diligence.

710. Bahrain welcomed the fact that Malaysia had accepted most recommendations, including those made by Bahrain. It noted the participation of women in decision-making in the public sphere and Malaysia's role in combating trafficking and the thorough protection afforded to victims. Malaysia was continuing to provide adequate housing to persons with low incomes. The efforts to guarantee access to free health services were also commendable.

711. China appreciated the serious and responsible attitude shown by Malaysia during the universal periodic review process, having accepted most of the recommendations. Malaysia's constant investment in human rights legislation, health services and infrastructure for education had resulted in a large reduction in the poverty rate. Malaysia had taken active measures to protect the rights of foreign workers. It believed Malaysia would continue to make an effort to implement national human rights policies through a serious analysis and implementation of the recommendations made during the review and dialogue with the international community.

712. Viet Nam congratulated Malaysia on the new achievements recorded and the plan on the implementation of the recommendations made, which Malaysia had accepted. Viet Nam stated that, as a multicultural and multi-ethnic country, it had always studied and learned from Malaysia's good practices and experience in maintaining harmony in society as well as the protection and promotion of human rights and fundamental freedoms.

### **3. General comments made by other relevant stakeholders**

713. The Human Rights Commission of Malaysia commended the country for the steps taken to amend the Human Rights Commission Act to comply with the Paris Principles. It welcomed the release of 13 detainees under the Internal Security Act, and the fact that the Act would be reviewed. It urged the review also of the Emergency Ordinance Act and the Dangerous Drugs Act, as well as of the police practice of arresting and detaining suspects before investigation. It expressed concern at the arrest of lawyers who defend detained persons. It encouraged Malaysia to ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture, strengthen the independence of the judiciary, review the death penalty and intensify its fight against all forms of trafficking in women and girls. The Commission also noted the absence of a national human rights plan of action and the fact that the Government had not acted on most of the Commission's recommendations.

714. Amnesty International was disappointed that Malaysia did not support key recommendations to protect refugees, asylum-seekers and migrant workers; to end the practice of whipping for immigration offences; to abolish the death penalty and corporal punishment; and to reform restrictive laws used to suppress peaceful political dissent. It urged Malaysia to reconsider these. Concern was expressed about Malaysia's rejection of recommendations to further the right to peaceful assembly in the light of recent arrests of

up to 160 people for illegal assembly. The Government's assurances that conditions in immigration detention centres were adequate should be re-examined. It regretted the rejection of recommendations to ratify the Convention relating to the Status of Refugees and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, urging that Malaysia reconsider this stance.

715. The Asian Forum for Human Rights and Development stated that Malaysia should immediately establish an independent police complaints and misconduct commission to conduct inquests within a month of each death in custody. Malaysia should immediately implement all recommendations made by the Special Rapporteur on the right to education in relation to indigenous communities. It encouraged Malaysia to respond positively to the nine pending requests for visits and make standing invitations to all special procedures mandate holders and make genuine efforts to ratify core international human rights instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

716. Action Canada for Population and Development referred to Malaysia's acknowledgments regarding the penal code and the Minor Offences Act. It considered that the enforcement of these laws was targeted at people of non-normative sexual orientation, gender identity and expression. It encouraged Malaysia to promote non-discrimination and tolerance, and to amend the penal code and all laws that discriminated against people of diverse sexual orientation, gender identity and expression, including decriminalizing consensual sexual acts and allowing for the change of a person's name and sex on identification papers, and to train law enforcement officers and the judiciary.

717. The Commission of the Churches on International Affairs of the World Council of Churches stated that Malaysia continued to refuse to ratify the Convention relating to the Status of Refugees. The Office of the United Nations High Commissioner for Refugees in Malaysia had registered approximately 47,000 persons of concern, primarily from Myanmar, and estimated that a similar number remained unregistered. Refugees, asylum-seekers and undocumented migrants faced the risk of arrest and were being detained in immigration detention centres. Another concern was freedom of expression and freedom of assembly, which had been denied to citizens of Malaysia.

718. The Islamic Human Rights Commission referred to its research showing routine use of the Internal Security Act and the Emergency Public Order Preventive Ordinance against individuals suspected of being an actual or potential threat to national security or public order. It referred to one detainee arrested under the Internal Security Act in April 2002, and stated that even though his renewed detention had ended in June 2008, he was reportedly informed that the chances of his release were unlikely. It considered that the right to be free from arbitrary detention, the rights to due process and to a fair trial, as well as to the right to freedom of expression, had been violated. The Commission called for the abolition of the Act and the release of all persons held under it.

719. Persatuan Aliran Kesedaran Negara – National Consciousness Movement stated that the Internal Security Act was extremely broadly worded and allowed for indefinite detention without trial. Under the Act, the Malaysian judiciary had been systematically excluded from playing any meaningful role in ensuring that those detained were treated in accordance with international human rights norms. There was no effective judicial review. Judges could not review grounds of detention and were not shown the purported evidence against detainees.

720. The Arab Commission for Human Rights welcomed the transparent replies provided by Malaysia. It however regretted that the document containing the written replies had not been translated, thus impeding genuine dialogue. It recommended clarification of an apparent contradiction in paragraph 105, which rejected the recommendation made in

paragraph 71. It welcomed the possibility that Malaysia would ratify the Convention against Torture and establish a national commission to prevent torture and allow prison visits. Given that recommendation 55 had been accepted, the Commission encouraged Malaysia to also adhere to the UNESCO Convention against Discrimination in Education, and invited Malaysia to present a follow-up report to the Council at its fourteenth session.

#### 4. Concluding remarks of the State under review

721. Malaysia stated that all comments had been duly noted and would be deliberated upon. It appreciated the recognition of progress made in the protection and promotion of human rights but acknowledged that challenges remained and that necessary actions would be taken. Certain issues raised by civil society representatives had been addressed in detail in the national report, the addendum to the Working Group report and in its earlier statements to the Council. Regarding preventive detention, Malaysia reiterated its view that these laws remained necessary for the protection of national security and public order, and that existing legislation contained sufficient safeguards in accordance with international law. The Government would, however, review the Internal Security Act. It pointed out that article 10 of the Federal Constitution guaranteed the right to peaceful assembly and without arms. This right was, however, not absolute and could be restricted for legitimate reasons, such as security, public order or morality. Malaysia stated that the universal periodic review process had been an opportunity to assess and reflect on achievements and shortcomings. Malaysia was pleased to co-sponsor a draft text to ensure that all review outcome reports were translated into the six official languages of the United Nations and that the universal periodic review process was allocated the necessary resources.

### B. General debate on agenda item 6

722. At its 19th and 20th meetings, on 12 June 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: Azerbaijan, Bahrain, Brazil, China, Cuba, Czech Republic<sup>4</sup> (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine); Egypt (on behalf of the Group of African States), Germany, Japan, Pakistan, Republic of Korea, Russian Federation, Slovenia, Switzerland, Ukraine, United Arab Emirates<sup>4</sup> (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Armenia, Australia, Austria, Chad, Colombia, Denmark, Georgia, Morocco, Sri Lanka, Turkey, United Arab Emirates, United States of America;

(c) Observer for an intergovernmental organization: Organisation internationale de la Francophonie;

(d) Observer for a national human rights institution: Commission on Human Rights of the Philippines;

(e) Observers for the following non-governmental organizations: Amnesty International, Arab Commission for Human Rights, Colombian Commission of Jurists, Commission to Study the Organization of Peace, Indian Movement Tupaj Amaru, International Service for Human Rights, Jubilee Campaign, United Nations Watch.

723. At the 20th meeting, on 12 June 2009, the representative of the Council Secretariat made a statement in relation to the procedure of the list of speakers for the Working Group on the Universal Periodic Review.

724. At the same meeting, a statement in exercise of the right of reply was made by the representative of Sri Lanka.

725. Also at the same meeting, the President made a statement in relation to the universal periodic review in general and to the status of documentation for the review.

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

#### **Germany**

726. At its 14th meeting, on 9 June 2009, the Council adopted draft decision 11/101 without a vote (for the text adopted, see part one, chap. II).

#### **Djibouti**

727. At its 14th meeting, on 9 June 2009, the Council adopted draft decision 11/102 without a vote (for the text adopted, see part one, chap. II).

#### **Canada**

728. At its 14th meeting, on 9 June 2009, the Council adopted draft decision 11/103 without a vote (for the text adopted, see part one, chap. II).

#### **Bangladesh**

729. At its 15th meeting, on 10 June 2009, the Council adopted draft decision 11/104 without a vote (for the text adopted, see part one, chap. II).

#### **Russian Federation**

730. At its 15th meeting, on 10 June 2009, the Council adopted draft decision 11/105 without a vote (for the text adopted, see part one, chap. II).

#### **Cameroon**

731. At its 16th meeting, on 10 June 2009, the Council adopted draft decision 11/106 without a vote (for the text adopted, see part one, chap. II).

#### **Cuba**

732. At its 16th meeting, on 10 June 2009, the Council adopted draft decision 11/107 without a vote (for the text adopted, see part one, chap. II).

#### **Saudi Arabia**

733. At its 16th meeting, on 10 June 2009, the Council adopted draft decision 11/108 without a vote (for the text adopted, see part one, chap. II).

#### **Senegal**

734. At its 17th meeting, on 11 June 2009, the Council adopted draft decision 11/109 without a vote (for the text adopted, see part one, chap. II).

#### **China**

735. At its 17th meeting, on 11 June 2009, the Council adopted draft decision 11/110 without a vote (for the text adopted, see part one, chap. II).

**Azerbaijan**

736. At its 18th meeting, on 11 June 2009, the Council adopted draft decision 11/111 without a vote (for the text adopted, see part one, chap. II).

**Nigeria**

737. At its 18th meeting, on 11 June 2009, the Council adopted draft decision 11/112 without a vote (for the text adopted, see part one, chap. II).

**Mexico**

738. At its 18th meeting, on 11 June 2009, the Council adopted draft decision 11/113 without a vote (for the text adopted, see part one, chap. II).

**Mauritius**

739. At its 18th meeting, on 11 June 2009, the Council adopted draft decision 11/114 without a vote (for the text adopted, see part one, chap. II).

**Malaysia**

740. At its 19th meeting, on 12 June 2009, the Council adopted draft decision 11/116 without a vote (for the text adopted, see part one, chap. II).

**Jordan**

741. At its 19th meeting, on 12 June 2009, the Council adopted draft decision 11/115 without a vote (for the text adopted, see part one, chap. II).

**Issuance of reports of the Working Group on the Universal Periodic Review in all official languages of the United Nations**

742. At the 28th meeting, on 18 June 2009, the representative of Mexico introduced draft decision A/HRC/11/L.2, sponsored by Mexico and co-sponsored by Argentina, Azerbaijan, Bangladesh, Cameroon, Canada, Chile, China, Cuba, Djibouti, Jordan, Malaysia, Nicaragua, Nigeria and Uruguay. Subsequently, Algeria, Andorra, Australia, Austria, Bolivia (Plurinational State of), Bulgaria, Burkina Faso, Chad, Colombia, Croatia, the Czech Republic, the Dominican Republic, Estonia, France, Guatemala, Honduras, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Monaco, Morocco, the Netherlands, Peru, Poland, Portugal, the Republic of Moldova, Romania, the Russian Federation, Senegal, Serbia, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Venezuela (Bolivarian Republic of) and Viet Nam joined the sponsors.

743. At the same meeting, the representative of Mexico orally revised the draft decision by modifying the first, third and fourth preambular paragraphs and paragraph 1, merging paragraphs 2 and 3 and modifying the text of the merged operative paragraph.

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

745. At the same meeting, the draft decision, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. II, decision 11/117).

746. Also at the same meeting, the representative of Brazil made a statement in explanation of vote after the vote.

## VII. Human rights situation in Palestine and other occupied Arab territories

### A. Follow-up to Human Rights Council resolution S-9/1

747. At the 21st meeting, on 15 June 2009, the President made a statement in relation to the fact-finding mission established in accordance with Council resolution S-9/1.

748. At the same meeting, the High Commissioner made a statement in relation to the human rights situation in Gaza and the status of periodic reports, as required by Council resolution S-9/1.

749. Also at the same meeting, the representative of Palestine made a statement as a concerned party.

750. During the ensuing general debate at the same meeting, the following made statements:

(a) Representatives of States Members of the Council: China, Cuba (on behalf of the Non-Aligned Movement), Czech Republic<sup>4</sup> (on behalf of the European Union), Egypt (also on behalf of the Group of African States), Indonesia, Japan, Mauritius, Pakistan (on behalf of the Organization of the Islamic Conference), United Arab Emirates<sup>4</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Lebanon, Norway;

(c) Observer for an intergovernmental organization: Organization of the Islamic Conference;

(d) Observers for the following non-governmental organizations: Amnesty International, Arab Commission for Human Rights, International Commission of Jurists, United Nations Watch.

### B. General debate on agenda item 7

751. At its 23rd meeting, on 16 June 2009, the Council held a general debate on agenda item 7, during which the following made statements:

(a) The representatives of Israel and the Syrian Arab Republic, as concerned countries; the representative of Palestine, as a concerned party; the representative of Egypt made a statement in relation to agenda item 7;

(b) Representatives of States Members of the Council: Bahrain, Cuba (on behalf of the Non-Aligned Movement), Czech Republic<sup>4</sup> (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Montenegro, the Republic of Moldova, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Egypt (also on behalf of the Group of African States), Jordan, Malaysia, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Russian Federation, Saudi Arabia, South Africa, Switzerland, United Arab Emirates<sup>4</sup> (on behalf of the Group of Arab States);

(c) Representatives of the following observer States: Algeria, Iceland, Iran (Islamic Republic of), Iraq, Kuwait, Lebanon, Morocco, Tunisia, Turkey, United Arab Emirates, United States of America, Yemen;

(d) Observer for an intergovernmental organization: League of Arab States;

(e) Observers for the following non-governmental organizations: Al-Hakim Foundation, Arab Commission for Human Rights, Cairo Institute for Human Rights Studies, Coordinating Board of Jewish Organizations (also on behalf of B'nai B'rith International), Mouvement contre le racisme et pour l'amitié entre les peuples, Nord-Sud XXI, Union of Arab Jurists, United Nations Watch, World Union for Progressive Judaism.

## **VIII. Follow-up to and implementation of the Vienna Declaration and Programme of Action**

### **A. General debate on agenda item 8**

752. At its 24th and 25th meetings, on 16 June 2009, the Council held a general debate on agenda item 8, during which the following made statements:

(a) Representatives of States Members of the Council: Brazil, Colombia<sup>4</sup> (also on behalf of Bosnia and Herzegovina, Burkina Faso, Chile, Congo, Côte d'Ivoire, France, Hungary, Mexico, Norway, Slovenia, Switzerland and Uruguay), Czech Republic<sup>4</sup> (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Iceland, Montenegro, the Republic of Moldova, the former Yugoslav Republic of Macedonia and Ukraine), Nigeria, Paraguay<sup>4</sup> (also on behalf of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Colombia, Ecuador, Peru, Uruguay and Venezuela (Bolivarian Republic of)), Russian Federation, Senegal, Slovenia;

(b) Representatives of the following observer States: Austria, Colombia, Spain, United States of America;

(c) Observers for national human rights institutions: Commission nationale des droits de l'homme et des libertés fondamentales du Niger;

(d) Observers for the following non-governmental organizations: Arab Commission for Human Rights, Asian Forum for Human Rights and Development, Asian Legal Resource Centre, Association for World Education, Canadian HIV/AIDS Legal Network, Centrist Democratic International, Commission to Study the Organization of Peace, European Union of Public Relations, France Libertés: Fondation Danielle Mitterrand, Human Rights Council of Australia, Indian Council of South America, International Federation of University Women (also on behalf of the Pan Pacific and South East Asia Women's Association), International Humanist and Ethical Union, United Nations Watch.

753. At the 25th meeting, the representative of Peru made a statement in exercise of the right of reply.

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

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

754. At the 29th meeting, on 18 June 2009, the representative of the Russian Federation introduced draft resolution A/HRC/11/L.1, sponsored by the Russian Federation and co-sponsored by Singapore, Sri Lanka and Viet Nam.

755. At the same meeting, at the request of the representative of the Russian Federation, the draft resolution was deferred for consideration by the Council at its twelfth session.

## **IX. Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action**

### **A. Interactive dialogue with special procedures**

756. At the 25th meeting, on 16 June 2009, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai, presented his reports (A/HRC/11/36 and Add.3).

757. At the same meeting, the representatives of Mauritania and the United States of America made statements, as concerned countries.

758. During the ensuing interactive dialogue at the same meeting, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Brazil, China, Czech Republic<sup>4</sup> (on behalf of the European Union), Egypt (on behalf of the Group of African States), Germany, India, Indonesia, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Russian Federation, Senegal, Switzerland, United Arab Emirates<sup>4</sup> (on behalf of the Group of Arab States);

(b) Representatives of the following observer States: Algeria, Morocco, Sweden, Turkey, United States of America;

(c) Observers for the following non-governmental organizations: Arab Commission for Human Rights, Commission to Study the Organization of Peace, European Union of Public Relations, Indian Council of South America, International Human Rights Association of American Minorities.

759. At the same meeting, the Special Rapporteur answered questions and made his concluding remarks.

### **B. General debate on agenda item 9**

760. At its 25th meeting, on 16 June 2009, and its 26th meeting, on 17 June 2009, the Council held a general debate on agenda item 9, during which the following made statements:

(a) Representatives of States Members of the Council: Azerbaijan, 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, Georgia, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine), Nigeria, Republic of Korea, Russian Federation, Switzerland;

(b) Representatives of the following observer States: Israel, United States of America;

(c) Observer for Palestine;

(d) Observers for the following non-governmental organizations: Amnesty International, Arab Commission for Human Rights, Association for World Education (also on behalf of the World Union for Progressive Judaism), Civicus – World Alliance for Citizen Participation, Interfaith International, International Educational Development, International Humanist and Ethical Union, International Movement against All Forms of Discrimination and Racism, International Youth and Student Movement for the United

Nations (also on behalf of the Women's International League for Peace and Freedom), Islamic Human Rights Commission, 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), United Nations Watch, World Association for the School as an Instrument of Peace.

761. At the 26th meeting, on 17 June 2009, the representatives of Morocco and Sri Lanka made statements in exercise of the right of reply.

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

### **Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action**

762. At the 29th meeting, on 18 June 2009, the representative of Nigeria introduced draft resolution A/HRC/11/L.15, sponsored by Nigeria (on behalf of the Group of African States). Subsequently, Belarus, Cuba, Guatemala, Honduras, Indonesia, Nicaragua and Venezuela (Bolivarian Republic of) joined the sponsors.

763. At the same meeting, the representative of Nigeria (on behalf of the Group of African States) orally revised the draft resolution by modifying the second, third and fourth preambular paragraphs.

764. Also at the same meeting, the representative of Argentina (also on behalf of Bolivia (Plurinational State of), Brazil, Chile, Mexico and Uruguay) made general comments in relation to the draft resolution.

765. 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 II).

766. Also at the same meeting, the representative of Canada made a statement in explanation of vote before the vote.

767. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 11/12).

768. Also at the same meeting, the representatives of Italy (also on behalf of the Netherlands) and Germany made statements in explanation of vote after the vote.

## **X. Technical assistance and capacity-building**

### **A. Interactive dialogue with special procedures**

769. At the 26th meeting, on 17 June 2009, the independent expert on the situation of human rights in Haiti, Michel Forst, presented his report (A/HRC/11/5).

770. At the same meeting, the representative of Haiti made a statement, as the concerned country.

771. 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: Argentina, Brazil, Canada, Czech Republic<sup>4</sup> (on behalf of the European Union), France, Mexico, United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of the following observer States: Luxembourg, Norway, Peru, Sweden, United States of America;

(c) Observer for a national human rights institution: Commission nationale des droits de l'homme et des libertés fondamentales du Niger (also on behalf of the national human rights institutions of Canada, France, Germany, Greece, Ireland, Luxembourg, Senegal and Togo);

(d) Observers for the following non-governmental organizations: International Centre for Human Rights and Democratic Development, International Federation of Human Rights Leagues.

772. At the same meeting, the independent expert answered questions and made his concluding remarks.

773. Also at the same meeting, the representative of Haiti made a statement in exercise of the right of reply.

## **B. General debate on agenda item 10**

774. At its 26th meeting, on 17 June 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>4</sup> (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);

(b) Representative of an observer State: United States of America;

(c) Observer for a non-governmental organization: Arab Commission for Human Rights.

## Annexes

### Annex I

#### Attendance

##### States Members of the Human Rights Council

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

##### States Members of the United Nations represented by observers

Afghanistan	Democratic Republic of the Congo	Kazakhstan
Albania	Denmark	Kenya
Algeria	Dominican Republic	Kuwait
Andorra	Ecuador	Lao People's Democratic Republic
Armenia	El Salvador	Latvia
Australia	Equatorial Guinea	Lebanon
Austria	Ethiopia	Libyan Arab Jamahiriya
Belarus	Finland	Liechtenstein
Belgium	Georgia	Lithuania
Bhutan	Greece	Luxembourg
Botswana	Guatemala	Maldives
Brunei Darussalam	Haiti	Malta
Bulgaria	Honduras	Mauritania
Chad	Hungary	Monaco
Colombia	Iceland	Morocco
Costa Rica	Iran (Islamic Republic of)	Myanmar
Croatia	Iraq	Nepal
Cyprus	Ireland	New Zealand
Czech Republic	Israel	Norway
Democratic People's Republic of Korea	Jamaica	Oman

Panama	Spain	United Arab Emirates
Paraguay	Sri Lanka	United Republic of
Peru	Sudan	Tanzania
Poland	Sweden	United States of America
Portugal	Syrian Arab Republic	Uzbekistan
Republic of Moldova	Thailand	Venezuela (Bolivarian
Romania	The former Yugoslav Republic	Republic of)
San Marino	of Macedonia	Viet Nam
Serbia	Togo	Yemen
Singapore	Tunisia	Zimbabwe
Somalia	Turkey	

### **Non-Member States represented by observers**

Holy See

### **Other observers**

Palestine

### **United Nations**

Joint United Nations Programme on  
HIV/AIDS

United Nations Relief and Works Agency for  
Palestine in the Near East

### **Specialized agencies and related organizations**

International Labour Office  
International Organization for Migration

World Health Organization  
World Trade Organization

### **Intergovernmental organizations**

African, Caribbean and Pacific Group  
of States  
Commonwealth Secretariat  
Council of Europe  
Council of the European Union

European Commission  
International Organization of la Francophonie  
League of Arab States  
Organization of the Islamic Conference

### **Other entities**

Sovereign Military Order of Malta

### **National human rights institutions, international coordinating committees and regional groups of national institutions**

Canadian Human Rights Commission  
Comisión Nacional de los Derechos  
Humanos (Mexico)  
Comité sénégalais des droits de l'homme

Commission nationale des droits de l'homme  
(Algeria)  
Commission nationale des droits de l'homme  
et des libertés fondamentales du Niger

Danish Institute for Human Rights  
 Defensor del Pueblo (Ecuador)  
 Defensoría del Pueblo de la República  
 del Paraguay  
 Deutsches Institut für Menschenrechte  
 Equality and Human Rights Commission  
 of Great Britain  
 Human Rights Commission of Malaysia  
 (SUHAKAM)  
 Human Rights Commissioner  
 (Ombudsman) (Azerbaijan)

Independent Human Rights Commission  
 (Afghanistan)  
 International Coordinating Committee of  
 National Institutions for the Promotion and  
 Protection of Human Rights  
 Kenya National Commission on  
 Human Rights  
 National Centre for Human Rights (Jordan)  
 National Council for Human Rights (Egypt)  
 Philippines Commission on Human Rights

### Non-governmental organizations

Action Canada for Population and  
 Development  
 Action Internationale pour la paix et le  
 développement dans la région des  
 Grands Lacs  
 African-American Society for  
 Humanitarian Aid and Development  
 Al-Hakim Foundation  
 Al-Zubair Charity Foundation  
 American Bar Association  
 Amnesty International  
 Arab Commission for Human Rights  
 Asia Pacific Forum on Women, Law and  
 Development  
 Asian Forum for Human Rights and  
 Development (Forum-Asia)  
 Asian Indigenous and Tribal Peoples  
 Network  
 Asian Legal Resource Centre  
 Association for the Prevention of Torture  
 Association for World Education  
 Association of World Citizens  
 Association Points-Coeur  
 BADIL Resource Center for Palestinian  
 Residency and Refugee Rights  
 Baha'i International Community  
 Cairo Institute for Human Rights Studies  
 Canadian HIV/AIDS Legal Network  
 Caritas Internationalis  
 Catholic Organisation for Relief and  
 Development  
 Centre Europe Tiers-Monde  
 Centre for Economic and Social Rights  
 Centre for International Environmental  
 Law  
 Centre for Reproductive Rights  
 Centre for Women's Global Leadership  
 Centrist Democratic International

Centro de Derechos Humanos  
 Miguel Agustín Pro Juárez  
 Centro de Estudios sobre la Juventud  
 Cercle de recherche sur les droits et  
 les devoirs de la personne humaine  
 Charitable Institute for Protecting Social  
 Victims  
 Child Development Foundation  
 China Association for Preservation and  
 Development of Tibetan Culture  
 China Care and Compassion Society  
 China NGO Network for International  
 Exchanges  
 China Society for Human Rights Studies  
 Collectif sénégalais des Africaines pour  
 la promotion de l'éducation relative à  
 l'environnement  
 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  
 Commonwealth Human Rights Initiative  
 Conectas Direitos Humanos  
 Cooperativa Técnico Científica di Base  
 Coordination Board of Jewish Organizations  
 Defence for Children International  
 Dominicans for Justice and Peace (Order of  
 Preachers)  
 Equality Now  
 Espace Afrique International  
 European Bureau for Lesser-Used Languages  
 European Union of Public Relations  
 Federación de Asociaciones de Defensa y  
 Promoción de los Derechos Humanos  
 Federation for Women and Family Planning

Federation of Cuban Women  
 Federation of Western Thrace Turks in Europe  
 Foundation of Japanese Honorary Debts  
 France Libertés: Fondation Danielle Mitterrand  
 Franciscans International  
 Fraternité Notre Dame  
 Freedom House  
 Friedrich Ebert Foundation  
 Friends World Committee for Consultation (Quakers)  
 General Federation of Iraqi Women  
 Grupo de Información en Reproducción Elegida  
 Hadassah Women's Zionist Organization of America  
 Hawa Society for Women  
 Helsinki Foundation for Human Rights  
 Human Rights Advocates, Inc.  
 Human Rights Council of Australia  
 Human Rights Watch  
 Indian Council of Education  
 Indian Council of South America  
 Indian Movement Tupaj Amaru  
 Ingénieurs du Monde  
 Inter-African Committee on Traditional Practices  
 Interfaith International  
 International Association of Democratic Lawyers  
 International Bridges to Justice  
 International Catholic Child Bureau  
 International Centre for Human Rights and Democratic Development (Rights and Democracy)  
 International Commission of Jurists  
 International Committee for the Indians of the Americas  
 International Educational Development, Inc.  
 International Federation of ACAT (Action by Christians for the Abolition of Torture)  
 International Federation of Human Rights Leagues  
 International Federation of Pharmaceutical Manufacturers and Associations  
 International Federation of Social Workers  
 International Federation of University Women  
 Terre des Hommes International Federation  
 International Human Rights Association of American Minorities  
 International Humanist and Ethical Union  
 International Institute for Non-Aligned Studies  
 International Institute for Peace  
 International Islamic Federation of Student Organizations  
 International Lesbian and Gay Association (ILGA – EUROPE)  
 International Movement against all Forms of Discrimination and Racism  
 International Movement ATD Fourth World  
 International Organization for the Elimination of All Forms of Racial Discrimination  
 International Organization for the Right to Education and Freedom of Education  
 International Organization of Indigenous Resource Development  
 International Pen  
 International Save The Children Alliance  
 International Service for Human Rights  
 International Volunteerism Organisation for Women, Education and Development – VIDES  
 International Work Group for Indigenous Affairs  
 International Youth and Student Movement for the United Nations  
 Inuit Circumpolar Council  
 Iranian Elite Research Center  
 Islamic Human Rights Commission  
 Istituto Internazionale Maria Ausiliatrice  
 Jubilee Campaign  
 Lawyers' Rights Watch Canada  
 Liberation  
 Ligue internationale contre le racisme et l'antisémitisme  
 Lutheran World Federation  
 Mbororo Social and Cultural Development Association  
 Microteam Education Apprentissage et Nouvelles Technologies  
 Migrants Rights International  
 Minbyun – Lawyers for a Democratic Society  
 Minority Rights Group International  
 Mouvement contre le racisme et pour l'amitié entre les peuples  
 National Association of Cuban Economists  
 Network of Women's Non-Governmental Organizations in the Islamic Republic of Iran  
 Nord-Sud XXI  
 Norwegian Refugee Council

Organisation pour la communication en Afrique et de promotion de la coopération économique internationale (Ocaproce International)	Sudan Association For Combating Landmines (Jasmar) – (Jasmar Human Security Organization)
Organization for Defending Victims of Violence	Sudan Council of Voluntary Agencies
Organization for the Solidarity of the Peoples of Asia, Africa and Latin America	Sudanese Women General Union
Pasumai Thaayagam Foundation	Union de l'action feminine
Pax Christi International, International Catholic Peace Movement	Union of Arab Jurists
Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students)	United Nations Association of China
Permanent Assembly for Human Rights	United Nations Watch
Persatuan Aliran Kesed Aran Negara – National Consciousness Movement	Women's International Democratic Federation
Planetary Association for Clean Energy	Women's International League for Peace and Freedom
Rencontre africain pour la défense des droits de l'homme	Women's International Zionist Organization
Reporters without Borders	Women's World Summit Foundation
Servas International	World Alliance for Citizen Participation
Social Service Agency of the Protestant Church in Germany	World Association for the School as an Instrument of Peace
Society for the Protection of Unborn Children	World Federation of Trade Unions
Society for Threatened Peoples	World Federation of United Nations Associations
Society Studies Center	World Muslim Congress
	World Organization against Torture
	World Peace Council
	World Russian People's Council
	World Union for Progressive Judaism
	World Vision International
	World Young Women's Christian Association
	Worldwide Organization for Women

## Annex II

### **Administrative and programme budget implications of resolutions adopted by the Council at its eleventh session**

#### **11/117.**

#### **Issuance of the reports of the Working Group on the Universal Periodic Review in all official languages of the United Nations**

1. In paragraphs 1 to 4 of draft decision A/HRC/11/L.2 (adopted as decision 11/117), the Council decided to adopt the following decision and to submit it to the General Assembly, as a matter of priority:

(a) To request the Secretary-General to issue all the reports adopted by the Working Group on the Universal Periodic Review at its fourth and fifth sessions and the additional information submitted by the States under review before the adoption of the outcome by the Council, as official documents in all official languages of the United Nations prior to the holding of the twelfth session of the Council;

(b) To recall that the Working Group should endeavour to apply in its reports the word limits established in the annex to President's statement 9/2, bearing in mind that the Working Group is entrusted with the authority to decide on the adoption of reports that exceptionally exceed those word limits;

(c) To decide that all reports adopted by the Working Group should be issued as official documents in all official languages of the United Nations, in a timely manner before their consideration by the Council, and to request the Secretary-General to ensure the necessary support to that effect.

2. The requirements for the translation of reports called for under the terms of the decision are estimated at \$1,439,800 each for the biennium 2008-2009 and at \$4,378,900 for the biennium 2010-2011, under section 2 (General Assembly and Economic and Social Council Affairs and Conference Management). The requirements for translation of the reports of the Working Group were not included in the programme budget for the biennium 2008-2009. They have however been included in the proposed programme budget for the biennium 2010-2011.

3. It is estimated that the total additional requirements for the biennium 2008-2009 of \$1,439,800 could be met from within the overall resources appropriated under section 2 of the programme budget for the biennium 2008-2009, through the mechanism of integrated global management of resources. With regard to the requirements for the biennium 2010-2011, provisions have been made in the proposed programme budget for the biennium 2010-2011.

#### **1/11.**

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

4. In paragraphs 1 to 4 of draft resolution A/HRC/11/L.3 (adopted as resolution 1/11), the Council:

(a) Decided to establish an Open-ended Working Group of the Council to explore the possibility of elaboration of an optional protocol to the Convention on the Rights of the Child to provide a communications procedure complementary to the reporting procedure under the Convention;

(b) Decided also that the working group would hold its first session for five working days in Geneva before the end of 2009, within existing resources;

(c) Further decided to invite a representative of the Committee on the Rights of the Child to attend the session of the working group as a resource person, and, where appropriate, relevant United Nations special procedures and other relevant independent experts, and also invited them to submit inputs to the working group for its consideration;

(d) Requested the Working Group to submit a report on progress made thereon to the Council for consideration at its thirteenth session.

5. To implement the activities called for under the terms of the resolution, an estimated \$282,700 would be required for the biennium 2008-2009, as follows: (a) under section 2 (General Assembly and Economic and Social Council Affairs and Conference Management) to provide conference servicing (\$199,200); (b) under section 23 (Human Rights) to provide for a staff member at the P-3 level for four months to provide support to the work of the Working Group (\$56,000) and for travel of a member of the Committee on the Rights of the Child to attend the Working Group session (\$23,800); and (c) under section 28 E (Administration, Geneva), for conference servicing (\$3,700). The requirements in support of the activities of the Working Group have not been included in the programme budget for the biennium 2008-2009. Although it is anticipated that a total additional amount of \$282,700 would be required for the biennium 2008-2009, no additional resources are requested at this time as the Secretariat will seek to identify areas from which resources can be redeployed to meet the requirements within the appropriations approved for sections 2, 23 and 28 E for the biennium 2008-2009.

6. With regard to paragraph 2, attention is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990 and subsequent resolutions, the most recent of which is resolution 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.

## **11/9.**

### **The human rights of migrants in detention centres**

7. In paragraphs 1 and 3 of draft resolution A/HRC/11/L.4, the Council:

(a) Decided to hold a panel of discussion on the human rights of migrants in detention centres at its twelfth session, with equitable geographic and gender participation of Governments, relevant experts and representatives of civil society, including national institutions;

(b) Requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to provide the necessary assistance and support for holding the panel.

8. To implement the activities called for by the Council in paragraph 1, an estimated \$29,000 would be required for the biennium 2008-2009 under section 23 (Human Rights) to provide for travel and the daily subsistence allowance of five experts. Although it is anticipated that an additional amount of \$29,000 would be required in support of the activities for the biennium 2008-2009 under section 23, additional resources are not

requested at this time, as the Secretariat will to the extent possible absorb the additional requirements within the appropriations for section 23 (Human Rights) for the biennium 2008-2009.

9. With regard to paragraph 3, 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.

## **11/2.**

### **Accelerating efforts to eliminate all forms of violence against women**

10. In subparagraph 12 (d) of draft resolution A/HRC/11/L.5 (orally revised and adopted as resolution 11/2), the Council requested OHCHR to convene, in 2010, in cooperation with other relevant entities of the United Nations system, an expert workshop to discuss specific measures for overcoming obstacles and challenges that States may face in preventing, investigating, prosecuting and punishing the perpetrators of violence against women and girls, as well as measures for providing protection, support, assistance and redress for victims, and requested it to prepare, within existing resources, a summary report thereon to be submitted to the Council.

11. To implement the activities called for by the Council in subparagraph 12 (d), an estimated \$172,800 would be required for the biennium 2010-2011, as follows: (a) under section 2 (General Assembly and Economic and Social Council Affairs and Conference Management), to provide conference servicing (\$110,800); (b) under section 23 (Human Rights), to provide for the travel of 10 experts to attend the workshop (\$60,400); and (c) under section 28 E (Administration, Geneva), for conference servicing (\$1,600). The requirements in support of the activities have not been included in the proposed programme budget for the biennium 2010-2011. During the sixty-fourth session of the General Assembly, a determination will be made in the revised estimates report on decisions taken by the Council on whether they can be met from within the provisions proposed under the proposed programme budget for the biennium 2010-2011.

## **11/3.**

### **Trafficking in persons, especially women and children**

12. In paragraphs 9, 10 and 11 of draft resolution A/HRC/11/L.6 (adopted as resolution 11/3), the Council:

(a) Requested OHCHR to organize, within existing resources, and in close coordination with the Special Rapporteur on trafficking in persons, especially women and children, a two-day seminar aimed at identifying opportunities and challenges in the development of rights-based responses to trafficking in persons with a view to acknowledging emerging good practices and further promoting the practical application of the Recommended Principles and Guidelines on Human Rights and Human Trafficking, with the participation of Governments, the Special Rapporteur and other relevant special procedures, treaty bodies, United Nations specialized agencies and programmes, regional, intergovernmental and non-governmental organizations, national human rights institutions, academics, medical experts and representatives of victims, and to submit a report on the proceedings of the seminar to the Council;

(b) Also requested OHCHR to disseminate the Recommended Principles and Guidelines on Human Rights and Human Trafficking, and to collect the views of stakeholders, including Governments, observers of the United Nations, relevant United Nations bodies, specialized agencies and programmes, regional bodies, non-governmental organizations, and national human rights institutions on the Recommended Principles and Guidelines on Human Rights and Human Trafficking, as well as on experiences and emerging good practices while applying them, and to make available to the Council a compilation of those views as an addendum to the above-mentioned report;

(c) Requested the Secretary-General to provide OHCHR with sufficient resources to fulfil its mandate in relation to combating trafficking in persons, especially women and children.

13. To implement the activities called for by the Council, an estimated \$268,700 would be required for the biennium 2010-2011, as follows: (a) under section 2 (General Assembly and Economic and Social Council Affairs and Conference Management), to provide conference servicing (\$110,800); (b) under section 23 (Human Rights), to provide for consultancy services (\$14,000) and for travel of experts (\$90,600) and special procedures mandate holders (\$51,700) to attend the seminar; and (c) under section 28 E (Administration, Geneva), for conference servicing (\$1,600).

14. Although provisions have not been included under sections 2, 23 and 28 E of the proposed programme budget for the biennium 2010-2011 to implement activities called for by the Council in paragraphs 9, 10 and 11 of the draft resolution, the estimated requirements of \$268,700 are not required at this time, as the Secretariat will review the potential absorptive capacity from within sections 23 and 28 E of the proposed programme budget for the biennium 2010-2011, which will be considered by the General Assembly at its sixty-fourth session. The determination will be made in the report of the Secretary-General on the revised estimates of requirements arising from the decisions and resolutions adopted by the Council for 2009, which will be reported subsequently to the Assembly at its sixty-fourth session.

15. With regard to paragraphs 9 and 11, 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.

#### **11/4.**

#### **Promotion of the right of peoples to peace**

16. In paragraphs 11 and 12 of draft resolution A/HRC/7/L.7 (adopted as resolution 11/4), the Council requested the United Nations High Commissioner for Human Rights:

(a) To convene, before February 2010, and taking into account previous practices, a workshop on the right of peoples to peace, with the participation of experts from all regions of the world;

(b) To report on the outcome of the workshop to the Council at its fourteenth session.

17. A total amount of \$186,800 for the biennium 2010-2011 would be required to implement the activities requested by the Council, to provide for: (a) general temporary assistance at the P-3 level (\$14,000); (b) travel and daily subsistence allowance for 10

experts from five regions (\$60,400); and (c) conference services for a three-day workshop in 2010 (\$112,400), as follows:

	<i>United States dollars</i>
Section 2, General Assembly and Economic and Social Council Affairs and Conference Management	110 800
Section 23, Human Rights	74 400
Section 28 E, Administration, Geneva	1 600
<b>Total</b>	<b>186 800</b>

18. The requirements have not been included under sections 2, 23 and 28 E of the proposed programme budget for the biennium 2010-2011.

19. Although provisions have not been included under sections 2, 23 and 28 E of the proposed programme budget for the biennium 2010-2011 to implement the activities called for in paragraphs 11 and 12 of the draft resolution, the Secretariat will review the potential absorptive capacity to meet the estimated requirements of \$186,800 from within sections 2, 23 and 28 E of the proposed programme budget for the biennium 2010-2011, which will be considered by the General Assembly at its sixty-fourth session. The determination of the absorptive capacity will be made in the report of the Secretary-General on the revised estimates of the requirements arising from the decisions and resolutions adopted by the Council for 2009, which will be reported subsequently to the Assembly at its sixty-fourth session.

20. In the event that the workshop is held prior to 2010, the Secretariat will, to the extent possible, absorb the additional requirements within the appropriations for sections 2, 23 and 28 E for the biennium 2008-2009.

## **11/12.**

### **Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action**

21. In paragraph 1 of draft resolution A/HRC/11/L.15 (orally revised and adopted as resolution 11/12), the Council decided to extend the mandate of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action for a period of three years.

22. To implement the activities called for in the resolution, an estimated \$369,700 would be required for the biennium 2010-2011, as follows: (a) under section 2 (General Assembly and Economic and Social Council Affairs and Conference Management), to provide conference servicing (\$362,400); and (b) under section 28 E (Administration, Geneva) (\$7,300). The requirements in support of the activities have been included in the proposed programme budget for the biennium 2010-2011.

## **11/8.**

### **Preventable maternal mortality and morbidity and human rights**

23. In paragraph 6 of draft resolution A/HRC/11/L.16 (adopted as resolution 11/8), the Council requested OHCHR to prepare a thematic study on preventable maternal mortality and morbidity and human rights, in collaboration with the World Health Organization and the United Nations Population Fund, as well as all relevant stakeholders, including the United Nations Children's Fund and the World Bank, and requested that the study include

identification of the human rights dimensions of preventable maternal mortality and morbidity; an overview of initiatives and activities within the United Nations system to address all causes of preventable maternal mortality and morbidity; identification of how the Council could add value to existing initiatives through a human rights analysis; identification of options for the Council to support and increase existing efforts in the United Nations system, including efforts to achieve Millennium Development Goal 5 on improving maternal health, and recommendations for better addressing the human rights dimension of preventable maternal mortality and morbidity throughout the United Nations system.

24. To implement the activities called for in paragraph 6 of the resolution, an estimated \$73,300 would be required under section 23 (Human Rights) to provide for consultancy services. Although provisions have not been included under section 23 of the proposed programme budget for the biennium 2010-2011 to implement activities called for in paragraph 6 of the draft resolution, the Secretariat will review the potential absorptive capacity to meet the estimated requirements of \$73,300 from within section 23 of the proposed programme budget for the biennium 2010-2011, which will be considered by the General Assembly at its sixty-fourth session. The determination of the absorptive capacity will be made in the report of the Secretary-General on the revised estimates of requirements arising from the decisions and resolutions adopted by the Human Rights Council for 2009, which will be reported subsequently to the Assembly at its sixty-fourth session.

#### **A/HRC/11/L.19.**

#### **Amendments to draft resolution A/HRC/11/L.17 on the situation of human rights in the Sudan**

25. With regard to the amendments proposed under draft text A/HRC/11/L.19, the adoption of the amendments would replace the current mandate of Special Rapporteur with that of an independent expert on the situation of human rights in the Sudan. The related financial implications would amount to a total of \$64,600 per year. However, the requirements for that mandate have been included in the programme budget for 2008-2009 and requested under the proposed programme budget for 2010-2011; therefore, there would be no additional appropriations as a result of the adoption of the amendments proposed.

## Annex III

### 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 IV

### List of documents issued for the eleventh session of the Human Rights Council

#### *Documents issued in the general series*

<i>Symbol</i>	<i>Agenda item</i>
A/HRC/11/1 and Corr.1	1 Annotations to the agenda for the eleventh session of the Human Rights Council: note by the Secretary-General
A/HRC/11/2	3 Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston
A/HRC/11/2/Add.1	3 Summary of cases transmitted to Governments and replies received
A/HRC/11/2/Add.2	3 Mission to Brazil
A/HRC/11/2/Add.3	3 Mission to the Central African Republic
A/HRC/11/2/Add.4	3 Mission to Afghanistan
A/HRC/11/2/Add.5	3 Mission to the United States of America
A/HRC/11/2/Add.6	3 Mission to Kenya
A/HRC/11/2/Add.7	3 Mission to Guatemala (follow-up)
A/HRC/11/2/Add.8	3 Mission to the Philippines (follow-up)
A/HRC/11/3	2 Report of the Secretary-General on the workshop on regional arrangements for the promotion and protection of human rights
A/HRC/11/4	3 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue
A/HRC/11/4/Add.1	3 Summary of cases transmitted to Governments and replies received
A/HRC/11/4/Add.2	3 Mission to Honduras
A/HRC/11/4/Add.3	3 Mission to Maldives
A/HRC/11/5	10 Report of the independent expert on the situation of human rights in Haiti, Michel Forst
A/HRC/11/6	3 Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk
A/HRC/11/6/Add.1	3 Communications to and from Governments

A/HRC/11/6/Add.2	3	Mission to Tajikistan
A/HRC/11/6/Add.3	3	Mission to Saudi Arabia
A/HRC/11/6/Add.4	3	Mission to the Republic of Moldova
A/HRC/11/6/Add.5	3	15 years of the United Nations Special Rapporteur on violence against women, its causes and consequences (1994-2009): a critical view
A/HRC/11/6/Add.6	3	The political economy of women's human rights
A/HRC/11/7	3	Report of the Special Rapporteur on the human rights of migrants, Jorge Bustamante
A/HRC/11/7/Add.1	3	Communications sent to and replies received from Governments
A/HRC/11/7/Add.2	3	Mission to Mexico
A/HRC/11/7/Add.3	3	Mission to Guatemala
A/HRC/11/8	3	Report of the Special Rapporteur on the right to education, Vernor Muñoz
A/HRC/11/8/Add.1	3	Communications sent to and replies received from Governments
A/HRC/11/8/Add.2	3	Mission to Malaysia
A/HRC/11/8/Add.3	3	Mission to Guatemala
A/HRC/11/9	3	Report of the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona
A/HRC/11/9/Add.1	3	Mission to Ecuador
A/HRC/11/10	3	Report of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights, Cephias Lumina
A/HRC/11/11	3	Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen: mission to Bolivia
A/HRC/11/12	3	Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover
A/HRC/11/12/Add.1	3	Summary of communications sent to and replies received from Governments and other actors

A/HRC/11/12/Add.2	3	Mission to GlaxoSmithKline
A/HRC/11/13	3	Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie; on business and human rights: towards operationalizing the “protect, respect and remedy” framework
A/HRC/11/13/Add.1	3	State obligations to provide access to remedy for human rights abuses by third parties, including business: an overview of international and regional provisions, commentary and decisions.
A/HRC/11/14	4	Report of the Special Rapporteur on the situation of human rights in the Sudan, Sima Samar
A/HRC/11/14/Add.1	4	Status of implementation of recommendations compiled by the Group of Experts mandated by the Human Rights Council
A/HRC/11/15	6	Report of the Working Group on the Universal Periodic Review on Germany
A/HRC/11/15/Add.1	6	Addendum
A/HRC/11/16	6	Report of the Working Group on the Universal Periodic Review on Djibouti
A/HRC/11/17	6	Report of the Working Group on the Universal Periodic Review on Canada
A/HRC/11/17/Add.1	6	Addendum
A/HRC/11/18	6	Report of the Working Group on the Universal Periodic Review on Bangladesh
A/HRC/11/18/Add.1	6	Addendum
A/HRC/11/19	6	Report of the Working Group on the Universal Periodic Review on the Russian Federation
A/HRC/11/19/Add.1	6	Addendum
A/HRC/11/19/Add.1/Rev.1	6	Revision
A/HRC/11/20	6	Report of the Working Group on the Universal Periodic Review on Azerbaijan
A/HRC/11/20/Add.1	6	Addendum
A/HRC/11/21	6	Report of the Working Group on the Universal Periodic Review on Cameroon
A/HRC/11/21/Add.1	6	Addendum

A/HRC/11/22	6	Report of the Working Group on the Universal Periodic Review on Cuba
A/HRC/11/23	6	Report of the Working Group on the Universal Periodic Review on Saudi Arabia
A/HRC/11/23/Add.1	6	Addendum
A/HRC/11/23/Add.1/Corr.1		Corrigendum
A/HRC/11/24	6	Report of the Working Group on the Universal Periodic Review on Senegal
A/HRC/11/24/Add.1	6	Addendum
A/HRC/11/25	6	Report of the Working Group on the Universal Periodic Review on China
A/HRC/11/26	6	Report of the Working Group on the Universal Periodic Review on Nigeria
A/HRC/11/27	6	Report of the Working Group on the Universal Periodic Review on Mexico
A/HRC/11/28	6	Report of the Working Group on the Universal Periodic Review on Mauritius
A/HRC/11/28/Add.1	6	Addendum
A/HRC/11/29	6	Report of the Working Group on the Universal Periodic Review on Jordan
A/HRC/11/30	6	Report of the Working Group on the Universal Periodic Review on Malaysia
A/HRC/11/30/Add.1	6	Addendum
A/HRC/11/31	2	Report of the Office of the United Nations High Commissioner for Human Rights on the outcome of the expert consultation on the issue of protecting the human rights of civilians in armed conflict
A/HRC/11/32	2	Report of the United Nations High Commissioner for Human Rights on the draft guiding principles on extreme poverty and human rights: the rights of the poor
A/HRC/11/33	2	The right to development: note by the Secretariat
A/HRC/11/35	6	Note verbale dated 3 March 2009 from the Permanent Mission of Georgia to the Office of the United Nations High Commissioner for Human Rights
A/HRC/11/36	9	Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai

A/HRC/11/36/Add.1	9	Summary of cases transmitted to Governments and replies received
A/HRC/11/36/Add.2	9	Mission to Mauritania
A/HRC/11/36/Add.3	9	Mission to the United States of America
A/HRC/11/38	2	Report on the implementation of Human Rights Council resolution 8/9 on the promotion of the right of peoples to peace: note by the Secretariat
A/HRC/11/39	2	Report of the United Nations High Commissioner for Human Rights on integrating the human rights of women throughout the United Nations system
A/HRC/11/40	10	Report of the independent expert on the situation of human rights in Burundi, Akich Okola: note by the Secretariat
A/HRC/11/41	3	Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy
A/HRC/11/41/Add.1	3	Summary of cases transmitted to Governments and replies received
A/HRC/11/41/Add.2	3	Mission to the Russian Federation
A/HRC/11/41/Add.3	3	Mission to Guatemala
A/HRC/11/42	3	Information note dated 11 June 2009 submitted by the United Nations Relief and Works Agency for Palestine Refugees in the Near East: note of the Secretariat

*Documents issued in the limited series*

<i>Symbol</i>		<i>Agenda item</i>
A/HRC/11/L.1	8	Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind
A/HRC/11/L.2	6	Issuance of reports of the Working Group on the Universal Periodic Review in all official languages of the United Nations
A/HRC/11/L.3	3	Open-ended Working Group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure
A/HRC/11/L.4	3	The human rights of migrants in detention centres
A/HRC/11/L.5	3	Accelerating efforts to eliminate all forms of violence against women

A/HRC/11/L.6	3	Trafficking in persons, especially women and children
A/HRC/11/L.7	3	Promotion of the right of peoples to peace
A/HRC/11/L.8	5	Enhancement of the system of special procedures
A/HRC/11/L.9	3	The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights
A/HRC/11/L.10	1	Draft report of the Human Rights Council on its eleventh session
A/HRC/11/L.11	1	Draft report of the Human Rights Council on its eleventh session
A/HRC/11/L.12	3	The right to education: follow-up to Human Rights Council resolution 8/4
A/HRC/11/L.13	3	Guidelines for the Alternative Care of Children
A/HRC/11/L.14	3	Draft guiding principles on extreme poverty and human rights
A/HRC/11/L.15	9	Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action
A/HRC/11/L.16	3	Preventable maternal mortality and morbidity and human rights
A/HRC/11/L.16/Rev.1	3	Preventable maternal mortality and morbidity and human rights
A/HRC/11/L.17 and Corr.1	4	Situation of human rights in the Sudan
A/HRC/11/L.18	4	Situation of human rights in the Sudan
A/HRC/11/L.19	4	Amendments to draft resolution A/HRC/11/L.17

*Documents issued in the Government series*

<i>Symbol</i>		<i>Agenda item</i>
A/HRC/11/G/1	9	Note verbale dated 17 June 2009 from the Permanent Mission of Greece addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/11/G/2	9	Note verbale dated 27 April 2009 from the Permanent Mission of the Islamic Republic of Iran to the Office of the United Nations High Commissioner for Human Rights

- A/HRC/11/G/3 3 Nota verbal con fecha de 16 de junio de 2009 de la Misión Permanente de Guatemala dirigida a la Alta Comisionada de las Naciones Unidas para los Derechos Humanos

*Documents issued in the non-governmental organizations series*

<i>Symbol</i>	<i>Agenda item</i>
A/HRC/11/NGO/1	4 Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
A/HRC/11/NGO/2	4 Idem
A/HRC/11/NGO/3	3 Idem
A/HRC/11/NGO/4	3 Idem
A/HRC/11/NGO/5	3 Written statement submitted by the Organization for Defending Victims of Violence (ODVV), a non-governmental organization in special consultative status
A/HRC/11/NGO/6	3 Idem
A/HRC/11/NGO/7	3 Idem
A/HRC/11/NGO/8	3 Idem
A/HRC/11/NGO/9	4 Idem
A/HRC/11/NGO/10	7 Idem
A/HRC/11/NGO/11	6 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/11/NGO/12	3 Joint written statement submitted by Catholic Organisation for Relief and Development (CORDAID) and Minority Rights Group International (MRG), non-governmental organizations in special consultative status
A/HRC/11/NGO/13	6 Written statement submitted by Franciscans International (FI), a non-governmental organization in general consultative status
A/HRC/11/NGO/14	3 Written statement submitted by the Al Zubair Charity Foundation (ZCF), a non-governmental organization in special consultative status

A/HRC/11/NGO/15	3	Exposición escrita presentada por Federación de Mujeres Cubanas (FMC), organización no gubernamental reconocida como entidad consultiva especial
A/HRC/11/NGO/16	6	Written statement submitted by the Women's International Democratic Federation (WIDF), a non-governmental organization in general consultative status
A/HRC/11/NGO/17	3	Written statement submitted by Human Rights Advocates, Inc. (HRA), a non-governmental organization in special consultative status
A/HRC/11/NGO/18	3	Idem
A/HRC/11/NGO/19	4	Written statement submitted by International Educational Development (IED), Inc., a non-governmental organization on the roster
A/HRC/11/NGO/20	3	Written statement submitted by People's Solidarity for Participatory Democracy (PSPD), a non-governmental organization in special consultative status
A/HRC/11/NGO/21	3	Exposición escrita presentada por Federación Democrática Internacional de Mujeres, organización no gubernamental reconocida como entidad consultiva especial
A/HRC/11/NGO/22	3	Written statement submitted by the Society Studies Centre (SSC), a non-governmental organization in special consultative status
A/HRC/11/NGO/23	3	Idem
A/HRC/11/NGO/24	4	Written statement submitted by Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), a non-governmental organization on the Roster
A/HRC/11/NGO/25	9	Written statement submitted by the Federation of Western Thrace Turks in Europe (ABTTF), a non-governmental organization in special consultative status
A/HRC/11/NGO/26	4	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
A/HRC/11/NGO/27	3	Written statement submitted by Defence for Children International (DCI), a non-governmental organization in special consultative status

- A/HRC/11/NGO/28
- 4 Written statement submitted by the Korean Progressive Network “Jinbonet”, a non-governmental organization in special consultative status
- A/HRC/11/NGO/29
- 3 Joint written Statement submitted by the International Alliance of Women (IAW), the Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), the International Association of Soldiers for Peace, Zonta International, the International Federation of Settlements and Neighbourhood Centres (IFS), the International Council Of Women (ICW-CIF), the International Federation of Business and Professional Women (BPWI), the International Youth and Student Movement for the United Nations (ISMUN), Soroptimist International (SI), the Asian Legal Resource Centre (ALRC), CIVICUS: World Alliance for Citizen Participation, World Vision International (WVI), Buddha’s Light International Association, the International Council on Social Welfare (ICSW) and the World Young Women’s Christian Association (World YWCA), non-governmental organizations with general consultative status, and Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos (España), Interfaith International, Pax Romana (the International Catholic Movement for Intellectual and Cultural Affairs and the International Movement of Catholic Students), Temple of Understanding (TOU), the Women’s International League for Peace and Freedom (WILPF), the Women’s World Summit Foundation (WWSF), the International Society for Human Rights (ISHR), the International Federation of University Women (IFUW), Femmes Africa Solidarité (FAS), the Lutheran World Federation (LWF), the Worldwide Organization for Women (WOW), the Anglican Consultative Council (ACC), the Union of Arab Jurists, Rencontre africaine pour la défense des droits de l’homme (RADDHO), the Foundation for the Refugee Education Trust (RET), International Bridges to Justice (IBJ), the Inter-African Committee on Traditional Practices Affecting the

Health of Women and Children (IAC), the American Association of Jurists (AAJ), the Lassalle-Institut, the UNESCO Centre of Catalonia, the Anti-Racism Information Service (ARIS), the Colombian Commission of Jurists (CCJ), the Pan Pacific and South East Asia Women's Association (PPSEAWA), the Ius Primi Viri International Association (IPV), the Permanent Assembly for Human Rights (APDH), the International Movement for Fraternal Union Among Races and Peoples (UFER), the International Federation of Women Lawyers (FIDA), the International Federation of Women in Legal Careers (FIFCJ), the Canadian Federation of University Women (CFUW), the International Association for Women's Mental Health (IAWMH), the European Union of Women (EUW), the African Services Committee, Inc., the International Federation of Family Associations of Missing Persons from Armed Conflict (IFFAMPAC), African Action on AIDS, the International Society for Traumatic Stress Studies (ISTSS), the Lama Gangchen World Peace Foundation (LGWPF), the Pax Christi International, the International Catholic Peace Movement, the Tandem Project, the Al-Hakim Foundation, Canadian Voice of Women for Peace (VOW), the Organization for Defending Victims of Violence (ODVV), Solar Cookers International (SCI), the World Federation for Mental Health (WFMH), the United States Federation for Middle East Peace, Network Women in Development Europe, Nord-Sud XXI, General Arab Women Federation, the United Towns Agency for North-South Cooperation, the World Association for the School as an Instrument of Peace, the International Organization for the Elimination of All Forms of Racial Discrimination, the African Women's Association (AWA), the United Nations Association of Spain (ANUE), Maryknoll Fathers and Brothers, Maryknoll Sisters of St. Dominic, the International Forum for Child Welfare, the BADIL Resource Center for Palestinian Residency and Refugee Rights, the African Commission on Health and Human Rights

Promoters, the Arab Lawyers Union, the General Federation of Iraqi Women, the International Federation of Social Workers (IFSW), the International Association of Peace Messenger Cities (IAPMC), the Committee for Hispanic Children and Families, Peace Boat, Paix et développement dans la Région des Grands Lacs (AIPD), the Federation for Peace and Conciliation (FPC), the Cairo Institute for Human Rights Studies (CIHRS), the World for the World Organisation (WFWO), the Universal Esperanto Association, the National Council of German Women's Organisations, Associated Country Women of the World (ACWW), International Grail, the Council of American Overseas Research Centres, ICVolunteers (ICV), the International Association for the Defence of Religious Liberty (AIDLR), Zenab for Women in Development, The Grail, UNANIMA International, Fondation SURGIR, the Association for Democratic Initiatives (ADI) and Congregation of our Lady of Charity of the Good Shepherd, non-governmental organizations with special consultative status, and the Institute for Planetary Synthesis (IPS), the International Peace Bureau (IPB), the UNESCO Centre for the Basque Country (UNESCO ETXEA), the 3HO Foundation (Healthy, Happy, Holy Organization), the Dzeno Association, the Country Women Association of Nigeria (COWAN), the International Movement against all Forms of Discrimination and Racism (IMADR), the Association Nigérienne des Scouts de l'Environnement (ANSEN), the International Peace Research Association (IPRA), the Asia Pacific Forum on Women, Law and Development (APWLD), the International Progress Organization (IPO), Gray Panthers and the European Federation of Road Traffic Crash Victims (FEVR), non-governmental organizations on the Roster

A/HRC/11/NGO/30

- 3 Written statement submitted by the Women's International League for Peace and Freedom (WILPF), a non-governmental organization in special consultative status

A/HRC/11/NGO/31	4	Written statement submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status
A/HRC/11/NGO/32	4	Idem
A/HRC/11/NGO/33	4	Idem
A/HRC/11/NGO/34	4	Idem
A/HRC/11/NGO/35	4	Idem
A/HRC/11/NGO/36	4	Idem
A/HRC/11/NGO/37	4	Idem
A/HRC/11/NGO/38	4	Idem
A/HRC/11/NGO/39	3	Written statement submitted by the International Fellowship of Reconciliation (IFOR), a non-governmental organization in special consultative status
A/HRC/11/NGO/40	9	Written statement submitted by the International Human Rights Association of American Minorities (IHRAAM), a non-governmental organization on the Roster
A/HRC/11/NGO/41	4	Joint written statement submitted by the World Organisation against Torture, a non-governmental organization in special consultative status, and Centro de Derechos Humanos Miguel Agustín Pro Juárez, a non-governmental organization on the Roster
A/HRC/11/NGO/42	4	Written statement submitted by the Centro de Derechos Humanos Miguel Agustín Pro Juárez, a non-governmental organization on the Roster
A/HRC/11/NGO/43	3	Joint written statement submitted by Nord-Sud XXI, a non-governmental organization in special consultative status, and the Indian Council of South America (CISA), the International Human Rights Association of American Minorities (IHRAAM) and International Education Development (IED), Inc., non-governmental organizations on the Roster
A/HRC/11/NGO/44	3	Joint written statement submitted by

- Caritas Internationalis (International Confederation of Catholic Charities), CIVICUS – World Alliance For Citizen Participation, the Commission of the Churches on International Affairs of the World Council of Churches (CCIA/WCC), Franciscans International (FI), the International Council of Women (ICW-CIF), and International Movement ATD Fourth World, non-governmental organizations in general consultative status, and Dominicans for Justice and Peace (Order of Preachers), the International Federation of Social Workers (IFSW), the Lutheran World Federation (LWF), Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), the International Catholic Child Bureau (ICCB) and the World Organisation against Torture, non-governmental organizations in special consultative status, and the FoodFirst Information and Action Network (FIAN), non-governmental organizations on the Roster
- A/HRC/11/NGO/45 4 Written statement submitted by the International Humanist and Ethical Union (IHEU), a non-governmental organization in special consultative status
- A/HRC/11/NGO/46 3 Joint written statement submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status, and Lawyers Rights Watch Canada, a non-governmental organization in special consultative status
- A/HRC/11/NGO/47 3 Joint written statement submitted by the Sudan National Committee on Harmful Traditional Practices (SNCTP), a non-governmental organization in special consultative status, and the African-American Society for Humanitarian Aid and Development (ASHAD), a non-governmental organization on the Roster

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|-----------------|---|---|
| A/HRC/11/NGO/48 | 4 | 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 and Development (ASHAD), a non-governmental organization on the Roster                    |
| A/HRC/11/NGO/49 | 6 | Written statement submitted by Amnesty International, a non-governmental organization in special consultative status  |
| A/HRC/11/NGO/50 | 4 | 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 and Development (ASHAD), a non-governmental organization on the Roster                    |
| A/HRC/11/NGO/51 | 3 | Joint written statement submitted by the Assembly of First Nations – National Indian Brotherhood (AFN), the International Indian Treaty Council (IITC) and the International Organization of Indigenous Resource Development (IOIRD), non-governmental organizations with special consultative status |
| A/HRC/11/NGO/52 | 3 | Written statement submitted by the International Indian Treaty Council (IITC), a non-governmental organization in special consultative status   |
| A/HRC/11/NGO/53 | 3 | Idem  |
| A/HRC/11/NGO/54 | 4 | Written statement submitted by Article 19 – the International Centre Against Censorship, a non-governmental organization on the Roster  |
| A/HRC/11/NGO/55 | 4 | Written statement submitted by MINBYUN-Lawyers for a Democratic Society (MINBYUN), a non-governmental organization in special consultative status   |

*Documents issued in the national institutions series*

- | <i>Symbol</i> | <i>Agenda item</i> |   |
|---------------|--------------------|---|
| A/HRC/11/NI/1 | 3                  | Information submitted by the Office of Ombudsman of the Russian Federation: note by the Secretariat |

A/HRC/11/NI/2	3	Information submitted by the National Human Rights Commission of Malaysia: note by the Secretariat
A/HRC/11/NI/3	6	Universal Periodic Review: information submitted by the National Human Rights Commission of Malaysia: note by the Secretariat
A/HRC/11/NI/4	3	Information submitted by the Commission on Human Rights of the Philippines: note by the Secretariat
A/HRC/11/NI/5	3	Information submitted by the Kenya National Commission on Human Rights: note by the Secretariat
A/HRC/11/NI/6	3	Information submitted by the Afghanistan Independent Human Rights Commission: note by the Secretariat
A/HRC/11/NI/7	3	Idem

## **Annex V**

### **List of special procedures mandate holders appointed by the Council at its eleventh session**

**Working Group of Experts on People of African Descent**

Sicilianos Linos-Alexander (Greece)

**Working Group on Arbitrary Detention**

Mads Andenas (Norway)

**Working Group on Enforced or Involuntary Disappearances**

Osman El-Hajje (Lebanon)

**Special Rapporteur on the independence of judges and lawyers**

Gabriela Carina Silva Knaul De Albuquerque e Silva (Brazil)

**Special Rapporteur on violence against women, its causes and consequences**

Rashida Manjoo (South Africa)

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