



# General Assembly

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## Human Rights Council

Seventeenth session

Agenda item 1

Organizational and procedural matters

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

*Vice-President and Rapporteur:* Ms. Bente **Angell-Hansen** (Norway)

## Contents

<i>Chapter</i>	<i>Page</i>
Part One: Resolutions and decisions .....	6
I. Resolutions adopted by the Human Rights Council at its seventeenth session .....	6
17/1. Mandate of the Special Rapporteur on trafficking in persons, especially women and children .....	6
17/2. Mandate of the Special Rapporteur on the independence of judges and lawyers .....	8
17/3. The right to education: follow-up to Human Rights Council resolution 8/4.....	10
17/4. Human rights and transnational corporations and other business enterprises .....	12
17/5. Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions ...	15
17/6. Mandate of the independent expert on human rights and international solidarity .....	18
17/7. 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 .....	20
17/8. Proclamation of 19 August as the International Day of Remembrance of and Tribute to the Victims of Terrorism .....	25
17/9. National institutions for the promotion and protection of human rights.....	25
17/10. Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla.....	28
17/11. Accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in protection .....	29
17/12. Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants .....	34
17/13. Extreme poverty and human rights .....	36
17/14. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the context of development and access to medicines .....	38
17/15. Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity .....	41
17/16. Promotion of the right of peoples to peace .....	43
17/17. Situation of human rights in the Libyan Arab Jamahiriya .....	46
17/18. Optional Protocol to the Convention on the Rights of the Child on a communications procedure .....	48
17/19. Human rights, sexual orientation and gender identity .....	56
17/20. Technical assistance and cooperation on human rights for Kyrgyzstan .....	58
17/21. Assistance to Côte d'Ivoire in the field of human rights .....	60
17/22. Migrants and asylum-seekers fleeing recent events in North Africa .....	63
17/23. The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights.....	65

17/24.	Situation of human rights in Belarus .....	66
17/25.	Assistance to Somalia in the field of human rights.....	68
II.	Decisions adopted by the Human Rights Council at its seventeenth session .....	71
17/101.	Outcome of the universal periodic review: Nauru .....	71
17/102.	Outcome of the universal periodic review: Rwanda .....	71
17/103.	Outcome of the universal periodic review: Nepal.....	72
17/104.	Outcome of the universal periodic review: Saint Lucia.....	72
17/105.	Outcome of the universal periodic review: Oman .....	72
17/106.	Outcome of the universal periodic review: Austria .....	73
17/107.	Outcome of the universal periodic review: Myanmar.....	73
17/108.	Outcome of the universal periodic review: Australia .....	74
17/109.	Outcome of the universal periodic review: Georgia .....	74
17/110.	Outcome of the universal periodic review: Saint Kitts and Nevis .....	75
17/111.	Outcome of the universal periodic review: Sao Tome and Principe.....	75
17/112.	Outcome of the universal periodic review: Namibia .....	76
17/113.	Outcome of the universal periodic review: Niger .....	76
17/114.	Outcome of the universal periodic review: Mozambique .....	77
17/115.	Outcome of the universal periodic review: Estonia .....	77
17/116.	Outcome of the universal periodic review: Paraguay .....	78
17/117.	Procedural decision.....	78
17/118.	Establishment of the Office of the President of the Human Rights Council.....	78
17/119.	Follow-up to Human Rights Council resolution 16/21 with regard to the universal periodic review.....	80
Part Two:	Summary of proceedings .....	1-761 89
I.	Organizational and procedural matters .....	1-44 89
A.	Opening and duration of the session.....	1-3 89
B.	Attendance .....	4 89
C.	Agenda and programme of work .....	5 89
D.	Organization of work.....	6-19 89
E.	Meetings and documentation.....	20-21 91
F.	Visits.....	22-23 91
G.	Selection and appointments of mandate holders.....	24 91
H.	Adoption of the report on the session.....	25-27 91
I.	Consideration of and action on draft proposals .....	28-44 91

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 .....	45–51	93
A.	Update by the United Nations High Commissioner for Human Rights .....	45–48	93
B.	Reports of the Office of the High Commissioner and the Secretary-General .....	49	93
C.	Consideration of and action on draft proposals .....	50–51	94
III.	Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development .....	52–207	95
A.	Interactive dialogue with special procedures .....	53–100	95
B.	Panels .....	101–127	102
C.	General debate on agenda item 3 .....	128–129	105
D.	Consideration of and action on draft proposals .....	130–206	106
IV.	Human rights situations that require the Council's attention .....	207–238	114
A.	Follow-up to Human Rights Council resolution S-15/1 .....	207–213	114
B.	Follow-up to Human Rights Council resolution 16/25 .....	214–217	115
C.	Follow-up to Human Rights Council resolutions S-14/1 and S-16/1 .....	218–220	115
D.	General debate on agenda item 4 .....	221–224	116
E.	Consideration of and action on draft proposals .....	225–238	117
V.	Human rights bodies and mechanisms .....	239–247	119
A.	General debate on agenda item 5 .....	239–240	119
B.	Complaint procedure .....	241–242	119
C.	Consideration of and action on draft proposals .....	243–247	119
VI.	Universal periodic review .....	248–716	121
A.	Consideration of universal periodic review outcomes .....	249–699	121
B.	General debate on agenda item 6 .....	700	187
C.	Consideration of and action on draft proposals .....	701–716	187
VII.	Human rights situation in Palestine and other occupied Arab territories .....	717–716	190
A.	Follow-up to Human Rights Council resolutions S-9/1, S-12/1, S-13/9 and S-16/20 .....	717	190
B.	General debate on agenda item 7 .....	718	190
VIII.	Follow-up to and implementation of the Vienna Declaration and Programme of Action .....	719–727	191
A.	General debate on agenda item 8 .....	719	191
B.	Consideration of and action on draft proposals .....	720–727	191
IX.	Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action .....	728–732	193
A.	Interactive dialogue with special procedures .....	728–731	193

	B. General debate on agenda item 9.....	732	193
X.	Technical assistance and capacity-building .....	733–761	195
	A. Interactive dialogue with special procedures.....	733–740	195
	B. Follow-up to Human Rights Council resolution S-14/14 .....	741–742	196
	C. General debate on agenda item 10.....	743	196
	D. Consideration of and action on draft proposals .....	744–761	196
Annexes			
	I. Attendance .....		198
	II. Agenda .....		205
	III. Documents issued for the seventeenth session.....		203
IV.	Special procedures mandate holders appointed by the Human Rights Council at its seventeenth session .....		217

## **Part One Resolutions and decisions**

### **I. Resolutions adopted by the Human Rights Council at its seventeenth session**

**17/1**

#### **Mandate of the Special Rapporteur on 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 64/293 of 30 July 2010 and 65/190 of 21 December 2010, and Human Rights Council resolutions 8/12 of 18 June 2008, 11/3 of 17 June 2009 and 14/2 of 17 June 2010,

*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 United Nations Convention against Transnational Organized Crime, and recalling the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

*Recalling also* the United Nations Global Plan of Action to Combat Trafficking in Persons and Commission on Crime Prevention and Criminal Justice resolution 20/3 of 15 April 2011,

*Affirming* that trafficking in persons violates and impairs the enjoyment of human rights, continues to pose a serious challenge to humanity and requires a concerted international assessment and response and genuine multilateral, regional and bilateral cooperation among countries of origin, transit and destination for its eradication,

*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 gender, age, disability, ethnicity, culture and religion, as well as national or social origin, or other status, and that these forms of discrimination may themselves fuel trafficking in persons,

*Bearing in mind* that all States have an obligation to exercise due diligence to prevent trafficking in persons, to investigate instances of trafficking and punish perpetrators, to rescue victims and to provide for their protection and access to remedies,

and that not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims,

*Taking note* of the twentieth anniversary of the United Nations Voluntary Fund on Contemporary Forms of Slavery and the establishment of the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children,

*Taking note with interest* of the launch of the commentary on the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office of the United Nations High Commissioner for Human Rights,<sup>1</sup>

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

1. *Welcomes* the work of the Special Rapporteur on trafficking in persons, especially women and children;

2. *Decides* to extend the mandate of the Special Rapporteur for a period of three years in order to, inter alia:

(a) Promote the prevention of trafficking in persons in all its forms and the adoption of measures to uphold and protect the human rights of victims of trafficking in persons;

(b) Promote the effective application of relevant international norms and standards and to contribute to their further improvement;

(c) Integrate a gender and age perspective throughout the work of his or her mandate through, inter alia, the identification of gender- and age-specific vulnerabilities in relation to the issue of trafficking in persons;

(d) Identify and share best practices as well as challenges and obstacles in order to uphold and protect the human rights of victims of trafficking in persons, and to identify protection gaps in this regard;

(e) Examine the impact of anti-trafficking measures on the human rights of victims of trafficking in persons with a view to proposing adequate responses to challenges arising in this regard and to avoid re-victimization of victims of trafficking;

(f) Give particular emphasis to recommendations on practical solutions with regard to the implementation of the rights relevant to the mandate, including by the identification of concrete areas and means for international and regional cooperation and capacity-building to tackle the issue of trafficking in persons;

(g) Request, receive and exchange information on trafficking in persons from Governments, treaty bodies, special procedures, specialized agencies, intergovernmental and non-governmental organizations and other relevant sources, as appropriate, and, in accordance with current practice, respond effectively to reliable information on alleged human rights violations with a view to protecting the human rights of actual or potential victims of trafficking;

(h) Work in close cooperation, while avoiding unnecessary duplication, with other special procedures and subsidiary organs of the Human Rights Council, relevant United Nations bodies, agencies and mechanisms, including the United Nations Office on

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<sup>1</sup> E/2002/68/Add.1.

Drugs and Crime, the Inter-Agency Coordination Group against Trafficking in Persons, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, including its Working Group on Trafficking in Persons and the Working Group on the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, treaty bodies and regional human rights mechanisms, as well as national human rights institutions, civil society and the private sector;

(i) Report annually on the implementation of the present resolution to the Human Rights Council and the General Assembly, according to their respective programmes of work;

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

4. *Calls upon* all Governments to cooperate with the Special Rapporteur and to consider responding favourably to his or her requests to visit their countries, and to provide him or her with all necessary information relating to the mandate to enable him or her to fulfil the mandate effectively;

5. *Encourages* Governments to refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office of the High Commissioner<sup>1</sup> as a useful tool in integrating a human rights-based approach into their responses to combat trafficking in persons;

6. *Decides* to continue consideration of the issue of trafficking in persons, especially women and children, in accordance with its annual programme of work.

*33rd meeting*

*16 June 2011*

[Adopted without a vote.]

## **17/2**

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

*The Human Rights Council,*

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

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

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

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



*Recalling also* its previous resolutions on this subject, resolutions 8/6 of 18 June 2008, 12/3 of 1 October 2009, 13/19 of 26 March 2010 and 15/3 of 29 September 2010,

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

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

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

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

1. *Commends* the Special Rapporteur on the independence of judges and lawyers for the important work undertaken in the discharge of her mandate;

2. *Decides* to extend the mandate of the Special Rapporteur for a period of three years, and requests the Special Rapporteur:

(a) To inquire into any substantial allegations transmitted to him or her and to report his or her conclusions and recommendations thereon;

(b) To identify and record not only attacks on the independence of the judiciary, lawyers and court officials but also progress achieved in protecting and enhancing their independence, and make concrete recommendations, including the provision of advisory services or technical assistance when they are requested by the State concerned;

(c) To identify ways and means to improve the judicial system, and make concrete recommendations thereon;

(d) To study, for the purpose of making proposals, important and topical questions of principle with a view to protecting and enhancing the independence of the judiciary and lawyers and court officials;

(e) To apply a gender perspective in his or her work;

(f) To continue to cooperate closely, while avoiding duplication, with relevant United Nations bodies, mandates and mechanisms and with regional organizations;

(g) To report regularly to the Human Rights Council, in accordance with its programme of work, and annually to the General Assembly;

3. *Urges* all Governments to cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to provide all information and to respond to communications transmitted to them by the Special Rapporteur without undue delay;

4. *Calls upon* Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his or her recommendations so as to enable him or her to fulfil his or her mandate even more effectively;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the assistance to the Special Rapporteur necessary for the effective fulfilment of his or her mandate;

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

33rd meeting  
16 June 2011

[Adopted without a vote.]

### 17/3

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

*The Human Rights Council,*

*Reaffirming* Human Rights Council resolutions on the right to education, particularly resolutions 8/4 of 18 June 2008, 11/6 of 17 June 2009 and 15/4 of 29 September 2010, and recalling the resolutions adopted by the Commission on Human Rights on the subject,

*Reaffirming also* the human right of everyone 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,

*Bearing in mind* General Assembly resolution 64/290 of 9 July 2010 on the right to education in emergency situations,

*Bearing in mind also* the adoption by the Human Rights Council of the United Nations Declaration on Human Rights Education and Training through its resolution 16/1 of 23 March 2011,

*Deeply concerned* that, according to the United Nations Educational, Scientific and Cultural Organization, although there has been progress in many areas, the world is not on track to achieve the Education for All targets set for 2015 and most of the goals will be missed by a wide margin,

*Mindful* of the role that the full realization of the right to education plays in helping to achieve the Millennium Development Goals, and noting in this regard the commitments relating to education contained in the outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals,<sup>2</sup>

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

1. *Calls upon* all States to take all measures to implement Human Rights Council resolutions 8/4, 11/6 and 15/4 with a view to ensuring the full realization of the right to education for all;

<sup>2</sup> General Assembly resolution 65/1.

2. *Takes note with appreciation of:*
  - (a) The report of the Special Rapporteur on the right to education on the promotion of equality of opportunity in education;<sup>3</sup>
  - (b) The work of the United Nations treaty bodies in the promotion of the right to education;
  - (c) 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;
  - (d) The contribution of the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization and other relevant bodies 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 agenda;
3. *Urges* all relevant stakeholders to increase their efforts so that the goals of the Education for All agenda can be achieved by 2015 by, inter alia, tackling persistent economic and social inequalities, including on the basis of such factors as income, gender, location, ethnicity, language and disability, and notes the role that good governance can play in this regard;
4. *Urges* all States to give full effect to the right to education by, inter alia, promoting equality of opportunity in education in accordance with their human rights obligations, including by:
  - (a) Ensuring adequate legal protection of the right to education and its equal enjoyment;
  - (b) Addressing multiple forms of inequality and discrimination in education through comprehensive policies;
  - (c) Ensuring adequate resource allocation, including through the identification and implementation of innovative financing mechanisms;
  - (d) Supporting national mechanisms that promote the realization of the right to education, such as national human rights institutions;
  - (e) Increasing efforts to achieve the goals of the Education for All agenda and the commitments relating to education contained in the Millennium Development Goals and their review process, with a human rights-based approach;
  - (f) Promoting a coordinated approach when considering follow-up to the concluding observations adopted by the United Nations human rights treaty bodies, the recommendations formulated by the special procedures and recommendations accepted within the universal periodic review process;
  - (g) Integrating a gender perspective in all policies and programmes relating to education with a view to eliminate gender disparities at all levels of education;
5. *Reaffirms* the need for adequate financial resources so that everyone can realize their right to education and the importance in this regard of national resource mobilization and international cooperation;
6. *Decides* to extend the mandate of the Special Rapporteur on the right to education for a period of three years;

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<sup>3</sup> A/HRC/17/29 and Corr.1.

7. *Requests* the Special Rapporteur to take fully into account, in the discharge of his mandate, all provisions of Human Rights Council resolutions on the right to education;
8. *Requests* all States to continue to cooperate with the Special Rapporteur with a view to facilitating his tasks in the discharge of his mandate, and to respond favourably to his requests for information and visits;
9. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the Special Rapporteur;
10. *Encourages* the Office of the High Commissioner, the treaty bodies, the special procedures of the Human Rights 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 and, in this connection, encourages the Special Rapporteur to facilitate, including through engagement with relevant stakeholders, the provision of technical assistance in the area of the right to education;
11. *Stresses* the importance of the contribution of non-governmental and civil society organizations to the realization of the right to education, including by cooperating with the Special Rapporteur;
12. *Decides* to remain seized of the matter.

33rd meeting  
16 June 2011

[Adopted without a vote.]

## 17/4

### **Human rights and transnational corporations and other business enterprises**

*The Human Rights Council,*

*Recalling* Human Rights Council resolution 8/7 of 18 June 2008 and Commission on Human Rights resolution 2005/69 of 20 April 2005 on the issue of human rights and transnational corporations and other business enterprises,

*Recalling also* Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

*Stressing* that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

*Emphasizing* that transnational corporations and other business enterprises have a responsibility to respect human rights,

*Recognizing* that proper regulation, including through national legislation, of transnational corporations and other business enterprises and their responsible operation can contribute to the promotion, protection and fulfilment of and respect for human rights and assist in channelling the benefits of business towards contributing to the enjoyment of human rights and fundamental freedoms,

*Concerned* that weak national legislation and implementation cannot effectively mitigate the negative impact of globalization on vulnerable economies, fully realize the benefits of globalization or derive maximally the benefits of activities of transnational

corporations and other business enterprises, and that further efforts to bridge governance gaps at the national, regional and international levels are necessary,

*Recognizing* the importance of building the capacity of all actors to better manage challenges in the area of business and human rights,

1. *Welcomes* the work and contributions of the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises, and endorses the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, as annexed to the report of the Special Representative;<sup>4</sup>

2. *Also welcomes* the broad range of activities undertaken by the Special Representative in the fulfilment of his mandate, including in particular the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors in all regions and the catalytic role he has played in generating greater shared understanding of business and human rights challenges among all stakeholders;

3. *Commends* the Special Representative for developing and raising awareness about the Framework based on three overarching principles of the duty of the State to protect against human rights abuses by, or involving, transnational corporations and other business enterprises, the corporate responsibility to respect all human rights, and the need for access to effective remedies, including through appropriate judicial or non-judicial mechanisms;

4. *Recognizes* the role of the Guiding Principles for the implementation of the Framework, on which further progress can be made, as well as guidance that will contribute to enhancing standards and practices with regard to business and human rights, and thereby contribute to a socially sustainable globalization, without foreclosing any other long-term development, including further enhancement of standards;

5. *Emphasizes* the importance of multi-stakeholder dialogue and analysis to maintain and build on the results achieved to date and to inform further deliberations of the Human Rights Council on business and human rights;

6. *Decides* to establish a Working Group on the issue of human rights and transnational corporations and other business enterprises, consisting of five independent experts, of balanced geographical representation, for a period of three years, to be appointed by the Human Rights Council at its eighteenth session, and requests the Working Group:

(a) To promote the effective and comprehensive dissemination and implementation of the Guiding Principles;

(b) To identify, exchange and promote good practices and lessons learned on the implementation of the Guiding Principles and to assess and make recommendations thereon and, in that context, to seek and receive information from all relevant sources, including Governments, transnational corporations and other business enterprises, national human rights institutions, civil society and rights-holders;

(c) To provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as, upon request, to provide advice and recommendations regarding the development of domestic legislation and policies relating to business and human rights;

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<sup>4</sup> A/HRC/17/31.

- (d) To conduct country visits and to respond promptly to invitations from States;
- (e) To continue to explore options and make recommendations at the national, regional and international levels for enhancing access to effective remedies available to those whose human rights are affected by corporate activities, including those in conflict areas;
- (f) To integrate a gender perspective throughout the work of the mandate and to give special attention to persons living in vulnerable situations, in particular children;
- (g) To work in close cooperation and coordination with other relevant special procedures of the Human Rights Council, relevant United Nations and other international bodies, the treaty bodies and regional human rights organizations;
- (h) To develop a regular dialogue and discuss possible areas of cooperation with Governments and all relevant actors, including relevant United Nations bodies, specialized agencies, funds and programmes, in particular the Office of the United Nations High Commissioner for Human Rights, the Global Compact, the International Labour Organization, the World Bank and its International Finance Corporation, the United Nations Development Programme and the International Organization for Migration, as well as transnational corporations and other business enterprises, national human rights institutions, representatives of indigenous peoples, civil society organizations and other regional and subregional international organizations;
- (i) To guide the work of the Forum on Business and Human Rights established pursuant to paragraph 12 below;
- (j) To report annually to the Human Rights Council and the General Assembly;

7. *Encourages* all Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors, including non-governmental organizations, as well as the private sector to cooperate fully with the Working Group in the fulfilment of its mandate by, inter alia, responding favourably to visit requests by the Working Group;

8. *Invites* international and regional organizations to seek the views of the Working Group when formulating or developing relevant policies and instruments;

9. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the assistance necessary to the Working Group for the effective fulfilment of its mandate;

10. *Welcomes* the important role of national human rights institutions established in accordance with the Paris Principles in relation to business and human rights, and encourages national human rights institutions to develop further their capacity to fulfil that role effectively, including with the support of the Office of the High Commissioner and in addressing all relevant actors;

11. *Requests* the Secretary-General to prepare a report on how the United Nations system as a whole, including programmes and funds and specialized agencies, can contribute to the advancement of the business and human rights agenda and the dissemination and implementation of the Guiding Principles, addressing in particular how capacity-building of all relevant actors to this end can best be addressed within the United Nations system, to be presented to the Human Rights Council at its twenty-first session;

12. *Decides* to establish a Forum on Business and Human Rights under the guidance of the Working Group to discuss trends and challenges in the implementation of the Guiding Principles and promote dialogue and cooperation on issues linked to business and human rights, including challenges faced in particular sectors, operational

environments or in relation to specific rights or groups, as well as identifying good practices;

13. *Also decides* that the Forum shall be open to the participation of States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant bodies, transnational corporations and other business enterprises, business associations, labour unions, academics and experts in the field of business and human rights, representatives of indigenous peoples and non-governmental organizations in consultative status with the Economic and Social Council; the Forum shall also be open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, including affected individuals and groups, based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure in accordance with the Rules of Procedure of the Human Rights Council;

14. *Further decides* that the Forum shall meet annually for two working days;

15. *Requests* the President of the Human Rights Council to appoint for each session, on the basis of regional rotation, and in consultation with regional groups, a chairperson of the Forum, nominated by members and observers of the Council; the chairperson serving in his/her personal capacity shall be responsible for the preparation of a summary of the discussion of the Forum, to be made available to the Working Group and all other participants of the Forum;

16. *Invites* the Working Group to include in its report reflections on the proceedings of the Forum and recommendations for future thematic subjects for consideration by the Human Rights Council;

17. *Requests* the Secretary-General and the High Commissioner to provide all the necessary support to facilitate, in a transparent manner, the convening of the Forum and the participation of relevant stakeholders from all regions in its meetings, giving particular attention to ensuring participation of affected individuals and communities;

18. *Decides* to continue consideration of this question in conformity with the annual programme of work of the Human Rights Council.

*33rd meeting  
16 June 2011*

[Adopted without a vote.]

## **17/5**

### **Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions**

*The Human Rights Council,*

*Recalling* the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,

*Having regard* to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in

Commission on Human Rights resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

*Welcoming* the universal ratification of the Geneva Conventions of 12 August 1949, which alongside human rights law provide an important framework of accountability in relation to extrajudicial, summary or arbitrary executions,

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

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

*Mindful* of all relevant General Assembly, Human Rights Council and Commission on Human Rights resolutions on extrajudicial, summary or arbitrary executions, in particular Commission resolution 2004/37 of 19 April 2004, Council resolution 8/3 of 18 June 2008 and Assembly resolutions 61/173 of 19 December 2006 and 65/208 of 21 December 2010,

*Acknowledging* that extrajudicial, summary or arbitrary executions are crimes under the Rome Statute of the International Criminal Court,

*Convinced* of the need for effective action to combat and eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the inherent right to life,

*Dismayed* that, in a number of countries, impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions,

1. *Strongly condemns once again* all extrajudicial, summary or arbitrary executions, in all their forms, that continue to take place throughout the world;

2. *Acknowledges* the importance of relevant special procedures of the Human Rights Council, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, in their key role as early warning mechanisms in preventing the crime of genocide, crimes against humanity and war crimes, and encourages the relevant special procedures, within their mandates, to cooperate towards this end;

3. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

4. *Reiterates* the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and to bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the recurrence of such executions, as stated in the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions;

5. *Welcomes* the work of the Special Rapporteur on extrajudicial, summary or arbitrary executions and his proposed entry points, strategies and recommendations, and takes note of the recommendations of the mandate holder made in previous years, and invites States to give them due consideration;



6. *Commends* the important role that the Special Rapporteur plays towards eliminating extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within the framework of his or her mandate, to collect information from all concerned, to respond effectively to information that comes before him or her, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in the elaboration of his or her reports;

7. *Requests* the Special Rapporteur, in carrying out his or her mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions in all circumstances and for whatever reason, and to submit his or her findings on an annual basis, together with conclusions and recommendations, to the Human Rights Council and the General Assembly, and to draw the attention of the Council to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(b) To continue to draw the attention of the United Nations High Commissioner for Human Rights to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(c) To respond effectively to information that comes before him or her, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

(d) To enhance further his or her dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(e) To continue to monitor the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(f) To apply a gender perspective in his or her work;

8. *Urges* States:

(a) To cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to supply all necessary information requested by him or her and to react appropriately and expeditiously to his or her urgent appeals, and those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to do so without further delay;

(b) To give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries;

(c) To ensure appropriate follow-up to the recommendations and conclusions of the Special Rapporteur, including by providing information to the Special Rapporteur on the actions taken on those recommendations;

9. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

10. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources in order to enable him or her to carry out the mandate effectively, including through country visits;

11. *Decides* to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for three years;

12. *Also decides* to continue to consider this matter in conformity with its programme of work.

*33rd meeting  
16 June 2011*

[Adopted without a vote.]

## **17/6**

### **Mandate of the independent expert on human rights and international solidarity**

*The Human Rights Council,*

*Reaffirming* all previous resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the issue of human rights and international solidarity, including Commission resolution 2005/55 of 20 April 2005,

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

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

*Recalling also* the importance, in view of the promotion and protection of international solidarity, of the declarations and programmes of action of international conferences, such as the World Conference on Human Rights, held in Vienna in 1993, the International Conference on Financing for Development, held in Monterrey, Mexico, in 2002, the United Nations Conference on Environment and Development, held in Rio de Janeiro, Brazil, in 1992, the World Summit on Sustainable Development, held in Johannesburg, South Africa, in 2002, and the World Conference on Disaster Reduction, held in Kobe, Japan, in 2005,

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

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

1. *Decides* to extend the mandate of the independent expert on human rights and international solidarity for a period of three years:

(a) To promote the realization of the right of peoples and individuals to international solidarity through, inter alia, the further development of guidelines, standards, norms and principles enhancing the enjoyment of this fundamental right and the adoption of measures at the regional and international levels, to promote and consolidate international assistance to developing countries in their endeavours in development and the promotion of conditions that make the full realization of all human rights possible;

(b) To seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of his or her mandate, taking into account the outcomes of all major United

Nations and other global summits and ministerial meetings in the economic and social fields;

(c) To examine ways and means of overcoming existing and emerging obstacles to the realization of the right of peoples and individuals to international solidarity;

(d) To make recommendations on possible steps with a view to attaining progressively the full realization of the right of peoples and individuals to international solidarity, and suggestions to address the increasing challenges of international cooperation;

(e) To work in close cooperation with all States and intergovernmental and non-governmental organizations, as well as with other relevant actors representing the broadest possible range of interests and experiences, within their respective mandates, to mainstream fully the effective realization of the right of peoples and individuals to international solidarity in the activities of the United Nations;

(f) To continue participating in and contributing to relevant international conferences and events with the aim of promoting the realization of the right of peoples and individuals to international solidarity;

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

3. *Requests* the United Nations High Commissioner for Human Rights to provide all human and financial resources necessary for the effective fulfilment of the mandate of the independent expert;

4. *Requests* the independent expert to continue work on the preparation of a draft declaration on the right of peoples and individuals to international solidarity and to submit a report on the implementation of the present resolution to the Human Rights Council, in accordance with its annual programme of work;

5. *Decides* to continue its consideration of this matter under the same agenda item.

*33rd meeting  
16 June 2011*

[Adopted by a recorded vote of 32 to 14, with no abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia

*Against:*

Belgium, France, Hungary, Japan, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America]

17/7

**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, Human Rights Council resolutions 7/4 of 27 March 2008, 11/5 of 17 June 2009 and 14/4 of 17 June 2010, and Council decision 12/119 of 2 October 2009,

*Reaffirming also* Human Rights Council 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 to 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 the 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 from 1,860 billion United States dollars in 1995 to 3,545 billion in 2009, and that, by 2007, the total debt-service payments of developing countries had risen to 523 billion dollars, from 220 billion dollars 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. *Takes note* of 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;<sup>5</sup>

2. *Recalls* the proposed elements for a conceptual framework for understanding the relationship between foreign debt and human rights, and encourages the independent expert to continue to develop them with a view to addressing the debt crisis in a just, equitable and sustainable manner;

3. *Takes note* of 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, requests the Office of the United Nations High Commissioner for Human Rights to continue to assist the independent expert in the organization and holding of additional consultations with experts and Governments on these issues, including through the allocation of sufficient budgetary resources;

4. *Also takes note* of the three regional multi-stakeholder consultations on the draft general guidelines on foreign debt and human rights, held in Santiago de Chile, on 18 June 2010, Addis Ababa, on 4 and 5 November 2010, and Doha, on 31 January and 1 February 2011, to obtain views on the form and content of the guidelines with a view to improving them, and encourages the widest possible participation of States and stakeholders from the public sector, the private sector, civil society and academia;

5. *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;

6. *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;

7. *Reaffirms* the fact that responses to the 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;

8. *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;

9. *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;

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<sup>5</sup> A/HRC/17/37.

10. *Regrets* the absence of mechanisms to find appropriate solutions to the unsustainable foreign debt burden of low- and middle-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 those countries, 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;

11. *Affirms* that, from a human rights perspective, the settlement of excessive vulture funds has a direct negative effect on the capacity of Governments to fulfil their human rights obligations, especially with regard to economic, social and cultural rights;

12. *Also affirms* that the activities of vulture funds highlight some of the problems in the global financial system and are indicative of the unjust nature of the current system, and calls upon States to take measures to combat those vulture funds;

13. *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;

14. *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;

15. *Recalls once again* the call on industrialized countries, as expressed in the Millennium Declaration, to implement the enhanced programme of debt relief for 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;

16. *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;

17. *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;

18. *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;

19. *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;

20. *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;

21. *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;

22. *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;

23. *Reaffirms* the fact 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;

24. *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;

25. *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;

26. *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;

27. *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;

28. *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;

29. *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 Human Rights 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;

30. *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;

31. *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, including the organization of consultations with experts and Governments on the draft general guidelines on foreign debt and human rights;

32. *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;

33. *Requests* the independent expert to submit an analytical report on the implementation of the present resolution and a revised draft of the guidelines to the Human Rights Council in 2012 in accordance with its annual programme of work, and to submit a progress report to the General Assembly at its sixty-sixth session;

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

*33rd meeting  
16 June 2011*

[Adopted by a recorded vote of 30 to 13, with 3 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia

*Against:*

Belgium, France, Hungary, Japan, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

*Abstaining:*

Chile, Mexico, Norway]



**17/8****Proclamation of 19 August as the International Day of Remembrance of and Tribute to the Victims of Terrorism**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant instruments of international human rights law and international humanitarian law,

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

*Deploring deeply* the suffering caused by terrorism to the victims and their families, expressing its profound solidarity with them and stressing the importance of providing them with proper assistance,

*Reaffirming* its unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

*Reaffirming also* the fact that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States and destabilizing legitimately constituted Governments,

1. *Recommends* that the General Assembly proclaim 19 August the International Day of Remembrance of and Tribute to the Victims of Terrorism;
2. *Invites* all Member States, organizations of the United Nations system and other international organizations, and civil society entities, including non-governmental organizations and individuals, to observe the International Day in an appropriate manner;
3. *Requests* the Secretary-General to bring the present resolution to the attention of all States Members of the United Nations.

*33rd meeting  
16 June 2011*

[Adopted without a vote.]

**17/9****National institutions for the promotion and protection of human rights**

*The Human Rights Council,*

*Recalling* relevant resolutions of the General Assembly, the most recent of which is resolution 64/161 of 18 December 2009, and those of the Commission on Human Rights concerning national institutions for the promotion and protection of human rights,

*Welcoming* the international recognition of the importance of establishing and strengthening independent, pluralistic national institutions for the promotion and protection

of human rights in accordance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (“the Paris Principles”),<sup>6</sup>

*Reaffirming* the important role that such national institutions play and will continue to play in promoting and protecting human rights and fundamental freedoms, in strengthening participation and the rule of law, and in developing and enhancing public awareness of those rights and fundamental freedoms,

*Recalling* the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and their role in preventing and remedying human rights violations in disseminating information on human rights and in education in human rights,

*Recognizing* the important role of the Office of the United Nations High Commissioner for Human Rights in assisting the development of independent and effective national human rights institutions, in accordance with the Paris Principles, and recognizing also in this regard the potential for strengthened and complementary cooperation among the Office of the High Commissioner, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and those national institutions in the promotion and protection of human rights,

*Taking note* of the most recent reports of the Secretary-General submitted to the Human Rights Council on national institutions for the promotion and protection of human rights<sup>7</sup> and on the process currently utilized by the International Coordinating Committee to accredit national institutions in compliance with the Paris Principles,<sup>8</sup>

*Welcoming* the strengthening in all regions of regional and cross-regional cooperation among national human rights institutions, and between national human rights institutions and other regional human rights forums,

1. *Reaffirms* the importance of the establishment and strengthening of effective, independent and pluralistic national institutions for the promotion and protection of human rights, in accordance with the Paris Principles;

2. *Recognizes* the role of independent national institutions for the promotion and protection of human rights in working together with Governments to ensure full respect for human rights at the national level, including by contributing to follow-up actions, as appropriate, to the recommendations resulting from the international human rights mechanisms;

3. *Welcomes* the increasingly important role of national institutions for the promotion and protection of human rights in supporting cooperation between their Governments and the United Nations in the promotion and protection of human rights;

4. *Encourages* Member States to establish effective, independent and pluralistic national institutions or, where they already exist, to strengthen them for the promotion and protection of all human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action, and to do so in accordance with the Paris Principles;

5. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action, it is the right of each State to choose the framework for national institutions that

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<sup>6</sup> General Assembly resolution 48/134, annex.

<sup>7</sup> A/HRC/16/76.

<sup>8</sup> A/HRC/16/77.

is best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards;

6. *Welcomes* the growing number of Member States establishing or considering the establishment of national institutions for the promotion and protection of human rights in accordance with the Paris Principles;

7. *Encourages* national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

8. *Recognizes* the important role played by national institutions for the promotion and protection of human rights in the Human Rights Council, including its universal periodic review mechanism, in both preparation and follow-up, and the special procedures, as well as in the human rights treaty bodies, in accordance with General Assembly resolution 60/251 of 15 March 2006, Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007 and Commission on Human Rights resolution 2005/74 of 20 April 2005;

9. *Stresses* the importance of financial and administrative independence and the stability of national human rights institutions for the promotion and protection of the human rights, and notes with satisfaction the efforts of those Member States that have provided their national institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

10. *Commends* the high priority given by the Office of the United Nations High Commissioner for Human Rights to work with national institutions, including through technical cooperation, and encourages the High Commissioner, in view of the expanded activities relating to national institutions, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national human rights institutions, including supporting the work of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and its regional coordinating networks, and invites Governments to contribute additional voluntary funds to that end;

11. *Welcomes* the strengthening of international cooperation among national institutions, including through the International Coordinating Committee, and encourages the Secretary-General to continue to provide the necessary assistance for holding international, regional and cross-regional meetings and conferences of national institutions, including meetings of the International Coordinating Committee, in cooperation with the Office of the High Commissioner;

12. *Also welcomes* the important role of the International Coordinating Committee, in close cooperation with the Office of the High Commissioner, in assessing conformity with the Paris Principles and in assisting Governments and national institutions, when requested, to strengthen national human rights institutions in accordance with the Paris Principles;

13. *Encourages* national institutions, including Ombudsman institutions, to seek accreditation status through the International Coordinating Committee;

14. *Encourages* the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions in accordance with the Paris Principles;

15. *Encourages* all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of national institutions;

16. *Requests* the Secretary-General to report to the Human Rights Council at its twentieth session on the implementation of the present resolution;

17. *Also requests* the Secretary-General to report to the Human Rights Council at its twentieth session on the activities of the International Coordinating Committee in accrediting national institutions in compliance with the Paris Principles.

33rd meeting  
16 June 2011

[Adopted without a vote.]

## **17/10**

### **Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla**

*The Human Rights Council,*

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

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

*Taking into consideration* the relevant provisions of international humanitarian law and human rights law,

*Emphasizing* the importance of the safety and well-being of all civilians, including humanitarian personnel,

*Recalling* Human Rights Council resolution 14/1 of 2 June 2010, in which the Council decided to dispatch an independent international fact-finding mission to investigate violations of human rights law and international humanitarian law resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance,

*Recalling also* Human Rights Council resolutions 15/1 of 29 September 2010 and 16/20 of 25 March 2011, in which the Council endorsed the conclusions contained in the report of the independent international fact-finding mission,<sup>9</sup> called upon all concerned parties to ensure the immediate implementation of the conclusions contained in the report of the fact-finding mission and requested the United Nations High Commissioner for Human Rights to report on the status of implementation of those conclusions,

*Welcoming* the establishment by the Secretary-General of a panel of inquiry and recalling that its work has not been completed,

1. *Takes note* of the report of the United Nations High Commissioner for Human Rights;<sup>10</sup>

2. *Regrets* the non-cooperation of the occupying Power, Israel, with the independent international fact-finding mission on the Gaza flotilla incident;

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<sup>9</sup> A/HRC/15/21.

<sup>10</sup> A/HRC/17/47.

3. *Calls upon* concerned parties to ensure the immediate implementation of the conclusions contained in the report of the fact-finding mission;

4. *Notes* that the panel of inquiry established by the Secretary-General is expected to complete its work soon;

5. *Requests* the High Commissioner to bring to the attention of the Secretary-General the conclusions contained in the report of the fact-finding mission,<sup>1</sup> as well as the follow-up reports;

5. *Also requests* the High Commissioner to submit a concluding report on the status of the implementation of paragraph 3 above to the Human Rights Council at its twentieth session;

6. *Decides* to follow up the implementation of the present resolution at its twentieth session.

*34th meeting  
17 June 2011*

[Adopted by a recorded vote of 36 to 1, with 8 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Belgium, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Ecuador, France, Ghana, Guatemala, Japan, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Spain, Switzerland, Thailand, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay

*Against:*

United States of America

*Abstaining:*

Cameroon, Hungary, Poland, Republic of Korea, Republic of Moldova, Slovakia, Ukraine, Zambia]

## **17/11**

### **Accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in protection**

*The Human Rights Council,*

*Reaffirming and building upon* Human Rights Council resolution 14/12 of 18 June 2010,

*Reaffirming* its resolutions and those of the Commission on Human Rights on the elimination of all forms of violence against women, and recalling the relevant resolutions of the Commission on the Status of Women, the General Assembly and the Security Council, in particular Security Council resolutions 1325 (2000) of 31 October 2000, 1820 (2008) of 19 June 2008, 1888 (2009) of 30 September 2009, 1889 (2009) of 5 October 2009 and 1960 (2010) of 16 December 2010,

*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 and 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”,

*Welcoming* the steps taken by the United Nations system to strengthen the physical and legal protection of women and girls facing violence, notably by advancing the implementation of the women, peace and security agenda, including through work on global indicators on the implementation of Security Council resolution 1325 (2000) and the ongoing efforts to develop the monitoring, analysis and reporting mechanism on conflict-related sexual violence by consolidating and strengthening United Nations efforts to promote the empowerment of women and the realization of their human rights through the creation of the United Nations Entity for Gender Equality and the Empowerment of Women and through the Secretary-General’s campaign “UNiTE to End Violence against Women”,

*Recognizing* the adoption of regional instruments relating to the human rights of women and specifically on violence against women, including the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, the Council of Europe Convention on preventing and combating violence against women and domestic violence, the Southern African Development Community Protocol on Gender and Development and the Declaration on the Elimination of Violence against Women in the ASEAN Region, which strengthen the implementation of international commitments relating to the human rights of women,

*Recognizing also* that violence against women and girls persists in every country in the world as a pervasive violation of the enjoyment of human rights and a major impediment to achieving gender equality, development, peace and security and internationally agreed development goals, in particular the Millennium Development Goals,

*Underscoring* that States have the obligation to promote and protect all human rights and fundamental freedoms of women and girls,

*Underscoring also* that the duty of States to exercise due diligence to provide protection to women and girls who have been subjected to or are at risk of violence includes using all appropriate means of a legal, political, administrative and social nature to provide access to justice, health care and support services that respond to their immediate needs, protect against further harm and continue to address the ongoing consequences of violence for women and girls, taking into consideration the impact of violence on their families and communities,

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

*Recognizing* the importance of the full and equal participation of women and the involvement of civil society groups, in particular women’s organizations and networks, in the development, implementation, monitoring and evaluation of policies, measures and programmes relating to the protection of women facing violence as well as the protection and promotion of the human rights of women,

*Concerned* that multiple, intersecting and aggravated forms of discrimination against women and girls increase their vulnerability and undermine their ability to protect themselves from violence,

1. *Strongly condemns* all acts of violence against women and girls, where these acts are 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 victims with access to just and effective remedies and specialized assistance, including medical and psychological assistance, as well as effective counselling;

2. *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 and support to women and girls who have been subjected to violence, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms;

3. *Recognizes* that effective protection requires comprehensive, integrated, coordinated multisectoral approaches involving multiple stakeholders, including women's organizations, religious and community leaders, youth, men and boys, victim service workers and advocates, law enforcement personnel, the judiciary, corrections officials and forensic scientists, as well as legal, health and education professionals, and that such responses should avoid re-victimization, be empowering to the victim, be evidence-based and culturally sensitive, and integrate the specific and differentiated needs of women and girls who face multiple, intersecting and aggravated forms of discrimination;

4. *Emphasizes* that women should be empowered to protect themselves against violence and, in this regard, stresses the need for legal and policy measures that promote the full enjoyment by women and girls of all human rights by eliminating discrimination against women, promoting gender equality, empowering women and promoting their full autonomy, including with regard to land, property, marriage and divorce, child custody and inheritance, and to promote equal access to literacy, education, skills training and employment opportunities, political participation and representation, credit, agricultural extension, adequate housing, just and favourable conditions of work, and business and leadership skills training;

5. *Underscores* that States have the primary responsibility for protecting women and girls facing violence and, in this regard, urges States:

(a) To enact and, where necessary, reinforce or amend domestic legislation and other measures to enhance the protection of victims, including, where appropriate, by providing for the use of testimonial aids in criminal proceedings to avoid re-victimization and access to legal representation, and to ensure that such legislation or measures conform with relevant international human rights instruments and international humanitarian law;

(b) To take measures to investigate, prosecute, punish and redress, including by ensuring access to adequate, effective, prompt and appropriate remedies, 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;

(c) To implement their treaty obligations addressing the human rights of all women and girls and to withdraw reservations to treaties which are incompatible with the object and purpose of the specific treaties, and further encourages States to consider ratifying or acceding to all human rights treaties, including, as a matter of priority, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto;

(d) To take all appropriate measures to amend or repeal existing laws or to modify legal or customary practices that sustain the persistence and tolerance of violence against women and girls;

(e) To develop and, where necessary, strengthen policing systems and judicial procedures to provide adequate protection for women who have been subjected to violence, including by ensuring conducive environments for women and girls to report acts of violence against them, timely and thorough investigation of all allegations of violence, effective and victim-sensitive collection and processing of evidence, especially forensic evidence, effective protection of victims and their families from acts of retaliation, respect for the privacy, dignity and autonomy of all victims, as well as necessary victim protection measures, such as restraining or expulsion orders and adequate witness protection;

(f) To place a high priority on removing gender bias from the administration of justice and enhancing the capacity of law enforcement officials to deal appropriately with violence against women, including by providing systematic gender-sensitivity and awareness training, as appropriate, for police and security forces, prosecutors, judges and lawyers, integrating gender into security sector reform initiatives, developing protocols and guidelines, and enhancing or putting in place appropriate accountability measures for adjudicators;

(g) To encourage the removal of all barriers to women's access to justice and ensure access to effective legal assistance for all female victims of violence so that they can make informed decisions regarding, inter alia, legal proceedings and issues relating to family law, and also ensure that victims have access to just and effective remedies for the harm that they have suffered, including through the adoption of national legislation, where necessary;

(h) To adopt measures to enhance the awareness of women, and in particular women at known risk of gender-based violence, of their rights, the law and the protection and legal remedies it offers, including by disseminating information on the assistance available to women and families who have experienced violence, and ensuring that timely and appropriate information is available to all women who have been subjected to violence, at all stages of the justice system;

(i) To promote an increase in the number of women lawyers, judges, prosecutors and law enforcement officials where women are underrepresented in these professions, and to take steps to address any barriers that may be preventing women from entering these professions, including through the use of appropriate incentives, as important steps towards enhancing women's awareness of their rights and the ability of the judiciary and law enforcement officials to be more sensitive to the specific and differentiated needs of women and girls who face targeted, compounded and structural discrimination;

(j) To promote the establishment or support of safe and integrated centres through which shelter, legal, health-care, psychological, counselling and other appropriate, timely, accessible and confidential support services are provided to all women and girls who have been subjected to violence and, where such centres are not feasible, to promote collaboration and coordination among agencies in order to make remedies more accessible, and to facilitate the physical, psychological and social recovery of women who have been subjected to violence;

(k) To ensure that mechanisms, services and procedures set up to protect women and girls facing violence are designed in a manner that addresses the targeted, compounded and structural discrimination that combines to increase the vulnerability of women and girls, including those belonging to minority groups, indigenous women, refugee and internally displaced women, stateless women, migrant women, women living in rural or remote communities, women living in slums and informal settlements, women living in conditions of poverty, women in institutions or in detention, women with disabilities, elderly women, widows and women in all situations of armed conflict, women who face



trafficking, sexual or labour exploitation, and women who are otherwise discriminated against, including on the basis of their HIV/AIDS status;

(l) To establish a multidisciplinary, coordinated response to sexual assault that prevents the re-victimization of women and includes specially trained police, prosecutors, judges, forensic examiners, victim support services and, where appropriate, testimonial aids and other accommodations, to contribute to the well-being of victims, ensure that they are able to participate fully, and increase the likelihood of the successful apprehension, prosecution and conviction of perpetrators;

(m) To provide, fund and encourage counselling and rehabilitation programmes for the perpetrators of violence and to promote research to further efforts concerning such counselling and rehabilitation so as to prevent the recurrence of such violence;

(n) To support initiatives undertaken by and engage in strategic partnerships with women's groups, non-governmental organizations, the private sector, media, faith and community groups and other relevant civil society actors and international organizations aimed at protecting women and girls who have been subjected to violence, promoting gender equality and the full enjoyment of all human rights by women and girls;

(o) To take measures to protect human rights defenders who provide support to women who have been subjected to violence;

(p) To monitor the effectiveness of laws, policies, programmes and measures aimed at protecting women and girls facing any form of violence, including monitoring actions taken by State agencies in relation to the investigation and prosecution of cases of violence and to convictions and sentencing;

(q) To establish or strengthen plans of action to eliminate violence against women and girls that clearly delineate government accountabilities for protection and are supported by the necessary human, financial and technical resources, including, where appropriate, time-bound measurable targets, to accelerate the implementation of existing plans of action and to regularly monitor and update them, taking into account inputs by civil society, in particular women's organizations, networks and other stakeholders;

6. *Urges* States and the United Nations system to give attention to and encourage greater international cooperation in systematic research and the collection, analysis and dissemination of data, including data disaggregated by sex, age and disability, 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 protecting women and girls who have been subjected to violence and, in this context, *urges* States and the United Nations system to regularly provide information for inclusion in the Secretary-General's coordinated database on violence against women;

7. *Welcomes* the work of the Special Rapporteur on violence against women, its causes and consequences, and takes note of her recent report on multiple and intersecting forms of discrimination in the context of violence against women;<sup>11</sup>

8. *Also welcomes* the identification of violence against women as one of the priorities of the United Nations Entity for Gender Equality and the Empowerment of Women, and looks forward to its contribution to the elimination of violence against women and girls;

9. *Invites* the United Nations Entity for Gender Equality and the Empowerment of Women to integrate a holistic approach into its efforts to eliminate violence against

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<sup>11</sup> A/HRC/17/26.

women, recognizing the importance of cooperation and coordination with all relevant United Nations entities, including, inter alia, the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Special Rapporteur on violence against women, its causes and consequences, the Working Group on the issue of discrimination against women in law and in practice, and the United Nations High Commissioner for Human Rights, and to ground its strategy and work in the human rights obligations and responsibilities of States;

10. *Decides* to include in the annual full-day discussion on women's human rights, at its twentieth session, in consultation with the Special Rapporteur on violence against women, its causes and consequences, and other relevant special procedures mandate holders, the theme of remedies, with a focus on transformative and culturally sensitive reparations for women who have been subjected to violence, and requests the Office of the High Commissioner to prepare and disseminate a summary report of the proceedings;

11. *Invites* the Office of the High Commissioner to prepare a thematic analytical study on the issue of violence against women and girls and disability, in consultation with the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur on disability of the Commission for Social Development of the Economic and Social Council, other relevant special procedure mandate holders, States, United Nations entities, regional organizations, civil society organizations and other relevant stakeholders, and to report to the Human Rights Council at its twentieth session;

12. *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.

34th meeting  
17 June 2011

[Adopted without a vote.]

## 17/12

### **Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants**

*The Human Rights Council,*

*Reaffirming* the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour, sex, religion or national origin,

*Recalling* all international norms and standards relevant to the human rights of migrants,

*Recalling also* Commission on Human Rights resolutions 1999/44 of 27 April 1999, 2002/62 of 25 April 2002 and 2005/47 of 19 April 2005, General Assembly and Human Rights Council resolutions on the human rights of migrants, and Council resolution 8/10 of 18 June 2008 entitled "Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants",

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

*Recalling* Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the

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

*Resolved* to ensure respect for the human rights and fundamental freedoms of all migrants,

1. *Decides* to extend for a period of three years the mandate of the Special Rapporteur on the human rights of migrants, with the following functions:

(a) To examine ways and means to overcome the obstacles existing to the full and effective protection of the human rights of migrants, recognizing the particular vulnerability of women, children and those undocumented or in an irregular situation;

(b) To request and receive information from all relevant sources, including migrants themselves, on violations of the human rights of migrants and their families;

(c) To formulate appropriate recommendations to prevent and remedy violations of the human rights of migrants, wherever they may occur;

(d) To promote the effective application of relevant international norms and standards on the issue;

(e) To recommend actions and measures applicable at the national, regional and international levels to eliminate violations of the human rights of migrants;

(f) To take into account a gender perspective when requesting and analysing information, and to give special attention to the occurrence of multiple discrimination and violence against migrant women;

(g) To give particular emphasis to recommendations on practical solutions with regard to the implementation of the rights relevant to the mandate, including by identifying best practices and concrete areas and means for international cooperation;

(h) To report regularly to the Human Rights Council, according to its annual programme of work, and to the General Assembly, at the request of the Council or the Assembly, bearing in mind the utility of maximizing the benefits of the reporting process;

2. *Requests* the Special Rapporteur, in carrying out his or her mandate, to take into consideration relevant human rights instruments of the United Nations to promote and protect the human rights of migrants;

3. *Also requests* the Special Rapporteur, in carrying out his or her mandate, to request, receive and exchange information on violations of the human rights of migrants from Governments, treaty bodies, specialized agencies, special rapporteurs for various human rights questions and from intergovernmental organizations, other competent organizations of the United Nations system and non-governmental organizations, including migrants' organizations, and to respond effectively to such information;

4. *Further requests* the Special Rapporteur, as part of his or her activities, to continue his or her programme of visits, which contribute to improving the protection afforded to the human rights of migrants and to the broad and full implementation of all aspects of his or her mandate;

5. *Requests* the Special Rapporteur, in carrying out his or her mandate, to take into account the bilateral, regional and international initiatives that address issues relating to the effective protection of human rights of migrants, including the return and reintegration of migrants who are undocumented or in an irregular situation;

6. *Encourages* Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him or her to fulfil the mandate effectively;

7. *Also encourages* Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested, to consider the implementation of the recommendations contained in the reports of the Special Rapporteur, and to react promptly to his or her urgent appeals;

8. *Requests* all relevant mechanisms to cooperate with the Special Rapporteur;

9. *Requests* the Secretary-General to give the Special Rapporteur all the human and financial assistance necessary for the fulfilment of his or her mandate.

34th meeting  
17 June 2011

[Adopted without a vote.]

## **17/13 Extreme poverty and human rights**

*The Human Rights Council,*

*Recalling* that, in accordance with the Universal Declaration of Human Rights and the International Covenants on Human Rights, the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights, and reaffirming in this regard the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

*Recalling also* all previous resolutions on the issue of human rights and extreme poverty adopted by the General Assembly, including resolution 65/214 of 21 December 2010, and the Commission on Human Rights, as well as relevant Human Rights Council resolutions, including Council resolutions 2/2 of 27 November 2006, 7/27 of 28 March 2008, 8/11 of 18 June 2008, 12/19 of 2 October 2009 and 15/19 of 30 September 2010,

*Recalling further* that, in its resolution 62/205 of 19 December 2007, the General Assembly proclaimed the Second United Nations Decade for the Eradication of Poverty (2008-2017) in order to support, in an efficient and coordinated manner, the internationally agreed development goals relating to poverty eradication, including the Millennium Development Goals,

*Reaffirming*, in this regard, the commitments made at relevant United Nations conferences and summits, including those made at the World Summit for Social Development, held in Copenhagen in 1995, at the Millennium Summit, at which Heads of State and Government committed themselves to eradicate extreme poverty and to halve, by 2015, the proportion of the world's people whose income is less than one dollar a day and of those who suffer from hunger, and at the 2005 World Summit, and welcoming the conclusions of the summit on the Millennium Development Goals held in New York from 20 to 22 September 2010,

*Deeply concerned* that extreme poverty persists in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations are particularly severe in developing countries,

*Reaffirming* that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and that its immediate alleviation and eventual elimination must remain a high priority for the international community,

*Recalling* its resolutions 5/1, on the 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 or her duties in accordance with those resolutions and their annexes thereto,

1. *Welcomes* the work of the independent expert on the question of extreme poverty and human rights, including the comprehensive, transparent and inclusive consultations conducted with relevant and interested actors from all regions for her thematic reports as well as the undertaking of country missions;

2. *Decides* to extend the mandate of the current mandate holder as a special rapporteur on extreme poverty and human rights for a period of three years in conformity with the terms set forth in Human Rights Council resolution 8/11;

3. *Requests* the Office of the United Nations High Commissioner for Human Rights to give high priority to extreme poverty and human rights and invites it to pursue further work in this area, integrating and cooperating fully with the Special Rapporteur in the various activities, notably the Social Forum and the consultation on the draft guiding principles on extreme poverty and human rights, and to provide the Special Rapporteur with all necessary human and financial resources for the effective fulfilment of his or her mandate;

4. *Requests* the Special Rapporteur to submit an annual report on the implementation of the present resolution to the General Assembly and to the Human Rights Council, in accordance with their programme of work;

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

6. *Invites* the Special Rapporteur and relevant stakeholders, including representatives of States, development and human rights practitioners and organizations at the local, national, regional and international levels, as well as people living in conditions of extreme poverty, to participate in the two-day consultation on the progress report on the draft guiding principles on extreme poverty and human rights<sup>12</sup> that the Office of the High Commissioner will organize, within existing resources, in Geneva on 22 and 23 June 2011;

7. *Invites* relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his or her mandate;

8. *Decides* to continue its consideration of the issue of human rights and extreme poverty in accordance with its programme of work.

*34th meeting  
17 June 2011*

[Adopted without a vote.]

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<sup>12</sup> A/HRC/15/41.

**17/14****The right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the context of development and access to medicines**

*The Human Rights Council,*

*Reaffirming* that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right as reflected in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, as well as, with respect to non-discrimination, in the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities, and that such a right derives from the inherent dignity of the human person,

*Recalling* Human Rights Council resolution 15/22 of 30 September 2010 and all resolutions and decisions on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health adopted by the Council, the General Assembly and the Commission on Human Rights, and Council resolution 12/24 of 2 October 2009 on access to medicine in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

*Emphasizing* the importance of the promotion and protection of all human rights for all and their interrelationship with global public health, development, poverty eradication, education, gender equality and the empowerment of women,

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

*Recalling also* the ministerial declaration on implementing the internationally agreed goals and commitments with regard to global public health of the 2009 high-level segment of the Economic and Social Council,

*Concerned* that, for millions of people throughout the world, the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through access to medicines that are affordable, safe, effective and of good quality, in particular essential medicines, vaccines and other medical products, and to health-care facilities and services, still remains a distant goal and that, in many cases, especially for those living in poverty, this goal remains remote,

*Recalling* that access to medicine is one of the fundamental elements in achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and that it is the responsibility of States to ensure access for all, without discrimination, to medicines, in particular essential medicines, that are affordable, safe, effective and of good quality,

*Recognizing* the need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of the right of everyone to the highest attainable standard of physical and mental health,

*Recalling* that the Doha Ministerial Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights and Public Health confirms that the Agreement does

not and should not prevent members of the World Trade Organization from taking measures to protect public health and that the Declaration, accordingly, while reiterating the commitment to the Agreement, affirms that it can and should be interpreted and implemented in a manner supportive of the rights of members of the Organization to protect public health and, in particular, to promote access to medicines for all, and further recognizes, in this connection, the right of members of the Organization to use, to the full, the provisions of the above-mentioned Agreement, which provide flexibility for this purpose,

*Concerned* about the interrelatedness between poverty and the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in particular the fact that ill health can be both a cause and a consequence of poverty,

*Concerned also* that the increasing incidence of non-communicable diseases constitutes a heavy burden on society, with serious social and economic consequences, and aware that there is a need to respond to cardiovascular diseases, cancers, diabetes and chronic respiratory diseases, which represent a leading threat to human health and development,

1. *Takes note* of the annual report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;<sup>13</sup>

2. *Recognizes* the progressive realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health as one of the central aspects of the process of development, as reflected in health-related internationally agreed development goals, in particular the Millennium Development Goals;

3. *Calls upon* the international community to continue to assist developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through financial and technical support and training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

4. *Encourages* States:

(a) To integrate the right of everyone to the enjoyment of the highest attainable standard of physical and mental health into development strategies, particularly with respect to the internationally agreed development goals, including the Millennium Development Goals, recognizing, in that regard, the critical role of strengthening health systems;

(b) To ensure that information on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is widely promoted, particularly in development-related areas, including through transparency, accountability and the participation of individuals and communities;

5. *Encourages* relevant United Nations programmes and agencies, in particular the World Health Organization, within their mandates, to pay particular attention to the impact of development programmes on the enjoyment of human rights and fundamental freedoms, in particular the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through the collection and sharing of good practices and the strengthening of national capacities;

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<sup>13</sup> A/HRC/17/25.

6. *Takes note* of the report of the Special Rapporteur on the expert consultation on access to medicines as a fundamental component of the right of everyone to the highest attainable standard of physical and mental health, held on 11 October 2010;<sup>14</sup>

7. *Encourages* States:

(a) To implement or, where they do not exist, to establish national health frameworks that ensure access for all, without discrimination, to medicines that are affordable, safe, effective and of good quality;

(b) To raise awareness about the responsible use of medicines, including through the wide dissemination of information in that regard, taking into account the potential risks to health;

(c) To ensure that investment, industrial or other policies promote development and access to medicines, in particular their affordability;

(d) To promote the transparent and informed participation of relevant stakeholders, as appropriate, in formulating national medicines policies and programmes;

(e) To strengthen or, where they do not exist, to establish national monitoring and accountability mechanisms for policies relating to access to medicines;

(f) To ensure that procurement practices and procedures for medicines are transparent, fair and competitive;

(g) To promote access to medicines for all, including through the use, to the full, of the provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights, which provide flexibility for that purpose, recognizing that the protection of intellectual property is important for the development of new medicines as well as the concerns about its effects on prices;

(h) To foster the development of technology and the voluntary transfer of technology to developing countries on mutually agreed terms aligned with national priorities;

(i) To apply measures and procedures for enforcing intellectual property rights in such a manner as to avoid creating barriers to the legitimate trade of affordable, safe, effective and good-quality medicines, and to provide for safeguards against the abuse of such measures and procedures;

(j) To strengthen or, where they do not exist, to establish national health regulatory systems that ensure the quality, safety and efficacy of medicines;

(k) To promote the improvement of health infrastructures necessary for access to affordable, safe, effective and good-quality medicines, such as storage and distribution systems;

8. *Recognizes* the innovative funding mechanisms that contribute to the availability of vaccines and medicines in developing countries, such as the Global Fund to Fight AIDS, Tuberculosis and Malaria, the GAVI Alliance and the International Drug Purchase Facility, UNITAID, and calls upon all States, United Nations programmes and agencies, in particular the World Health Organization, and relevant intergovernmental organizations, within their respective mandates, and encourages relevant stakeholders, including pharmaceutical companies, to further collaborate to enable equitable access to

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<sup>14</sup> A/HRC/17/43.



good-quality, safe and efficacious medicines that are affordable to all, including those living in poverty, children and other vulnerable groups;

9. *Urges* all States, United Nations agencies and programmes and relevant intergovernmental organizations, within their respective mandates, and encourages non-governmental organizations and relevant stakeholders, to promote the innovative development, the availability and the affordability of new drugs for diseases disproportionately affecting developing countries;

10. *Emphasizes* the central role of prevention, particularly through the promotion of healthy lifestyles and through the strengthening of health systems, as part of a comprehensive approach to communicable and non-communicable diseases, and urges all States, United Nations agencies and programmes and relevant intergovernmental organizations, within their respective mandates, and encourages non-governmental organizations and relevant stakeholders, including the private sector, to promote innovative research and development, the availability and affordability of safe, effective and good-quality medicines for non-communicable diseases, and to address the challenges arising from the growing burden of such diseases;

11. *Requests* the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to prepare, in consultation with States Members of the United Nations, United Nations agencies and programmes, international and non-governmental organizations, and relevant stakeholders, a study on existing challenges with regard to access to medicines in the context of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, ways to overcome them and good practices, to be presented to the Human Rights Council at its twenty-third session.

*34th meeting  
17 June 2011*

[Adopted without a vote.]

## **17/15**

### **Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity**

*The Human Rights Council,*

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

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

*Recalling also* all relevant resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, including Assembly resolutions 64/81 of December 2009 and 64/174 of 18 December 2009, Council resolution 10/23 of 26 March 2009, by which it established, for a period of three years, a special procedure entitled “independent expert in the field of cultural rights”, and Council resolution 14/9 of 18 June 2010,

*Taking note* of the declarations within the United Nations system on cultural diversity and international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the Universal Declaration on Cultural

Diversity, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 4 November 1966 and 2 November 2001 respectively,

*Taking note* of general comment No. 21 on the right of everyone to take part in cultural life, adopted by the Committee on Economic, Social and Cultural Rights on 13 November 2009,

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

*Recalling* the holding of the seminar on the theme “Implementing cultural rights: nature, issues at stake and challenges” in Geneva on 1 and 2 February 2010,

*Convinced* that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on an understanding of the economic, social and cultural specificities of each country, the full realization and recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

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

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

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

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

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

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

5. *Reaffirms* that States have the responsibility to promote and protect cultural rights and that these rights should be guaranteed for all without discrimination;

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

7. *Also recognizes* that respect for cultural rights is essential for development, peace and the eradication of poverty, building social cohesion and the promotion of mutual respect, tolerance and understanding between individuals and groups, in all their diversity;

8. *Emphasizes* that the universal promotion and protection of human rights, including cultural rights, and respect for cultural diversity should reinforce each other;

9. *Takes note* of the report of the independent expert in the field of cultural rights, in which she focused on the right of access to and enjoyment of cultural heritage;<sup>15</sup>

10. *Also takes note* of the work conducted by the independent expert, including the questionnaire on access to cultural heritage, as well as the holding of an experts' meeting on the right of access to and enjoyment of cultural heritage, on 8 and 9 February 2011, and a public consultation in Geneva on 10 February 2011;

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

12. *Requests* the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the independent expert;

13. *Requests* the independent expert to present her next report to the Human Rights Council at its twentieth session, and decides to consider the report under the same agenda item in accordance with its programme of work.

*34th meeting  
17 June 2011*

[Adopted without a vote.]

## **17/16**

### **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,

*Recalling also* 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,

*Recalling* the Declaration and Programme of Action on a Culture of Peace, adopted by the General Assembly in its resolution 53/243 of 13 September 1999, as well as Assembly resolution 53/25 of 10 November 1998, in which the Assembly proclaimed the period 2001–2010 as the International Decade for a Culture of Peace and Non-Violence for the Children of the World,

*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

<sup>15</sup> A/HRC/17/38.

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 the 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 of the United Nations,

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

*Recalling* the Declaration on the Right to Development, which states that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of developing countries,

*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 the fact* 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,

*Welcoming* the important work being carried out by civil society organizations for the promotion of the right of peoples to peace and the codification of that right,

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 demands 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. *Calls upon* States and relevant United Nations bodies to promote the effective implementation of the Declaration and Programme of Action on a Culture of Peace;

12. *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;

13. *Recalls* the holding of the workshop on the right of peoples to peace in Geneva on 15 and 16 December 2009, with the participation of experts from all regions of the world;

14. *Takes note* of the progress report of the Human Rights Council Advisory Committee on the right of peoples to peace,<sup>16</sup> which includes more than 40 possible standards for inclusion in the draft declaration on the right of peoples to peace;

15. *Supports* the need to further promote the realization of the right of peoples to peace and, in that regard, requests the Advisory Committee, in consultation with Member States, civil society, academia and all relevant stakeholders, to present a draft declaration on the right of peoples to peace and to report on progress thereon to the Council at its twentieth session;

16. *Requests* the Office of the United Nations High Commissioner for Human Rights to retransmit the questionnaire prepared by the Advisory Committee in the context of its mandate on the issue of the right of peoples to peace, seeking the views and comments of Member States, civil society, academia and all relevant stakeholders;

17. *Decides* to continue to consider the issue in 2012 under the same agenda item.

*34th meeting  
17 June 2011*

[Adopted by a recorded vote of 32 to 14, with no abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia

*Against:*

Belgium, France, Hungary, Japan, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America]

## **17/17**

### **Situation of human rights in the Libyan Arab Jamahiriya**

*The Human Rights Council,*

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

<sup>16</sup> A/HRC/17/39.

*Recalling* General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

*Reaffirming* Human Rights Council resolution S-15/1 of 25 February 2011, and recalling General Assembly resolution 65/265 of 1 March 2011,

*Taking note* of the continued work of the Special Envoy of the Secretary-General for the Libyan Arab Jamahiriya, the African Union, the League of Arab States and the European Union,

*Reaffirming* that all States have an obligation to protect the rights to life, liberty and security of person,

*Expressing deep concern* at the killing of thousands of civilians and the deterioration of the humanitarian situation,

1. *Unequivocally condemns* the continuing deterioration of the human rights situation in Libya since February 2011, including ongoing gross and systematic human rights violations, in particular indiscriminate armed attacks against civilians, extrajudicial killings, enforced disappearances, arbitrary detention, torture and sexual violence against women and children, some of which may also amount to crimes against humanity;

2. *Expresses deep concern* at the ongoing arbitrary detention and killing of civilians, including human rights defenders, migrants and journalists, including foreign journalists;

3. *Urgently reiterates its call* on the Libyan authorities made at the special session of the Human Rights Council on 25 February 2011 to immediately cease all violations of human rights, to meet its responsibility to protect its population, to release all those arbitrarily detained and to ensure unimpeded humanitarian access without discrimination;

4. *Urges* all parties concerned to respect applicable international law, in particular international human rights law and international humanitarian law;

5. *Urges* the Libyan authorities to take immediate steps to ensure the safety of foreign nationals in Libya, including that of migrant workers and United Nations, international and diplomatic staff, as well as the protection of their property;

6. *Welcomes* the work of the commission of inquiry and its recent visit, and urges all parties to ensure the implementation of the recommendations contained in its report;<sup>17</sup>

7. *Urges* the Libyan authorities to respect the popular will, aspirations and demands of its people and, in this context, reiterates its call for an open, inclusive and meaningful national dialogue aimed at systemic changes responding to the will of all Libyan people and at the promotion and protection of their human rights, including the creation of credible and accountable mechanisms for the Libyan people;

8. *Calls upon* the Libyan authorities to cooperate fully with the commission of inquiry and with all international human rights bodies and mechanisms;

9. *Recalls* the importance of accountability, justice and the need to fight against impunity and, in this regard, stresses the need to hold to account those responsible for violations of international human rights law and humanitarian law in Libya;

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<sup>17</sup> A/HRC/17/44.

10. *Takes note* of the steps taken by the Prosecutor of the International Criminal Court;
11. *Also takes note* of the statements made by the Libyan National Transitional Council of its commitment to uphold international human rights law, and underlines the importance of implementing those statements;
12. *Encourages* the Office of the United Nations High Commissioner for Human Rights to identify ways to increase its engagement with Libya, including through technical assistance;
13. *Takes note* of the application of the measures described by the General Assembly in paragraph 8 of its resolution 60/251, and recalls its decision to review the matter as appropriate in the light of further developments;
14. *Decides* to extend the mandate of the commission of inquiry established by the Human Rights Council in its resolution S-15/1, and requests the commission to continue its work, including through visits, and to provide an oral update to the Council at its eighteenth session, and a final written report at its nineteenth session;
15. *Requests* the Secretary-General and the High Commissioner to continue to provide all administrative, technical and logistical assistance required to enable the commission of inquiry to fulfil its mandate;
16. *Expresses its determination* to ensure monitoring of the human rights situation in Libya, and decides to remain seized of the matter.

*34th meeting  
17 June 2011*

[Adopted without a vote.]

## **17/18**

### **Optional Protocol to the Convention on the Rights of the Child on a communications procedure**

*The Human Rights Council,*

*Recalling* Human Rights Council resolutions 11/1 of 17 June 2009 and 13/3 of 24 March 2010 on the Open-ended Working Group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure,

1. *Welcomes* the work of the Open-ended Working Group and takes note of the report on its second session;<sup>18</sup>
2. *Adopts* the Optional Protocol to the Convention on the Rights of the Child on a communications procedure as contained in the annex to the present resolution;
3. *Recommends* that the General Assembly, in accordance with paragraph 5 (c) of Assembly resolution 60/251 of 15 March 2006, adopt the following resolution:

*“The General Assembly,*

*Welcoming* the adoption by the Human Rights Council, through its resolution 17/18 of 17 June 2011, of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,

<sup>18</sup> A/HRC/17/36.



1. *Adopts* the Optional Protocol to the Convention on the Rights of the Child on a communications procedure as contained in the annex to the present resolution;
2. *Recommends* that the Optional Protocol be opened for signature at a signing ceremony to be held in 2012, and requests the Secretary-General and the United Nations High Commissioner for Human Rights to provide the necessary assistance.”

## **Annex**

### **Optional Protocol to the Convention on the Rights of the Child on a communications procedure**

*The States parties to the present Protocol,*

*Considering* that, in accordance with the principles proclaimed in the Charter of the United Nations, the 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,

*Noting* that the States parties to the Convention on the Rights of the Child (hereinafter referred to as the Convention) recognize the rights set forth in it to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status,

*Reaffirming* the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms,

*Reaffirming also* the status of the child as a subject of rights and as a human being with dignity and with evolving capacities,

*Recognizing* that children’s special and dependent status may create real difficulties for them in pursuing remedies for violations of their rights,

*Considering* that the present Protocol will reinforce and complement national and regional mechanisms allowing children to submit complaints for violations of their rights,

*Recognizing* that the best interests of the child should be a primary consideration to be respected in pursuing remedies for violations of the rights of the child, and that such remedies should take into account the need for child-sensitive procedures at all levels,

*Encouraging* States parties to develop appropriate national mechanisms to enable a child whose rights have been violated to have access to effective remedies at the domestic level,

*Recalling* the important role that national human rights institutions and other relevant specialized institutions, mandated to promote and protect the rights of the child, can play in this regard,

*Considering* that, in order to reinforce and complement such national mechanisms and to further enhance the implementation of the Convention and, where applicable, the Optional Protocols thereto on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, it would be appropriate to enable the Committee on the Rights of the Child (hereinafter referred to as the Committee) to carry out the functions provided for in the present Protocol,

*Have agreed as follows:*

**Part I**

**General provisions**

**Article 1**

**Competence of the Committee on the Rights of the Child**

1. A State party to the present Protocol recognizes the competence of the Committee as provided for by the present Protocol.
2. The Committee shall not exercise its competence regarding a State party to the present Protocol on matters concerning violations of rights set forth in an instrument to which that State is not a party.
3. No communication shall be received by the Committee if it concerns a State that is not a party to the present Protocol.

**Article 2**

**General principles guiding the functions of the Committee**

In fulfilling the functions conferred on it by the present Protocol, the Committee shall be guided by the principle of the best interests of the child. It shall also have regard for the rights and views of the child, the views of the child being given due weight in accordance with the age and maturity of the child.

**Article 3**

**Rules of procedure**

1. The Committee shall adopt rules of procedure to be followed when exercising the functions conferred on it by the present Protocol. In doing so, it shall have regard, in particular, for article 2 of the present Protocol in order to guarantee child-sensitive procedures.
2. The Committee shall include in its rules of procedure safeguards to prevent the manipulation of the child by those acting on his or her behalf and may decline to examine any communication that it considers not to be in the child's best interests.

**Article 4**

**Protection measures**

1. A State party shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to any human rights violation, ill-treatment or intimidation as a consequence of communications or cooperation with the Committee pursuant to the present Protocol.
2. The identity of any individual or group of individuals concerned shall not be revealed publicly without their express consent.

**Part II**

**Communications procedure**

**Article 5**

**Individual communications**

1. Communications may be submitted by or on behalf of an individual or group of individuals, within the jurisdiction of a State party, claiming to be victims of a violation by that State party of any of the rights set forth in any of the following instruments to which that State is a party:
  - (a) The Convention;

(b) The Optional Protocol to the Convention on the sale of children, child prostitution and child pornography;

(c) The Optional Protocol to the Convention on the involvement of children in armed conflict.

2. Where a communication is submitted on behalf of an individual or group of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.

## **Article 6**

### **Interim measures**

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State party concerned for its urgent consideration a request that the State party take such interim measures as may be necessary in exceptional circumstances to avoid possible irreparable damage to the victim or victims of the alleged violations.

2. Where the Committee exercises its discretion under paragraph 1 of the present article, this does not imply a determination on admissibility or on the merits of the communication.

## **Article 7**

### **Admissibility**

1. The Committee shall consider a communication inadmissible when:

(a) The communication is anonymous;

(b) The communication is not in writing;

(c) The communication constitutes an abuse of the right of submission of such communications or is incompatible with the provisions of the Convention and/or the Optional Protocols thereto;

(d) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;

(e) All available domestic remedies have not been exhausted. This shall not be the rule where the application of the remedies is unreasonably prolonged or unlikely to bring effective relief;

(f) The communication is manifestly ill-founded or not sufficiently substantiated;

(g) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State party concerned, unless those facts continued after that date;

(h) The communication is not submitted within one year after the exhaustion of domestic remedies, except in cases where the author can demonstrate that it had not been possible to submit the communication within that time limit.

## **Article 8**

### **Transmission of the communication**

1. Unless the Committee considers a communication inadmissible without reference to the State party concerned, the Committee shall bring any communication submitted to it under the present Protocol confidentially to the attention of the State party concerned as soon as possible.

2. The State party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that it may have provided. The State party shall submit its response as soon as possible and within six months.

#### **Article 9**

##### **Friendly settlement**

1. The Committee shall make available its good offices to the parties concerned with a view to reaching a friendly settlement of the matter on the basis of respect for the obligations set forth in the Convention and/or the Optional Protocols thereto.

2. An agreement on a friendly settlement reached under the auspices of the Committee closes consideration of the communication under the present Protocol.

#### **Article 10**

##### **Consideration of communications**

1. The Committee shall consider communications received under the present Protocol as quickly as possible, in the light of all documentation submitted to it, provided that this documentation is transmitted to the parties concerned.

2. The Committee shall hold closed meetings when examining communications received under the present Protocol.

3. Where the Committee has requested interim measures, it shall expedite the consideration of the communication.

4. When examining communications alleging violations of economic, social or cultural rights, the Committee shall consider the reasonableness of the steps taken by the State party in accordance with article 4 of the Convention. In doing so, the Committee shall bear in mind that the State party may adopt a range of possible policy measures for the implementation of the economic, social and cultural rights in the Convention.

5. After examining a communication, the Committee shall, without delay, transmit its views on the communication, together with its recommendations, if any, to the parties concerned.

#### **Article 11**

##### **Follow-up**

1. The State party shall give due consideration to the views of the Committee, together with its recommendations, if any, and shall submit to the Committee a written response, including information on any action taken and envisaged in the light of the views and recommendations of the Committee. The State party shall submit its response as soon as possible and within six months.

2. The Committee may invite the State party to submit further information about any measures the State party has taken in response to its views or recommendation or implementation of a friendly settlement agreement, if any, including as deemed appropriate by the Committee, in the State party's subsequent reports under article 44 of the Convention, article 12 of the Optional Protocol on the sale of children, child prostitution and child pornography or article 8 of the Optional Protocol on the involvement of children in armed conflict, where applicable.

#### **Article 12**

##### **Inter-State communications**

1. A State party to the present Protocol may, at any time, declare that it recognizes the competence of the Committee to receive and consider communications in which a State

party claims that another State party is not fulfilling its obligations under any of the following instruments to which the State is a party:

- (a) The Convention;
- (b) The Optional Protocol to the Convention on the sale of children, child prostitution and child pornography;
- (c) The Optional Protocol to the Convention on the involvement of children in armed conflict.

2. The Committee shall not receive communications concerning a State party that has not made such a declaration or communications from a State party that has not made such a declaration.

3. The Committee shall make available its good offices to the States parties concerned with a view to a friendly solution of the matter on the basis of the respect for the obligations set forth in the Convention and the Optional Protocols thereto.

4. A declaration under paragraph 1 of the present article shall be deposited by the States parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under the present article; no further communications by any State party shall be received under the present article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State party concerned has made a new declaration.

### **Part III**

#### **Inquiry procedure**

##### **Article 13**

##### **Inquiry procedure for grave or systematic violations**

1. If the Committee receives reliable information indicating grave or systematic violations by a State party of rights set forth in the Convention or in the Optional Protocols thereto on the sale of children, child prostitution and child pornography or on the involvement of children in armed conflict, the Committee shall invite the State party to cooperate in the examination of the information and, to this end, to submit observations without delay with regard to the information concerned.

2. Taking into account any observations that may have been submitted by the State party concerned, as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State party, the inquiry may include a visit to its territory.

3. Such an inquiry shall be conducted confidentially, and the cooperation of the State party shall be sought at all stages of the proceedings.

4. After examining the findings of such an inquiry, the Committee shall transmit without delay these findings to the State party concerned, together with any comments and recommendations.

5. The State party concerned shall, as soon as possible and within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.

6. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2 of the present article, the Committee may, after consultation with the State party concerned, decide to include a summary account of the results of the proceedings in its report provided for in article 16 of the present Protocol.

7. Each State party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in the present article in respect of the rights set forth in some or all of the instruments listed in paragraph 1.

8. Any State party having made a declaration in accordance with paragraph 7 of the present article may, at any time, withdraw this declaration by notification to the Secretary-General of the United Nations.

#### **Article 14**

##### **Follow-up to the inquiry procedure**

1. The Committee may, if necessary, after the end of the period of six months referred to in article 13, paragraph 5, invite the State party concerned to inform it of the measures taken and envisaged in response to an inquiry conducted under article 13 of the present Protocol.

2. The Committee may invite the State party to submit further information about any measures that the State party has taken in response to an inquiry conducted under article 13, including as deemed appropriate by the Committee, in the State's party subsequent reports under article 44 of the Convention, article 12 of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography or article 8 of the Optional Protocol to the Convention on the involvement of children in armed conflict, where applicable.

#### **Part IV**

##### **Final provisions**

#### **Article 15**

##### **International assistance and cooperation**

1. The Committee may transmit, with the consent of the State party concerned, to United Nations specialized agencies, funds and programmes and other competent bodies its views or recommendations concerning communications and inquiries that indicate a need for technical advice or assistance, together with the State party's observations and suggestions, if any, on these views or recommendations.

2. The Committee may also bring to the attention of such bodies, with the consent of the State party concerned, any matter arising out of communications considered under the present Protocol that may assist them in deciding, each within its field of competence, on the advisability of international measures likely to contribute to assisting States parties in achieving progress in the implementation of the rights recognized in the Convention and/or the Optional Protocols thereto.

#### **Article 16**

##### **Report to the General Assembly**

1. The Committee shall include in its report submitted every two years to the General Assembly in accordance with article 44 (5) of the Convention a summary of its activities under the present Protocol.

**Article 17****Dissemination and information on the Optional Protocol**

1. Each State party undertakes to make widely known and to disseminate the present Protocol and to facilitate access to information about the views and recommendations of the Committee, in particular with regard to matters involving the State party, by appropriate and active means and in accessible formats to adults and children alike, including those with disabilities.

**Article 18****Signature, ratification and accession**

1. The present Protocol is open for signature to any State that has signed, ratified or acceded to the Convention or either of the first two Optional Protocols thereto.

2. The present Protocol is subject to ratification by any State that has ratified or acceded to the Convention or either of the first two Optional Protocols thereto. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention or either of the first two Optional Protocols thereto.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General.

**Article 19****Entry into force**

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.

**Article 20****Violations occurring after the entry into force**

1. The Committee shall have competence solely in respect of violations by the State party of any of the rights set forth in the Convention and/or the first two Optional Protocols thereto occurring after the entry into force of the present Protocol.

2. If a State becomes a party to the present Protocol after its entry into force, the obligations of that State vis-à-vis the Committee shall relate only to violations of the rights set forth in the Convention and/or the first two Optional Protocols thereto occurring after the entry into force of the present Protocol for the State concerned.

**Article 21****Amendments**

1. Any State party may propose an amendment to the present Protocol and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States parties with a request to be notified whether they favour a meeting of States parties for the purpose of considering and deciding upon the proposals. In the event that, within four months of the date of such communication, at least one third of the States parties favour such a meeting, the Secretary-General shall convene the meeting under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and, thereafter, to all States parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of the present article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States parties that have accepted it.

#### **Article 22**

##### **Denunciation**

1. Any State party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under articles 5 or 12 or any inquiry initiated under article 13 before the effective date of denunciation.

#### **Article 23**

##### **Depositary and notification by the Secretary-General**

1. The Secretary-General of the United Nations shall be the depositary of the present Protocol.

2. The Secretary-General shall inform all States of:

(a) Signatures, ratifications and accessions under the present Protocol;

(b) The date of entry into force of the present Protocol and of any amendment thereto under article 21;

(c) Any denunciation under article 22.

#### **Article 24**

##### **Languages**

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States.

*34th meeting  
17 June 2011*

[Adopted without a vote.]

## **17/19**

### **Human rights, sexual orientation and gender identity**

*The Human Rights Council,*

*Recalling* the universality, interdependence, indivisibility and interrelatedness of human rights as enshrined in the Universal Declaration of Human Rights and consequently elaborated in other human rights instruments, such as the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant core human rights instruments,



*Recalling also* that the Universal Declaration of Human Rights affirms that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

*Recalling further* General Assembly resolution 60/251 of 15 March 2006, in which the Assembly stated that the Human Rights Council should be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner,

*Expressing grave concern* at acts of violence and discrimination, in all regions of the world, committed against individuals because of their sexual orientation and gender identity,

1. *Requests* the United Nations High Commissioner for Human Rights to commission a study, to be finalized by December 2011, documenting discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, in all regions of the world, and how international human rights law can be used to end violence and related human rights violations based on sexual orientation and gender identity;

2. *Decides* to convene a panel discussion during the nineteenth session of the Human Rights Council, informed by the facts contained in the study commissioned by the High Commissioner and to have constructive, informed and transparent dialogue on the issue of discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity;

3. *Also decides* that the panel will also discuss the appropriate follow-up to the recommendations of the study commissioned by the High Commissioner;

4. *Further decides* to remain seized of this priority issue.

*34th meeting  
17 June 2011*

[Adopted by a recorded vote of 23 to 19, with 3 abstentions. The voting was as follows:

*In favour:*

Argentina, Belgium, Brazil, Chile, Cuba, Ecuador, France, Guatemala, Hungary, Japan, Mauritius, Mexico, Norway, Poland, Republic of Korea, Slovakia, Spain, Switzerland, Thailand, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay

*Against:*

Angola, Bahrain, Bangladesh, Cameroon, Djibouti, Gabon, Ghana, Jordan, Malaysia, Maldives, Mauritania, Nigeria, Pakistan, Qatar, Republic of Moldova, Russian Federation, Saudi Arabia, Senegal, Uganda

*Abstaining:*

Burkina Faso, China, Zambia]

## 17/20

### Technical assistance and cooperation on human rights for Kyrgyzstan

*The Human Rights Council,*

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

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

*Recalling also Human Rights Council resolution 5/1 of 18 June 2007,*

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

*Recalling Human Rights Council resolution 14/14 of 18 June 2010,*

*Welcoming the continued collaboration of the Government of Kyrgyzstan with the international community in improving the human rights situation,*

*Welcoming also the decision of the Government of Kyrgyzstan to establish an independent international commission and national commissions to investigate the facts and circumstances relevant to the events of June 2010 in southern Kyrgyzstan, and welcoming their reports,*

*Considering the importance of the promotion and protection of human rights without discrimination based on gender, race, language, religion, ethnic origin, political or other opinion, national or social origin, property, birth or other status, and the contribution of that promotion and protection to political and social stability in the country,*

1. *Takes note of the report of the United Nations High Commissioner for Human Rights on technical assistance and cooperation on human rights for Kyrgyzstan,<sup>19</sup> including the recommendations made in the report;*

2. *Calls upon the Government of Kyrgyzstan to further uphold its commitment to the human rights enshrined in the Universal Declaration of Human Rights and to implement all its international human rights obligations;*

3. *Takes note with appreciation of the constitutional reform of 27 June 2010 making the system of governance more decentralized, and the open manner in which parliamentary elections were held on 10 October 2010;*

4. *Acknowledges the efforts of the Government of Kyrgyzstan to develop, in cooperation with the Organization for Security and Cooperation in Europe, the High Commissioner on Minorities of that body and civil society partners, and the Regional Office of the United Nations High Commissioner for Human Rights for Central Asia, in Bishkek, a draft national concept for ethnic development and society integration, emphasizing the need for its early adoption and implementation;*

5. *Reaffirms the need to uphold the rights to freedom of peaceful assembly, freedom of expression and freedom of association, strongly condemns the acts that resulted in the killing of protestors on 7 April 2010, and urges the Government of Kyrgyzstan to take special measures to ensure the protection of human rights;*

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<sup>19</sup> A/HRC/17/41.

6. *Welcomes* the positive engagement of the Government of Kyrgyzstan in the universal periodical review process, and takes note with appreciation of its acceptance of almost all the recommendations;

7. *Also welcomes* the ongoing efforts of the Government of Kyrgyzstan to further advance the constitutional and legislative reform in progress and to strengthen the protection of human rights and prevention of gender discrimination and violence, including by bringing the perpetrators of gender-based violence to justice and ensuring that victims have access to medical and psychological care;

8. *Expresses* its support and encouragement for the efforts made to reform and improve the effectiveness of law enforcement and respect for the rule of law, including consideration for the special needs of women, children and other vulnerable groups, for example, by creating an independent public supervisory board for the police force in Kyrgyzstan;

9. *Urges* the Government of Kyrgyzstan to continue efforts to bring its judicial system into line with its international obligations and to ensure that the judiciary is independent and impartial and that the authorities work in an efficient manner to prosecute perpetrators of human rights violations and abuses and to bring justice to victims, with full respect for due process and the safety of victims, defendants, attorneys and witnesses;

10. *Also urges* the Government of Kyrgyzstan to ensure that progress is made in improving the human rights situation in the areas of administration of justice, torture and arbitrary detention, the right to adequate housing, the rights of women, minority rights and human rights mechanisms;

11. *Calls on* the Government of Kyrgyzstan, in cooperation with relevant stakeholders, to ensure that the legislative framework regulating the penitentiary system and the execution of punishments conforms to its international obligations;

12. *Urges* the Government of Kyrgyzstan to promote and protect human rights and fundamental freedoms for all, in particular, to address ongoing arbitrary detentions, torture and corruption by law enforcement and Government officials;

13. *Welcomes* the comments of the Government of Kyrgyzstan in response to the report of the independent international commission, especially its commitment to implement the recommendations made in the report and to establish a special commission for that purpose;

14. *Encourages* the Government of Kyrgyzstan to guarantee freedom of the press and ensure an atmosphere in which all media can operate freely;

15. *Urges* the Government of Kyrgyzstan to promote inter-ethnic reconciliation, in particular in the light of the events of June 2010, and calls upon all actors from both inside and outside the country to refrain from violence;

16. *Encourages* the Government of Kyrgyzstan and all parties to make further efforts to continue to engage in a genuine process of open dialogue to promote national reconciliation and strengthen the democratic process to enhance peace for the people of Kyrgyzstan;

17. *Invites* relevant international organizations and States to continue to provide technical assistance and to work with the Government of Kyrgyzstan and other actors, as needed, to identify additional areas of assistance that will aid Kyrgyzstan in fulfilling its human rights obligations;

18. *Requests* the United Nations High Commissioner for Human Rights to continue to provide technical assistance through her office in Bishkek, and to work with the

Government of Kyrgyzstan and other actors, as needed, to identify additional areas of assistance that will aid Kyrgyzstan in fulfilling its human rights obligations, to brief the Human Rights Council on progress and to submit a report thereon to the Council for consideration at its twentieth session.

*34th meeting  
17 June 2011*

[Adopted without a vote.]

## **17/21**

### **Assistance to Côte d'Ivoire in the field of human rights**

*The Human Rights Council,*

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

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

*Recalling also* 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 or her duties in accordance with those resolutions and the annexes thereto,

*Recalling further* Human Rights Council resolution S-14/1, adopted by the Council on 23 December 2010 at its special session on the situation of human rights in Côte d'Ivoire in relation to the conclusion of the 2010 presidential election, and Council resolution 16/25 of 25 March 2011, in which it decided to dispatch an independent, international commission of inquiry to investigate the facts and circumstances surrounding the allegations of serious abuse and violations of human rights committed in Côte d'Ivoire following the presidential election of 28 November 2010,

*Reaffirming* that all States are bound to promote and protect all human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights and international human rights treaties to which they are party,

*Reaffirming also* that it is the responsibility of States to promote and protect all human rights and fundamental freedoms, to investigate alleged violations of international law committed by all parties, including alleged violations of human rights law, and to bring to justice the perpetrators of such acts, regardless of their political affiliation or military rank,

*Welcoming* the role played by the international community, in particular the African Union and the Economic Community of West African States, in efforts to put an end to violence, halt clashes and take action to strengthen the respect of democratic rules and the rule of law, and to improve the situation of human rights in Côte d'Ivoire,

*Welcoming also* the decision of the Ivorian authorities to invite the commission of inquiry to Côte d'Ivoire to investigate the facts and circumstances relevant to incidents that took place following the presidential election of 28 November 2010,

*Taking note* of the reports presented by the commission of inquiry<sup>20</sup> and by the United Nations High Commissioner for Human Rights<sup>21</sup> as a follow-up to Human Rights Council resolution 16/25,

*Noting* that, while the situation of human rights and security in Côte d'Ivoire has substantially improved, significant challenges remain,

1. *Welcomes* the investiture on 21 May 2011 of Alassane Ouattara as President of Côte d'Ivoire, in accordance with the will of the Ivorian people as expressed in the presidential election of 28 November 2010 and as recognized by the international community;

2. *Calls for* an immediate end to violence in Côte d'Ivoire, including violence against women and the ongoing localized violence in some parts of the country, and for respect of all human rights and fundamental freedoms;

3. *Notes with concern* the humanitarian situation on the ground, and calls on United Nations agencies and other relevant actors to continue to cooperate with the Government of Côte d'Ivoire to provide human rights protection and to give appropriate support to refugees and internally displaced persons in order to facilitate their safe and voluntary return to their homes;

4. *Urges* the Government of Côte d'Ivoire to promote and protect human rights and fundamental freedoms for all, in particular by taking measures to end and address the underlying causes of human rights violations, such as arbitrary detention and violence against women and children, and to ensure that victims of sexual violence receive adequate medical and psychological assistance and redress, and that the perpetrators of such violence are brought to justice;

5. *Takes note* of the recommendations of the international commission of inquiry and also the measures taken by Côte d'Ivoire, in a sovereign manner, relevant to the implementation of its recommendations, as follows:

(a) The establishment of a dialogue, truth and reconciliation commission with full and equal participation of women to enhance peace for the people of Côte d'Ivoire;

(b) The opening of prosecution of suspects by national judiciary and military tribunals;

(c) The acceptance by Côte d'Ivoire of the jurisdiction of the International Criminal Court and the request submitted by President Ouattara to the Prosecutor of the Court to conduct an investigation into the most serious crimes committed in Côte d'Ivoire;

(d) The commitment of Côte d'Ivoire to ratify the Rome Statute of the International Criminal Court;

6. *Welcomes* the work undertaken by the commission of inquiry in carrying out its mandate;

7. *Invites* the Government of Côte d'Ivoire to collaborate with the international community in improving the human rights situation and to make efforts to implement the recommendations of the commission of inquiry;

8. *Decides* to transmit the reports of the commission of inquiry and of the United Nations High Commissioner for Human Rights to the General Assembly;

<sup>20</sup> A/HRC/17/48.

<sup>21</sup> A/HRC/17/49.

9. *Also decides* to recommend that the General Assembly transmit the reports of the commission of inquiry to all relevant bodies of the United Nations;

10. *Further decides* to establish the mandate of independent expert on the situation of human rights in Côte d'Ivoire for a period of one year, who will be responsible for assisting the Government of Côte d'Ivoire and relevant actors in the follow-up to the implementation of the recommendations of the commission of inquiry and of the resolutions of the Human Rights Council, including the recommendations addressed to the international community, especially the Office of the High Commissioner and relevant United Nations agencies;

11. *Requests* the independent expert to engage with the Ivorian authorities and the human rights sections of the Economic Community of West African States, the African Union and the United Nations Operation in Côte d'Ivoire, and to submit a report to the Human Rights Council for consideration at its nineteenth session;

12. *Requests* the High Commissioner to provide the independent expert with all the assistance necessary to discharge the mandate fully;

13. *Calls on* the High Commissioner to provide technical assistance for the establishment and functioning of the dialogue, truth and reconciliation commission of Côte d'Ivoire, and to work with the Government of Côte d'Ivoire and other actors, as necessary, to identify additional areas of assistance to enable Côte d'Ivoire to fulfil its human rights obligations;

14. *Calls upon* States Members of the United Nations, in the framework of international cooperation, relevant United Nations agencies and international financial institutions to provide Côte d'Ivoire, upon its request, with appropriate technical assistance and capacity-building in order to:

(a) Promote respect for human rights, combat impunity and reform security and justice sectors, including the achievement of the Millennium Development Goals;

(b) Support the Government's efforts relating to national reconstruction and reconciliation, and transitional justice mechanisms in particular;

(c) Support the national human rights commission to ensure its independence, in line with the Paris principles, with a view to protecting and promoting the fundamental rights of Ivorians;

15. *Requests* the Secretary-General to continue to provide the United Nations Operation in Côte d'Ivoire with support, in particular with the relevant material and human resources for its human rights section to enhance its operational capacity;

16. *Requests* the High Commissioner to present an updated report on the situation of human rights in Côte d'Ivoire to the Human Rights Council for consideration at its eighteenth session;

17. *Decides* to remain seized of the matter under agenda item 10.

*34th meeting  
17 June 2011*

[Adopted without a vote.]

**17/22****Migrants and asylum-seekers fleeing recent events in North Africa**

*The Human Rights Council,*

*Reaffirming* the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, sex, language, religion, political or other opinion, colour or national or social origin, property, birth or other status, including the right to life and security of the person,

*Recalling* the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Vienna Convention on Consular Relations, the Convention on the Rights of Persons with Disabilities and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

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

*Underlining* the important role of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms of all, including those of migrants and asylum-seekers,

*Reaffirming* that everyone has the right to freedom of movement and residence within the borders of each State, and to leave any country, including his or her own, and to return to his or her country,

*Recalling* the obligations of States under international human rights law, humanitarian law and refugee law, in particular with regard to the principle of non-refoulement,

*Recalling also* the responsibility of States to take the requisite steps in accordance with their international obligations to provide persons in distress at sea, including persons fleeing the recent events in North Africa, with assistance,

*Affirming* that crimes and human rights violations against migrants continue to pose a serious challenge and require a concerted international assessment and response and genuine multilateral cooperation among countries of origin, transit and destination for their eradication,

1. *Expresses its alarm* at the continuing vulnerable situation of migrants and asylum-seekers who have suffered untold hardship and, in some cases, even death as they attempt to flee recent events in North Africa;

2. *Also expresses its alarm* at the fact that, after having been compelled to make dangerous journeys, including in crowded and unsafe boats, the above-mentioned migrants are subjected to life-threatening exclusion, detention, rejection and xenophobia;

3. *Further expresses its alarm* at the fact that, since the beginning of the recent events in North Africa, there have been several reports of boats sinking and, in this regard, notes with sadness the death at sea of several hundreds of people, mostly African citizens, after their boats sank and that, according to accounts of survivors and family members, more than one thousand two hundred people are still unaccounted for;

4. *Recognizes* the efforts made by countries of destination on the northern shores of the Mediterranean sea to host migrants and asylum seekers fleeing recent events in North Africa, as well as the greater efforts made by neighbouring north African countries, which impose on them a disproportionate burden, and commends, for their solidarity, the Governments and people of those countries, humanitarian actors, including the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the International Committee of the Red Cross, international and local non-governmental organizations and those Governments and individuals who have supported their activities;

5. *Reaffirms the need* to respect the fundamental principle of non-refoulement, including in the context of people fleeing events in North Africa;

6. *Emphasizes* that countries of destination should deal with the arrival of thousands of migrants and asylum-seekers fleeing recent events in North Africa, including its humanitarian dimension, in accordance with international obligations under international human rights law;

7. *Calls for* a comprehensive inquiry by countries of destination into the very troubling allegations that sinking vessels carrying migrants and asylum-seekers fleeing the recent events in North Africa were abandoned to their fate despite the ability of European ships in the vicinity to rescue them, and welcomes the call made by the Council of Europe in this regard on 9 May 2011;

8. *Requests* the United Nations High Commissioner for Human Rights to pay particular attention to the situation of migrants and asylum-seekers fleeing recent events in North Africa described in the present resolution, to report to the Human Rights Council at its eighteenth session and to provide updates thereon;

9. *Requests* the Special Rapporteur on the human rights of migrants and all other relevant special procedures mandate holders to pay particular attention to the situation of persons fleeing by sea, including from recent events in North Africa, and who are denied assistance or rescue when approaching the countries of destination, and to report regularly thereon to the Human Rights Council.

*35th meeting  
17 June 2011*

[Adopted by a recorded vote of 32 to 14, with no abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia

*Against:*

Belgium, France, Hungary, Japan, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America]



17/23

**The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights**

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on the Right to Development as well as other relevant human rights instruments,

*Reaffirming* the commitment to ensure the effective enjoyment by all of all human rights, civil, political, economic, social and cultural rights, including the right to development, and the obligation of all States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

*Noting* the entry into force of the United Nations Convention against Corruption, including its chapter V, as well as the United Nations Convention against Transnational Organized Crime,

*Noting also* the work carried out by different United Nations and international and regional organizations in this field,

*Recalling* General Assembly resolutions 60/207 of 22 December 2005 and 64/237 of 24 December 2009 on preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption, as well as other relevant Assembly resolutions,

*Concerned* about the seriousness of problems posed by corrupt practices and the transfer of funds of illicit origin, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development,

*Deeply concerned* that the enjoyment of human rights, be they economic, social and cultural, or civil and political, in particular the right to development, is seriously undermined by the phenomenon of corruption and the transfer of funds of illicit origin,

*Convinced* that the illicit acquisition of personal wealth can be particularly damaging to democratic institutions, national economies and the rule of law,

*Recognizing* that States continue to face various challenges in fund and asset recovery of illicit origin, including legal challenges,

*Convinced* that corruption, including the transfer of funds and assets of illicit origin and the non-repatriation of such funds and assets, is no longer a local matter but a transnational phenomenon that affects all societies and economies, making international cooperation essential to prevent and combat it,

1. *Expresses grave concern* about cases of corruption that involve vast quantities of assets, which may constitute a substantial proportion of the resources of States, the deprivation of which threatens the political stability and sustainable development of those States;

2. *Recognizes* the urgent need to repatriate such illicit funds to the countries of origin and urges all States to commit their political will to act together to recover the proceeds of corruption, including by repatriating illicit funds and assets to the countries of origin;

3. *Requests* the United Nations High Commissioner for Human Rights to prepare a comprehensive study and, when necessary, to seek information from relevant international organizations and agencies on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, in particular economic, social and cultural rights, and to submit a report thereon to the Human Rights Council at its nineteenth session.

35th meeting  
17 June 2011

[Adopted by a recorded vote of 32 to 2, with 12 abstentions. The voting was as follows:

*In favour:*

Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia

*Against:*

Japan, United States of America

*Abstaining:*

Belgium, Hungary, France, Norway, Poland, Republic of Korea, Republic of Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland]

## 17/24

### Situation of human rights in Belarus

*The Human Rights Council,*

*Guided* by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

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

*Reaffirming* that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil their international obligations,

*Mindful* that Belarus is a party to the International Covenant on Civil and Political Rights and the Optional Protocols thereto, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto, and the Convention on the Rights of the Child and the Optional Protocols thereto,

*Taking note* of the participation of the Government of Belarus in the universal periodic review in May 2010 as a State under review, acknowledging in this regard its support for a large number of recommendations, and stressing the need for their full implementation in cooperation with the Office of the United Nations High Commissioner for Human Rights,

*Concerned* about the presidential elections held on 19 December 2010 in Belarus, which were marked by a lack of independence and impartiality of the election administration, an uneven playing field and a restrictive media environment, as well as a continuous lack of transparency at key stages of the electoral process,

*Deeply concerned* at the overall human rights situation in Belarus and its severe deterioration since the presidential elections of 19 December 2010, including credible allegations of torture, arbitrary detention and increasing harassment of opposition leaders, representatives of civil society, human rights defenders, lawyers, independent media, students and those defending them,

*Expressing its support* for regional and subregional efforts, including those of the Organization for Security and Cooperation in Europe aimed at improving the human rights situation in Belarus, and deeply regretting the decision of Belarus not to extend the mandate of the Organization's office in Minsk and the failure of the Government of Belarus to cooperate with the Organization's Moscow Mechanism,

1. *Condemns* the human rights violations occurring before, during and in the aftermath of the presidential elections of 19 December 2010, including the use of violence against, arbitrary arrest, detention and the politically motivated conviction of opposition candidates, their supporters, journalists and human rights defenders, as well as the abuses of due process rights, including the right to a fair trial for those involved in the demonstrations of 19 December;

2. *Urges* the Government of Belarus:

(a) To end politically motivated persecution and harassment of opposition leaders, representatives of civil society, human rights defenders, lawyers, independent media, students and those defending them;

(b) To comply with international standards for due process and fair trial;

(c) To release and rehabilitate all political prisoners, including those detained in connection with the demonstrations of 19 December 2010;

(d) To conduct a thorough, credible, impartial and transparent investigation into the allegations of the disproportionate use of force and violations of human rights, including the use of torture and ill-treatment of detainees in connection with the events of 19 December 2010;

(e) To respect freedom of expression and freedom of association and peaceful assembly, and to bring its relevant legislation into line with its international obligations under human rights law;

(f) To implement its commitments made with the Organization for Security and Cooperation in Europe, and to allow a meaningful presence of the Organization in Belarus;

(g) To allow international monitors and to cease the detention and expulsion of international monitors from the country;

3. *Requests* the United Nations High Commissioner for Human Rights to monitor the human rights situation in Belarus and to present to the Human Rights Council, in an interactive dialogue to be held at its eighteenth session, an oral report thereon, including on alleged human rights violations committed in Belarus following the presidential election of 19 December 2010;

4. *Also requests* the High Commissioner to present to the Human Rights Council, in an interactive dialogue to be held at its twentieth session, a comprehensive report on the human rights situation in Belarus;

5. *Encourages* relevant thematic special procedures mandate holders, in particular the special rapporteurs on the promotion and protection of the right to freedom of opinion and expression, on the situation of human rights defenders, on the independence of judges and lawyers, on torture and other cruel, inhuman or degrading treatment or punishment, on the rights to freedom of peaceful assembly and of association, the Working Group on Enforced or Involuntary Disappearances as well as the Working Group on Arbitrary Detention, within their respective mandates, to pay particular attention to the human rights situation in Belarus and to contribute to the report of the High Commissioner with recommendations on how to redress the human rights situation in Belarus, to be presented to the Human Rights Council at its twentieth session;

6. *Calls upon* the Government of Belarus to cooperate fully with all mechanisms of the Human Rights Council, the Office of the High Commissioner and human rights treaty bodies, to permit access to visit the country and to provide all necessary information;

7. *Decides*, on the basis of the report of the High Commissioner to be presented to the Human Rights Council at its twentieth session, to consider further appropriate steps to be taken.

*35th meeting  
17 June 2011*

[Adopted by a recorded vote of 21 to 5, with 19 abstentions. The voting was as follows:

*In favour:*

Argentina, Belgium, Brazil, Chile, France, Gabon, Hungary, Japan, Jordan, Maldives, Mauritius, Norway, Poland, Republic of Korea, Slovakia, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia

*Against:*

China, Cuba, Ecuador, Nigeria, Russian Federation

*Abstaining:*

Angola, Bahrain, Bangladesh, Burkina Faso, Cameroon, Djibouti, Ghana, Guatemala, Kyrgyzstan, Malaysia, Mauritania, Mexico, Pakistan, Qatar, Republic of Moldova, Saudi Arabia, Senegal, Thailand, Uganda]

## **17/25**

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

*The Human Rights Council,*

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

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

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

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

*Recalling also* its previous resolutions on the situation of human rights in Somalia and its decision 14/119 of 18 June 2010,

*Acknowledging* the commitment of and efforts made by the African Union, and especially those of the African Union Mission in Somalia, to support efforts to achieve security, reconciliation and stability, and the efforts made by the international community and regional stakeholders to help Somalia re-establish stability, peace and security on its national territory,

*Acknowledging also* the constructive engagement of the Transitional Federal Government of Somalia and its subnational authorities in the universal periodic review, and its decision to hold a special meeting of the Council of Ministers before the end of June 2011 to consider its acceptance of numerous recommendations made at the review,

*Deeply concerned* about the steep rise in the number of children under five years of age who have been wounded in Mogadishu since May 2011,

*Noting* the unique challenges faced by the Transitional Federal Government at the national and subnational levels as it considers implementing the universal periodic review recommendations and its expressed desire to receive additional technical support and assistance from the Office of the United Nations High Commissioner for Human Rights and any willing country, including through the role of the independent expert on the situation of human rights in Somalia and of the independent consultant on the elaboration of the report of Somalia for the universal periodic review,

1. *Expresses its serious concern* at the human rights and humanitarian situation in Somalia;
2. *Strongly condemns* and calls for the immediate cessation of the grave and systematic human rights abuses perpetrated against the civilian population by Al Shabab and its affiliates;
3. *Calls on* Somalia to fulfil its obligations under international human rights law and international humanitarian law;
4. *Urges* all parties to assist in effecting unhindered humanitarian access by opening up humanitarian corridors and humanitarian spaces;
5. *Calls on* the Transitional Federal Government and encourages the African Union Mission in Somalia to provide their security forces with training in international human rights law and international humanitarian law, with the support of the international community;
6. *Encourages* the Transitional Federal Government and its subnational authorities to consider favourably the recommendations presented during the session of the Working Group on the Universal Periodic Review, and to implement the recommendations that enjoy its support;
7. *Decides* to extend the mandate of the independent expert on the situation of human rights in Somalia for one year, from September 2011, with a view to maximizing the provision and flow of technical assistance to Somalia in the field of human rights, in order to support the efforts of the Transitional Federal Government and its subnational authorities to ensure respect for human rights and to strengthen the human rights regime in its work to complete the outstanding task of the transitional mandate, and requests the independent expert to report to the Human Rights Council at its twenty-first session on the situation of human rights and the implementation of technical cooperation in Somalia;
8. *Requests* the Office of the United Nations High Commissioner for Human Rights to enhance its technical assistance for the Transitional Federal Government and its subnational authorities, including through the role of the independent consultant, in responding to and implementing follow-up to the universal periodic review recommendations accepted by Somalia;

9. *Also requests* the Office of the High Commissioner to provide the independent expert with all the human, technical and financial assistance necessary to carry out his mandate;

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

*35th meeting*

*17 June 2011*

[Adopted without a vote.]

## II. Decisions adopted by the Human Rights Council at its seventeenth session

### 17/101

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

*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 Nauru on 24 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Nauru which is constituted of the report of the Working Group on Nauru (A/HRC/17/3), together with the views of Nauru 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/17/2, chapter VI and A/HRC/17/3/Add.1).

*15th meeting  
7 June 2011*

[Adopted without a vote.]

### 17/102

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

*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 Rwanda on 24 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Rwanda which is constituted of the report of the Working Group on Rwanda (A/HRC/17/4), together with the views of Rwanda 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/17/2, chapter VI and A/HRC/17/4/Add.1).

*15th meeting  
7 June 2011*

[Adopted without a vote.]

### **17/103**

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

*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 Nepal on 25 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Nepal which is constituted of the report of the Working Group on Nepal (A/HRC/17/5), together with the views of Nepal 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/17/2, chapter VI and A/HRC/17/5/Add.1).

*15th meeting  
7 June 2011*

[Adopted without a vote.]

### **17/104**

#### **Outcome of the universal periodic review: Saint Lucia**

*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 Saint Lucia on 25 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Saint Lucia which is constituted of the report of the Working Group on Saint Lucia (A/HRC/17/6), together with the views of Saint Lucia 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/17/2, chapter VI and A/HRC/17/6/Add.1).

*16th meeting  
7 June 2011*

[Adopted without a vote.]

### **17/105**

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

*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 Oman on 26 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Oman which is constituted of the report of the Working Group on Oman (A/HRC/17/7), together with the views of Oman 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/17/2, chapter VI and A/HRC/17/7/Add.1).

*16th meeting  
7 June 2011*

[Adopted without a vote.]

## **17/106**

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

*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 Austria on 26 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Austria which is constituted of the report of the Working Group on Austria (A/HRC/17/8), together with the views of Austria 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/17/2, chapter VI and A/HRC/17/8/Add.1).

*16th meeting  
7 June 2011*

[Adopted without a vote.]

## **17/107**

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

*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 Myanmar on 27 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Myanmar which is constituted of the report of the Working Group on Myanmar (A/HRC/17/9), together with the views of Myanmar 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/17/2, chapter VI and A/HRC/17/9/Add.1).

*17th meeting  
8 June 2011*

[Adopted without a vote.]

## **17/108**

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

*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 Australia on 27 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Australia which is constituted of the report of the Working Group on Australia (A/HRC/17/10), together with the views of Australia 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/17/2, chapter VI and A/HRC/17/10/Add.1).

*17th meeting  
8 June 2011*

[Adopted without a vote.]

## **17/109**

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

*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 Georgia on 28 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Georgia which is constituted of the report of the Working Group on Georgia (A/HRC/17/11), together with the views of Georgia 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/17/2, chapter VI and A/HRC/17/11/Add.1).

*17th meeting  
8 June 2011*

[Adopted without a vote.]

### **17/110**

#### **Outcome of the universal periodic review: Saint Kitts and Nevis**

*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 Saint Kitts and Nevis on 28 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Saint Kitts and Nevis which is constituted of the report of the Working Group on Saint Kitts and Nevis (A/HRC/17/12), together with the views of Saint Kitts and Nevis 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/17/2, chapter VI and A/HRC/17/12/Add.1).

*18th meeting  
8 June 2011*

[Adopted without a vote.]

### **17/111**

#### **Outcome of the universal periodic review: Sao Tome and Principe**

*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 Sao Tome and Principe on 31 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Sao Tome and Principe which is constituted of the report of the Working Group on Sao Tome and Principe (A/HRC/17/13), together with the views of Sao Tome and Principe 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/17/2, chapter VI).

*18th meeting  
8 June 2011*

[Adopted without a vote.]

## **17/112**

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

*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 Namibia on 31 January 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Namibia which is constituted of the report of the Working Group on Namibia (A/HRC/17/14), together with the views of Namibia 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/17/2, chapter VI and A/HRC/17/14/Add.1).

*18th meeting  
8 June 2011*

[Adopted without a vote.]

## **17/113**

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

*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 Niger on 1 February 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Niger which is constituted of the report of the Working Group on Niger (A/HRC/17/15), together with the views of Niger 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/17/2, chapter VI).

*19th meeting  
9 June 2011*

[Adopted without a vote.]

**17/114****Outcome of the universal periodic review: Mozambique**

*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 Mozambique on 1 February 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Mozambique which is constituted of the report of the Working Group on Mozambique (A/HRC/17/16), together with the views of Mozambique 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/17/2, chapter VI and A/HRC/17/16/Add.1).

*19th meeting  
9 June 2011*

[Adopted without a vote.]

**17/115****Outcome of the universal periodic review: Estonia**

*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 Estonia on 2 February 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Estonia which is constituted of the report of the Working Group on Estonia (A/HRC/17/17), together with the views of Estonia 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/17/2, chapter VI and A/HRC/17/17/Add.1).

*19th meeting  
9 June 2011*

[Adopted without a vote.]

## 17/116

### Outcome of the universal periodic review: Paraguay

*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 Paraguay on 2 February 2011 in conformity with all the relevant provisions contained in Council resolution 5/1;

*Adopts* the outcome of the universal periodic review on Paraguay which is constituted of the report of the Working Group on Paraguay (A/HRC/17/18), together with the views of Paraguay 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/17/2, chapter VI and A/HRC/17/18/Add.1).

*21st meeting  
9 June 2011*

[Adopted without a vote.]

## 17/117

### Procedural decision

At its 33rd meeting, on 16 June 2011, the Human Rights Council, welcoming the invitation extended by the Government of Yemen to the Office of the United Nations High Commissioner for Human Rights to conduct a visit to the country, decided to request the High Commissioner to report to the Council on the visit at its eighteenth session, under agenda item 2, and to hold an interactive dialogue on the basis of her report at that session.

[Adopted without a vote.]

## 17/118

### Establishment of the Office of the President of the Human Rights Council

At its 35th meeting, on 17 June 2011, the Human Rights Council decided to adopt the following text:

*"The Human Rights Council,*

*Recalling* General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

*Recalling also* General Assembly resolution 64/144 of 18 December 2009 on the office of the President of the Human Rights Council,

*Recalling further* that, according to the Human Rights Council, in the annex to its resolution 16/21 of 25 March 2011, the Office of the President of the Council should be established, in line with the procedural and organizational roles of the President, within existing resources, in order to support the President in the

fulfilment of his or her tasks and enhance efficiency, continuity and institutional memory in this regard,

*Recalling* that the Office of the President should be provided with adequate resources drawn from the regular budget, including staff, office space and necessary equipment required for the fulfilment of its tasks,

*Recalling also* that the composition, modalities and financial implications of the Office of the President should be considered by the Human Rights Council on the basis of the report of the secretariat,<sup>22</sup>

*Acknowledging* the existing advisory services and technical assistance provided by the secretariat of the Office of the United Nations High Commissioner for Human Rights,

*Having considered* the report of the secretariat on the Office of the President,

1. *Decides* to establish an Office of the President, in accordance with the procedural and organizational roles of the President as described in the annex to Human Rights Council resolution 5/1, within existing resources, to support the President in the fulfilment of his or her tasks and to enhance efficiency and institutional memory in this regard;

2. *Also decides* that the appointment shall promote equitable geographical distribution and gender balance, and that the composition of the Office of the President of the Human Rights Council shall be as follows:

(a) A staff member serving as the focal point for the overall support to the President, directing the work of his or her Office, reviewing draft statements and assisting the President in all his or her consultations;

(b) A staff member responsible for organizing and preparing substantive documentation relating to various meetings, drafting statements and assisting the President in his or her consideration of legal matters;

(c) A staff member responsible for organizing and preparing minutes of meetings of the President, the handling of correspondence and queries, as well as for all administrative matters relating to the President and the Office;

3. *Further decides* to provide the President with the support of a public information officer through the existing position from the Office of the United Nations High Commissioner for Human Rights;

4. *Strongly encourages* the incoming President of the Human Rights Council to retain one or more staff members from the preceding office in the interest of enhancing institutional memory and reinforcing continuity;

5. *Decides* that the staff of the Office shall be accountable to the President under his or her direction and supervision, and should serve for a one-year term, on a renewable basis;

6. *Also decides* that the President will select, manage and renew the staff of the Office, in consultation with the Bureau, in accordance with the United Nations Staff Regulations and Rules;

7. *Further decides* that the Office of the President should be operational no later than the seventh cycle of the Human Rights Council;

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<sup>22</sup> A/HRC/17/19.

8. *Requests* the Secretary-General to ask the United Nations Office at Geneva to ensure that the staff of the Office of the President are provided with an appropriate office space, as well as the technical and organizational tools, services and instruments required for the fulfilment of their tasks.”

[Adopted without a vote.]

## 17/119

### **Follow-up to Human Rights Council resolution 16/21 with regard to the universal periodic review**

At its 35th meeting, on 17 June 2011, the Human Rights Council decided to adopt the text below:

#### **I. Order for the review in the Working Group on the Universal Periodic Review**

1. The order of the review established for the first cycle of the review (see annex I) shall be maintained for the second and subsequent cycles, whereby 14 States are reviewed during each session of the Working Group.

#### **II. General guidelines for the preparation of information under the universal periodic review**

2. Reaffirming the relevant provisions relating to the universal periodic review of General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007, containing the institution-building package, and resolution 16/21 of 25 March 2011, containing the outcome of the review of the work and functioning of the Human Rights Council,

Emphasizing that the second and subsequent cycles of the review should focus on, *inter alia*, the implementation of the accepted recommendations and the development of human rights situations in the State under review,

The Council adopts the general guidelines below.

A. Description of the methodology and the broad consultation process followed for the preparation of information provided under the universal periodic review;

B. Developments since the previous review in background of the State under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights: Constitution, legislation, policy measures, national jurisprudence, human rights infrastructure including national human rights institutions and scope of international obligations identified in the ‘basis of review’ in resolution 5/1, annex, section IA;

C. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the ‘basis of review’ in resolution 5/1, annex, section IA, national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms ... ;

D. Presentation by the State concerned of the follow-up to the previous review;



E. Identification of achievements, best practices, challenges and constraints in relation to the implementation of accepted recommendations and the development of human rights situations in the State;

F. Key national priorities, initiatives and commitments that the State concerned has undertaken and intends to undertake to overcome those challenges and constraints and improve human rights situations on the ground;

G. Expectations of the State concerned in terms of capacity-building and requests, if any, for technical assistance and support received.

### **III. Duration of the review in the Working Group on the Universal Periodic Review**

3. The duration of the review shall be extended to three hours and thirty minutes for each country in the Working Group, so as to be within existing resources and with no additional workload, during which the State under review shall be given up to 70 minutes to be used for initial presentation, replies and concluding comments in line with President's statement PRST/8/1 of 9 April 2008.

4. The allocation of time during the working group shall be in accordance with annex II.

### **IV. List of speakers in the Working Group on the Universal Periodic Review**

5. The established procedures, which allow three minutes speaking time for Member States and two minutes for observer States, will continue to apply when all speakers can be accommodated within three hours and thirty minutes available to Member and observer States.

6. Should it be impossible to accommodate all speakers within three hours and thirty minutes based on three minutes speaking time for Member States and two minutes for observer States, the speaking time will be reduced to two minutes for all.

7. If all speakers still cannot be accommodated, the speaking time will be divided among all delegations inscribed so as to enable each and every speaker to take the floor.

8. Steps for drawing up the list of speakers:

(a) The list of speakers will open at 10 a.m. on the Monday of the week preceding the beginning of the session of the Working Group and will remain open for a period of four days. It will close on the Thursday at 6 p.m. A registration desk will be set up at the Palais des Nations. The exact location will be communicated to all permanent missions by the Secretariat;

(b) In all cases, regardless of speaking times, the delegations inscribed on the list of speakers will be arranged by alphabetical order of the country names in English. On the Friday morning preceding the beginning of the session, the President, in the presence of the Bureau, will draw by lot the first speaker on the list. The list of speakers will continue from the State drawn onward. On Friday afternoon, all delegations will be informed of the speaking order and of the speaking time available to delegations;

(c) Speaking time limits during the review will be strictly enforced. Speakers who exceed speaking time will have their microphones cut off. Speakers may therefore wish to deliver the essential part at the beginning of their statements;

(d) All speakers will retain the possibility of swapping places on the speaker's list under bilateral arrangement between speakers.

**V. Voluntary funds**

9. The Secretariat is requested to revise the terms of reference of the Voluntary Fund for participation in the universal periodic review and to provide an annual written update to the Human Rights Council, starting from the eighteenth session, on the operations of the funds and the resources available to it.

10. The Secretariat is requested to revise the terms of reference of the Voluntary Fund for financial and technical assistance in the implementation of the universal periodic review and to provide an annual written update to the Human Rights Council, starting from the eighteenth session, on the operations of the fund and the resources available to it. A board of trustees shall be established by the Secretary-General of the United Nations in accordance with the rules of the United Nations and taking into consideration equitable geographic representation.”

[Adopted without a vote.]

**Annex I****Human Rights Council universal periodic review (second cycle)**

1	Bahrain	30	Tonga	60	Nigeria
2	Ecuador	31	Romania	61	Mexico
3	Tunisia	32	Mali	62	Mauritius
4	Morocco	33	Botswana	63	Jordan
5	Indonesia	34	Bahamas	64	Malaysia
6	Finland	35	Burundi	65	Central African Republic
7	United Kingdom of Great Britain and Northern Ireland	36	Luxembourg	66	Monaco
8	India	37	Barbados	67	Belize
9	Brazil	38	Montenegro	68	Chad
10	Philippines	39	United Arab Emirates	69	Congo
11	Algeria	40	Israel	70	Malta
12	Poland	41	Liechtenstein	71	New Zealand
13	Netherlands	42	Serbia	72	Afghanistan
14	South Africa	43	Turkmenistan	73	Chile
15	Czech Republic	44	Burkina Faso	74	Viet Nam
16	Argentina	45	Cape Verde	75	Uruguay
17	Gabon	46	Colombia	76	Yemen
18	Ghana	47	Uzbekistan	77	Vanuatu
19	Peru	48	Tuvalu	78	The former Yugoslav Republic of Macedonia
20	Guatemala	49	Germany	79	Comoros
21	Benin	50	Djibouti	80	Slovakia
22	Republic of Korea	51	Canada	81	Eritrea
23	Switzerland	52	Bangladesh	82	Cyprus
24	Pakistan	53	Russian Federation	83	Dominican Republic
25	Zambia	54	Azerbaijan	84	Cambodia
26	Japan	55	Cameroon	85	Norway
27	Ukraine	56	Cuba	86	Albania
28	Sri Lanka	57	Saudi Arabia	87	Democratic Republic of the Congo
29	France	58	Senegal	88	Côte d'Ivoire
		59	China		

89	Portugal	123	Grenada	158	Estonia
90	Bhutan	124	Turkey	159	Paraguay
91	Dominica	125	Guyana	160	Belgium
92	Democratic People's Republic of Korea	126	Kuwait	161	Denmark
93	Brunei Darussalam	127	Belarus	162	Palau
94	Costa Rica	128	Liberia	163	Somalia
95	Equatorial Guinea	129	Malawi	164	Seychelles
96	Ethiopia	130	Mongolia	165	Solomon Islands
97	Qatar	131	Panama	166	Latvia
98	Nicaragua	132	Maldives	167	Sierra Leone
99	Italy	133	Andorra	168	Singapore
100	El Salvador	134	Bulgaria	169	Suriname
101	Gambia	135	Honduras	170	Greece
102	Bolivia (Plurinational State of)	136	United States of America	171	Samoa
103	Fiji	137	Marshall Islands	172	Saint Vincent and the Grenadines
104	San Marino	138	Croatia	173	Sudan
105	Kazakhstan	139	Jamaica	174	Hungary
106	Angola	140	Libyan Arab Jamahiriya	175	Papua New Guinea
107	Iran (Islamic Republic of)	141	Micronesia (Federated States of)	176	Tajikistan
108	Madagascar	142	Lebanon	177	United Republic of Tanzania
109	Iraq	143	Mauritania	178	Antigua and Barbuda
110	Slovenia	144	Nauru	179	Swaziland
111	Egypt	145	Rwanda	180	Trinidad and Tobago
112	Bosnia and Herzegovina	146	Nepal	181	Thailand
113	Kyrgyzstan	147	Saint Lucia	182	Ireland
114	Kiribati	148	Oman	183	Togo
115	Guinea	149	Austria	184	Syrian Arab Republic
116	Lao People's Democratic Republic	150	Myanmar	185	Venezuela (Bolivarian Republic of)
117	Spain	151	Australia	186	Iceland
118	Lesotho	152	Georgia	187	Zimbabwe
119	Kenya	153	Saint Kitts and Nevis	188	Lithuania
120	Armenia	154	Sao Tome and Principe	189	Uganda
121	Guinea-Bissau	155	Namibia	190	Timor-Leste
122	Sweden	156	Niger	191	Republic of Moldova
		157	Mozambique	192	Haiti

## Annex II

### Tentative timetable for the session of the Working Group on the Universal Periodic Review as of the second cycle

#### First week

	<i>Monday</i>		<i>Tuesday</i>		<i>Wednesday</i>		<i>Thursday</i>		<i>Friday</i>	
Morning	9 a.m.– 12.30 p.m.	Review of State under review 1	9 a.m.– 12.30 p.m.	Review of State under review 3	9 a.m.– 12.30 p.m.	Review of State under review 5	9 a.m.– 12.30 p.m.	Review of State under review 7	9 a.m.– 12.30 p.m.	State under review 9
					12.30	Distribution of report on State under review 1	12.30	Distribution of report on State under review 3		
Afternoon	2.30 p.m.– 6 p.m.	Review of State under review 2	2.30 p.m.– 6 p.m.	Review of State under review 4	2.30 p.m.– 6 p.m.	Review of State under review 6	2.30 p.m.– 6 p.m.	Review of State under review 8	3 p.m.– 6 p.m.	Adoption of reports on States under review 1 to 6
					6 p.m.	Distribution of report on State under review 2	6 p.m.	Distribution of report on State under review 4		

## Second week

	<i>Monday</i>		<i>Tuesday</i>		<i>Wednesday</i>		<i>Thursday</i>		<i>Friday</i>
Morning	9 a.m.– 12.30 p.m.	Review of State under review 10	10 a.m.– 11.30 a.m.	Adoption of reports on States under review 7 to 9	9 a.m.– 12.30 p.m.	Review of State under review 13			
	12.30 p.m.	Distribution of report on State under review 7				Distribution of report on State under review 10	1 p.m.	Distribution of report on State under review 12	
Afternoon	2.30 p.m.– 6 p.m.	Review of State under review 11	2.30 p.m.– 6 p.m.	Review of State under review 12	2.30 p.m.– 6 p.m.	Review of State under review 14			3 p.m.– 5.30 p.m.
	6 p.m.	Distribution of report on State under review 8			6 p.m.	Distribution of report on State under review 11			Adoption of reports on States under review 10 to 14

**17/120****Panel on the promotion and protection of human rights in the context of peaceful protests**

At its 35th meeting, on 17 June 2011, the Human Rights Council decided to adopt the following text:

*“The Human Rights Council,*

*Reaffirming* the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights,

*Reaffirming also* that, in accordance with the Universal Declaration of Human Rights, States Members of the United Nations have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms for all without distinction, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Recognizing* that, pursuant to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, the rights to freedom of peaceful assembly, of expression and of association are human rights guaranteed to all, while their exercise may be subject to certain restrictions, in accordance with the State’s obligations under applicable international human rights instruments,

*Stressing* therefore that everyone must be able to express their grievances through public and peaceful protests without fear of being injured, beaten, detained, tortured or killed,

*Stressing also* that peaceful protests should not be viewed as a threat, and therefore encouraging States faced with peaceful protests to engage in an open, inclusive and meaningful national dialogue,

*Recalling* that when peaceful protests occur, States have the responsibility to promote and protect human rights and to prevent human rights violations, in particular extrajudicial, summary or arbitrary executions, arbitrary detention, enforced disappearances, torture and other cruel, inhuman or degrading treatment or punishment,

*Recognizing* therefore the need to reflect on the promotion and protection of human rights in the context of peaceful protests,

1. *Decides* to convene, within existing resources, at its eighteenth session, a panel discussion on the promotion and protection of human rights in the context of peaceful protests, with a particular focus on the ways and means to improve the protection of these rights in such contexts in line with international human rights law;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to liaise with relevant special procedures, States and other stakeholders, including relevant United Nations bodies and agencies, with a view to ensuring their participation in the panel discussion;

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

[Adopted without a vote.]



## **Part Two**

### **Summary of proceedings**

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

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

1. The Human Rights Council held its seventeenth session at the United Nations Office at Geneva from 31 May to 17 June 2011. The President of the Council opened the session.
2. In accordance with rule 8 (b) of the rules of procedure of the Human Rights Council, as contained in part VII of the annex to Council resolution 5/1, the organizational meeting of the seventeenth session was held on 16 May 2011.
3. The seventeenth session consisted of 35 meetings over 13 days (see paragraph 20 below).

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

4. The session was attended by representatives of States Members of the Human Rights 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**

5. At its 1st meeting, on 31 May 2011, the Human Rights Council adopted the agenda and programme of work of the seventeenth session.

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

6. At the 1st meeting, on 31 May 2011, the President outlined the modalities for the general debate on the update by the United Nations High Commissioner for Human Rights of the activities of her Office, which would be three minutes for member States and two minutes for observer States and other observers.
7. At the 2nd meeting, on 31 May 2011, the President outlined the modalities for the interactive dialogue with special procedures mandate holders 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 the countries concerned, if any, and States Members of the Human Rights 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.
8. At the 9th meeting, on 1 June 2011, the President outlined the modalities for the panel discussion on the issue of human rights and victims of terrorism, which would be

seven minutes for panellists, three minutes for States Members of the Human Rights Council and two minutes for observer States and other observers.

9. At the 11th meeting, on 3 June 2011, the President outlined the modalities for the general debate on the thematic reports of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Secretary-General, which would be three minutes for States Members of the Human Rights Council and two minutes for observer States and other observers.

10. At the 13th meeting, on 6 June 2011, the President outlined the modalities for the general debate under item 5, which would be three minutes for States Members of the Human Rights Council and two minutes for observer States and other observers.

11. At the 15th meeting, on 7 June 2011, 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 Human Rights 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 Member 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.

12. At the 17th meeting, on 8 June 2011, the President outlined the modalities for the consideration of the follow-up to the fifteenth special session which would be three minutes for States Members of the Human Rights Council and two minutes for observer States and other observers.

13. At the 21st meeting, on 9 June 2011, the President outlined the modalities for the general debate under item 6, which would be three minutes for States Members of the Human Rights Council and two minutes for observer States and other observers.

14. At the 22nd meeting, on 10 June 2011, the President outlined the modalities for the full-day discussion on women's human rights, which would be seven minutes for panellists, three minutes for States Members of the Human Rights Council and two minutes for observer States and other observers.

15. At the 23rd meeting, on 10 June 2011, the President outlined the modalities for the general debate on agenda item 8, which would be three minutes for States Members of the Human Rights Council and two minutes for observer States and other observers.

16. At the 25th meeting, on 14 June 2011, the President outlined the modalities for the general debate on agenda item 7, which would be three minutes for States Members of the Human Rights Council and two minutes for observer States and other observers.

17. At the 27th meeting, on 14 June 2011, the President outlined the modalities for the panel discussion on the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs, which would be seven minutes for panellists, three minutes for States Members of the Human Rights Council and two minutes for observer States and other observers.

18. At the 29th meeting, on 15 June 2011, the President outlined the modalities for the general debate on agenda item 4, which would be three minutes for States Members of the Human Rights Council and two minutes for observer States and other observers.

19. At the 32nd meeting, on 16 June 2011, the President outlined the modalities for the general debate on agenda item 10, which would be three minutes for States members of the Council and two minutes for observer States and other observers.

## **E. Meetings and documentation**

20. The Human Rights Council held 35 fully serviced meetings during its seventeenth session.

21. The text of the resolutions and decisions adopted by the Human Rights Council is contained in part one of the present report.

## **F. Visits**

22. At the 2nd meeting, on 30 May 2011, the Minister for Plantation Industries and Special Envoy for Human Rights of Sri Lanka, Mahinda Samarasinghe, delivered a statement to the Human Rights Council.

23. At the 5th meeting, on 31 May 2011, the Undersecretary of the Ministry of Foreign Affairs of Bahrain, Abdulla Abdullatif Abdulla, delivered a statement to the Human Rights Council.

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

24. At its 35th meeting, on 17 June 2011, the Human Rights Council appointed special procedures mandate holders in accordance with Council resolution 5/1 (see annex IV).

## **H. Adoption of the report on the session**

25. At the 35th meeting, on 17 June 2011, the draft report of the Human Rights Council (A/HRC/17/L.10) was adopted ad referendum and the Council decided to entrust the Rapporteur with the finalization of the report.

26. Also at the same meeting, the representatives of Algeria, Belarus, Bolivia (Plurinational State of), Egypt, Nigeria (on behalf of the Group of African States) and Sri Lanka, and of Amnesty International, the Canadian HIV/AIDS Legal Network (also on behalf of Action Canada for Population and Development, the International Commission of Jurists and the National Association of Community Legal Centres) and the International Service for Human Rights made general comments in connection with the session.

27. At the same meeting, the President of the Human Rights Council made a closing statement.

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

### **Follow-up to the report of the independent international fact finding mission on the incident of the humanitarian flotilla**

28. At the 34th meeting, on 17 June 2011, the representative of Pakistan (on behalf of the Organization of the Islamic Conference) introduced draft resolution A/HRC/17/L.1, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and Palestine (on behalf of the Group of Arab States) and co-sponsored by Somalia. Subsequently, Bolivia (Plurinational State of), Cuba and Venezuela (Bolivarian Republic of) joined the sponsors.

29. At the same meeting, the representative of Pakistan, on behalf of the Organization of the Islamic Conference, orally revised the draft resolution.

30. Also at the same meeting, the representatives of Palestine (on behalf of the Group of Arab States) and Turkey made statements as concerned countries.

31. At the same meeting, the representatives of the United States of America made a statement in explanation of vote before the vote.

32. Also at the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/HRC/17/L.1 as orally revised. The draft resolution as orally revised was adopted by 36 votes in favour, 1 against, with 8 abstentions.

33. For the text as adopted and voting results, see part one, chapter I, resolution 17/10.

#### **Establishment of the Office of the President of the Human Rights Council**

34. At the 35th meeting, on 17 June 2011, the representative of Mexico introduced draft resolution A/HRC/17/L.7/Rev.1, sponsored by Mexico, Nigeria, Switzerland, Thailand and Ukraine and co-sponsored by Austria, Ecuador and Guatemala. Subsequently, the Dominican Republic, the Lao People's Democratic Republic, the Republic of Moldova, Uruguay and Venezuela (Bolivarian Republic of) joined the sponsors.

35. At the same meeting, the representative of Mexico orally revised the draft resolution.

36. 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.

37. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

38. At the same meeting, the draft resolution, as orally revised, was adopted without a vote. For the text as adopted, see part one, chapter I, decision 17/118.

#### **Follow-up to Human Rights Council resolution 16/21 with regard to the universal periodic review**

39. At the 35th meeting, on 17 June 2011, the representative of Morocco introduced draft decision A/HRC/17/L.29, presented by the President of the Human Rights Council.

40. At the same meeting, the representative of Morocco orally revised the draft resolution. The draft resolution was further orally revised by the President.

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

42. At the same meeting, the draft resolution was adopted without a vote. For the text as adopted, see part one, chapter I, resolution 16/119.

43. Also at the same meeting, the representative of Maldives made a statement in explanation of vote after the vote.

44. At the same meeting, the representative of Japan made general comments.

## 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

45. At the 1st meeting, on 30 May 2011, the United Nations High Commissioner for Human Rights made a statement providing an update of the activities of her Office.

46. During the ensuing general debate, at the 1st and 2nd meetings, on the same day, the following made statements:

(a) Representatives of States Members of the Human Rights Council: Bangladesh, Belgium, Brazil, Chile, China, the countries of the Stabilization and Association Process, Cuba, Ecuador, France, Hungary (on behalf of Albania, Bosnia and Herzegovina, the European Union, Iceland, Montenegro, Serbia and the former Yugoslav Republic of Macedonia), Japan, Jordan, Malaysia, Maldives, Mexico, Nigeria (also on behalf of the Group of African States), Norway, Pakistan, Pakistan (on behalf of the Organization of the Islamic Conference), Palestine<sup>23</sup> (on behalf of the Group of Arab States), Poland, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Senegal, Spain, Switzerland, Thailand, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Algeria, Australia, Austria, Belarus, Botswana, Canada, Colombia, Costa Rica, Czech Republic, Democratic People's Republic of Korea, Egypt, Ethiopia, Germany, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Morocco, Nepal, Paraguay, Philippines, South Africa, Sri Lanka, Sudan, Syrian Arab Republic, Turkey, Uzbekistan, Viet Nam;

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

(d) Observers for non-governmental organizations: Amnesty International, Asian Forum for Human Rights and Development, Association for Progressive Communications, Cairo Institute for Human Rights Studies, Canadian HIV/AIDS Legal Network, CIVICUS – World Alliance for Citizen Participation, France Libertés: Fondation Danielle Mitterrand, Human Rights Watch, International Human Rights Association of American Minorities, International Islamic Federation of Student Organizations, Mouvement contre le racismisme et pour l'amitié entre les peuples, National Association of Community Legal Centres, Nord-Sud XXI, Pax Romana (also on behalf of the International Catholic Movement for Intellectual and Cultural Affairs and the International Movement of Catholic Students), Society for Threatened Peoples, United Nations Watch, World Muslim Congress.

47. At the 2nd meeting, a statement in exercise of the right of reply was made by the representative of China.

48. At the 3rd meeting, on 30 May 2011, a statement in exercise of the right of reply was made by the representative of Iraq.

<sup>23</sup> Observer of the Human Rights Council speaking on behalf of Member and observer States.

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

49. At the 11th meeting, on 3 June 2011, the Director of the Human Rights Council and Special Procedures Division presented thematic reports prepared by OHCHR and the Secretary-General.

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

50. At the 33rd meeting, on 16 June 2011, the representative of the Netherlands introduced draft decision A/HRC/17/L.28, sponsored by the Netherlands and Palestine, on behalf of the Group of Arab States.

51. At the same meeting, the draft decision was adopted without a vote. For the text as adopted, see part one, chapter I, decision 17/117.

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

52. At the 3rd meeting, on 30 May 2011, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, presented his report (A/HRC/17/28 and Add.1–6).

53. At the same meeting, the representatives of Albania and Ecuador made statements as concerned countries.

54. During the ensuing interactive dialogue, at the 3rd meeting, on 30 May 2011, and at the 4th meeting, on 31 May, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Belgium, Brazil, China, Cuba, Djibouti, Jordan, Maldives, Nigeria, Nigeria (on behalf of the African Group), Pakistan (on behalf of the Organization of the Islamic Conference), Palestine (on behalf of the Group of Arab States), Poland, Qatar, Russian Federation, Slovakia, Switzerland, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Afghanistan, Algeria, Australia, Austria, Botswana, Canada, Czech Republic, Denmark, Egypt, Iran (Islamic Republic of), Kenya, New Zealand, Serbia, South Africa, Sri Lanka, Sweden, Venezuela (Bolivarian Republic of);

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

(d) Observers for non-governmental organizations: Asian Legal Resource Center, Cairo Institute for Human Rights Studies, Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit COC Nederland, Indian Council of South America, Mouvement contre le racisme et pour l'amitié entre les peuples, World Organization against Torture.

55. At the 4th meeting, on 31 May 2011, the Special Rapporteur answered questions and made his concluding remarks.

56. At the 6th meeting, on the same day, a statement in exercise of the right of reply was made by the representative of Albania.

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

57. At the 3rd meeting, on 30 May 2011, the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises, John Ruggie, presented his report (A/HRC/17/31 and Add.1–3).

58. During the ensuing interactive dialogue, at the 3rd meeting, on 30 May 2011, and at the 4th meeting, on 31 May, the following made statements and asked the Special Representative questions:

(a) Representatives of States Members of the Human Rights Council: Argentina, Belgium, Brazil, Chile, China, Djibouti, Ghana, Guatemala, Japan, Jordan, Nigeria (on behalf of the African Group), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Palestine (on behalf of the Group of Arab States), Poland, Russian Federation, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Algeria, Australia, Austria, Azerbaijan, Botswana, Canada, Denmark, Egypt, India, Indonesia, Iran (Islamic Republic of), Morocco, New Zealand, Serbia, South Africa, Sweden;

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

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

(e) Observers for non-governmental organizations: FIAN International (Food First Information and Action Network), Indian Council of South America, International Commission of Jurists (also on behalf of Amnesty International, Human Rights Watch, the International Federation of Human Rights Leagues and Tides Center), International Federation of Human Rights, International Organization of Employers.

59. At the 4th meeting, on 31 May 2011, the Special Representative answered questions and made his concluding remarks.

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

60. At the 3rd meeting, on 30 May 2011, the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, presented her report (A/HRC/17/30 and Add.1–3).

61. At the same meeting, the representatives of Mexico and Mozambique made statements as concerned countries.

62. During the ensuing interactive dialogue, at the 3rd meeting, on 30 May 2011, and at the 4th meeting, on 31 May, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Brazil, Chile, China, Cuba, Hungary, Jordan, Maldives, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Palestine (on behalf of the Group of Arab States), Paraguay<sup>24</sup> (on behalf of Bolivia (Plurinational State of), the Common Market of the South (MERCOSUR), Chile, Colombia, Ecuador and Peru), Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Algeria, Australia, Austria, Azerbaijan, Canada, Denmark, Indonesia, Serbia, Venezuela (Bolivarian Republic of);

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

(d) Observers for non-governmental organizations: Centro de Derechos Humanos Miguel Agustín Pro Juárez, Indian Council of South America, World Organization against Torture.

63. At the 4th meeting, on 31 May 2011, the Special Rapporteur answered questions and made her concluding remarks.

<sup>24</sup> Observer of the Council speaking on behalf of Member States and observer States.



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

64. At the 5th meeting, on 31 May 2011, the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, presented the report of the Special Rapporteur on the human rights of migrants, Jorge Bustamante (A/HRC/17/33 and Add.1–6).

65. At the same meeting, the representatives of Japan, Senegal and South Africa made statements as concerned countries.

66. During the ensuing interactive dialogue, at the 5th and 6th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Bangladesh, Brazil, Chile, China, Cuba, Djibouti, Ecuador, Guatemala, Mexico, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Palestine (on behalf of the Group of Arab states), Republic of Korea, Republic of Moldova, Russian Federation, Thailand, Uganda, United States of America, Uruguay;

(b) Representatives of observer States: Algeria, Angola, Bolivia (Plurinational State of), Egypt, Greece, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Morocco, Nepal, Paraguay, Philippines, Sri Lanka, Turkey;

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

(d) Observer for a national human rights institution: National Human Rights Council of the Kingdom of Morocco;

(e) Observers for non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Centro Regional de Derechos Humanos y Justicia de Género (Corporación Humanas).

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

67. At the 5th meeting, on 31 May 2011, the Special Rapporteur on the right to education, Kishore Singh, presented his report (A/HRC/17/29 and Add.1–2).

68. At the same meeting, the representative of Senegal made a statement as concerned country.

69. During the ensuing interactive dialogue, at the 5th and 6th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Bangladesh, Brazil, Chile, China, Cuba, Djibouti, Ecuador, France, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Palestine (on behalf of the Group of Arab States), Russian Federation, Thailand, Uganda, United States of America, Uruguay;

(b) Representatives of observer States: Algeria, Australia, Austria, Bolivia (Plurinational State of), Costa Rica, Egypt, Honduras, Indonesia, Iran (Islamic Republic of), Morocco, Philippines, Portugal, South Africa, Sri Lanka, Venezuela (Bolivarian Republic of);

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

(d) Observer for the International Federation of Red Cross and Red Crescent Societies;

(e) Observers for non-governmental organizations: Asian Indigenous and Tribal Peoples Network, Defence for Children International (also on behalf of the European Disability Forum, Franciscan International, the International Catholic Child Bureau and Plan International), International Federation Terre des Hommes, International Organization for the Right to Education and Freedom of Education (also on behalf of Association Points-Coeur, the Company of the Daughters of Charity of St. Vincent de Paul, the Congregation of Our Lady of Charity of the Good Shepherd, Dominicans for Justice and Peace – Order of Preachers, Education and Development, Instituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, the International Catholic Child Bureau, the International Volunteerism Organization for Women and New Humanity), International Save the Children Alliance, Nord-Sud XXI.

70. At the 6th meeting, the Special Rapporteur answered questions and made his concluding remarks.

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

#### **Independent expert in the field of cultural rights**

72. At the 5th meeting, on 31 May 2011, the independent expert in the field of cultural rights, Farida Shaheed, presented her report (A/HRC/17/38 and Add.1–2).

73. At the same meeting, the representative of Brazil made a statement as concerned country.

74. During the ensuing interactive dialogue, at the 5th and 6th meetings, on the same day, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Human Rights Council: Bangladesh, China, Cuba, Ecuador, France, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Palestine (on behalf of the Group of Arab States), Poland, Russian Federation, Switzerland, United States of America;

(b) Representatives of observer States: Algeria, Armenia, Austria, Bolivia (Plurinational State of), Egypt, Iran (Islamic Republic of), Iraq, Morocco, Venezuela (Bolivarian Republic of);

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

(d) Observer for United Nations entities, specialized agencies and related organization: United Nations Educational, Scientific and Cultural Organization (UNESCO);

(e) Observer for a non-governmental organization: Centro Regional de Derechos Humanos y Justicia de Género (Corporación Humanas).

75. At the 6th meeting, the independent expert answered questions and made her concluding remarks.

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

76. At the 6th meeting, on 31 May, the independent expert on the effect 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/17/37 and Add.1–3).

77. At the same meeting, the representative of Australia made statements as concerned country.

78. During the ensuing interactive dialogue, at the 6th meeting, on 31 May 2011, and at the 7th meeting, on 1 June, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Human Rights Council: Bangladesh, Brazil, China, Cuba, Ecuador, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Palestine (on behalf of the Group of Arab States), Russian Federation, Saudi Arabia, United States of America;

(b) Representatives of observer States: Algeria, Bolivia (Plurinational State of), Egypt, Uganda;

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

(d) Observers for non-governmental organizations: National Association of Community Legal Centres Inc., Nord-Sud XXI.

79. At the 7th meeting, the independent expert answered questions and made his concluding remarks.

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

80. At the 6th meeting, on 31 May 2011, the independent expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, presented her report (A/HRC/17/34 and Add.1–2).

81. At the same meeting, the representatives of Ireland and Viet Nam made a statement as concerned countries.

82. During the ensuing interactive dialogue, at the 6th meeting, on 31 May 2011, and at the 7th meeting, on 1 June, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Human Rights Council: Bangladesh, Belgium, Brazil, Chile, China, Cuba, Ecuador, France, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Saudi Arabia, Thailand, Uganda, United States of America;

(b) Representatives of observer States: Algeria, Bolivia (Plurinational State of), Egypt, India, Indonesia, Iran (Islamic Republic of), Luxembourg, Morocco, Peru, South Africa, Sri Lanka, Uruguay;

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

(d) Observers for the following non-governmental organizations: European Disability Forum, International Movement ATD Fourth World (also on behalf of the European Disability Forum, the Foodfirst Information and Action Network, the International Catholic Child Bureau, the International Commission of Jurists and the International Council of Women), National Association of Community Legal Centres Inc., Nord-Sud XXI, Verein Sudwind Entwicklungspolitik.

83. Also at the 7th meeting, the independent expert answered questions and made her concluding remarks.

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

84. At the 8th meeting, on 1 June 2011, 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 report (A/HRC/17/25 and Add.1–3).

85. At the same meeting, the representatives of Guatemala and the Syrian Arab Republic made a statement as concerned countries.

86. During the ensuing interactive dialogue, at the 8th meeting, on 1 June 2011, and at the 10th meeting, on 3 June, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Brazil, China, Cuba, Djibouti, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Russian Federation, Saudi Arabia, Spain, Switzerland, Thailand, United States of America;

(b) Representatives of observer States: Austria, Costa Rica, Egypt, India, Indonesia, Iran (Islamic Republic of), Morocco, Sweden, Uruguay, Venezuela (Bolivarian Republic of);

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

(d) Observers for non-governmental organizations: Associazione Comunità Papa Giovanni XXIII (also on behalf of Caritas Internationalis (International Confederation of Catholic Charities)), European Region of the International Lesbian and Gay Federation, International Save the Children Alliance, Nord-Sud XXI.

87. At the 8th meeting, on 1 June 2011, the Special Rapporteur answered questions and made his concluding remarks.

**Special Rapporteur on trafficking in persons, especially women and children**

88. At the 8th meeting, on 1 June 2011, the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, presented her report (A/HRC/17/35 and Add.1–6).

89. At the same meeting, the representatives of Argentina, Egypt and Uruguay made statements as concerned countries.

90. During the ensuing interactive dialogue, at the 8th meeting, on 1 June 2011, and at the 10th meeting, on 3 June, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Brazil, China, Cuba, Djibouti, Guatemala, Maldives, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Palestine (on behalf of the Group of Arab States), Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Saudi Arabia, Thailand, United States of America;

(b) Representatives of the following observer States: Australia, Austria, Belarus, Costa Rica, Egypt, Germany, Greece, Morocco, Nepal, Philippines, Slovakia, Sri Lanka, United Arab Emirates, Venezuela (Bolivarian Republic of);

(c) Observer for the following intergovernmental organization: European Union;

(d) Observer for United Nations entities, specialized agencies and related organizations: United Nations Children's Fund (UNICEF);

(e) Observer for a national human rights institution: National Human Rights Council of Morocco;

(f) Observers for non-governmental organizations: Franciscans International (also on behalf of the Global Alliance against Traffic in Women), Centro Regional de Derechos Humanos y Justicia de Género (Corporación Humanas).

91. At the 10th meeting, on 3 June 2011, the Special Rapporteur answered questions and made her concluding remarks.

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

92. At the 10th meeting, on 3 June 2011, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, presented his report (A/HRC/17/27 and Add.1-3).

93. At the same meeting, the representatives of the Republic of Korea and Mexico made statements as concerned countries.

94. During the ensuing interactive dialogue, at the 10th and 11th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Bangladesh, Brazil, Chile, China, Cuba, France, Guatemala, Japan, Malaysia, Maldives, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Palestine (on behalf of the Group of Arab States), Poland, Russian Federation, Senegal, Slovakia, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Algeria, Australia, Austria, Belarus, Belgium, Canada, Costa Rica, Czech Republic, Denmark, Egypt, Germany, Honduras, India, Iran (Islamic Republic of), Iraq, Israel, Morocco, New Zealand, Peru, Slovenia, Sweden, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam;

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

(d) Observer for a national human rights institution: National Human Rights Commission of the Republic of Korea;

(e) Observers for non-governmental organizations: Amnesty International, Association for Progressive Communications, Freedom House, Human Rights Watch, Minbyun-Lawyers for a Democratic Society (also on behalf of the Korean Progressive Network "Jinbonet" and People's Solidarity for Participatory Democracy), Reporters without Borders, Society for Threatened Peoples.

95. At the 11th meeting, on 3 June 2011, the Special Rapporteur answered questions and made his concluding remarks.

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

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

97. At the 10th meeting, on 3 June 2011, the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, presented her report (A/HRC/17/26 and Add.1-5).

98. At the same meeting, the representatives of Algeria, the United States of America and Zambia made statements as concerned countries.

99. During the ensuing interactive dialogue, at the 10th and 11th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Human Rights Council: Bangladesh, Brazil, Chile, China, Ecuador, France, Indonesia<sup>25</sup> (on behalf of the Association of Southeast Asian Nations (ASEAN)), Malaysia, Maldives, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Palestine (on behalf of the Group of Arab States), Poland, Republic of Moldova, Senegal, Slovakia, Spain, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Australia, Austria, Belgium, Bosnia and Herzegovina, Canada, Colombia, Costa Rica, Denmark, Egypt, Honduras, Iran (Islamic Republic of), Morocco, Peru, Slovenia, Sri Lanka, Sweden, Uruguay;

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

(d) Observer for the Holy See;

(e) Observers for non-governmental organizations: Amnesty International, Association for Progressive Communications, Canadian HIV/AIDS Legal Network, European Disability Forum.

100. At the 11th meeting, on the same day, the Special Rapporteur answered questions and made her concluding remarks.

## **B. Panels**

### **Panel on the issue of human rights of victims of terrorism**

101. At the 9th meeting, on 1 June 2011, the Human Rights Council held a panel discussion on the issue of human rights of victims of terrorism, in accordance with Council decision 16/116. The High Commissioner made opening remarks for the panel.

102. At the same meeting, the following panellists made statements: Anne Wu, Martin Scheinin, Maite Pagazaurtundua, Rianne M. Letschert, Mauro Miedico and Yakin Erturk.

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

(a) Sponsor States of Human Rights Council decision 16/116: Algeria, Colombia, France, Israel, Russian Federation, Spain, Turkey;

(b) Representatives of States Members of the Human Rights Council: China, Cuba, Pakistan, Palestine (on behalf of the Group of Arab States), Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America;

(c) Representatives of observer States: Afghanistan, Austria, Finland, India, Indonesia, Iran (Islamic Republic of), Iraq, Morocco, Peru, Sri Lanka;

(d) Observers for intergovernmental organizations: Council of Europe, European Union;

(e) Observers for non-governmental organizations: Amnesty International, Fundación para la Libertad – Askatasun Bidean, Rencontre africaine de défense pour les droits de l'homme (also on behalf of the Al-Hakim Foundation).

104. At the same meeting, the panellists answered questions and made their concluding remarks.

### Discussion on women's human rights

105. On 10 June 2011, at the 22nd and 24th meetings, the Human Rights Council held a full-day discussion on women's human rights in accordance with Council resolution 6/30. The discussion was divided into two panels.

106. On 10 June 2011, at the 22nd meeting, the Council held a discussion on good practices and remaining gaps in the prevention of violence against women, and considered the report of OHCHR on women's rights (A/HRC/17/23).

107. The discussion was divided into two slots, which were held at the same meeting, on the same day.

108. The High Commissioner made introductory remarks for the panel. At the same meeting, the panellists Rashida Manjoo, Michelle Bachelet, Dubravka Simonovic, Jimmie Briggs and Yuniyanti Chuyaifah made statements.

109. During the ensuing panel discussion for the first slot, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Human Rights Council: Belgium, Brazil, Chile, Costa Rica (on behalf of the Group of Latin American and Caribbean States), Cuba, Japan, Maldives, Pakistan, Slovakia;

(b) Representatives of observer States: Canada, Finland, Honduras, Paraguay, Peru;

(c) Observer of an intergovernmental organization: European Union;

(d) Observer for United Nations entities, specialized agencies and related organizations: UNICEF (also on behalf of the United Nations Population Fund (UNFPA));

(e) Observers for non-governmental organizations: World Young Women's Christian Association (also on behalf of Femmes Afrique Solidarité and the Women's International League for Peace and Freedom), Worldwide Organization of Women.

110. During the discussion for the second slot, at the 22nd meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Human Rights Council: China, Norway, Poland, Spain, Thailand, United Kingdom of Great Britain and Northern Ireland;

(b) Representatives of observer States: Australia, Austria, Azerbaijan, Germany, Indonesia, Iran (Islamic Republic of), Lithuania, Singapore, Slovenia, Turkey;

(c) Observers for non-governmental organizations: Association for Progressive Communication (also on behalf of the European Region of the International Lesbian and Gay Federation), Verein Sudwind Entwicklungspolitik.

111. At the same meeting, the panellists answered questions and made concluding remarks.

112. The second panel discussion, held at the 24th meeting, on 10 June 2011, focused on conflict-related violence against women. The discussion was divided into two slots, which were held at the same meeting, on the same day.

113. The Deputy United Nations High Commissioner for Human Rights made introductory remarks for the panel. At the same meeting, the panellists Margot Wallström, Rashida Manjoo, Zohra Rasekh and Marek Marczyński made statements.

114. During the ensuing panel discussion for the first slot, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Human Rights Council: Argentina, Burkina Faso, Ecuador, France, Gabon, Mexico, Palestine (on behalf of the Group of Arab States), Russian Federation, Saudi Arabia;

(b) Representatives of observer States: Colombia, Denmark, Estonia, Ireland, Morocco, Norway, Portugal, Spain, Sweden, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland;

(c) Observers for non-governmental organizations: International Save the Children Alliance, Colombian Commission of Jurists.

115. During the discussion for the second slot, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Human Rights Council: Qatar, Republic of Korea, Switzerland;

(b) Representatives of observer States: Algeria, Bangladesh, Iraq, Nepal, Sri Lanka, Sudan;

(c) Observers for intergovernmental organizations: African Union, European Union, Organisation internationale de la Francophonie;

(d) Observer for United Nations entities, specialized agencies and related organizations: UNFPA;

(e) Observer for non-governmental organizations: Union de l'action féminine.

116. At the same meeting, the panellists answered questions and made concluding remarks.

**Panel on the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs**

117. At its 27th meeting, on 14 June 2011, the Human Rights Council held a panel discussion on the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs, in accordance with Council resolution 16/18.

118. The Deputy High Commissioner made introductory remarks for the panel.

119. At the same meeting, a video message from the United Nations High Representative for the Alliance of Civilizations, Jorge Sampaio, was shown.

120. Also at the same meeting, the Permanent Representative of the Organization of the Islamic Conference, Slimane Chikh, read a statement on behalf of the Secretary-General of the Organization, Ekmeleddin Ihsanoglu.

121. At the same meeting, the panellists Ahmer Bilal Soofi, Doudou Diène, Mario Marazziti, Adil Akhmetov, Simona Santoro and Suzan Johnson Cook made statements.

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

(a) Representatives of States Members of the Human Rights Council: Bahrain, Brazil, China, Cuba, France, Maldives, Pakistan (on behalf of the Organization of the Islamic Conference), Palestine (on behalf of the Group of Arab States), Russian Federation, Saudi Arabia, Senegal, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America;



(b) Representatives of observer States: Algeria, Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Iran (Islamic Republic of), Iraq, Ireland, Italy, Kuwait, Malaysia, Morocco, Sweden, Turkey;

(c) Representative for an intergovernmental organization: European Union;

(d) Observer for a non-governmental organization: United Nations Watch.

123. At the same meeting, the panellists answered questions and made their concluding remarks.

#### **Panel on best practices in the fight against racism**

124. At its 28th meeting, on 15 June 2011, the Human Rights Council held a panel discussion on best practices in the fight against racism, in accordance with Council resolution 14/16.

125. The High Commissioner made opening remarks for the panel. At the same meeting, the panellists Luiza Bairros, Githu Mugai, Ricardo Bucio, Mireille Fanon-Mendes France, Joris de Bres and Jerald Joseph made statements.

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

(a) Representatives of States Members of the Human Rights Council: Belgium, Cuba, Ecuador, France, Mexico, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Senegal, Slovakia, Spain, Switzerland, United States of America;

(b) Representatives of observer States: Austria, Czech Republic, Germany, Morocco, South Africa, Sweden;

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

(d) Observer for the International Federation of Red Cross and Red Crescent Societies;

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

(f) Observers for non-governmental organizations: Conectas Direitos Humanos, Indian Council of South America, Open Society Institute.

127. Also at the same meeting, the panellists answered questions and made their concluding remarks.

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

128. At its 11th meeting, on 3 June 2011, and the 13th meeting, on 6 June, the Human Rights 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 Human Rights Council: Argentina, Bangladesh, Cuba, Guatemala, Hungary (on behalf of the European Union and Turkey, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina and Serbia, as well as Armenia, Georgia and the Republic of Moldova), Pakistan, Russian Federation, Spain, United States of America;

- (b) Representatives of observer States: Algeria, Iran (Islamic Republic of), Morocco, South Africa;
- (c) Observer for the Holy See;
- (d) Observer for the Sovereign and Military Order of Malta;
- (e) Observer for a national human rights institution: National Human Rights Council of Morocco;
- (f) Observers for non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Agence internationale pour le développement, Asian Forum for Human Rights and Development, Asian Legal Resource Centre, Cairo Institute for Human Rights Studies, Centre for Human Rights and Peace Advocacy, Centrist Democratic International, Conectas Direitos Humanos, France Libertés: Fondation Danielle Mitterand, Franciscans International (also on behalf of Bischofliches Hilfswerk Misereor e.V., Pax Romana International Catholic Movement for Intellectual and Cultural Affairs and International Catholic Student Movement and the Swiss Catholic Lenten Fund), Human Rights Watch, Indian Council of South America, International Educational Development Inc., International Human Rights Association of American Minorities, International Islamic Federation of Student Organizations, International Peace Bureau, Liberation, Nord-Sud XXI, Press Emblem Campaign, Rencontre africaine pour la défense des droits de l'homme, Reporters without Borders International, Society for Threatened Peoples, Tchad agir pour l'environnement, Union de l'action féminine, United Nations Watch, United Towns Agency for North-South Cooperation, Verein Sudwind Entwicklungspolitik, World Muslim Congress, World Union for Progressive Judaism

129. At the 13th meeting, statements in exercise of the right of reply were made by the representatives of China and Thailand.

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

##### **Mandate of the Special Rapporteur on trafficking in persons, especially women and children**

130. At the 33rd meeting, on 16 June 2011, the representatives of Germany and the Philippines introduced draft resolution A/HRC/17/L.2, sponsored by Germany and the Philippines and co-sponsored by Albania, Algeria, Armenia, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Burkina Faso, Cambodia, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Finland, France, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Maldives, Mexico, Morocco, the Netherlands, Norway, Panama, Peru, Poland, Portugal, the Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sri Lanka, Switzerland, Thailand, Timor-Leste, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Venezuela (Bolivarian Republic of) and Viet Nam. Subsequently, Andorra, Argentina, Brazil, Bolivia (Plurinational State of), Bulgaria, Canada, Colombia, Congo, Côte d'Ivoire, Egypt, Estonia, Honduras, Hungary, Iceland, Indonesia, Japan, Jordan, Kazakhstan, Kyrgyzstan, Liechtenstein, Madagascar, Monaco, Montenegro, Nicaragua, Nigeria, Paraguay, Qatar, the Republic of Korea, Senegal, Turkey and Uganda joined the sponsors.

131. At the same meeting, the representative of the United States of America 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.

133. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 17/1).

#### **Independence of judges and lawyers**

134. At the 33rd meeting, on 16 June 2011, the representative of Hungary introduced draft resolution A/HRC/17/L.10, sponsored by Hungary and co-sponsored by Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Ireland, Israel, Italy, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Maldives, Mexico, the Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, the Republic of Moldova, Romania, the Russian Federation, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Albania, Andorra, Brazil, Bulgaria, Honduras, Iceland, India, Japan, Malta, Montenegro, Morocco, the Republic of Korea, Senegal, Spain, Uruguay and Venezuela (Bolivarian Republic of) joined the sponsors.

135. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

136. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 17/2).

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

137. At the 33rd meeting, on 16 June 2011, the representative of Portugal introduced draft resolution A/HRC/17/L.11, sponsored by Portugal and co-sponsored by Algeria, Argentina, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Burkina Faso, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Italy, Latvia, Lithuania, Luxembourg, Mexico, Morocco, Panama, Peru, Poland, the Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Albania, Andorra, Azerbaijan, Brazil, Bulgaria, Cape Verde, Egypt, El Salvador, Georgia, Honduras, Ireland, Israel, Japan, Malta, Mauritius, Monaco, Montenegro, Mozambique, the Netherlands, Norway, Paraguay, Senegal, Sri Lanka, Thailand and the United States of America joined the sponsors.

138. 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.

139. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 17/3).

#### **Human rights and transnational corporations and other business enterprises**

140. At the 33rd meeting, on 16 June 2011, the representatives of Norway and Argentina introduced draft resolution A/HRC/17/L.17/Rev.1, sponsored by Argentina, India, Nigeria, Norway and the Russian Federation, and co-sponsored by Austria, Canada, Denmark, Guatemala, Peru, Sweden and Turkey. Subsequently, Andorra, Australia, Belgium, Brazil, Bulgaria, Colombia, Djibouti, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Indonesia, Ireland, Italy, Jordan, Latvia, Lithuania, Luxembourg, Mexico, the

Netherlands, Poland, Portugal, Slovakia, Spain, Switzerland, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the sponsors.

141. At the same meeting, the representative of Norway orally revised the draft resolution.

142. Also at the same meeting, the representatives of Ecuador, Hungary, Japan, the United Kingdom of Great Britain and Northern Ireland and the United States of America made general comments in relation to the draft resolution.

143. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

144. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 17/4).

#### **Mandate of the Special Rapporteur on extrajudicial, summary and arbitrary executions**

145. At the 33rd meeting, on 16 June 2011, the representative of Sweden introduced draft resolution A/HRC/17/L.19, sponsored by Sweden and co-sponsored by Albania, Argentina, Armenia, Australia, Austria, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, Croatia, the Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Ireland, Israel, Italy, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Switzerland, Timor-Leste, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Andorra, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Cyprus, Georgia, Iceland, Malta, Monaco, Montenegro, Palestine, the Republic of Korea and the Republic of Moldova joined the sponsors.

146. At the same meeting, the representative of Sweden orally revised the draft resolution.

147. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

148. Also at the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

149. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 17/5).

#### **Mandate of the independent expert on human rights and international solidarity**

150. At the 33rd meeting, on 16 June 2011, the representative of Cuba introduced draft resolution A/HRC/17/L.21, sponsored by Cuba and co-sponsored by Algeria, Bangladesh, Belarus, Bolivia (Plurinational State of), Burkina Faso, China, Djibouti, Ecuador, Indonesia, Malaysia, Nicaragua, Nigeria, Palestine, the Philippines, Sri Lanka, Uruguay, Venezuela (Bolivarian Republic of) and Viet Nam. Subsequently, the Democratic People's Republic of Korea, the Sudan and the Syrian Arab Republic joined the sponsors.

151. At the same meeting, the representative of Hungary made a statement on behalf of the European Union in explanation of vote before the vote.

152. Also at the same meeting, at the request of the representative of Hungary, on behalf of the European Union, a recorded vote was taken on the draft resolution. The draft resolution was adopted by 32 votes in favour, 14 against, with 0 abstention.

153. For the text as adopted and voting results, see part one, chapter I, resolution 17/6.

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

154. At the 33rd meeting, on 16 June 2011, the representative of Cuba introduced draft resolution A/HRC/17/L.24, sponsored by Cuba and co-sponsored by Algeria, Bangladesh, Belarus, Bolivia (Plurinational State of), Burkina Faso, the Congo, Djibouti, Ecuador, Indonesia, Nicaragua, Nigeria, Palestine, the Philippines, Sri Lanka, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, the Democratic People's Republic of Korea, the Dominican Republic, Egypt, South Africa, the Sudan and the Syrian Arab Republic joined the sponsors.

155. At the same meeting, the representative of Cuba orally revised the draft resolution.

156. Also at the same meeting, the representatives of Hungary (on behalf of the European Union) and of the United States of America made a statement in explanation of vote before the vote.

157. At the same meeting, at the request of the representatives of Hungary (on behalf of the European Union) and of the United States of America, a recorded vote was taken on the draft resolution. The draft resolution was adopted by 30 votes in favour, 13 against, with 3 abstentions.

158. For the text as adopted and voting results, see part one, chapter I, resolution 17/7.

**Proclamation of 19 August as the International Day of Remembrance of and Tribute to the Victims of Terrorism**

159. At the 33rd meeting, on 16 June 2011, the representative of Afghanistan introduced draft resolution A/HRC/17/L.25, sponsored by Afghanistan and co-sponsored by Australia, Cuba, Finland, France, Germany, India, Iraq, Japan, Maldives, Morocco, Norway, Poland, Portugal, Romania, Spain, Timor-Leste, Turkey and the United States of America. Subsequently, Algeria, Austria, Azerbaijan, Bangladesh, Brazil, Bulgaria, Chad, Croatia, Djibouti, Greece, Ireland, Italy, Kazakhstan, Kyrgyzstan, Lithuania, Malaysia, Montenegro, New Zealand, Pakistan, the Russian Federation, Slovenia, Sri Lanka, Thailand, the United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of) joined the sponsors.

160. At the same meeting, the representative of Afghanistan orally revised the draft resolution.

161. Also at the same meeting, the representative of Spain made general comments in relation to the draft resolution.

162. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 17/8).

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

163. At the 34th meeting, on 17 June 2011, the representative of Canada introduced draft resolution A/HRC/17/L.6, sponsored by Canada and co-sponsored by Albania, Armenia, Australia, Austria, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Cambodia, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech

Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Italy, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, Montenegro, the Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, the Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Ukraine, Uruguay and Viet Nam. Subsequently, Andorra, Azerbaijan, Brazil, Bulgaria, Burkina Faso, Chad, the Congo, Côte d'Ivoire, Djibouti, Georgia, Ghana, Iceland, Ireland, Israel, Japan, Kenya, Madagascar, Maldives, Mauritius, Morocco, Palestine, Paraguay, the Republic of Korea, San Marino, Somalia, Timor-Leste, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela (Bolivarian Republic of) joined the sponsors.

164. At the same meeting, the representative of Canada orally revised the draft resolution.

165. Also at the same meeting, the representative of the Russian Federation made a statement in explanation of vote before the vote.

166. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 17/11).

#### **Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants**

167. At the 34th meeting, on 17 June 2011, the representative of Mexico introduced draft resolution A/HRC/17/L.12, sponsored by Mexico and co-sponsored by Argentina, Armenia, Bolivia (Plurinational State of), Bosnia and Herzegovina, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Panama, Peru, the Philippines, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Algeria, Belarus, Brazil, Côte d'Ivoire, Egypt, Georgia, Kyrgyzstan, Morocco, Paraguay, Senegal, Sri Lanka, Turkey and the United States of America joined the sponsors.

168. At the same meeting, the representative of Hungary, made general comments on behalf of the European Union in relation to the draft resolution.

169. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

170. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 17/12).

#### **Extreme poverty and human rights**

171. At the 34th meeting, on 17 June 2011, the representative of France introduced draft resolution A/HRC/17/L.15, sponsored by France and co-sponsored by Albania, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Canada, Chile, the Congo, Croatia, Cyprus, the Czech Republic, Ecuador, Finland, Germany, Greece, Guatemala, Honduras, Ireland, Italy, Latvia, Lebanon, Lithuania, Morocco, Norway, Panama, Peru, the Philippines, Poland, Portugal, Romania, Senegal, Serbia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Viet Nam. Subsequently, Andorra, Bulgaria, Cape Verde, Colombia, Costa Rica, Cuba, Denmark, Djibouti, Egypt, Hungary, Japan, Luxembourg, Mexico, Monaco, Montenegro, the Netherlands, Qatar, the Republic of Korea, the Republic of Moldova, Slovakia, Sweden, Switzerland, Thailand, Turkey and Venezuela (Bolivarian Republic of) joined the sponsors.

172. At the same meeting, the representative of France orally revised the draft resolution.

173. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 17/15).

**Right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the context of development and access to medicines**

174. At the 34th meeting, on 17 June 2011, the representative of Brazil, on behalf of India, Egypt and South Africa, introduced draft resolution A/HRC/17/L.16, sponsored by Brazil, Egypt, India and South Africa and co-sponsored by Algeria, Armenia, Bangladesh, Bolivia (Plurinational State of), Bosnia and Herzegovina, Chile, Colombia, Costa Rica, Cuba, Guatemala, Ecuador, El Salvador, India, Nicaragua, Panama, Peru, Turkey, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Andorra, Argentina, Burkina Faso, Djibouti, Mauritius, Morocco, Norway, the Philippines, Senegal, Spain, Sri Lanka, Switzerland, Thailand and Uganda joined the sponsors.

175. At the same meeting, the representative of Brazil orally revised the draft resolution.

176. Also at the same meeting, the representatives of the United States of America, of Japan and of Cuba made general comments in relation to the draft resolution.

177. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

178. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 17/14).

179. Also, at the same meeting, the representative of Brazil made a statement in explanation of vote after the vote.

**Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity**

180. At the 34th meeting, on 17 June 2011, the representative of Cuba introduced draft resolution A/HRC/17/L.22, sponsored by Cuba and co-sponsored by Belarus, Bolivia (Plurinational State of), Brazil, Burkina Faso, China, Djibouti, Ecuador, Indonesia, Malaysia, Nicaragua, Nigeria, Pakistan, Palestine, the Philippines, Uruguay, Venezuela (Bolivarian Republic of) and Viet Nam. Subsequently, Azerbaijan, Bangladesh, Costa Rica, Côte d'Ivoire, the Democratic People's Republic of Korea, the Dominican Republic, Egypt, Iran (Islamic Republic of), Mexico, Morocco, Senegal, Serbia, Sri Lanka, the Sudan and the Syrian Arab Republic joined the sponsors.

181. At the same meeting, the representative of Cuba orally revised the draft resolution.

182. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

183. At the same meeting, the representatives of Hungary, on behalf of the European Union, and of the United States of America made general comments in relation to the draft resolution.

184. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 17/15).

**Promotion of the right of people to peace**

185. At the 34th meeting, on 17 June 2011, the representative of Cuba introduced draft resolution A/HRC/17/L.23, sponsored by Cuba and co-sponsored by Algeria, Belarus,

Bolivia (Plurinational State of), Burkina Faso, China, Djibouti, Ecuador, Malaysia, Nicaragua, Nigeria, Palestine, the Philippines, Venezuela (Bolivarian Republic of) and Viet Nam. Subsequently, Bangladesh, the Congo, Côte d'Ivoire, the Democratic People's Republic of Korea, the Dominican Republic, Egypt, Indonesia, Iran (Islamic Republic of), Lebanon, Sri Lanka, the Sudan, the Syrian Arab Republic and Uruguay joined the sponsors.

186. At the same meeting, the representative of Cuba orally revised the draft resolution.

187. Also at the same meeting, the representatives of Hungary, on behalf of the European Union, of the United States of America and of Mexico made statements in explanation of vote before the vote.

188. At the same meeting, at the request of the representative of Hungary, on behalf of the European Union, a recorded vote was taken on the draft resolution. The draft resolution was adopted by 32 votes in favour, 14 against, with no abstentions.

189. For the text as adopted and voting results, see part one, chapter I, resolution 17/16.

#### **Panel on the promotion and protection of human rights in the context of peaceful protests**

190. At the 35th meeting, on 17 June 2011, the representative of Switzerland introduced draft decision A/HRC/17/L.4/Rev.1, sponsored by Switzerland. Subsequently, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kenya, Latvia, Liechtenstein, Lithuania, Maldives, Montenegro, the Netherlands, Norway, Palestine, Poland, Portugal, the Republic of Korea, Serbia, Slovakia, Slovenia, Somalia, Spain, Sweden, Timor-Leste, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the sponsors.

191. At the same meeting, the representative of Switzerland orally revised the draft decision.

192. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft decision.

193. Also at the same meeting, the draft decision was adopted without a vote (for the text as adopted, see part one, chapter I, decision 17/120).

#### **Migrants and asylum seekers fleeing from events in North Africa**

194. At the 35th meeting, on 17 June 2011, the representative of Nigeria, on behalf of the Group of African States, introduced draft resolution A/HRC/17/L.13, sponsored by Nigeria, on behalf of the Group of African States. Subsequently, Bolivia (Plurinational State of) and Brazil joined the sponsors.

195. At the same meeting, the representative of Brazil made general comments in relation to the draft resolution.

196. Also at the same meeting, the representatives of Hungary, on behalf of European Union, and of the United States of America made statements in explanation of vote before the vote.

197. At the same meeting, at the request of the representatives of Hungary, on behalf of the European Union, and of the United States of America, a recorded vote was taken on the draft resolution. The draft resolution was adopted by 32 votes in favour, 14 against, with no abstentions.



198. For the text as adopted and voting results, see part one, chapter I, resolution 17/22.

**The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights**

199. At the 35th meeting, on 17 June 2011, the representative of Nigeria, on behalf of the Group of African States, introduced draft resolution A/HRC/17/L.26, sponsored by Nigeria, on behalf of the Group of African States.

200. At the same meeting, the representative of Cuba orally revised the draft resolution.

201. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

202. At the same meeting, the representatives of the United States of America, of Switzerland, of Hungary (on behalf of the European Union), of Argentina and of Cuba made statements in explanation of vote before the vote.

203. Also at the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on the draft resolution. The draft resolution was adopted by 32 votes in favour, 12 against, with 2 abstentions.

204. For the text as adopted and voting results, see part one, chapter I, resolution 17/23.

205. At the same meeting, the representative of Nigeria, on behalf of the Group of African States, made a statement in explanation of vote after the vote.

206. Also at the same meeting, the representative of Norway made general comments.

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

### A. Follow-up to Human Rights Council resolution S-15/1

207. At the 20th meeting, on 9 June 2011, the Chairperson of the international commission of inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya, Professor Cherif Bassiouni, presented the report of the commission of inquiry (A/HRC/17/44), pursuant to Human Rights Council resolution S-15/1.

208. At the same meeting, a representative of the Libyan Arab Jamahiriya made a statement as a concerned country.

209. During the ensuing interactive dialogue, at the same meeting, the following made statements and asked questions:

(a) Representatives of States Members of the Human Rights Council: Argentina, Belgium, Brazil, China, Cuba, France, Italy, Japan, Jordan, Malaysia, Maldives, Mauritania, Mexico, Nigeria (on behalf of the Group of African States), Norway, Palestine (on behalf of the Group of Arab States), Qatar, Republic of Korea, Russian Federation, Slovakia, Spain, Switzerland, Thailand, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Australia, Canada, Chile, Denmark, Germany, Iraq, Ireland, Lebanon, Morocco, Poland, Portugal, Sudan, Sweden, Turkey, Venezuela (Bolivarian Republic of);

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

(d) Observers for non-governmental organizations: Amman Center for Human Rights Studies, Cairo Institute for Human Rights Studies, Human Rights Watch, Nord-Sud XXI, Reporters without Borders – Reporters sans Frontières.

210. At the same meeting, the Chairperson of the commission of inquiry answered questions and made concluding remarks.

211. At the 23rd meeting, on 10 June 2011, the United Nations High Commissioner for Human Rights presented her report on the situation of human rights in the Libyan Arab Jamahiriya (A/HRC/17/45). At the same meeting, on the same day, the Director of the Office for the Coordination of Humanitarian Affairs and the former humanitarian coordinator for Libya, and the Director of the Regional Bureau for North Africa and the Middle East of the United Nations High Commissioner for Refugees (UNCHR) made statements.

212. During the ensuing interactive dialogue, at the same meeting, the following made statements and asked questions:

(a) Representatives of States Members of the Human Rights Council: Argentina, France, Jordan, Palestine (on behalf of the Group of Arab States), Spain, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Observer for an intergovernmental organization: European Union;

(c) Observers for non-governmental organizations: Amnesty International, International Educational Development Inc., CIVICUS: World Alliance for Citizen Participation, Press Emblem Campaign, Rencontre africaine pour la défense des droits de l'homme (also on behalf of the United Towns Agency for North-South Cooperation).

213. At the same meeting, on the same day, the High Commissioner answered questions and made her concluding remarks. The Director of the UNHCR Regional Bureau for North Africa and the Middle East and Thierry Delbreuve, on behalf of the Director of the Office for the Coordination of Humanitarian Affairs and former humanitarian coordinator for Libya also made concluding remarks.

## **B. Follow-up to Human Rights Council resolution 16/25**

214. At its 29th meeting, on 15 June 2011, the Chairperson of the international commission of inquiry to investigate the facts and circumstances surrounding the allegations of serious abuses and violations of human rights committed in Côte d'Ivoire following the presidential election of 28 November 2010, Professor Vitit Muntabhorn, presented the report of the commission of inquiry (A/HRC/17/48), pursuant to Council resolution 16/25.

215. At the same meeting, the representative of Côte d'Ivoire made a statement as the country concerned.

216. During the ensuing interactive dialogue, at the same meeting, the following made statements and asked questions:

(a) Representatives of States Members of the Human Rights Council: Brazil, China, France, Japan, Mexico, Nigeria (on behalf of the Group of African States), Norway, Russian Federation, Senegal, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Australia, Austria, Canada, Germany, Morocco, Slovenia, Sweden, Turkey;

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

(d) Observers for non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Amnesty International, Comité international pour le respect et l'application de la Charte africaine des droits de l'homme et des peuples, International Federation for Human Rights, Human Rights Watch.

217. At the same meeting, the Chairperson of the commission of inquiry answered questions. Reine Alapini and Suliman Baldo, members of the commission of inquiry, made concluding remarks. Subsequently, the Chairperson made concluding remarks.

## **C. Follow-up to Human Rights Council resolutions S-14/1 and S-16/1**

218. At the 29th meeting, on 15 June 2011, the High Commissioner presented her report on the situation of human rights in Côte d'Ivoire (A/HRC/17/49), pursuant to Human Rights Council resolution S-14/1.

219. At the same meeting, on the same day, the High Commissioner presented her report on the situation of human rights in the Syrian Arab Republic (A/HRC/17/CRP.1), pursuant to Human Rights Council resolution S-16/1.

220. At the same meeting, on the same day, the representative of Côte d'Ivoire made a statement as the country concerned.

#### D. General debate on agenda item 4

221. At its 29th and 30th meeting, on 15 June 2011, and at its 31st meeting, on 16 June, the Human Rights Council held a general debate on agenda item 4, during which the following made statements:

(a) Representatives of States Members of the Human Rights Council: Belgium, Brazil, Canada (also on behalf of Albania, Andorra, Australia, Austria, Belgium, Benin, Botswana, Bulgaria, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zambia), China, Cuba, France, Hungary (on behalf of the European Union), Japan, Netherlands (on behalf of the Group of Arab States, the European Union, Albania, Australia, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Guatemala, Honduras, Iceland, Israel, Japan, Maldives, Mexico, Monaco, New Zealand, Norway, Peru, the Republic of Korea, Serbia, Switzerland, Turkey, the United States of America and Uruguay), Norway, Pakistan, Republic of Korea, Slovakia, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay;

(b) Representatives of observer States: Algeria, Australia, Austria, Belarus, Canada, Czech Republic, Denmark, Germany, Honduras, Iran (Islamic Republic of), Ireland, Israel, New Zealand, Peru, Sweden, Venezuela (Bolivarian Republic of);

(c) Observers for non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Agence internationale pour le développement, Asian Legal Resource Centre (also on behalf of Lawyers' Rights Watch Canada), Baha'i International Community, Cairo Institute for Human Rights, Centre for Human Rights and Peace Advocacy, Centrist Democratic International, France Libertés: Fondation Danielle Mitterrand, Human Rights Watch, Verein Sudwind Entwicklungspolitik, Indian Council of South America, International Islamic Federation of Student Organizations, International Movement against All Forms of Discrimination and Racism, Liberation, Mouvement contre le racisme et pour l'amitié entre les peuples (also on behalf of France Libertés: Fondation Danielle Mitterrand, International Educational Development Inc., International Peace Bureau), Non-violent Radical Party, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale, Rencontre africaine pour la défense des droits de l'homme, the Society for Threatened Peoples (also on behalf of International Educational Development Inc., the Non-violent Radical Party, and Transnational and Transparty), Transitional and Transparty, Union de l'action féminine, Cooperativa Técnico Científica di Base (also on behalf of Alliance for Citizen Participation, Amnesty International, CIVICUS – World, Gherush92 – Committee for Human Rights, Press Emblem Campaign, United Nations Watch), United Towns Agency for North-South Cooperation, Women's Human Rights International Association (also on behalf of France Libertés: Fondation Danielle Mitterrand, International Educational Development Inc., Mouvement contre le racisme et pour l'amitié entre les peuples), World Muslim Congress.

222. At the 30th meeting, on 15 June 2011, statements in exercise of the right of reply were made by the representatives of Algeria, Azerbaijan, Bahrain, China, Cuba, the Democratic People's Republic of Korea, Ethiopia, Japan, Morocco, Sri Lanka, Venezuela (Bolivarian Republic of) and Zimbabwe.

223. At the same meeting, statements in exercise of a second right of reply were made by the representatives of the Democratic People's Republic of Korea and of Japan.

224. At the 31st meeting, on 16 June 2011, a statement in exercise of the right of reply was made by the representative of Uzbekistan.

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

### **Human rights in the Libyan Arab Jamahiriya**

225. At the 34th meeting, on 17 June 2011, the representative of Jordan introduced draft resolution A/HRC/14/L.3, sponsored by Jordan, Maldives, Qatar and the United Kingdom of Great Britain and Northern Ireland and co-sponsored by Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Honduras, Hungary, Iraq, Ireland, Israel, Italy, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Morocco, the Netherlands, New Zealand, Norway, Palestine, Poland, Portugal, the Republic of Moldova, Romania, Saint Kitts and Nevis, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey and the United States of America. Subsequently, Botswana, Costa Rica, Iceland, Mauritania, Mexico, Monaco, Montenegro, Nigeria, the Republic of Korea, Senegal and Zambia joined the sponsors.

226. At the same meeting, the representative of Jordan orally revised the draft resolution.

227. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

228. At the same meeting, the representatives of Argentina, Brazil (also on behalf of Brazil, China, India and the Russian Federation), Cuba, Ecuador and Nigeria (on behalf of the Group of African States) made statements in explanation of vote before the vote.

229. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 17/17).

### **Human rights situation in Belarus**

230. At the 35th meeting, on 17 June 2011, the representative of Hungary introduced, on behalf of the European Union, draft resolution A/HRC/17/L.20/Rev.1, sponsored by Hungary (on behalf of the European Union) and co-sponsored by Albania, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Australia, Bosnia and Herzegovina, Iceland, Israel, Monaco, Montenegro, the former Yugoslav Republic of Macedonia and the United States of America joined the sponsors.

231. At the same meeting, the representative of Hungary, on behalf of the European Union, orally revised the draft resolution.

232. Also at the same meeting, the representative of Ukraine made general comments on the draft resolution.

233. At the same meeting, the representative of Belarus made a statement as the country concerned.

234. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

235. At the same meeting, the representatives of China, of Cuba, of Mexico and of the Russian Federation made statements in explanation of vote before the vote.

236. Also at the same meeting, at the request of the representative of the Russian Federation, a recorded vote was taken on the draft resolution. The draft resolution was adopted by 21 votes in favour, 5 against, with 19 abstentions.

237. For the text as adopted and voting results, see part one, chapter I, resolution 17/24.

238. At the same meeting, the representative of Nigeria made general comments.

## V. Human rights bodies and mechanisms

### A. General debate on agenda item 5

239. At the 13th meeting, on 6 June 2011, the Chairperson of the Open-ended Working Group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure presented the report of the Working Group on its second session (A/HRC/17/36).

240. At the same meeting, the Human Rights Council held a general debate on agenda item 5, during which the following made statements:

(a) Representatives of States Members of the Human Rights Council: China, Cuba, Hungary (on behalf of the European Union), Maldives, Nigeria (on behalf of the Group of African States), Republic of Moldova, Slovakia, Slovenia (on behalf of Austria, Chile, Germany, Kenya, Maldives, Slovakia, Slovenia, Thailand and Uruguay), Thailand;

(b) Representatives of observer States: Algeria, Austria, Germany, Morocco, Turkey;

(c) Observer for the Holy See;

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

(e) Observers for non-governmental organizations: Comité international pour le respect et l'application de la Charte africaine des droits de l'homme et des peuples, Indian Council for South America, International Association of Peace Messenger Cities, International Catholic Migration Commission, International Commission of Jurists, International Service for Human Rights, SOS Kinderdorf International (also on behalf of Defence for Children International, Kindernothilfe Help for Children in Need, Plain International Inc., International Federation Terre des Hommes, the International Save the Children Alliance and the World Organization against Torture), Verein Sudwind Entwicklungspolitik.

### B. Complaint procedure

241. At its 14th meeting, on 6 June 2011, and at its 21st meeting, on 9 June, the Human Rights Council held two closed meetings of the complaint procedure.

242. At the 23rd meeting, on 10 June 2011, the President made a statement on the outcome of the meetings, stating that the Human Rights Council had, in closed meetings, examined the human rights situation in Tajikistan under the complaint procedure established pursuant to Human Rights Council resolution 5/1 and had decided to keep the situation under review.

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

#### Optional Protocol to the Convention on the Rights of the Child

243. At the 34th meeting, on 17 June 2011, the representative of Slovakia introduced draft resolution A/HRC/17/L.8, sponsored by Austria, Chile, Germany, Kenya, Maldives, Slovakia, Slovenia, Thailand and Uruguay and co-sponsored by Belgium, Bosnia and Herzegovina, Costa Rica, Croatia, Cyprus, the Czech Republic, Ecuador, Equatorial

Guinea, Estonia, Finland, Greece, Guatemala, Honduras, Hungary, Liechtenstein, Luxembourg, Morocco, Panama, Peru, Portugal, Serbia, Spain, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine and United States of America. Subsequently, Albania, Andorra, Bangladesh, Bolivia (Plurinational State of), Brazil, Bulgaria, Ireland, Japan, Jordan, Kazakhstan, Montenegro, Palestine, Paraguay, Senegal and Zambia joined the sponsors.

244. At the same meeting, the representative of Slovakia orally revised the draft resolution.

245. Also at the same meeting, the representatives of Japan, of the Russian Federation and of China made general comments in relation to the draft resolution.

246. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

247. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 17/18).



## VI. Universal periodic review

248. Pursuant to General Assembly resolution 60/251, Human Rights Council resolution 5/1 and President's statements 8/1 and 9/2 on modalities and practices for the universal periodic review process, the Council considered the outcome of the reviews conducted during the tenth session of the Working Group on the Universal Periodic Review.

### A. Consideration of universal periodic review outcomes

249. In accordance with paragraph 4.3 of President's statement 8/1, the section below contains a summary of the views expressed on the outcome by States under review, Member and observer States of the Human Rights Council, as well as general comments made by other relevant stakeholders before the adoption of the outcome by the Council in plenary session.

#### Nauru

250. The review of Nauru was held on 24 January 2011 in conformity with all the relevant provisions contained in Human Rights Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Nauru in accordance with the annex to resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/NRU/1 and A/HRC/WG.6/10/NRU/1/Corr.1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/NRU/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/NRU/3).

251. At its 15th meeting, on 7 June 2011, the Council considered and adopted the outcome of the review of Nauru (see section C below).

252. The outcome of the review of Nauru comprised the report of the Working Group on the Universal Periodic Review (A/HRC/17/3), the views of Nauru 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/17/3/Add.1).

#### 1. Views expressed by the State under review on the recommendations and/or conclusions, its voluntary commitments and the outcome

253. Nauru expressed its commitment to promoting human rights and participating in both domestic and international forums in this regard, and would endeavour to take the measures proposed to address the concerns highlighted by other States.

254. While having accepted the majority of the recommendations, Nauru lacked the necessary resources and capacity to implement fully all of them. Nauru was unable to accept a number of recommendations calling for ratification of or accession to international treaties, as they were currently beyond its national resources. Though not being a party to these instruments, Nauru was willing to consider the incorporation of fundamental principles into its policies and laws.

255. The possibility of Nauru becoming a State party to the Convention on the Elimination of All Forms of Discrimination against Women remained a matter under active consideration.

256. Since the review held in January 2011, the Parliament of Nauru had passed the Education Act 2011. Under the Act, education was compulsory until the age of 18 years, new provisions for teacher registration had been introduced, standards and curriculum issues addressed, the realization of the education rights of students with disabilities upheld, and many other positive changes pursued. The Parliament had also passed the Passports Act 2011, which included, inter alia, provision for the issuance of travel documents for refugees.

257. Nauru was aware that laws alone did not resolve human rights concerns, and that its endeavour represented a considerable undertaking for a small nation facing significant challenges. Nauru was encouraged by the newly opened Commonwealth Small States Office in Geneva and would continue to engage with the Commonwealth secretariat and donors with regard to the possibility of establishing a small permanent mission in Geneva.

258. While expressing its gratitude for all recommendations made, Nauru called upon the international community to assist it in its efforts to further progress in human rights. Recalling the financial turmoil from which Nauru was slowly recovering, it looked forward to working in partnership with all relevant stakeholders towards a better future for its people.

## **2. Views expressed by Member and observer States of the Human Rights Council on the review outcome**

259. Algeria congratulated again Nauru on its report centred on human rights. This was even more significant considering the human and financial constraints that Nauru had to face. Algeria therefore renewed its appeal to the international community to provide Nauru with all necessary assistance. Algeria was pleased to note that its four recommendations — on access to the International Covenant on Civil and Political Rights, the fight against poverty, domestic violence and the promotion of the role of women — had all been accepted by Nauru. Algeria also noted that Nauru had accepted a vast majority of the recommendations, while those rejected mainly concerned accession to human rights treaties. Algeria believed that the heavy reporting obligation to treaty bodies overwhelmed a country like Nauru with scant resources.

260. Cuba was pleased by the additional information provided by Nauru on the recommendations made. Nauru's review was marked by a good and rich debate, and it had become clear that, amidst challenges such as the international economic crisis and environmental issues, the promotion and protection of human rights was a priority for Nauru. Cuba welcomed the acceptance by Nauru of many recommendations, especially those concerning the socioeconomic development of the country, including its environmental aspects. Cuba shared Nauru's dreams, expectations and successes, with the common objective of achieving development on the basis of social justice.

261. New Zealand made several recommendations, including improvements to Nauru's reporting obligations on human rights issues, becoming a party to the core human rights instruments, ratifying the Convention on the Elimination of All Forms of Discrimination against Women and reviewing its policies to ensure protection of women's rights. New Zealand congratulated Nauru on having accepted many of the recommendations, and recalled Nauru's commitment, made at its review, to the ratification of the Convention and to the possible ratification of the International Covenant on Civil and Political Rights. New Zealand noted that, at that time, Nauru also supported the Convention on the Rights of Persons with Disabilities, and intended to amend the law making homosexuality illegal.

New Zealand encouraged Nauru in its efforts to improve its human rights framework, notwithstanding a number of constitutional constraints.

262. Morocco welcomed with satisfaction Nauru's favourable reaction to many recommendations, especially those relating to human development and refugee issues. Morocco thanked Nauru for having accepted its recommendations on the insufficient presence of women in Parliament and on the establishment of a national human rights institution. According to Morocco, the international community was called upon to favourably reply to Nauru's request for technical and financial assistance. In doing so, it would be crucial to take into consideration the multiple economic, climatic and geographic constraints that had obliged Nauru to take responsibility for the protection of some vulnerable groups, such as migrants and refugees. Nauru's approach to the refugee issue was a best practice. Morocco noted that Nauru had also embarked on a throughout revision of its Constitution.

### **3. General comments made by other relevant stakeholders**

263. The European Region of the International Lesbian and Gay Federation (ILGA-Europe) commended Nauru for its acceptance of recommendations aimed at decriminalizing sexual activity between consenting adults of the same sex, and asked the delegation about the timetable for the adoption of the Criminal Code amendments. ILGA-Europe also welcomed Nauru's acceptance of the principle of non-discrimination on the grounds of sexual orientation and gender identity, asked for plans that Nauru may have to further this commitment and referred to the Yogyakarta Principles in this respect. Finally, ILGA-Europe welcomed Nauru's support for the recent joint statement on human rights, sexual orientation and gender identity delivered before the Human Rights Council.

264. The World Association for the School as an Instrument of Peace agreed with States that Nauru should meet its treaty body reporting obligations. It encouraged Nauru to reverse its position on the ratification of the core international human rights instruments and to consider the ratification of ILO Conventions. It was pleased that Nauru had accepted recommendations to issue a standing invitation to the special procedures and to establish a national human rights institution. It encouraged Nauru to create a national curriculum for human rights education at all levels of education and to provide a leadership role in the creation of a regional human rights body. The Association also stated that the potential impact of climate change on Nauru was dire, and encouraged Nauru's continued involvement in this regard. It offered its expertise relating to most of the above-mentioned issues.

### **4. Concluding remarks of the State under review**

265. Nauru thanked all delegations, including civil society, for their comments and constructive recommendations. In reply to ILGA-Europe, Nauru stated that it could take at least three years for the first draft of the Criminal Code to be completed. While being enriched by the experience of the universal periodic review, Nauru looked forward to the next stage of the process, endeavouring to reach its human rights milestones.

#### **Rwanda**

266. The review of Rwanda was held on 24 January 2011 in conformity with all the relevant provisions contained in Human Rights Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Rwanda in accordance with the annex to resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/RWA/1 and Corr.1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/RWA/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/RWA/3 and Corr.1).

267. At its 15th meeting, on 7 June 2011, the Human Rights Council considered and adopted the outcome of the review of Rwanda (see section C below).

268. The outcome of the review of Rwanda comprised the report of the Working Group on the Universal Periodic Review (A/HRC/17/4), the views of Rwanda 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/17/4/Add.1).

**1. Views expressed by the State under review on the recommendations and/or conclusions, its voluntary commitments and the outcome**

269. The delegation recalled that, during the review held in January 2011, Rwanda had accepted most of the recommendations and rejected three, stating that they were based on incorrect or false premises. Recommendation 81.1 had been rejected because there were no armed groups on Rwandan territory. Rwanda had a professional army, a professional police force and a professional correctional services force, all made up of adult men and women over the age of 18. This fact had been attested to by national, regional and international observers, who had participated in the selection of Rwandan forces for the international peacekeeping missions. The delegation stated that there was also a local defence force that provided security services to decentralized local administration units. The force had undergone deep reforms and was now a well-disciplined and respected force that contributed greatly to community development.

270. Recommendation 81.2 had been rejected because Rwanda was not a country where human trafficking took place. Preventive and precautionary measures had however been taken, including the signing of all international conventions against human trafficking and the criminalization of human trafficking in the Penal Code. Also, Rwanda had put in place a programme of community policing, which made human trafficking almost impossible in the country or transit through it.

271. Recommendation 81.3 had been rejected as the question of minority groups and indigenous people in Rwanda had often been misunderstood, confused or distorted by non-Rwandans. All Rwandans were indigenous to Rwanda and no one had the right to arbitrarily state that Rwanda had indigenous and non-indigenous populations. Furthermore, there were marginalized and vulnerable groups, but these groups could not be called indigenous because they cut across and represented a broad spectrum of the Rwandan community. Also, social services policies and programmes on health, education, housing, employment and empowerment had been adopted to take care of these disadvantaged groups without any form of discrimination.

272. The delegation recalled that, during the review held in January 2011, responses to some recommendations had been deferred pending further consultations with other stakeholders. In this regard, the delegation indicated that recommendations in paragraphs 80.1 to 80.3 and 80.5 to 80.14 of the report were now accepted and were being implemented with the other recommendations initially accepted in January 2011. Recommendations 80.4, 80.15 and 80.16 were rejected.

273. With regard to recommendation 80.4, arbitrary arrests and detentions were prohibited in Rwanda and where such arrests and detentions did take place, corrective

measures have been taken and the perpetrators were held accountable. The delegation emphasized that it was important to distinguish between procedural irregularity in arrests and detentions from arbitrary arrests and detentions. There were a few cases of arrests and detentions with procedural irregularities, but they were systematically corrected. Also, the removal of street children to child rehabilitation centres or their organization into productive cooperatives should not be regarded as arbitrary arrests. This was a matter of public policy that Rwandan citizens understood and supported. Beggars and street vendors had also been organized into small cooperatives, given start-up capital and provided with slots and stalls in markets, again as a matter of public policy. This was a conscious policy that showed how Rwandans could better organize themselves and that it was erroneous to regard these initiatives as arbitrary arrests.

274. The delegation stated that the Ministry of Gender and Family Promotion had established eight childhood development centres in the Northern Province that were currently hosting and providing proper welfare to orphan and vulnerable HIV-positive children. This pilot project would be replicated in other provinces. Also, in the Iwawa Vocational Centre on Iwawa Island in the Western Province, adolescents who had previously aimlessly roamed the streets or were involved in drug abuse had been rehabilitated and taught various skills such as carpentry, tailoring, commercial farming, construction and beekeeping. In May 2011, 752 people graduated from the Centre and were immediately absorbed by the job market. This process was continuing.

275. Recommendation 80.15 insinuated that there was discrimination in Rwanda, which was incorrect. Rwanda was committed to preventing all forms of discrimination, which was prohibited under various legislative enactments. The delegation stated that various programmes on social protection benefited all vulnerable groups, including the Batwa. The Special Rapporteur on minorities had visited Rwanda in February 2011 and assessed the rights enjoyed by the Batwa and other marginalized groups. Rwanda hoped that her report would shed more light on the situation of the Batwa population and other minorities.

276. With regard to recommendation 80.16, the delegation stated that religious groups fully enjoyed their rights. There were about 400 registered religious groups in Rwanda, and many others had not yet registered. These groups practice their faith vibrantly in various public places. Also, six radio stations belonging to religious groups were freely spreading their faith. The delegation stated that a new law governing religious groups and practices had been enacted, with full participation of religious leaders and denominations, to, *inter alia*, discourage disagreements between different religious groups and to promote coexistence.

277. The delegation stated that Rwanda had benefited from the recommendations of the Working Group, and that it intended to cooperate with the Human Rights Council in the protection and promotion of human rights. The delegation indicated that even as the recommendations were being made during the review, most of them were either being implemented or in the pipeline for implementation. Other accepted recommendations were currently at various degrees of implementation.

278. The delegation reiterated that all recommendations had been taken on board and would be implemented to the letter. There was no doubt that Rwanda had made tremendous progress in its reform portfolio, and the universal periodic review process would help it to identify existing gaps that required its attention.

279. The delegation also reiterated Rwanda's open invitation to all special rapporteurs and to all participants in the plenary session, who found the time, to visit Rwanda and to share additional ways on improving the lives of Rwanda's citizens. Rwanda had always been open to constructive criticism and engagements, and always examined recommendations, comments, concerns and other forms of interventions from its

interlocutors, adopting those that were good and rejecting those that were not. It was Rwanda's primary responsibility to ensure respect and dignity for its people, and it would not take lessons from any source that contravened this policy.

**2. Views expressed by Member and observer States of the Human Rights Council on the review outcome**

280. Algeria noted with appreciation Rwanda's commitment to the rule of law throughout the review. The fact that Rwanda had accepted the three recommendations made by Algeria was highlighted. These recommendations related to the continuing efforts to implement the Vision 2020 programme, the adoption of measures to resolve prison overcrowding and the strengthening of the national human rights institution through additional financial and human resources. Algeria applauded the significant progress made by Rwanda in the field of human rights, economic growth and national reconciliation.

281. Cuba noted that Rwanda had moved forward in the promotion of human rights, despite the negative consequences of the genocide. Cuba congratulated Rwanda on envisaging the achievement of most of the Millennium Development Goals before 2015, including the eradication of extreme poverty and hunger, the introduction of universal primary education and the promotion of gender equality. Cuba commended Rwanda for accepting most of the recommendations. It also commended Rwanda for having set up institutions and developed programmes to promote human rights.

282. Morocco highlighted Rwanda's acceptance of a large number of recommendations, including those that it had made. Morocco stated that its recommendations related to the systematic integration of the promotion of human rights into Rwanda's development programme, reform of the prison system, legal reform and the repeal of discriminatory measures in laws, in particular with regard to women. Morocco paid a special tribute to the work of the National Commission for Unity and congratulated Rwanda on its progress in achieving the Millennium Development Goals by 2015.

283. The Republic of Moldova appreciated Rwanda's acceptance of its recommendations, which related to the implementation of policies to promote women's rights and combat sexual and family violence, the adoption of a national strategy to combat all forms of violence against women, and the acceleration of the process of legal reform to ensure that all discriminatory provisions in its legislation were repealed. It encouraged Rwanda to continue its efforts to construct a democratic society and to implement the recommendations accepted.

284. Nigeria thanked Rwanda for its commitments and efforts to promote and protect human rights. Nigeria noted with encouragement Rwanda's acceptance of most of the recommendations, which reflected Rwanda's engagement with the United Nations human rights system. It encouraged Rwanda to strive for the implementation of the recommendations accepted, and called on the international community to assist Rwanda in this regard.

285. Senegal expressed appreciation for Rwanda's acceptance of a large number of recommendations, including those for the promotion of women's and children's rights. Rwanda had also accepted recommendations on the improvement of living conditions of its population. These initiatives, together with the progress made in the social and economic sphere, would bring Rwanda closer to its Millennium Development Goals. Senegal referred to Rwanda's 2011 report to the Committee on the Elimination of Racial Discrimination as further evidence of the authorities' commitment to the promotion and protection of human rights.

286. Uganda expressed satisfaction with Rwanda's consideration of the recommendations made. It noted that almost 20 recommendations were already in the process of being

implemented and that Rwanda had accepted 63 of the 73 recommendations that had been made. Uganda appreciated Rwanda's explanations for rejecting some recommendations. It noted with appreciation Rwanda's measures to implement its decision to protect the rights of the Batwa community. Uganda encouraged Rwanda to give priority to the recommendation to provide universal basic education by 2015, and welcomed Rwanda's voluntary commitments.

### 3. General comments made by other relevant stakeholders

287. Human Rights Watch welcomed Rwanda's undertakings to strengthen the independence of the judiciary, to invite the Special Rapporteur on the independence of judges and lawyers and to modify the registration of non-governmental organizations. It encouraged Rwanda to allow journalists and political parties to carry out their activities in safety. It also encouraged Rwanda to amend the 2008 Genocide Ideology Law and the 2009 Media Law. Human Rights Watch expressed concern at the absence of fair trial safeguards in the Gacaca courts, and regretted that the national human rights commission had sometimes undermined the work of non-governmental organizations.

288. Amnesty International urged Rwanda to announce a time frame for revising the Genocide Ideology Law and the Media Law, and encouraged Rwanda to amend the Sectarianism Law. It expressed concern that the Genocide Ideology Law had been used to prosecute Government critics, and urged Rwanda to review cases of politicians and journalists who had been convicted and sentenced to terms of imprisonment. Amnesty International also urged Rwanda to carry out investigations on reports of harassment to journalists. It regretted Rwanda's rejection of the recommendation to investigate cases of arbitrary detention and enforced disappearances.

289. The Society for Threatened People expressed concern at Rwanda's non-ratification of ILO Convention No. 169. The refusal to recognize the Batwa as a minority or indigenous had left them with no legal status and prevented them from actively engaging in political activities at the national level. It highlighted the severity of marginalization and discrimination faced by the Batwa, which had sidelined them in the preparation, planning and implementation of Government programmes that provide social welfare and development services. It stated that the speed at which the "Bye-bye Nyakatsi" campaign has been conducted had left many hundreds of families homeless. It called on Rwanda to reconsider its decision not to support the recommendation to intensify measures to improve the situation of minority groups and indigenous people.

290. The Cairo Institute for Human Rights jointly with Commonwealth Human Rights Initiative, Front Line Defenders and the East and Horn of Africa Human Rights Defenders Network commended Rwanda for the acceptance of a majority of the recommendations, especially those relating to human rights defenders. It encouraged Rwanda to implement these recommendations and to recognize the legitimacy of the work of human rights defenders. It welcomed the planned changes to the registration process for non-governmental organizations and indicated that ongoing revision of the Media Law was a positive step. It was concerned at the use of defamation and other criminal charges to obstruct freedom of expression. It commended Rwanda for its openness to receiving visits by special procedures mandate holders.

291. Rencontre africaine pour la défense des droits de l'homme welcomed the efforts made by Rwanda in the economic and social field, as well as its institutional and political reforms, which had ensured that the country was a world leader in terms of the number of women representatives in Parliament. Rwanda had abolished the death penalty and ratified the second Optional Protocol to the International Covenant on Civil and Political Rights. It urged Rwanda to revise its 2009 Law to put an end to the restrictions imposed on human

rights defenders, media and political parties. It also encouraged the Government to continue its full cooperation with the Human Rights Council in order to complete its reforms.

292. Action internationale pour la paix et le développement dans la région des Grands Lacs stated that Rwanda was under the consideration of United Nations mechanisms for its alleged involvement in crimes against humanity, against the Congolese civilian population. It stated that one of the individuals allegedly responsible for these crimes was under the protection of Rwanda, despite the issuance of an arrest and extradition warrant. It referred to reports that indicated that Rwanda was involved in the pillage of natural and mineral resources in a neighbouring country, and recommended that the report on the outcome of the review should be rejected.

293. The Commonwealth Human Rights Initiative noted the willingness of the Government of Rwanda to revise its media and genocide laws in accordance with international standards, and to reform the judiciary by ending the Gacaca court system. Rwanda should immediately proceed to implement fully all international treaties ratified, including the International Convention on the Elimination of All Forms of Racial Discrimination, and ratify and implement those to which it intended to become a party. It added that Rwanda should demonstrate its willingness to invite special procedures mandate holders by issuing an open invitation at the earliest.

#### 4. Concluding remarks of the State under review

294. The delegation expressed its appreciation for the statements made by Algeria, Cuba, Morocco, Nigeria, the Republic of Moldova, Senegal and Uganda, as well as those made by non-governmental organizations. With regard to the comments made by some non-governmental organizations, the delegation reiterated Rwanda's invitation to special rapporteurs and all plenary participants. The statements made by the Commonwealth Human Rights Initiative and the Society for Threatened Peoples were unfortunate. Furthermore, the delegation stated that the statements made by Human Rights Watch and Amnesty International were careless and did not reflect the reality on the ground.

#### Nepal

295. The review of Nepal was held on 25 January 2011 in conformity with all the relevant provisions contained in Human Rights Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Nepal in accordance with the annex to resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/NPL/1 and A/HRC/WG.6/10/NPL/1/Corr.1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/NPL/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/NPL/3).

296. At its 15th meeting, on 7 June 2011, the Human Rights Council considered and adopted the outcome of the review of Nepal (see section C below).

297. The outcome of the review of Nepal comprised the report of the Working Group on the Universal Periodic Review (A/HRC/17/5), the views of Nepal 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/17/5/Add.1).



**1. Views expressed by the State under review on the recommendations and/or conclusions, on its voluntary commitments and the outcome**

298. The head of the delegation expressed appreciation to delegations and national human rights institutions for their constructive engagement in the universal periodic review of Nepal. The delegation also thanked the civil society in Nepal and abroad for their inputs and suggestions.

299. The Government of Nepal had streamlined or was in the process of streamlining its policy, legal and institutional measures to implement the recommendations. The Government had widely disseminated all 135 recommendations at both the central and local levels, in the national language. Its written response and position on the 36 recommendations for consideration were reflected in the addendum to the report of the Working Group.

300. A plan of action on the implementation of universal periodic review recommendations, prepared in consultation with stakeholders, had been adopted. It outlined measures for implementing the recommendations, responsible bodies, a time frame and results indicators. The recommendations were being integrated into the national human rights plan of action and other sectoral plans.

301. Nepal viewed human rights, peace process and constitution drafting as interlinked, and was thus working hard to complete the basic tasks of the peace process and the drafting of a new Constitution. In addition, the approach paper on the three-year interim plan (2010/11–2012/13) had set the goal of improving the living standards of all Nepalese people. It envisaged building an inclusive, just and prosperous nation based on a culture of human rights in compliance with its international commitments and the fundamental rights guaranteed by the interim Constitution.

302. Nepal would no longer tolerate the scars of untouchability in society. To that effect, Parliament had recently passed the caste-based discrimination and untouchability (offence and punishment) bill. It has also been decided that 4 June would be a day against racial discrimination and untouchability.

303. Justice was a part of the peace process. Nepal remained committed to strike a balance between peace, justice and reconciliation. With a view to ensure transitional justice and enhance the culture of accountability, two important bills, the truth and reconciliation bill, and the disappearance (offence and punishment) bill, were in the final stage of enactment by Parliament. Other important bills were also under the consideration of Parliament.

304. Nepal had ratified the United Nations Convention against Corruption in 2011, and a plan of action had already been developed. Parliament was currently considering the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime for ratification.

305. The Government firmly believed in the central role of the national human rights commission in the protection and promotion of human rights, as well as in monitoring. The National Human Rights Commission Bill, which contained a range of provisions in line with international standards, was in the final stage of enactment by Parliament. Nepal remained committed to the implementation of human rights treaties, directives and recommendations by the Supreme Court and the national human rights commission, providing relevant institutions and security bodies with adequate resources.

306. Nepal attached importance to the work of special procedures mandate holders, and valued their contributions to respect for human rights. The Government was considering

extending invitations to them in due course on a case-by-case basis. Nepal was of the view that preparation was important to make these visits productive and meaningful.

307. The delegation briefly explained why Nepal was not able to accept some of the recommendations contained in paragraph 109 of the report of the Working Group. With regard to the ratification of the Optional Protocol to the Convention against Torture, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention relating to the Status of Refugees and the Protocol thereto, the delegation stated that, as a party to almost all core human rights treaties, Nepal regularly reviewed human rights treaties for possible accession or ratification. Nepal believed that putting in place adequate national infrastructures was a prerequisite for complying with the principles and objectives of the treaties, and undertaking additional responsibilities, including the reporting obligations that emanated from them. Even without being a party to these instruments, Nepal had consistently upheld their principles and objectives.

308. With regard to the recommendation contained in paragraph 109.8, Nepal reiterated that it had no policy of forcibly returning refugees.

309. With regard to the recommendation to promote durable solutions other than resettlement in third countries for refugees in eastern Nepal (para. 109.9), Nepal did not have a policy of local integration of refugees as a durable solution.

310. Regarding the recommendation to amend legislation to remove all provisions granting security forces or Government officials' immunity from prosecution for criminal acts (para. 109.11), the existing laws in Nepal did not have any provision of immunity from prosecution.

311. With regard to the recommendation to address cases of statelessness under the new Constitution (para. 109.12), the delegation categorically refuted the existence of cases of statelessness in Nepal. The delegation further indicated that a new Constitution was the prerogative of the sovereign Constituent Assembly.

312. As Nepal was striving to finalize the peace process and the drafting of the new Constitution, the protection and promotion of human rights remained a core concern. The delegation made an appeal to the international community for its continued goodwill, support and cooperation to make Nepal a peaceful, stable, democratic and prosperous country.

## **2. Views expressed by Member and observer States of the Human Rights Council on the review outcome**

313. Algeria noted Nepal's clear response to the remaining 36 recommendations and welcomed the large number of recommendations accepted. It took note with interest of Nepal's institutional reforms and of the decision to prolong the mandate of the Constitutional Assembly, which would consolidate the peace process. It encouraged the international community to continue to provide constructive support to the country.

314. Sri Lanka welcomed Nepal's comprehensive participation in the universal periodic review, incorporating inter-agency and interministerial dialogue involving cross-sectoral and regional representation. It commended the process of discussing achievements, identifying constraints and challenges and the sharing of best practices. It appreciated the socioeconomic and political transformation taking place in Nepal and the interim Constitution of 2007. It noted that the Constitutional Assembly had increased representation of women and Nepal's sociocultural diversity. It welcomed the fact that Nepal had considered 56 recommendations positively.

315. The United Kingdom of Great Britain and Northern Ireland referred to reports according to which the Government had sought the withdrawal of conflict-era criminal

cases, which would constitute an effective amnesty for alleged perpetrators of grave human rights violations and abuses. It expressed its concern that the Government considered the truth and reconciliation and disappearance commissions as substitutes for dealing with serious violations through the criminal justice system. It also expressed concern at the Government's outright rejection that unlawful killings had been committed by the police, especially in the Terai. It urged Nepal to reconsider its decision to extend the mandate of OHCHR for only six months.

316. Cuba noted that Nepal evidently conferred great importance to human rights, despite the difficulties due to an unequal international economic order and the current global crisis. It noted with appreciation the fact that Nepal had incorporated a human rights component into its development plans. It also took note of the actions taken to mitigate poverty in a country that had suffered exploitation and colonialism, and welcomed the acceptance of an important number of recommendations.

317. Denmark appreciated the plan put in place to implement accepted recommendations and would have liked to see clear indications of the Government's position on all universal periodic review recommendations. Denmark expressed concern at the Government's decision to extend the mandate of OHCHR for only six months, and noted that the technical support of OHCHR would be of key importance in building capacity to implement those recommendations effectively. In the light of the unfinished peace process and continuing concerns over the human rights situation, Denmark strongly emphasized the continued need for the presence of OHCHR in Nepal beyond December 2011.

318. Morocco noted Nepal's recent crisis, global peace accord and young pluralistic democracy, as well as its firm commitment to human rights. It indicated, however, that Nepal suffered from an economic and social deficit that weighed on the realization of economic, social and cultural rights and on sustainable development. It pleaded for a generous response from the international community to accompany Nepal in its socioeconomic change. It welcomed Nepal's institutional and legislative measures, particularly for the judiciary. It expressed its hopes for the draft law on transitional justice.

319. The Republic of Moldova acknowledged Nepal's pledge to engage civil society and stakeholders in the promotion and protection of human rights, and welcomed efforts in building national democratic institutions and developing frameworks to address the remnants of the conflict period. It appreciated the fact that Nepal had put in place a follow-up mechanism for the return, registration and reinsertion of internally displaced persons. It welcomed Nepal's support for the recommendation requiring measures to protect all people from enforced disappearance and for the establishment of a special inquiry team enjoying enough independence to investigate all allegations of extrajudicial executions.

320. China commended Nepal for its efforts and the progress made in, inter alia, promoting economic and social development and protecting the interests of vulnerable groups and reducing poverty. China appreciated Nepal's positive approach in its cooperation with United Nations human rights mechanisms. China understood the difficulties and challenges currently faced by Nepal and hoped that the international community would continue to provide Nepal with constructive assistance so as to create a sound environment for the country's political stability and economic and social development.

321. India was encouraged that Nepal had accepted 56 recommendations, 28 of which had already been implemented. It trusted that Nepal had gained much from its participation in the review and would further intensify its efforts to implement the recommendations accepted. It reiterated India's commitment to support Nepal and noted its belief that it should be the prerogative of the Government of Nepal to come to an agreement in

discussions with OHCHR on the desirability or otherwise of the extension of the mandate of the OHCHR Office in Nepal and its duration.

322. Cambodia recognized the efforts made by the Government through policy measures and reform to carry out Nepal's commitments to human rights. It noted the continued engagement with all stakeholders, including in the dissemination of the 135 universal periodic review recommendations. It welcomed Nepal's ratification of the United Nations Convention against Corruption. Cambodia was aware of the challenges that Nepal faced during this transitional process to advance all human rights. Cambodia stated that the international community should provide Nepal with further assistance in the implementation of the recommendations.

### **3. General comments made by other relevant stakeholders**

323. The National Human Rights Commission of Nepal, delivering a joint statement, on behalf of the National Women's Commission and the National Dalit Commission, expected stronger Governmental determination to maintain the rule of law by effectively implementing laws and recommendations relating to prosecution and action against perpetrators of human rights violations and violence. The establishment of the truth and reconciliation and disappearance commissions had been unacceptably delayed. The draft bill for the National Human Rights Commission and the National Dalit Commission had yet to be enacted. The National Human Rights Commission noted that, despite specific legislation, crime against women and children remained largely unaddressed.

324. Human Rights Watch stated that, unfortunately, Nepal's pledge to adopt a new Constitution by May 2011 had remained unfulfilled. It also noted that the promises to establish an independent truth and reconciliation commission and a disappearances commission were also unfulfilled and warned that the commission should not become a judicial body that granted amnesties for those responsible for grave human rights violations. It expressed concern at Nepal's announcement that pending cases of alleged human rights violations would be withdrawn. It praised Nepal for including third-gender identity in its census.

325. The Asian Legal Resource Centre welcomed the endorsement of the Untouchability Bill and urged the establishment of a Dalit commission and the development of a plan of action to address caste-based discrimination. Nepal's rejection of the OHCHR report on the Terai region suggested an unwillingness to halt extrajudicial killings. The Centre expressed concern at the nomination of a minister allegedly involved in the disappearance and death of a schoolteacher. It stated that the Home Minister's consideration of withdrawing conflict-era cases illustrated the continuing failure to combat impunity. The use of torture remained widespread and not a single perpetrator of torture had ever been condemned. The Asian Legal Resource Centre urged the Government to specify a timeline for adopting legislation criminalizing torture.

326. Action Canada for Population and Development welcomed Nepal's acceptance of recommendations relating to sexual and gender minorities. It noted that, in 2007, the Supreme Court had ordered the issuance of citizenship certificates to third-gender persons, and highlighted the fact that Nepal had not implemented this order, and that many third-gender Nepalese were forced to carry identification that did not represent their true identity. It expressed concern about proposals to recriminalize "unnatural sexual offences". It asked that Nepal be held accountable in implementing Supreme Court decisions.

327. The Asian Forum for Human Rights and Development, delivering a joint statement on behalf of the Nepal NGO Coalition for UPR, Coalition of Women for UPR and the Durban Review Conference Follow-up Committee, expressed regret that no consultation had taken place with civil society and affected communities in the process of integrating the

Government's plan of action for the implementation of universal periodic review recommendations into the national human rights plan of action. It urged the Government to take concrete legislative steps to criminalize gender-based violence and to take stronger measures to address impunity for past and ongoing violations, particularly by setting up the truth and reconciliation commission and the commission of inquiry on the disappeared. It urged the Government to continue cooperating with OHCHR through its field presence.

328. Amnesty International welcomed Nepal's support for recommendations on accountability for human rights violations committed during the conflict. It was concerned that impunity prevailed and that not a single case on these violations had been prosecuted. It was also concerned about the Government's intention to withdraw conflict-era criminal cases currently before courts. It highlighted the cases of the death of Arjun Lama in 2005 and of Maina Sunuwar in 2004. It noted that the first case included the investigation of a recently-appointed Cabinet member. It urged Nepal to investigate and prosecute alleged perpetrators of human rights violations, and to establish the truth and reconciliation and the disappearances commissions promptly.

329. The International Commission of Jurists was concerned that the Government had not embraced the substance of all recommendations concerning de facto impunity in Nepal. Legislation criminalizing enforced disappearance and establishing the framework for transitional justice institutions frameworks languished in parliamentary committees, and threats against human rights defenders and lawyers persisted. The Commission called for the extension of the mandate of OHCHR for at least a year, so that the Office could effectively monitor the implementation of human rights provisions of the Comprehensive Peace Agreement.

330. Save the Children International expressed its gratitude that Nepal had accepted eight child-related recommendations, and welcomed the declaration of all schools in Nepal as "zones of peace". It was concerned that Nepal did not have a law to make child recruitment a crime punishable under domestic law, and hoped this would be introduced in the child-related bill currently being drafted. It called on Nepal to endorse child policy legislation.

331. Rencontre africaine pour la défense des droits de l'homme stated that Nepal needed to create conditions to guarantee judicial independence and reform the legislature to put an end to human rights violations. Victims of extrajudicial killings, torture and enforced disappearance still awaited justice. It expressed concern about the kidnapping of children in the southern plains to extort money from poor farmers and shopkeepers. It was also apprehensive about the restrictions on demonstrations and freedom of movement of Tibetans. The organization encouraged Nepal to cooperate with special procedures.

332. Mouvement contre le racisme et pour l'amitié entre les peuples, the Society for Threatened Peoples and the Asian Indigenous and Tribal Peoples Network urged Nepal to protect vulnerable refugee populations by allowing for the registration of the refugee population in Nepal and by refraining from forcibly returning Tibetan asylum seekers to China. It reported that, recently, Nepalese authorities did not allow Tibetans to vote in an election of the worldwide Tibetan refugee community. It called on Nepal to accede to the Convention relating to the Status of Refugees and the protocol thereto.

333. Jubilee Campaign urged Nepal to ensure that the right to freedom of religion enshrined in the new Constitution reflected Nepal's obligations under the International Covenant on Civil and Political Rights. Commending Nepal's commitment to engage with civil society, Jubilee Campaign recommended that the Government collaborate closely with the Nepal Inter-Religious Council and seek to establish a statutory multi-faith body as part of the new Constitution.

#### 4. Concluding remarks of the State under review

334. The delegation had tried to give a full picture of existing constitutional and legal provisions to address the concerns conveyed through some of the recommendations. It had accepted a number of recommendations and had provided comments on other recommendations that should be regarded as noted.

335. Nepal reiterated that enforced disappearances and extrajudicial executions were strictly outlawed in Nepal. Constitutional provisions provided for direct access to the Supreme Court of any individual or group to obtain redress for violation of their fundamental rights. In addition, other mechanisms to address violations of rights existed, such as the National Human Rights Commission and the National Women's Commission.

336. Nepal expressed its appreciation for the role played by OHCHR in Nepal. Given that there were significant changes in Nepal since the Office was established in 2005, the Government had made the decision to extend the mandate of the Office in Nepal for six months. The decision had been duly communicated to the Office. There were strong reasons to extend the mandate for six months, given the recent verdict of the Supreme Court and commitment of all political actors to peace, and since the Constitution would be drafted in six months. Process-wise, it was a very democratic decision, made through broad consultations with stakeholders, including political parties, national institutions and civil society. Nepal wished to work with the international community in the field of human rights, and was committed to implement the recommendations that it had accepted, and urged the international community to respect the usual process of democratic decision-making that the Government of Nepal had followed.

337. Nepal considered that the report that was adopting would serve as a reference for its efforts to improve human rights conditions. Nepal would work in partnership with civil society and social movements for the implementation of the recommendations.

#### Saint Lucia

338. The review of Saint Lucia was held on 25 January 2011 in conformity with all the relevant provisions contained in Human Rights Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Saint Lucia in accordance with the annex to resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/LCA/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/LCA/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/LCA/3).

339. At its 16th meeting, on 7 June 2011, the Human Rights Council considered and adopted the outcome of the review of Saint Lucia (see section C below).

340. The outcome of the review of Saint Lucia comprised the report of the Working Group on the Universal Periodic Review (A/HRC/16/6), the views of Saint Lucia 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/17/6/Add.1).

**1. Views expressed by the State under review on the recommendations and/or conclusions, its voluntary commitments and the outcome**

341. Saint Lucia welcomed the universal periodic review process, because it was an opportunity to ascertain how the world judged the country's efforts to provide the conditions for the development of its citizens. Saint Lucia expressed its appreciation for the comments, suggestions and recommendations received. Recommendations were under consideration in order to determine how they fit into the country's development strategies, how they could improve its performance, and in what areas collaboration with others could enhance Saint Lucia's ability to provide its citizens with the best governance frameworks. This last point had been the concern of successive Governments of Saint Lucia.

342. Saint Lucia recalled that the country was young, with limited natural resources and a small population that nevertheless expected no less from its Government than the guarantee of living in peace, security and prosperity. This required the acceptance by all citizens of, and their participation in, priorities, policies and decision-making processes. Interaction, information-sharing and consultation at all levels were therefore necessary. The fact that, despite the many challenges it faced, Saint Lucia was categorized as a middle-income country and had been able to achieve, and in some cases surpass, many targets of the millennium development goals, attested to the willingness of both the Government and the people to ensure that gains were made on all fronts. Foremost of these was respect for the human rights of citizens and all those who came to the country, and the vigilance that must be maintained to ensure that shortcomings are corrected in an expeditious manner. It indicated that it was within this framework that Saint Lucia had reviewed the recommendations made.

343. As could be seen in both the national report and responses provided, many of the recommendations made were in accord with the country's aims and were already being addressed. Others were being considered and a decision regarding them would be made after consultations and a review of the country's capacity to implement. The reason for this was that Saint Lucia took its commitments and obligations seriously and wanted to ensure that, once it undertook a commitment, it would implement it. In this regard, it welcomed the proposals to help the country to overcome its challenges through assistance to improve its human resources capacity, policy development and implementation, and the sharing of experiences.

344. Saint Lucia subsequently highlighted certain key points.

345. Regarding ratifications, it had outlined in the addendum the five Treaties or conventions considered to be the most pressing in the light of the country's limited human resources and their impact on society. In addition, the optional protocols to some others, for example the Convention on the Rights of the Child and the Convention on the Elimination of Discrimination against Women, would also be considered a priority. Other instruments were also considered important, but there was a need to ensure that actions were taken one step at a time.

346. With regard to its legislative framework, Saint Lucia was in the process of a constitutional review that would enable adjustments based on the preferences of the governed. Although Saint Lucia was not a party to a number of international agreements, related provisions were already incorporated into national legislation. Indeed, many provisions of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, had been incorporated into domestic law by means of the Counter-Trafficking Act, which had come into force in February 2010.

347. Regarding recommendations to strengthen human rights institutions, Saint Lucia stressed that it intended to strengthen the capacity and scope of the office of the

parliamentary ombudsman as a means of reinforcing effective avenues for redress of human rights concerns and grievances.

348. The issue of marginalized youth was a matter of growing concern. Saint Lucia informed the Human Rights Council that, to give effect to existing policies and to implement new policies and programmes, an increased allocation had been announced in the Government budget in April 2011. In addition, the Government was developing partnerships with non-governmental, community-based and faith-based organizations to ensure that the needs of youth were met in an adequate and timely manner.

349. Concerning children, steps had been taken to ensure that children were born healthy. It was necessary to ensure that they continue to be afforded every protection to enable them to progressively develop and not become marginalized. Legislative reforms were being pursued at the national level as well as within the framework of the Organization of Eastern Caribbean States, to secure improved protections and standards of living for children.

350. With regard to the elderly, the population and the Government gave equal importance to the care of the elderly. A new home for the elderly had been built to accommodate the aging population as the country sought to improve the quality of life and health care.

351. Regarding torture and violence, and violence against women in particular, the Government did not condone violence in any form against any person or group of persons. It reiterated that the Constitution of Saint Lucia already protected all persons against such unlawful acts, and that domestic legislation, through the criminal code, provided further measures of redress. Additionally, after the review, some of those measures could be strengthened. The Government is aware of the need to address the root causes and sources of such acts, and was therefore taking measures to address not just the legal framework but also the socioeconomic factors that would help to reduce or eliminate them. Saint Lucia expressed its belief that concerns in these areas would be positively addressed through education, civics and programmes that help to instil respect for each other and bring about social change.

352. On socioeconomic aspects and poverty, the eradication of poverty remained a central pillar of Government policy and programmes, because poverty was the root cause of many of society's ills. The Government was committed to ensuring that programmes aimed at providing services to the poor were continued and strengthened. Much of this was accomplished through such agencies as the Saint Lucia Social Development Fund, which, through diverse policy measures, sought to secure an improved quality of life for the socially or economically disadvantaged.

353. In conclusion, Saint Lucia thanked Member States for their valuable comments and recommendations. It assured the Human Rights Council that every effort would be made to implement the recommendations accepted.

## **2. Views expressed by Member and observer States of the Human Rights Council on the review outcome**

354. Algeria expressed its appreciation for the constructive engagement of Saint Lucia in the universal periodic review process. It noted the Government's commitment to the protection and promotion of human rights, demonstrated by the country's acceptance of the vast majority of recommendations made. In particular, Algeria appreciated the acceptance of recommendations to ratify the international instruments to which it was not yet party, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities. Furthermore, it encouraged Saint Lucia to consider supporting existing efforts to universalize the International Convention on the Protection of the Rights of All Migrant



Workers and Members of Their Families. Algeria also commended efforts to promote human rights through the realization of the Millennium Development Goals, despite the challenges faced by the country. In the context of their vulnerability to external shocks and natural disasters, the international community should provide small island developing States with assistance to enable them to meet their development priorities while promoting human rights.

355. Cuba highlighted Saint Lucia's constructive participation in the Working Group discussions and the fact that the delegation had answered most of the questions asked during the interactive dialogue. Cuba reiterated its recognition for the progress achieved in the area of human rights, in particular the Government's firm decision to reduce poverty and attain socioeconomic development, the determination to guarantee the right to universal education, and the measures taken in the area of health, women rights, persons with disabilities and the elderly. For the purpose of implementing accepted recommendations, Saint Lucia would need to continue to honour its commitment with the promotion and protection of human rights, and also put in place plans and measures on various issues.

356. Morocco welcomed the open and frank approach adopted by the Government of Saint Lucia during the universal periodic review process. Morocco commended Saint Lucia for the impressive progress in meeting the Millennium Development Goals, in particular those relating to poverty reduction, the promotion of equality between women and men and access to education. Morocco welcomed the fact that the three recommendations it had made had been accepted. It reiterated its support for the Government in its development efforts, and expressed the hope that Saint Lucia would make every effort to implement recommendations.

357. Venezuela (Bolivarian Republic of) celebrated the spirit of openness and the constructive disposition exhibited by the Government of Saint Lucia during the review process, providing concrete answers to questions, in particular to those relating to the advancement of its socioeconomic policies. It emphasized the efforts made by the Government to combat poverty, resulting in a significant reduction of extreme poverty as a result of such social programmes as the Fund for Social Development, the programme of public assistance and the Trust Fund for Basic Needs. The universal periodic review also made it possible to appreciate Saint Lucia's efforts to attain universal primary and secondary education, by making it mandatory between the ages of 5 and 15, as the only way to reduce poverty and reach economic development and social welfare in the country. It encouraged the Government, with the support of international cooperation granted without conditions, to maintain and increase the priority given to social policies in order to protect and guarantee the future of the whole population.

### **3. General comments made by other relevant stakeholders**

358. The Canadian HIV/AIDS Legal Network welcomed the Government's commitment to accept a number of recommendations made during the universal periodic review and to raise public awareness about the issue of discrimination. It stated that discrimination based on sexual orientation existed, and discriminatory laws legitimized and perpetuated sociocultural prejudices and facilitated violence against individuals based on their perceived sexual orientation. The Canadian HIV/AIDS Legal Network expressed its hope to see stronger recommendations made by the Human Rights Council in order to, inter alia, require the constitutional reform commissioners to publicly release their final report, and ensure that this process remained accountable and transparent to the people; and remind Saint Lucia to respect, protect and fulfil the rights of everyone without discrimination. It was noted that the LGBT community was asking only for the same rights and protection under the law that were already afforded the larger Saint Lucian society. The Network appreciated the Government's engagement during the universal periodic review process and

expressed its readiness to continue to work with it to implement the recommendations that fell within the scope of its mandate.

359. Amnesty International noted the Government's commitment to consider ratifying the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. It noted with appreciation that there had been no executions in the country in the past 15 years. It regretted, however, that Saint Lucia was not in a position to move towards a formal moratorium on the use of the death penalty or its abolition. Amnesty International urged the Government to reconsider the recommendations to declare a formal moratorium on capital punishment with a view to abolishing it, to commute all death sentences to prison sentences, and to ratify the second Optional Protocol to the International Covenant on Civil and Political Rights. Amnesty International welcomed Saint Lucia's commitment to condemn acts of violence against persons because of their sexual orientation or gender identity; however, it regretted the rejection of a number of recommendations to decriminalize sexual relations between consenting adults of the same sex and to combat discrimination based on sexual orientation.

#### **4. Concluding remarks of the State under review**

360. Saint Lucia thanked those who had expressed support and those who had offered or already provided assistance to the country. It reiterated that the Constitution protected all persons, without any distinction of any kind, and that, when a State makes a commitment, it should be certain that it can implement it. If it has not moved as quickly on all issues as some would have wished, it is because the country wishes to ensure the implementation of its undertakings. Saint Lucia confirmed its readiness to consider the possible incorporation of recommendations into the country's development strategy.

#### **Oman**

361. The review of Oman was held on 26 January 2011 in conformity with all the relevant provisions contained in Human Rights Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Oman in accordance with the annex to resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/OMN/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/OMN/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/OMN/3).

362. At its 16th meeting, on 7 June 2011, the Human Rights Council considered and adopted the outcome of the review of Oman (see section C below).

363. The outcome of the review of Oman comprised the report of the Working Group on the Universal Periodic Review (A/HRC/17/7), the views of Oman concerning the recommendations and/or conclusions, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/17/7/Add.1).

#### **1. Views expressed by the State under review on the recommendations and/or conclusions, its voluntary commitments and the outcome**

364. The delegation of Oman reaffirmed that the universal periodic review had provided a useful opportunity to demonstrate the progress and achievements reached in the sultanate and, at the same time, had allowed Oman to benefit from the experience and

recommendations of other States. Oman emphasized that the human, economic and social development in the country was consistently aimed at realizing the highest living standards while preserving human dignity, freedom and peace by means of an integrated legislative framework that ensured justice, equality and social responsibility.

365. Soon after the adoption of its report by the Working Group in January 2011, the ministerial committee tasked with the preparation of the national report had met under the leadership of the Minister for Foreign Affairs to discuss the recommendations received and to formulate Oman's position towards them. Furthermore, on 26 February, the Ministry of Foreign Affairs, together with the regional office of OHCHR, had held a workshop on international human rights treaties in order to strengthen cooperation and to promote a full understanding of the contents of these treaties in the context of the level of development in the sultanate, with a view to their progressive implementation.

366. The delegation noted that, at the time of its review, Oman had received 166 recommendations, of which it had accepted 103, postponed for further consideration 51, and rejected 12. It was pleased to announce that it was now in a position to accept 39 additional recommendations, noting that the content and implementation of recommendations was of course more important than the numbers. In this regard, the delegation indicated by way of example that a recommendation concerning the importance of the independence of the public prosecution had been implemented through a decree providing for the separation of the public prosecution from executive power. In accordance with the provisions of its legislative framework, Oman had accepted a recommendation to consider accession to four core treaties, namely the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance.

367. Furthermore, in accordance with its belief in an open and constructive engagement with United Nations human rights mechanisms, Oman had accepted a recommendation to study the possibility of extending an open invitation to all special procedures. It had also accepted recommendations to strengthen its national human rights commission and to bring it into line with the Paris Principles, in the light of the important role that the Commission played as a link between civil society and Government institutions. In this context, the delegation mentioned that, in 2010, the commission, in cooperation with OHCHR, had initiated the holding of a workshop in Oman on the role and functioning of national human rights institutions. Among other findings, the workshop had concluded that, to a large extent, the Commission was already in compliance with the Paris Principles and only needed to make some additional adjustments.

368. Oman had also accepted a number of recommendations to review certain laws and reconsider various reservations made on provisions of human rights treaties, on the understanding that the reform and modernization of legislation was a continuous process in Oman.

369. In conclusion, the delegation affirmed that Oman consistently worked to further promote human rights, including through awareness-raising, legislative measures and the strengthening of its institutions.

## **2. Views expressed by Member and observer States of the Human Rights Council on the review outcome**

370. Qatar noted that Oman had approved a large number of recommendations made during the review, including the five recommendations submitted by Qatar. Oman's approach to the review had demonstrated its constructive cooperation with the Human

Rights Council and the review mechanism. Qatar commended Oman for its continued efforts to consolidate and protect human rights and fundamental freedoms and for the progress made in realizing economic, social and cultural rights, particularly in the fields of health and education, and in the rights of women and children, in addition to the ongoing efforts to advance civil and political rights.

371. Saudi Arabia noted that Oman had accepted most recommendations, including those made by Saudi Arabia. It expressed appreciation for Oman's constructive engagement with the human rights mechanisms of the Human Rights Council, and its openness to international cooperation and dialogue in the area of human rights. Oman had also demonstrated its commitment to promoting human rights through concrete legislative and institutional measures. Saudi Arabia stated that the universal periodic review had provided an opportunity to learn about the efforts made by Oman to develop further its laws and institutions for the protection and promotion of human rights, and it commended Oman's achievements.

372. Kuwait commended Oman for its cooperation with the universal periodic review mechanism, as demonstrated by its acceptance of a large number of recommendations. Kuwait appreciated the major efforts made by Oman to strengthen human rights, and welcomed its acceptance of recommendations to extend a standing invitation to special procedures and to consider acceding to the International Covenant on Civil and Political Rights.

373. Algeria commended Oman's positive engagement with the universal periodic review mechanism and its acceptance of a considerable number of recommendations, including those made by Algeria in relation to further consideration of the ratification of human rights treaties, especially the two international covenants, and with regard to strengthening the role of women in public life, the design of programmes for decent work and the strengthening of development efforts in rural areas. Algeria noted that Oman's acceptance of a large number of recommendations demonstrated its commitment to human rights. It expressed understanding for Oman's position on some other recommendations.

374. Sri Lanka noted that the right to development, including human development, was a priority area for Oman, and expressed appreciation for the extension of free universal education to Omani citizens. These policies had resulted in commendable progress for women and children, and in the fields of health and education. Sri Lanka noted the progress made regarding migrant workers, including the establishment of legal structures protecting workers' rights, and Oman's commitment to reviewing labour-related laws. Sri Lanka noted Oman's decision to withdraw four reservations to the Convention on the Rights of the Child and to limit the scope of two others. It appreciated Oman's commitment to ensuring coordination among all stakeholders in the national follow-up to the universal periodic review.

375. Cuba acknowledged the measures taken by Oman with regard to education, health, the fight against trafficking and the rights of persons with disabilities. Cuba had made recommendations on the rights to health and education, and women's participation in economic activities. It noted that Oman had accepted a large number of recommendations, including those made by Cuba. It was now for the Government to implement the recommendations and to put in place programmes, plans and measures to further advance the promotion and protection of human rights.

376. The United Arab Emirates appreciated Oman's efforts to protect and promote human rights, and commended the measures taken at the universal periodic review, which reflected Oman's continuing efforts on human rights, including institutional and legislative reforms, in line with national needs and specificities, and with the aim of preserving human dignity

and achieving social justice and equal opportunities for all. It noted the political will and determination displayed by Oman to implement all accepted recommendations.

377. The United States of America supported recommendations made to Oman to enhance assistance and rights protection mechanisms for migrant and domestic workers, and expressed its appreciation for Oman's acceptance of several recommendations regarding freedom of expression and labour rights. It noted Oman's appropriate restraint in dealing with ongoing labour protests and the proactive engagement of job seekers. It encouraged Oman to continue efforts to raise employer and employee awareness of their labour rights and responsibilities under national and international law. It looked forward to Oman's continued positive engagement with the private sector and worker organizations.

378. Palestine noted Oman's positive interaction with the mechanisms of the Human Rights Council and its acceptance of most recommendations. It acknowledged the efforts made by Oman in different social and economic areas, and noted that Oman's cooperation with all mechanisms of the Council demonstrated its commitment to human rights. The universal periodic review had provided a useful opportunity to learn about its efforts to develop its legislation and to strengthen human rights.

379. Bahrain noted that Oman had accepted 142 recommendations, which demonstrated Oman's determination and political will to continue efforts to comply with its obligations in the field of human rights. It appreciated the fact that Oman had accepted its recommendations, in particular to increase efforts to integrate a human rights culture in school curricula and to eliminate all kinds of discrimination against women and increase their representation in the Consultative Council. In addition, it paid tribute to Oman for its attention to the fight against human trafficking, its focus on the right to development and its achievements regarding health and education in connection with the rights of women, children and migrant workers.

380. Iraq commended Oman's positive interaction with the universal periodic review process, which demonstrated its desire to promote human rights and fundamental freedoms. Iraq noted that, in total, Oman had accepted 142 recommendations, including recommendation to accede to core human rights instruments, which indicated the determination of the sultanate to comply with human rights standards and principles.

### **3. General comments made by other relevant stakeholders**

381. Rencontre africaine pour la défense des droits de l'homme highlighted the importance of addressing abuse and exploitation of migrant workers through measures to combat trafficking in human beings and to improve the living conditions of migrant workers and the prospects for decent work. It was pleased to note the progress made in a short period with regard to economic and social rights. Despite some improvements in women's rights, many challenges remained, including the exposure of women to violence and practices that discriminated against women, mainly in rural areas. It noted the lifting of its reservation to the Convention on the Rights of the Child, but observed that the situation of children born out of wedlock, in terms of upbringing and education, was still disturbing. It invited Oman to lift restriction on freedom of expression in the press and over the Internet.

### **4. Concluding remarks of the State under review**

382. The delegation of Oman, expressed the Government's determination to follow up and implement universal periodic review recommendations through the special commission established for that purpose. The Government was determined to take all measures necessary to promote and protect human rights as part of a principled policy rather than a choice that could be followed today and abandoned tomorrow. Human dignity and freedom

and the well-being and development of society depended on decent living standards based on equality and equal opportunities for all without discrimination, in a secure and stable environment characterized by social harmony and economic prosperity. These were the national norms and guiding principles that had been translated into rights, guaranteed by the Basic Law.

383. Oman seized the opportunity to thank all delegations and non-governmental organizations for their constructive contributions to the review and the interactive dialogue. It especially thanked the President of the Human Rights Council, the members of the troika and the secretariat for their efforts and cooperation during the universal periodic review process.

### **Austria**

384. The review of Austria was held on 26 January 2011 in conformity with all the relevant provisions contained in Human Rights Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Austria in accordance with the annex to resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/AUT/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/AUT/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/AUT/3).

385. At its 16th meeting, on 7 June 2011, the Human Rights Council considered and adopted the outcome of the review of Austria (see section C below).

386. The outcome of the review of Austria comprised the report of the Working Group on the Universal Periodic Review (A/HRC/17/8), the views of Austria 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/17/8/Add.1).

### **1. Views expressed by the State under review on the recommendations and/or conclusions, its voluntary commitments and the outcome**

387. Austria stated that the universal periodic review was one of the fundamental achievements of the Human Rights Council, a true celebration and reaffirmation of the principles of universality of all human rights and the equality of all States. The review had provided a new opportunity to take a fresh look at Austria's human rights situation. The intense process of preparation of the national report was conducted in openness and transparency, with the full involvement of non-governmental organizations, civil society, academia, Parliament, independent human rights bodies and all levels of Government.

388. The examination in the Working Group, the questions, remarks and recommendations provided Austria with the assessment of its human rights situation by other States provided an additional perspective on its strengths and weaknesses.

389. Austria received 161 recommendations, of which 97 were immediately accepted, 10 were rejected and 54 were left for further consideration. Of these 54, 34 enjoyed the support of the authorities, which brought to 131 the total number of accepted recommendations which Austria was committed to implement successfully.

390. The human rights coordinators of the federal ministries and of the provincial governments, established in 1998 and responsible for the coordination of human rights-

related policies within the Government and with regard to the implementation of international human rights obligations and treaty body recommendations, had been tasked with the coordination of the implementation of universal periodic review recommendations.

391. The human rights coordinators also had an important role to play in the dialogue process with civil society. On the basis of a thematic roster, all universal periodic review recommendations were clustered and assigned to the competent ministry and Government body. Each ministry would engage with civil society representatives and non-governmental organizations in thematic dialogues with regard to implementation. Furthermore, a special high-level universal periodic review steering committee had been established, comprising high-level officials of the Constitutional Law Service of the Federal Chancellery, the International Law Department of the Foreign Ministry and civil society representatives. The committee supported the review process to ensure continuous progress in the implementation of the universal periodic review recommendations. Its first meeting was held on 25 May 2011.

392. The Government had accepted several recommendations with regard to considering the withdrawal of reservations to international human rights conventions, in particular with regard to the Convention on the Rights of the Child.

393. Austria had accepted recommendations aimed at the strengthening of the existing institutional framework, comprising the Austrian Ombudsman Board, which had extended its human rights monitoring activities in recent years, and specialized ombudsperson mechanisms for equal treatment and for anti-discrimination. This system of specialized protection mechanisms had been very effective and had operated in a focused manner. Therefore, an application for re-accreditation of the Ombudsman Board had been made, and was currently being examined by the Subcommittee on Accreditation of the International Coordinating Committee of national human rights institutions.

394. Austria had committed itself to the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and had also accepted universal periodic review recommendations in this regard. The Government's legislative proposal for the implementation of the Optional Protocol, aiming at new constitutional provisions and an amendment to the Ombudsman Board Law, had been sent out for public assessment on 23 May 2011. It provided for a substantial expansion of the Austrian Ombudsman Board's competences in the protection against human rights violations. It was expected that the draft law would be submitted to Parliament in the second half of 2011. According to the draft law, the structures and mandate of the Austrian Ombudsman Board, whose independence was guaranteed by constitutional law, would be enlarged and adapted to fulfil its obligations as a national preventive mechanism.

395. To the above end, six commissions, independent in accordance with the Paris Principles, would take up their functions under the Ombudsman Board and conduct monitoring visits to all places of detention or deprivation of liberty in the country. Furthermore, the Human Rights Advisory Council, which was currently operating within the Ministry of the Interior, would be re-established under the Austrian Ombudsman Board and enlarged to cover all administrative areas concerned.

396. With regard to the recommendations on the rights of the child, Parliament had approved a bill in January 2011 that incorporated children's rights into the federal Constitution. The law affirmed, among other provisions, a child's right to being raised without violence and to having direct contact with both parents unless the child's well-being was at stake. It banned child labour and abuse, and called for equal treatment of disabled and non-disabled children.

397. Austria was committed to ratifying the International Convention for the Protection of All Persons from Enforced Disappearance as soon as possible and was preparing the submission to Parliament necessary for the ratification process. The crime of enforced disappearances would also be included in the Penal Code as a separate criminal offence, together with the specific crime of torture, in compliance with the Convention against Torture. The respective amendments of the Criminal Code were being prepared.

398. Austria had also accepted a number of recommendations with regard to the full realization of the rights of minorities. In this regard, a historic breakthrough had been reached with regard to bilingual topographical signs in Carinthia. The memorandum, which was signed on 26 April 2011 by representatives of the Federal Government, the Provincial Government of Carinthia and the three Slovene minority organizations in Carinthia, reflected a broad-based solution on bilingual road signs that contained several elements, namely that existing bilingual road signs would remain (regardless of the percentage of minority population), that all decisions of the Constitutional Court on bilingual road signs would be implemented and that new bilingual road signs would be put up in municipalities with a minority population of at least minimum 17.5 per cent of the total.

399. The use of the minority language as an official language was principally provided for in all those municipalities with bilingual topographical signs; a constitutional law thereon was about to be submitted to Parliament. An important part of the compromise solution agreed upon was the Federal Government's commitment to allocate additional funds, in addition to the existing financial support accorded to ethnic groups, to promote the bilingual educational system in Carinthia, the local culture and bilingual and multilingual projects. The federal Government would also allocate special funds to the private Slovene music school in Carinthia and contribute to a sustainable solution to assure its future.

400. Austria had accepted recommendations to amend its provisions against incitement to hatred, attacks on minority groups and for equal protection of all religious minorities. A Government bill had already been transmitted to Parliament. Austria was firmly committed to combating discrimination, xenophobia and racism and to strengthening measures for the integration of immigrants into Austrian society. The Government of Austria had established a new State secretariat for integration, which had raised the awareness of governmental policies on integration, and had also set the ground for a more effective implementation of the national plan of action for integration, which provided for a number of integration measures in different areas, including concrete measures to combat racism and discrimination. Austria therefore did not see the need to elaborate another and separate plan of action on racism, as the focus was rather on implementing concrete measures.

401. Neither was Austria envisaging the drafting of a general human rights plan of action. The Government was convinced that existing thematic plans of action were more focused and therefore more effective in combating concrete human rights deficiencies.

402. Having only recently introduced a civil partnership for same-sex couples, no further legislative changes with regard to the adoption of children by same-sex couples were currently envisaged. However, a legal case on a similar issue was currently pending in the European Court for Human Rights.

403. Austria would submit in due course a mid-term or interim update on the implementation of universal periodic review recommendations.

## **2. Views expressed by Member and observer States of the Human Rights Council on the review outcome**

404. Algeria congratulated Austria on its election as a new State Member of the Human Rights Council, and noted its acceptance of 131 of 160 recommendations. Algeria took positive note of Austria's willingness to implement measures to ensure gender equality in



the labour market, and was encouraged by the acceptance of the recommendations to combat racial discrimination and xenophobia. Algeria would have liked to see Austria accept the recommendation on accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

405. Morocco welcomed Austria's commitment to the universal periodic review, reflected in, inter alia, its acceptance of 131 recommendations of 161 made. It commended the inclusion of and expanded consultation with civil society throughout the review process. The review of Austria showed its efforts to combat racism and xenophobia, and to improve the situation of migrants and promote economic, social and cultural rights to give a constitutional status to these rights. Morocco was satisfied with Austria's replies and explanations on these areas. Morocco also congratulated Austria on its commitment to submit a mid-term report on the implementation of the recommendations.

406. The Islamic Republic of Iran welcomed Austria's acceptance of many recommendations, but remained concerned over the mounting trend of Islamophobia, including provocative motions and remarks by some right-wing parties against Islam and Muslims, alarming cases of hate speech and hostility by some politicians, parties and media, and discriminatory attitudes and manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant communities, Muslims in particular. It called upon Austria to take effective measures to address recommendations made during the session of the Working Group, including those made by the Islamic Republic of Iran.

407. The Republic of Moldova appreciated the acceptance of the two recommendations it had made. It expressed its satisfaction for Austria's incorporation of children's rights into the federal Constitution in accordance with the provisions of the Convention on the Rights of the Child. The Republic of Moldova was also pleased that the ratification process of the International Convention for the Protection of All Persons from Enforced Disappearance and the inclusion of enforced disappearances as a criminal offence in the Austrian Penal Code were on the way.

### **3. General comments made by other relevant stakeholders**

408. Verein Südwind Entwicklungspolitik noted Austria's acceptance of the recommendation to increase its official development assistance to 0.7 per cent of GDP, and called for binding legislation and a market increase in development cooperation funding. Südwind mentioned the envisaged budget cut in the Ministry of Foreign Affairs over the period 2012–2015, which would be disproportionately greater in the field of bilateral aid for reducing poverty. Südwind was critical of Austria shifting its development policy away from combating poverty to setting new priorities and focusing on the Black Sea region and the Danube basin, where it primarily pursued its foreign trade interests.

409. The Islamic Human Rights Commission expressed its concern at discrimination against Muslim citizens and foreigners residing in Austria, and stated that more than 745 cases of racial abuse against Muslim women who chose to wear the headscarf had been reported; the number of cases of verbal abuse was also on the rise. Such discriminatory acts were a violation of the European Directive on Equal Opportunity, to which Austria was a party. The anti-Muslim hate crimes in Austria included incidents where more than 60 Muslim tombstones had been desecrated. It urged the Government of Austria to take the measures necessary to safeguard the rights of the Muslim community and foreigners.

410. ILGA Europe and COC Netherlands commended Austria's acceptance of recommendations to include gender identity and sexual orientation perspectives in measures against incitement to hatred. They recommended extending de jure and de facto protection against workplace gender identity discrimination in accordance with the jurisprudence of the European Court of Human Rights. They recommended regarding

gender identity as a basis for asylum procedures and protecting transgender asylum seekers from refoulement. They inquired about Austria's intentions to apply the Yogyakarta Principles in their domestic and foreign policy development. They encouraged Austria to share their best practices and to examine where adjustment of policies was needed.

411. Amnesty International welcomed Austria's support for recommendations on the criminalization of torture in domestic law, and urged Austria to set a precise time frame for this endeavour. With regard to the incorporation of the rights of the child in the Constitution, Amnesty International regretted that the constitutional amendment adopted in January 2011 covered only some provisions of the Convention on the Rights of the Child. It was also disappointed that Austria had rejected recommendations calling for the adoption of a national plan of action on racism and xenophobia. It regretted Austria's rejection of a recommendation to prepare a study on the scale of racial discrimination in the criminal justice system.

412. Rencontre africaine pour la défense des droits de l'homme appreciated Austria's broad consultations with civil society and other national institutions during the universal periodic review process. It commended the measures taken to improve the rights of children and women and to combat domestic violence. It expressed its concern at reports on racially motivated police misconduct towards foreign nationals, asylum seekers and ethnic minorities, and the absence of strict laws on torture and the high degree of impunity for abuses committed by the police. It also regretted the lack of accessibility to legal advice for asylum seekers. The organization encouraged Austria to work with civil society to eradicate all forms of discrimination.

413. The International Federation for Human Rights Leagues and the Initiative Human Rights Now welcomed Austria's commitment to harmonizing anti-discrimination laws, but expressed concern about its refusal to adopt a national plan of action on combating racism and xenophobia and the fact that it had not accepted the recommendations made by Brazil and Slovakia to ensure that minors were not held in police custody or detention. It urged Austria to reconsider decisions to reject such recommendations and to ensure that they were fully enforced.

414. The European Disability Forum, on behalf of the Austrian National Council of Persons with Disabilities, noted that, despite Austria's ratification of the Convention on the Rights of Persons with Disabilities in 2008, the principles of accessibility and inclusion were not recognized as cross-cutting issues; moreover, measures to realize independent living were lacking. Disability in Austria was still defined through the medical rather than the social model. People with disabilities faced a greater risk of poverty; women of working age were most affected. The main reasons were the lack of, or low quality of education and subsequent effects on job opportunities.

415. The European Disability Forum acknowledged Austria's commitment to develop a national plan of action on persons with disabilities. A main challenge in creating the plan was ensuring participation in accordance with the obligations envisaged by the Convention on the Rights of Persons with Disabilities. Another challenge was addressing the need for changes of perception throughout mainstream society rather than just focusing on persons with disabilities.

416. The Society for Threatened Peoples stated that Austria's new draft constitutional law on minority rights failed to comply with article 7 of the 1955 State Treaty concerning the rights of the Slovene minority in the provinces of Carinthia and Styria, and the rights of the Croat minority in the province of Burgenland. It urged Austria to comply with its international obligations and to determine bilingual territory for schools and all other minority rights of the Slovene minority in the province of Carinthia. It also called upon Austria to prepare comprehensive legislation for all other recognized minorities; not only

for Croat, Hungarian and Slovene minorities, but for the Czech, Slovak and Roma minorities as well.

#### **4. Concluding remarks of the State under review**

417. Austria thanked all delegations that took the floor, as well as the representatives of non-governmental organizations for their remarks. Austria emphasized the importance of open and transparent cooperation with civil society and non-governmental organizations throughout the preparation for and follow-up to the universal periodic review. The Government of Austria and the delegation of Austria in Geneva looked forward to maintaining ongoing dialogue with civil society on the implementation of the review recommendations.

418. With regard to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Austria noted that some of the rights mentioned in that Convention were already covered by national and European Union legislation. Austria referred to a new Government bill to tackle the issue of hate speech and Islamophobia, and criminal proceedings to ban a computer game targeting Muslim religious sites. Austria stated that cases of police misconduct had also been taken seriously and pursued through the judicial system. On issues relating to asylum seekers, a draft law was on the way to ensure them free legal advice. The draft laws on the minorities in Carinthia were also being submitted to Parliament.

419. In conclusion, Austria assured a continued dialogue on universal periodic review recommendations through an interim report and upon its return for its next review.

#### **Myanmar**

420. The review of Myanmar was held on 27 January 2011 in conformity with all the relevant provisions contained in Human Rights Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Myanmar in accordance with the annex to resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/MMR/1 and Corr.1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/MMR/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/MMR/3).

421. At its 17th meeting, on 8 June 2011, the Human Rights Council considered and adopted the outcome of the review of Myanmar (see section C below).

422. The outcome of the review of Myanmar comprised the report of the Working Group on the Universal Periodic Review (A/HRC/17/9), the views of Myanmar 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/17/9/Add.1).

#### **1. Views expressed by the State under review on the recommendations and/or conclusions, its voluntary commitments and the outcome**

423. The delegation of Myanmar, headed by the Attorney General of Myanmar, provided the Human Rights Council with further information on the recommendations contained in paragraph 106 of the report of the Working Group on the Universal Periodic Review (A/HRC/17/9). Myanmar stated that the Charter of the United Nations placed human rights

in the context of international cooperation and, in this spirit, Myanmar had participated in the universal periodic review process. Recommendations that were consistent with the principles of the Charter enjoyed Myanmar's support. Accession to or ratification of international treaties had been first considered by the Executive, which was currently examining a number of treaties. They were subsequently submitted to the legislature which, in the case of Myanmar, was composed of the Pyithu and Amyotha Hluttaws, and which had the last word in the ratification of international treaties. This practice was consistent with the constitutional process.

424. Of the 190 recommendations made during the session of the Working Group, 74 enjoyed the support of Myanmar, while consideration of 46 recommendations, included in paragraph 106 of the report, had been postponed to the seventeenth session of the Human Rights Council. Seventy recommendations did not enjoy Myanmar's support.

425. Myanmar underlined the fact that recommendations of a non-constructive, politicized and confrontational character did not enjoy its support, even those which could have been supported in substance, but were couched in such a manner that their acceptance would have infringed on Myanmar's sovereign rights.

426. With regard to the above-mentioned 46 recommendations (see also A/HRC/17/9/Add.1), Myanmar supported recommendation 106.21, on amending domestic laws to be in line with fundamental human rights, 106.32, on continuing efforts to cooperate with the Special Rapporteur on the situation of human rights in Myanmar, 106.34, on increasing cooperation with OHCHR and special procedures, and 106.40, on cooperating fully with ILO to end forced labour and child labour.

427. Myanmar stated that the implementation of recommendations 106.1, 106.2, 106.4, 106.5, 106.6, 106.8, 106.12, 106.14, 106.15, 106.17, 106.18 and 106.19, concerning accession, ratification and implementation of human rights core treaties, should be evaluated in the light of the adoption process involving executive and legislative powers. Recommendations 106.23 to 106.30, on the establishment of a national human rights institution in line with the Paris Principles, were under serious consideration. The national human rights body had been reformed following the entry into force of the new Constitution. This was a prelude to the establishment of a commission, which would be in line with the Paris Principles.

428. Recommendations 106.9, on making plans to sign and ratify core human rights treaties, 106.13, on ratifying remaining core human rights treaties, such as the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, 106.33 on cooperation with the Special Rapporteur on the situation of human rights in Myanmar, 106.41, on ending the recruitment of child soldiers and considering ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, and 106.43, on cooperating with the United Nations to end recruitment of child soldiers, enjoyed Myanmar's support. The remaining recommendations contained in paragraph 106 did not enjoy Myanmar's support.

429. Myanmar stated that the fundamental rights of citizens were enshrined in chapter VIII of the Constitution of Myanmar. The Supreme Court of the Union ensured the application of writs as legal remedies for the breach of human rights. The Constitution also guaranteed various rights to ensure peace, harmony and tranquillity with law and order.

430. A new civilian Government had performed its functions since 1 April 2011 and it is still in its infancy. The President of Myanmar stated, in his inaugural address, that the domestic laws of Myanmar would be reviewed to check that they were in line with the Constitution, and that new bills would be submitted to safeguard citizens' fundamental rights in line with the Constitution. Thus, relevant executive ministries were in the process

of reviewing the laws in order to bring them into conformity with the Constitution and international norms.

**2. Views expressed by Member and observer States of the Human Rights Council on the review outcome**

431. Singapore was encouraged by Myanmar's support for its recommendation to continue its collaboration with the donor community, United Nations agencies, international financial institutions and civil society organizations to develop institutional capacity, and to align its policies with international norms and treaty obligations. It hoped the international community would continue to engage with Myanmar to help it to integrate into the global system and to support its democratization process. Singapore expressed its commitment to continue to share its experiences and best practices with Myanmar.

432. Japan was of the view that the release of and amnesty granted to some of the prisoners marked a positive step in the process of national reconciliation. While recognizing the need for improvements in the human rights situation, Japan hoped that Myanmar would take further actions to promote democratization and national reconciliation. It welcomed the additional acceptance of a number of recommendations and considered it important that Myanmar steadily implement the recommendations accepted. Japan also considered it vital that Myanmar continue its dialogue with the international community.

433. Thailand thanked Myanmar for its positive response to its recommendations and noted that Myanmar was considering becoming a party to other international human rights treaties, depending on its resources and capacities. It encouraged Myanmar to seek technical cooperation and assistance from OHCHR, and hoped that the international community would provide assistance as well. It highlighted the significant political developments in Myanmar, such as the release of Daw Aung San Suu Kyi, the meeting of Parliament, the formation of a new cabinet and the release of prisoners. It welcomed the visit to Myanmar of the Special Adviser to the Secretary-General on Myanmar.

434. Indonesia noted with appreciation the acceptance by Myanmar of many recommendations made during the review. It also appreciated the fact that Myanmar had embarked on a transition to democracy. Indonesia encouraged Myanmar to sign and ratify all core human rights instruments, and consequently to strengthen the domestic legal infrastructures necessary for human rights protection. It appreciated Myanmar's intention to review legislation to guarantee freedom of expression, association and assembly.

435. Cuba noted that, during Myanmar's universal periodic review, it had recalled Myanmar's colonial past and its rich ethnic diversity, and highlighted its work for unity and national reconciliation. Cuba's recommendations were related to strategies and plans for socioeconomic development. It recognized Myanmar's determination to continue to promote human rights, and indicated that it was time to work on implementing accepted recommendations.

436. China noted Myanmar's constructive attitude towards and cooperation with the Human Rights Council. It appreciated Myanmar's efforts and achievements in human rights protection. In particular, China appreciated Myanmar's efforts to promote economic development and national reconciliation. It expected that Myanmar would maintain social stability and further advance democratic developments. China expressed its hope that the international community would respect the path of development that Myanmar had chosen independently, and that it would provide assistance to create an enabling environment for socioeconomic development.

437. The Lao People's Democratic Republic was pleased that Myanmar had accepted a large number of recommendations and had taken the steps necessary to implement them. It encouraged Myanmar to continue its effort to bring changes to the country. It believed that

the new Government would bring about greater stability, democratization, reconciliation and development.

438. Brunei Darussalam noted with appreciation Myanmar's cooperation in the review process and its acceptance of many recommendations. It also welcomed Myanmar's cooperation with the United Nations and the international community in promoting and protecting human rights.

439. India highlighted the fact that Myanmar had engaged in the universal periodic review process in an active, cooperative and constructive manner. India noted Myanmar's detailed responses to the recommendations made, and was encouraged that it had accepted a large number of recommendations and expressed its commitment to implement them. It noted that Myanmar had promoted a multiparty democratization through the emergence of a constitutional government and the progressive implementation of the political road map for democracy.

440. Cambodia noted with appreciation that Myanmar had accepted many recommendations made during its universal periodic review, and that it had already taken steps to implement some of them. It noted Myanmar's commitment to a constructive engagement with the international community to protect and promote human rights.

441. Malaysia noted Myanmar's constructive engagement with the universal periodic review, which would serve it well in its ongoing process of democratization. Malaysia had proposed recommendations, two of which were accepted and one left to be further studied. It inquired on how Myanmar intended to address the issue of refugees and whether the Government intended to revisit the recommendations that had been categorized as "noted and to be studied further". Malaysia reaffirmed its commitment to continue to cooperate closely with Myanmar.

### **3. General comments made by other relevant stakeholders**

442. Human Rights Watch stated that, despite Myanmar's claim that there were no prisoners held for their political activities, political prisoners remained incarcerated, and only 58 of an estimated 14,700 released prisoners were political detainees. Myanmar had refused permission to the Special Rapporteur on the situation of human rights in Myanmar to visit. Human Rights Watch also referred to the evidence of abuses by armed forces amounting to war crimes and crimes against humanity. It called on the United Nations to establish a commission of inquiry into the violations of international human rights and humanitarian law.

443. Forum-Asia noted that, despite the November 2010 elections, the systematic militarization of the country had contributed to widespread human rights abuses, essentially by the authorities. It was disturbed by the situation in ethnic areas, where conflict was ongoing. It regretted the fact that Myanmar had not given concrete responses to recommendations calling for the protection of civilians. It remained concerned that child soldiers continued to be recruited, and urged Myanmar to ensure that those involved in their recruitment were prosecuted. It also regretted the fact that Myanmar had rejected a recommendation on forced labour. It urged the Human Rights Council to establish a commission of inquiry to look into violations of international humanitarian and human rights law in Myanmar.

444. The Islamic Human Rights Commission noted the discrimination experienced by the Rohingya Muslim population, who were refused recognition as one of the main ethnic nationalities. The Rohingya has been subjected to criminal atrocities, torture, inhuman and degrading treatment and punishment and restrictions of their rights, including the rights to education and to work, and had been refused full citizenship. The Commission urged Myanmar to provide the Rohingya with the same rights granted to other citizens.

445. Jubilee Campaign was concerned that Myanmar did not support the recommendations made relating to its 2,200 political prisoners, despite the transition to democracy. It was disturbed about ongoing attacks targeting civilians and violations reportedly committed by the army. It lamented the history of killing of unarmed peaceful civilians and the widespread use of rape by the army, and emphasized that impunity must end. It took note of the recommendation of the Special Rapporteur on the situation of human rights in Myanmar that a commission be established to investigate reports of crimes against humanity, and urged Myanmar and the international community not to take this conclusion lightly.

446. The Worldview International Foundation stated that, despite the release of 51 prisoners of conscience, the amnesty had had no impact on the majority of them. It expressed concern at the use of torture in places of detention, the poor prison conditions and the denial of medical care to prisoners. Noting the recent hunger strikes of prisoners of conscience, the Foundation urged Myanmar to ensure the International Committee of the Red Cross immediate access to all prisons. While referring to the absence of mechanisms to establish justice and accountability, it called on the Human Rights Council to establish a commission of inquiry to look into the violations of international humanitarian and human rights laws.

447. Conectas Direitos Humanos highlighted the systematic use of sexual violence. It noted the cases of rape as well as the fear and stigma affecting survivors, while none of the perpetrators was punished. It noted the absence in the election of 2010 of affirmative action to promote women's participation. In war-torn zones of the country, women and children's health and education were severely affected. It recommended that Myanmar adopt legislation criminalizing rape, ensure punishment of perpetrators and make reparation to victims. It also recommended that humanitarian assistance should be allowed without restrictions, and called on the Human Rights Council to establish a commission of inquiry into violations in the country.

448. Amnesty International noted that more than 2,200 political prisoners were detained in inhumane conditions. It expressed concern that Myanmar had accepted only 74 of the 190 recommendations made during the review. Amnesty International referred to reports of crimes against humanity by the security and armed forces against ethnic minorities in eastern Myanmar. Investigation and prosecution of such violations and crimes had been obstructed by the constitutional provision that stipulated that no proceeding could be instituted against military officials in respect of any act done in the execution of their duties. Amnesty International called for the establishment of an international commission of inquiry to investigate crimes against humanity and possible war crimes.

449. The Asian Legal Resource Centre noted that Myanmar had rejected recommendations to end impunity, reform its legal system and improve cooperation with the Special Rapporteur on the situation of human rights in Myanmar. Although Myanmar had accepted to end torture, it had not accepted to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Corruption throughout the State apparatus was noted, as was the lack of an independent and impartial judiciary, and the control of the police by the army. It regretted the absence of avenues for redress and of a normative framework for the protection of human rights. It reiterated its support for the mandate of the Special Rapporteur, and called on the Human Rights Council to ensure an independent international inquiry into human rights abuses in Myanmar.

450. The International Federation for Human Rights expressed concern over a wide range of human rights abuses. By referring to the undemocratic provisions of the Constitution of 2008, and the unfair and non-free elections in 2010, it called on Myanmar to enter into an inclusive dialogue with stakeholders and to initiate a comprehensive review of the Constitution. Furthermore, it supported recommendations for the release of all political

prisoners and an end to all forms of discrimination against ethnic minorities. It also joined the recommendations that a United Nations commission of inquiry be established to investigate such crimes as attacks on civilians, forced labour, rape, internal displacement, extrajudicial executions and enforced disappearances.

451. Rencontre africaine pour la défense des droits de l'homme welcomed the dialogue between Myanmar and the international community. It noted that Myanmar's acceptance of recommendations should translate into a policy of good governance, creation of space for liberties long denied and for the rule of law. It welcomed the liberation of Aung San Suu Kyi. The creation of a national human rights commission should contribute to human rights education, particularly for the armed forces, and end the practice of torture. It called on Myanmar to reform its constitutional provisions that restrict freedom of religion, to fight impunity and to cooperate with treaty bodies and special procedures.

#### **4. Concluding remarks of the State under review**

452. The delegation of Myanmar thanked all delegations that had constructively participated in its universal periodic review. It reiterated that the current Government had recently taken up its duties and that the country was opening new chapters and turning pages of its history, with the political willingness to protect and promote human rights. Ongoing positive developments were further evidence of that willingness.

##### **Australia**

453. The review of Australia was held on 27 January 2011 in conformity with all the relevant provisions contained in Human Rights Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Australia in accordance with the annex to resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/AUS/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/AUS/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/AUS/3).

454. At its 17th meeting, on 8 June 2011, the Human Rights Council considered and adopted the outcome of the review of Australia (see section C below).

455. The outcome of the review of Australia comprised the report of the Working Group on the Universal Periodic Review (A/HRC/17/10), the views of Australia 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/17/10/Add.1).

#### **1. Views expressed by the State under review on the recommendations and/or conclusions, its voluntary commitments and the outcome**

456. Australia referred to the 145 recommendations received under its universal periodic review. In line with the Government's commitment to consult with a broad range of stakeholders, since January 2011, the Attorney-General had led an extensive consultation process to determine Australia's position on the recommendations. In March, the Attorney-General and Senator Kate Lundy tabled the draft report of the Working Group in Parliament. Australia had consulted across the Government, including with the states and territories, and had also participated in meetings with the Australian Human Rights Commission, non-governmental organizations and civil society to discuss the



recommendations and the Government's response. Australia welcomed the commitment and energy brought to the universal periodic review process by Australia's human rights community.

457. Australia had accepted entirely or in part 137 recommendations, and expressed its intention to provide the Human Rights Council with an interim report prior to its next review. It highlighted some of the recent important developments in identified key focus areas raised by delegations.

458. Regarding Australia's international human rights obligations and their domestic implementation, Australia was committed to using accepted recommendations to develop a new human rights action plan, the preparation of which was well under way. Progress had been made in developing an education and training programme for Commonwealth public servants to raise awareness and understanding of Australia's international human rights obligations.

459. In addition, legislation was before Parliament to establish a parliamentary joint committee on human rights and for requiring new legislation to be accompanied by a statement of compatibility with Australia's obligations under the core human rights treaties to which it was party. Policy work and drafting had commenced to review and consolidate federal anti-discrimination laws and to introduce legislation protecting against discrimination on the basis of a person's sexual orientation or gender identity.

460. With regard to the recommendations on the rights of indigenous peoples, Australia highlighted the election in April 2011 of the co-chairpersons of the National Congress of Australia's First Peoples. The National Congress would provide a mechanism with which Governments and the corporate and community sectors could engage and work on reform initiatives, and an informed and strong national voice for the goals, aspirations, interests and values of Aboriginal and Torres Strait Islander peoples.

461. With regard to recommendations relating to combating racism and promoting tolerance, a recent development was the launch in February 2011 of Australia's new multicultural policy, "The People of Australia". The policy recognized that Australia was a multicultural nation and outlined key principles designed to strengthen its social cohesion and to combat racism. It established the Australian Multicultural Council as an independent body to advise the Government, a new national anti-racism partnership and strategy, and a multicultural youth sports partnership programme.

462. With regard to Australia's counter-terrorism measures and efforts to ensure compliance with its international obligations, a recent development was the appointment in April 2011 of the first Independent National Security Legislation Monitor. The Monitor would review the operation, effectiveness and implications of Australia's counter-terrorism and national security legislation, and report to the Prime Minister and Parliament on an on going basis.

463. Information was provided on developments with regard to recommendations concerning the rights of women and children. In February 2011, the National Plan to Reduce Violence against Women and their Children was endorsed by Federal, State and Territory Governments. It was the first plan to coordinate actions across jurisdictions; focus on prevention, including building respectful relationships among young people and working to increase gender equality to stop violence occurring in the first place; and focus on holding perpetrators accountable and encourage behaviour change.

464. In March 2011, reforms to the Equal Opportunity for Women in the Workplace Act 1999 were announced, requiring large employers to report on gender equality outcomes, including the gender composition of their organizations and their boards, pay equity and the availability of flexible work arrangements.

465. With regard to developments relating to recommendations on the rights of persons with disabilities, in February 2011, the first National Disability Strategy was endorsed by Federal, State and Territory Governments, following extensive consultation across the country. It set a 10-year reform plan for all Governments to address barriers faced by Australians with a disability, and would ensure that mainstream services and programmes, including health care, housing, transport and education address the needs of people with a disability.

466. Concerning recommendations relating to the rights of migrants, asylum seekers and refugees, a recent development in this area was the introduction of legislation in February 2011 to enshrine non-refoulement obligations in law. Existing processes required the personal intervention of the Minister to ensure compliance with non-refoulement obligations. The new complementary protection legislation would provide for the granting of a protection visa in circumstances that engage Australia's non-refoulement obligations under human rights treaties other than the Refugee Convention, allowing for greater certainty and faster outcomes for vulnerable people at risk of violation of their fundamental human rights.

467. With reference to recommendations concerning children in immigration detention and the Government's expansion of its existing residence determination programme, the Government had made a commitment that the majority of children would be moved into community-based accommodation by the end of June 2011. The Australian Red Cross was the lead agency for the implementation of those arrangements, and would draw on the expertise of a wide range of experienced service providers and contributing organizations.

468. To conclude, Australia highlighted the fact that the Government had given serious consideration to each of the recommendations made during its universal periodic review. It openly acknowledged the existence of human rights challenges in the country. The Government viewed the universal periodic review as an occasion to reflect on those challenges and to renew its commitment to continue work to strengthen human rights protections. The Government signalled Australia's longer-term engagement with the review process as part of its enduring commitment to human rights. It thanked the President, the States Members of the Human Rights Council and the universal periodic review Secretariat for their involvement in Australia's first review.

## **2. Views expressed by Member and observer States of the Human Rights Council on the review outcome**

469. The Lao People's Democratic Republic commended Australia for having accepted a large number of recommendations. It noted that Australia continued to put in place a broad range of laws, policies and programmes to protect and promote human rights, including with a view to closing the gap in opportunities between indigenous and non-indigenous Australians, achieving gender equality and reducing violence against women. The Government had clearly demonstrated its commitment to engaging with United Nations mechanisms in promoting human rights, and was also helping developing countries by providing aid where it was most needed.

470. Timor-Leste noted with appreciation that Australia had accepted most recommendations and respected its decision not to accept the recommendation regarding legal protection of irregular migrants. However, it reminded Australia that, being dislodged from their homes, irregular migrants were first and foremost in need of protection and assistance. In this regard, it commended Australia for its recent change in policy towards unaccompanied asylum seeking children, and asylum seekers in general.

471. Algeria praised Australia for its long human rights tradition, as well as its courage to present apologies for the harm done to the aboriginal people. Referring to its

recommendation to further strengthen measures to combat discrimination against minorities, including Muslim communities, Algeria appreciated the fact that Australia's new multicultural policy included a national anti-racism partnership and strategy, the establishment of the Australian Multicultural Council and other programmes of multiculturalism. It also commended the Government's commitment to increase ODA to 0.7 per cent of GDP.

472. The Republic of Moldova acknowledged Australia's long-standing engagement with the international community on human rights and welcomed its acceptance of many recommendations. It particularly welcomed Australia's commitment to ratify the Optional Protocol to the Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment, to ensure compliance with international fair trial guarantees, including in the fight against terrorism, and to draw up a framework of measures to ensure equality of rights for persons with disabilities.

473. The Islamic Republic of Iran remained concerned about various human rights violations in Australia, including emerging new forms of racism and Islamophobia, violations of the human rights of migrants, refugees and asylum seekers due to hard-line immigration policies, restrictions on indigenous peoples, especially women and children, regarding access to health and education, and the use of harsh force and Tasers by the police against various groups of people. It called on Australia to take the legitimate concerns expressed by the international community seriously and to take effective legal and practical measures to address them promptly.

474. New Zealand welcomed Australia's commitment to accepting in full or in part most of New Zealand's recommendations, and highlighted the broad consultations undertaken by Australia in preparation for the universal periodic review process, noting also that it had taken the innovative step of tabling concluding observations from treaty bodies and recommendations of the review in its Parliament. New Zealand welcomed Australia's stated goal of advancing the social and economic rights of its indigenous peoples and the fact that Australia had developed specific targets for this work. It also acknowledged the development of Australia's new multicultural policy.

475. Morocco congratulated Australia on its engagement in human rights and the progress realized concerning the rights of indigenous people. This demonstrated Australia's commitment to a multicultural society based on tolerance, diversity and inclusiveness. Morocco was pleased that Australia had accepted its three recommendations on combating discrimination, promoting multiculturalism and social integration and strengthening the participation of indigenous women in decision-making.

476. Belgium thanked Australia for having taken into consideration its recommendations concerning the discrimination of indigenous populations and the respect for human rights in countering terrorism. Concerning its recommendation to repeal legal provisions authorizing the sterilization of disabled persons, which Australia had only partially accepted, it wished to know the nature of the "best interest" test that Australia applied in this regard. Belgium hoped that the Attorney-General's dialogue with his counterparts in the States and Territories would allay concerns on this matter.

### **3. General comments made by other relevant stakeholders**

477. The Australian Human Rights Commission commended the Government for its frank and robust engagement in the universal periodic review process. It welcomed the voluntary commitments made by Australia during the process, including incorporating all accepted recommendations into its forthcoming National Action Plan on Human Rights, and making an interim report to the Human Rights Council prior to Australia's next review. The Commission also welcomed the Government's acceptance of the recommendations

regarding the ratification of Optional Protocol to the Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment, ensuring appropriate conditions of detention. Noting that the current system of mandatory and indefinite immigration detention was not in compliance with Australia's international obligations, the Commission continued to urge the Government to reform the system accordingly. It also welcomed the acceptance of recommendations 122, 124 and 125 on the understanding that any arrangements for the regional processing of asylum seekers would comply fully with the Refugee Convention and Australia's human rights obligations.

478. The European Region of the International Lesbian and Gay Federation also on behalf of Australian Coalition for Equality, urged Australia to introduce a comprehensive human rights act and to enact legislation addressing systematic discrimination and promoting substantive equality. Commending measures on the equal treatment of same-sex partners in de facto marriages, they regretted Australia's rejection of the recommendation to allow same-sex partners to marry. They noted the recent amendment to national sex discrimination laws, whereby state and territory laws were not discriminatory when requiring gender diverse persons to divorce before affirming their gender. They called on Australia to reconsider its position on marriage equality and to make public commitments to introducing anti-discrimination laws and policies in accordance with the Yogyakarta Principles.

479. Human Rights Watch was concerned that Australia's policies and practices regarding refugees and asylum seekers might run counter to its international obligations. Using as an example a bilateral agreement currently being pursued, it called on Australia to abandon such agreements. It also noted that asylum seekers were detained as a matter of course, indicating that, of 6,730 people in immigration facilities, 6,079 were undergoing refugee status assessments. It urged Australia to end mandatory detention of asylum seekers, and to enact legislation providing that they are only detained when strictly necessary and as a last resort, and that children are not routinely detained. It also urged Australia to set limits on immigration detention, to provide for regular judicial review, and to ensure that detainees have equal access, among others, to legal counsel and physical and mental health services.

480. Verein Südwind Entwicklungspolitik urged Australia, as the only country in the world with such a system, to end its mandatory, not time-limited and non-reviewable detention system of all unauthorized arrivals, including children, and to incorporate international human rights obligations into domestic law through adoption of a federal human rights act. Meanwhile, it urged Australia to comply with its key detention values, especially concerning asylum seekers arriving by boat, to make greater use of community-based detention, particularly for the most vulnerable, to stop third-country processing, and to amend immigration detention laws. It noted that Australia had rejected the recommendation concerning a compensation scheme for Aborigines and Torres Strait Islanders disregarding their rights to equality before the law and restitution for past wrongs.

481. The Indian Council of South America expressed doubts that the National Congress of Australia's First Peoples would not be used as rubber stamp mechanism. It referred to the partial acceptance of recommendation 24, and rejected the notion that this would not amount to the continuing denial of the rights of Indigenous peoples on the ground. It noted that Australia had yet to implement the recommendations of the Special Rapporteur on the rights of indigenous peoples. It questioned Australia's intention to implement its obligations under the Declaration on the Rights of Indigenous Peoples, and stated that the rejection of the establishment of a national compensation plan for stolen generations was unacceptable.

482. The Islamic Human Rights Commission was concerned at the alienation and marginalization experienced by Muslim citizens, who face prejudice and hostility, and

urged Australia to prevent further attacks and abuse. Over 90 per cent of asylum seekers who arrived in Australia were found to have genuine protection claims. It noted the slow processing of asylum claims, while asylum seekers lived in appalling conditions in immigration detention centres, where five suicides had been reported. It was also concerned at the suspension of the processing of asylum claims for Afghans and Sri Lankan nationals, and urged Australia to end it.

483. The Human Rights Law Centre, on behalf of a coalition of non-governmental organizations, including the National Association of Community Legal Centres and the Kingsford Legal Centre, while welcoming Australia's acceptance of the majority of recommendations, regretted that its response in some areas did not accurately reflect law, policy or practice. It noted the lack of jurisdiction to independently investigate police-related deaths in Australia, and that mandatory, indefinite, arbitrary immigration detention was a fact in law and in practice. It regretted the fact that Australia's response did not meet the need for legal and institutional reform to redress persistent and significant issues, and recommended that Australia should incorporate international human rights into domestic law through a comprehensive human rights act, strengthen laws to address systemic discrimination, implement the Declaration on the Rights of Indigenous Peoples and the Special Rapporteur's recommendations, and legislate that asylum seekers are detained only where strictly necessary and as a last resort, and have equal access to and protection under the law.

484. Amnesty International regretted the fact that Australia had rejected recommendations to introduce a human rights act and to allow same-sex marriages. It was concerned that the Racial Discrimination Act had been only partially reinstated and provided no retrospective rights in the Northern Territory. It criticized the handling of riots at an immigration detention centre on Christmas Island, including the use of force, and the pursuit of a bilateral agreement to exchange asylum seekers arriving by boat. Despite Australia's contention that mandatory detention was based on unauthorized arrival, Amnesty International noted that, in reality, all undocumented arrivals by boat were asylum seekers and faced indefinite detention, and that 1,048 children were detained in immigration facilities.

485. Save the Children urged Australia to establish a national children's commissioner who could represent and act on behalf of all children, including those in immigration detention; to immediately release all children and their families into the community; to repeal the mandatory detention provisions of the Migration Act 1958; and to enact legislation to ensure that no children are held in low-security facilities. It also requested Australia to prohibit the use of corporal punishment within the family and in all schools and alternative care settings.

486. Franciscans International, Edmund Rice International and the Marist International Solidarity Foundation recommended a fundamental rethink of the Northern Territory Emergency Response to involve all affected indigenous people through consultation and active participation. It requested Australia to lift the moratorium on processing asylum claims by Afghans. Regarding the proposed bilateral agreement for the processing of asylum seekers and resettling refugees, it asked that both countries ensure compliance with international human rights standards, prevent the demonization of asylum seekers in the political debate, and cease trivializing human rights issues with expressions such as "border control". It also urged Australia to reconsider the impact of carbon emissions on the rights of peoples of low-lying islands.

#### **4. Concluding remarks of the State under review**

487. The delegation thanked States and observers and the non-governmental community for their comments, which had been duly noted.

## Georgia

488. The review of Georgia was held on 28 January 2011 in conformity with all the relevant provisions contained in Human Rights Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Georgia in accordance with the annex to resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/GEO/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/GEO/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/GEO/3).

489. At its 17th meeting, on 8 June 2011, the Human Rights Council considered and adopted the outcome of the review of Georgia (see section C below).

490. The outcome of the review of Georgia comprised the report of the Working Group on the Universal Periodic Review (A/HRC/17/11), the views of Georgia 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/17/11/Add.1).

### 1. Views expressed by the State under review on the recommendations and/or conclusions, its voluntary commitments and the outcome

491. The Georgian Deputy Minister for Foreign Affairs, Sergi Kapanadze, thanked all stakeholders who had taken part constructively in the review of Georgia, and emphasized the role played by civil society along the process, from the drafting of the national report to follow-up to the implementation of recommendations.

492. Georgia viewed the universal periodic review as a unique and highly valuable exercise that allowed the review of its human rights situation in a cooperative manner and the sharing with other States of actions taken to improve the protection of human rights and the identification of existing challenges.

493. Georgia had proclaimed that the protection and promotion of human rights was one of the founding principles of its policies. In this context, the recommendations accepted would become a reference for the elaboration and implementation of human rights policies in the country.

494. Of the 163 recommendations received, Georgia had accepted 96 during the session of the Working Group. In its written response, submitted as an addendum to the report of the Working Group, Georgia had accepted in total or partially 43 of the 62 recommendations left for further consideration. Furthermore, recommendations 106.35 and 106.45, which were not mentioned in the addendum owing to clerical error, had also been accepted by Georgia.

495. The delegation provided the Human Rights Council with additional information with regard to the implementation of the recommendations accepted.

496. With regard to civil and political rights, Georgia welcomed recommendations on taking further measures for the promotion of a general environment that ensured the protection of the fundamental freedoms of all citizens.

497. With regard to the reform of the electoral system, the political parties in Georgia had agreed to continue dialogue within the election working group format to further strengthen the electoral code in advance of the parliamentary elections of 2012. Furthermore, Georgia

had accepted to work closely with the Venice Commission and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe to ensure that their recommendations would be taken into account in the final package of electoral amendments. The extent to which these recommendations would be implemented would, however, have to be subject to broad political consensus.

498. Regarding the amendment of Georgia's legislation on assemblies and manifestations, the delegation brought to the attention of the Human Rights Council the fact that the Constitutional Court had recently reviewed the Law of Georgia on Assemblies and Manifestation and repealed norms restricting the enjoyment of freedoms of assembly and demonstrations because they were incompatible with the Constitution. This decision was a basis for bringing domestic legislation into line with international standards. Also, with regard to freedom of the media, on 8 April 2011, Parliament had passed amendments to the Law on Broadcasting to enhance media ownership and financial transparency. Georgia believed that the existing legislative and policy framework guaranteed freedom of the media and intended to continue to ensure it through supplementary measures that were considered necessary.

499. With regard to recommendations relating to places of worship, Georgia recognized the importance of addressing this problem but noted that the confiscations that had taken place during Soviet rule remained highly contested among the various religious confessions, and that restitution could only result from careful study and investigation.

500. Several recommendations had been made on the protection of vulnerable groups. Georgia was determined to meet the Millennium Development Goals of ensuring universal primary education. Georgia was also committed to enhancing the protection and reintegration of street children, and had taken significant steps towards these ends. It also elaborated on the comprehensive reform under way in the area of child-care institutions.

501. Georgia had accepted the recommendations calling for greater participation of women in public life and had made significant efforts in this regard. The Government did not, however, intend to introduce legislative quotas, insofar as political parties across the spectrum had expressed their opposition to them during the recent drafting of the Gender Equality Law.

502. Concerning criminal justice, the delegation stressed that judicial reform remained a cornerstone of legal reforms in Georgia. The recently adopted constitutional amendments further strengthened the independence of the judiciary by introducing the principle of the lifetime appointment of judges, which provided the constitutional guarantee of immutability and stability. Georgia could not accept the recommendation calling for the restoration of confidence in the judicial system, since Georgia had inherited a Soviet judiciary characterized by general lack of public trust. Meanwhile, surveys clearly showed that public trust in the judicial system was growing steadily as a result of the reforms undertaken.

503. Fighting ill-treatment was on the top of the Government's agenda. Numerous human rights institutions, national and international, including the Committee against Torture, had indicated that torture as a systemic problem had disappeared.

504. Close to half a million people had been displaced in Georgia as a result of two waves of ethnic cleansing, in 1991–1993 and 2008, in Abkhazia, Georgia and the Tskhinvali region of South Ossetia, Georgia. The Government had elaborated a strategy and a plan of action with the participation of civil society, internally displaced persons and international organizations.

505. The delegation underlined the fact that, under international law, Georgia had an obligation to protect and promote human rights throughout its whole territory, including

Abkhazia, Georgia and Tskhinvali region/South Ossetia, Georgia. The delegation, however, stressed that, since these territories remained under Russia's occupation, Georgia was unable to do so. The human rights situation in these Georgian regions remained a concern since no effective mechanism existed for monitoring the situation. In a recent report, Freedom House had named the Tskhinvali Region/South Ossetia, Georgia, as a territory with one of the lowest ratings for political rights and civil liberties.

506. Georgia had examined each recommendation on the possibility of becoming a party to several international instruments. While the Government shared the goals and principles of the instruments mentioned in the recommendations, there was a need to conduct an analysis of its domestic legislation and policies. Furthermore, the ratification of international agreements was a decision for Parliament and the Government to make. In the specific case of the Convention relating to the Status of Stateless Persons, the Government was reviewing the national legal framework for the subsequent submission of this instrument to Parliament.

507. The delegation reiterated Georgia's commitment to cooperating with the Human Rights Council and pledged to submit a mid-term report on the follow-up to the recommendations accepted.

## **2. Views expressed by Member and observer States of the Human Rights Council on the review outcome**

508. The United States of America commended Georgia for its committed participation in the universal periodic review process and for its acceptance of numerous recommendations across a wide range of issues, and it looked forward to updates on implementation. It applauded Georgia for the steps taken to address child labour, as well as for the adoption of the law on broadcasting. The United States remained concerned that, since the abolition of a labour inspectorate in Georgia under the 2006 labour code, no other supervisory agency had been created to ensure full compliance with labour laws. It also regretted the instances of injury or loss of life in recent mining accidents, and encouraged Georgia to take measures promptly to ensure the health and safety of all workers.

509. Algeria appreciated the fact that Georgia had accepted numerous recommendations, including those that it had made on the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities. Algeria welcomed the willingness of Georgia to improve the protection of women and children, especially children with disabilities and street children. Better representation of women in decision-making processes was an essential pillar to bring about the full enjoyment of their rights.

510. The Russian Federation expressed its profound regret at the fact that Georgia had not accepted important recommendations made by many States, which was an indication of the intention of the Georgian authorities not to respond to the concerns voiced by the international community. It took note of the fact that all the recommendations made by the Russian Federation had been rejected, in particular the recommendation on the need to investigate facts of harsh treatment by the police of demonstrators in Tbilisi in November 2007 and in May 2009. These cases, as well as the recent repression of a demonstration in Tbilisi on the nights of 25 and 26 May 2011, were direct evidence that the freedoms of assembly and opinion were being violated and that recommendations agreed by Georgia thereon during the session of the Working Group were not being implemented.

511. The Republic of Moldova acknowledged the acceptance of a significant number of recommendations by Georgia and in particular the two recommendations made by its delegation during the session of the Working Group. The Republic of Moldova welcomed Georgia's commitment to implement the national plan of action for 2011–2013 against ill-



treatment, and expressed its satisfaction at Georgia's commitment to continue its effort to implement judicial reforms.

### **3. General comments made by other relevant stakeholders**

512. The Indian Council of South America recommended the implementation of recommendations 106.24, 106.9, 106.38, 106.39 and 106.40. It stated that the right of expression and protest should be restored. It called upon Georgia to adopt a more rigorous, systematic and transparent inquiry policy for the investigation of allegations of use of excessive force by its internal security forces, and stated that perpetrators should be systematically held accountable (recommendation 106.43). The Council called for a thorough and objective investigation into the cruel treatment of demonstrators in the past, as well as of those currently demonstrating for improved conditions in Georgia (recommendation 106.44).

513. The Russian Peace Foundation declared that the outcome document identified serious human rights problems in Georgia and drew attention to a recent nocturnal break-up of a peaceful demonstration. It stated that the Georgian authorities were confident that they would go unpunished and could ignore the Human Rights Council. This was the only explanation that the Foundation could find for the recent repression of opponents and the lack of desire on the part of Georgia to adopt recommendations from the Russian Federation. The authority of the Council had been challenged as a result of these events.

514. Amnesty International welcomed Georgia's support for recommendations to strengthen the independence of the judiciary and to carry out effective and independent investigations into cases of excessive use of force by law enforcement officials, and urged Georgia to ensure that these cases were properly investigated and those responsible brought to justice. It also welcomed the large number of recommendations made to address the situation of internally displaced persons, the recommendations to guarantee that evictions of displaced persons were carried out in accordance with international standards, as well as those to ensure that the rights to decent housing, work and access to health services and education were respected. Amnesty International urged Georgia to give prompt effect to these recommendations.

515. Conscience and Peace Tax International welcomed the acceptance by Georgia of the recommendation that it should reduce the length of alternative service for conscientious objectors so that it is the same length as the military service. It hoped that Georgia would take this opportunity to review its current alternative service provisions in order to ensure that conscientious objection may be declared at any time, that alternative service is completely independent of the military, and that the same is applied to any service obligations.

### **4. Concluding remarks of the State under review**

516. The delegation reiterated its gratitude to all delegations and stakeholders who participated in good faith in the review of Georgia. The universal periodic review process was a human rights forum that should not be abused for political considerations or interests. Most of the rejected recommendations did not enjoy the State's support since they were of a clearly political nature. It called on all delegations, when assessing the human rights situation in Georgia, focus on the progress achieved in the past six or seven years. Georgia was a young democracy, still striving for the reforms of a system based on a Soviet heritage that was characterized by total disregard for human rights and fundamental freedoms. Mindful of the challenges ahead, and acknowledging its own shortcomings, Georgia was slowly building a State based on the rule of law and respect for human rights. Moreover, the Government was motivated to do everything in its power to ensure that human rights were enjoyed by every citizen in Georgia.

### **Saint Kitts and Nevis**

517. The review of Saint Kitts and Nevis was held on 28 January 2011 in conformity with all the relevant provisions contained in Human Rights Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Saint Kitts and Nevis in accordance with the annex to resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/KNA/1 and A/HRC/WG.6/10/KA/1/Corr.1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/KNA/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/KNA/3).

518. At its 18th meeting, on 8 June 2011, the Human Rights Council considered and adopted the outcome of the review of Saint Kitts and Nevis (see section C below).

519. The outcome of the review of Saint Kitts and Nevis comprised the report of the Working Group on the Universal Periodic Review (A/HRC/17/12), the views of Saint Kitts and Nevis 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/17/12/Add.1).

#### **1. Views expressed by the State under review on the recommendations and/or conclusions, its voluntary commitments and the outcome**

520. Saint Kitts and Nevis stated that its participation in and cooperation with the universal periodic review reflected its high regard for human rights, which were fundamental to its progress. This exercise offered opportunities for thorough introspection and candid deliberation regarding the status of human rights on the ground.

521. Saint Kitts and Nevis was mindful of the tight rope that its Government must walk as it sought to balance the rights of individuals against the imperatives of the State. The universal periodic review had provided insight on how the Government, through its institutions, could continue to enhance its human rights mechanisms for the benefit of all its citizens.

522. Saint Kitts and Nevis had given careful consideration to the recommendations proposed during the interactive dialogue. While some recommendations brought to the fore the challenges that Saint Kitts and Nevis had previously identified and was already in the process of addressing, others highlighted additional ideas for advancing the promotion and protection of human rights for all, including such marginalized groups as the poor, women, children, the elderly and persons with disabilities.

523. With regard to the ratification of human rights instruments, Saint Kitts and Nevis had approached the consideration of the recommendations in a realistic manner, committing only to those actions that were within its ability and competence to implement and maintain. The delegation stated that Saint Kitts and Nevis could not commit, in the short term, to signing and ratifying new treaties without undertaking a meticulous assessment of the resources essential to fulfilling its obligations under them.

524. The work on this aspect of the human rights framework had already commenced. As a part of this process, the Special Committee on Conventions and Treaties would consider these matters and make recommendations to Cabinet. Even though Saint Kitts and Nevis was not yet a party to all of the instruments, it continued to adopt best practices, and remained committed to the ideals of the conventions.

525. With regard to the creation of a national human rights institution, the delegation stated such an institution would make a significant contribution to improving the coordination on human rights policies between Government and stakeholders. Such an entity would best serve the populace if it were independent of the Government, in accordance with the Paris Principles.

526. Saint Kitts and Nevis would cooperate with non-governmental organizations and individuals that might be disposed to establishing such national monitoring mechanisms for further promotion and protection of human rights. In the meantime, the Government would continue to support the work of the Office of the Ombudsman as it continued to provide an avenue whereby citizens might have their grievances against Government institutions and services heard and resolved.

527. With regard to the invitation to special procedures, the delegation stated that, while Saint Kitts and Nevis understood and respected the work of the special procedures, a vital arm of the Human Rights Council, it would not be able to issue a standing invitation at this time. The Government was, however, willing to address all requests on a case-by-case basis.

528. Saint Kitts and Nevis would seek to strengthen those entities responsible for the promotion of the rights of women and children by adopting practical advances in these areas. Through various pieces of legislation, the departments of gender affairs and of labour had sought to set appropriate standards for the treatment of women, and continued to ensure that the laws relating to the promotion of their protection were fully implemented. The Department of Probation and Child Protection Services was one of the Government's principal arms for ensuring that the rights of children were safeguarded, in particular with respect to those minors in need of care and protection and those in conflict with the law, as well as matters of foster care, adoption and related issues. The Offences against Persons Act criminalized acts of rape and sexual abuse. The Counselling Department of the Ministry of Health, Social and Community Services and Gender Affairs provided support and counselling for victims of crime.

529. With regard to discrimination on the grounds of sexual orientation, the delegation stated that chapter II of its Constitution prohibited discrimination against any person on the grounds of race, tribe, place of origin, political opinion, colour, creed or sex and, as such, any person who was of the view that his or her rights had been violated could, at any time, seek redress before the Court. Moreover, there were no challenges to any existing legislation before its courts on the grounds of sexual discrimination. Should any legislation be challenged on such grounds, and if held to be unconstitutional by the Court, the Government would be guided by such a ruling.

530. The delegation emphasized that the Government regarded seriously its commitment to protect all members of society from discrimination, regardless of sexual orientation. The State believed that this was an important issue and would continue to engage the public through a consultative process.

## **2. Views expressed by Member and observer States of the Human Rights Council on the review outcome**

531. Cuba welcomed the information included in the addendum and the active participation of Saint Kitts and Nevis in the review, while acknowledging the limits and challenges it faced. Cuba highlighted the progress that had been made in the areas of education, health, employment, gender issues and persons with disabilities. Cuba's recommendations were linked to plans and measures for socioeconomic development and the protection of the rights of vulnerable people. These and other issues were a priority in the development strategy applied by the Government. Cuba urged Saint Kitts and Nevis to

keep up these efforts, notably through the implementation of the recommendations accepted.

532. Algeria thanked Saint Kitts and Nevis for its replies to the 56 recommendations that it had received during the review. Saint Kitts and Nevis had accepted a recommendation by Algeria, asking it to determine the technical and financial assistance needed to improve the conditions of detention. Algeria had made a second recommendation, on the ratification of human rights international instruments, giving priority to the two international covenants; this recommendation, like other similar recommendations, had not been approved. Algeria was convinced that Saint Kitts and Nevis had not ratified many such instruments owing to limited resources for their implementation. Algeria hoped that this would be corrected with adequate international assistance from the relevant actors to help Saint Kitts and Nevis to fulfil its obligations resulting from those instruments.

533. Venezuela (Bolivarian Republic of) welcomed the participatory approach adopted to draft the national report, and the readiness of Saint Kitts and Nevis to comply with human rights obligations, particularly within the universal periodic review process, as it had accepted most of the recommendations. It highlighted the progress made in the area of education, in particular with the establishment of free and compulsory education for children between 5 and 16 years of age and the implementation of the White Paper on Development and Educational Policy for 2009–2019. Venezuela (Bolivarian Republic of) encouraged Saint Kitts and Nevis to continue to further its well-grounded education policy with technical assistance and unconditional international cooperation.

534. South Africa thanked Saint Kitts and Nevis for the additional information provided. Saint Kitts and Nevis had made known the steps taken in promoting and protecting human rights and the challenges it faced. South Africa encouraged the international community to provide the requested technical assistance in this regard. It was pleased that Saint Kitts and Nevis had considered positively the recommendation it had made, together with a large number of other recommendations. This displayed the commitment of Saint Kitts and Nevis to the universal periodic review process. South Africa encouraged Saint Kitts and Nevis to maintain its commitment to promote and protect human rights, and wished the Government well in the implementation of all recommendations accepted.

535. Morocco welcomed the commitment of Saint Kitts and Nevis to the review. It also welcomed the large number of recommendations accepted, the implementation of which would contribute to human rights protection, in particular through ambitious policies on economic, social and cultural development. Morocco believed that the challenges and constraints faced by this small island developing state were numerous and could not be tackled by Saint Kitts and Nevis alone, which had, however demonstrated its march towards strengthening democracy and the rule of law. Donors and international partners were called upon to reply to the requests made by Saint Kitts and Nevis relating to capacity-building and resources. Morocco encouraged Saint Kitts and Nevis to take advantage of the review in its ongoing consultations on constitutional, legislative and judicial reforms.

### **3. General comments made by other relevant stakeholders**

536. Amnesty International welcomed the willingness of Saint Kitts and Nevis to implement its human rights obligations, including by seeking technical assistance, and hoped that it would enable the country to ratify the core human rights instruments. Amnesty International regretted the fact that Saint Kitts and Nevis had not supported the recommendations relating to the abolition of the death penalty, and called on the Government to repeal all provisions allowing for the death penalty and to declare a moratorium on executions. Amnesty International urged the Government to accept the recommendations aimed at decriminalizing sexual relations between consenting adults of

the same sex and combating discrimination based on sexual orientation and gender identity. Amnesty International welcomed the endorsement of the recommendations to tackle violence against women, and called on the Government to keep under consideration the recommendations aimed at revising the age of criminal responsibility.

537. Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit-COC Nederland was pleased that Saint Kitts and Nevis had accepted a recommendation to combat discrimination on all grounds, including on sexual orientation and gender identity. COC Nederland was concerned that Saint Kitts and Nevis had not accepted the recommendations on decriminalizing sexual relations between consenting adults of the same sex and repealing laws that discriminated against lesbian, gay, bisexual and transgender people. COC Nederland believed that such decriminalization should not be a matter of the majority view of the society. While recalling a statement made by the United Nations High Commissioner for Human Rights in this regard, COC Nederland held the view that such criminalization was a form of discrimination in itself, impeding access of citizens to their social and economic rights. COC Nederland recalled that social and cultural change came with public awareness and education.

#### **4. Concluding remarks of the State under review**

538. While the recommendations were challenging and work was still to be done, Saint Kitts and Nevis hoped they would ultimately lead to a constructive process of advancing towards the full realization of human rights in the Federation, based upon the rule of law and the fundamental freedoms of all its people.

539. Saint Kitts and Nevis was confronted by hurricanes and droughts, financial retrenchment, global warming and crime, and would require international support and technical assistance from OHCHR, other international institutions and States Members of the United Nations to implement the recommendations. Saint Kitts and Nevis made a call for assistance to the international community and other developing countries in this regard.

540. The involvement of civil society in the follow-up to the universal periodic review was a key to ensuring a vibrant democracy, which was the reason why Saint Kitts and Nevis had committed to regular engagement with its civil society, to comply with its international obligations.

541. Saint Kitts and Nevis thanked all delegations and non-governmental organizations that had interacted with it in a bona fide spirit of cooperation and that had contributed useful comments, meaningful suggestions and practical ideas. The delegation of Saint Kitts and Nevis recognized in particular the efforts of OHCHR to provide Member States, especially small delegations like its own, with information and guidance in preparation for the follow-up process to the universal periodic review. Saint Kitts and Nevis looked forward to working with all stakeholders during the implementation and follow-up phase, and to its second review.

#### **Sao Tome and Principe**

542. The review of Sao Tome and Principe was held on 31 January 2011 in conformity with all the relevant provisions contained in Human Rights Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Sao Tome and Principe in accordance with the annex to resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/STP/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/STP/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/STP/3).

543. At its 18th meeting, on 8 June 2011, the Human Rights Council considered and adopted the outcome of the review of Sao Tome and Principe (see section C below).

544. The outcome of the review of Sao Tome and Principe comprised the report of the Working Group on the Universal Periodic Review (A/HRC/17/13), the views of Sao Tome and Principe 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, its voluntary commitments and the outcome**

545. Sao Tome and Principe welcomed the positive comments and acknowledgement of its efforts to promote and protect human rights in spite of its limited resources. A total of 72 recommendations had been made. Sao Tome and Principe had clustered them into 22 recommendations.

546. Sao Tome and Principe clarified its position regarding recommendations 65.4, 65.5, 65.8 and 65.10 on the ratification of the Rome Statute of the International Criminal Court. Sao Tome and Principe took note of these recommendations. All remaining recommendations addressed to Sao Tome and Principe were accepted.

547. The recommendations mentioned in paragraphs 64.1, 64.15, 64.55 and 64.58 (incorporation of treaties and harmonization of legislation), 64.21 (measures to ensure the full enjoyment of civil and political rights), 64.22, 64.24, 64.25 and 64.26 (promotion and protection of children rights, women rights and the rights of the most vulnerable sectors of the population), 64.28 to 64.32 (principle of non-discrimination), 64.33 (definition of ill-treatment in domestic legislation), 64.34 (rights of persons deprived of their liberty), 64.35 to 64.43, 64.49 and 64.50 (measures to protect women against violence, including domestic violence), 64.38, 64.42, 64.44 and 64.48 (protection of children against sexual exploitation), 64.53 (juvenile justice system), 64.59 (organization of national round-table consultations) and 64.64 and 64.68 (improvement of health services) were already being implemented.

548. Sao Tome and Principe welcomed the comments and recommendations encouraging it to adopt a policy of broad transparency in governance and to continue its social and economic policies on poverty reduction. Sao Tome and Principe reaffirmed its commitment to moving towards a more democratic, fair and peaceful society.

549. Sao Tome and Principe also reaffirmed its determination to do whatever it deemed appropriate in a reasonable period of time to ratify the international human rights treaties mentioned in recommendations 64.1 to 64.14 and in recommendations 65.1, 65.2, 64.4, 65.5, 65.6 and 65.9, and especially those it had already signed.

550. Sao Tome and Principe was undergoing an electoral process that would culminate in a presidential election on 17 July 2011; from that moment, the country would then be able to consider the ratification of different instruments and the implementation of the rest of the recommendations received.

551. Sao Tome and Principe welcomed recommendations 64.18 to 64.20 on the establishment of a national human rights institution. In this regard, Sao Tome and Principe, in conjunction with the Yaoundé Centre for Human Rights and Democracy and the United Nations Development Programme (UNDP) would organize a training seminar aimed at establishing the appropriate conditions for the implementation of this recommendation.

552. Sao Tome and Principe also referred to the initiatives taken in conjunction with UNDP to strengthen the judiciary (recommendations 64.51 and 64.52).

553. With regard to the recommendation to extend an invitation to special procedures (recommendation 64.27), a visit of a mandate holder had been planned for September 2011.

554. Sao Tome and Principe concluded by reiterating that, except for the recommendations to ratify the Rome Statute, all the recommendations had been accepted and many of them were in the process of implementation, which demonstrated its commitment to the promotion and protection of human rights. Sao Tome and Principe requested the assistance of the international community for the fulfilment of its commitments.

## **2. Views expressed by Member and observer States of the Human Rights Council on the review outcome**

555. Cuba welcomed Sao Tome and Principe's commitment to the review, and thanked it for the additional information provided. Cuba highlighted the importance given by Sao Tome and Principe to the promotion and protection of human rights, despite the negative effects of the financial crisis on the macro-economic situation of the country, including the increase in public debt. Economic constraints had limited the capacity of Sao Tome and Principe to address shortcomings in health and educational services, and in food supplies. Despite these difficulties, Sao Tome and Principe had managed to minimize the negative impact of the crisis while continuing to provide health and education services to its population. Cuba commended Sao Tome and Principe for accepting most of the recommendations made, including those made by Cuba.

556. Timor-Leste referred to the acceptance by Sao Tome and Principe of the majority of the recommendations made, which demonstrated its commitment to the promotion and protection of human rights. It praised the openness of Sao Tome and Principe in acknowledging the challenges it faced. Timor-Leste echoed the call made by Sao Tome and Principe to the international community to provide assistance to meet the country's challenges. Timor-Leste encouraged Sao Tome and Principe to continue to strengthen its cooperation with the international community and United Nations human rights bodies in the implementation of the recommendations accepted.

557. Algeria welcomed the determination of Sao Tome and Principe to take a constructive approach to the universal periodic review mechanism after accepting a large number of the recommendations received. It praised the Government's efforts in every area covered by the recommendations, in particular with regard to combating poverty, the promotion of the rights of women and children and accession to certain international human rights instruments, despite the constraints it faced, particularly in the area of development. Algeria renewed its appeal to the international community to continue to provide assistance to Sao Tome and Principe in accordance with the priorities identified by the country.

558. Morocco highlighted the fact that Sao Tome and Principe's efforts to implement the universal periodic review recommendations showed a genuine desire to move forward, under an overall strategy to strengthen transparency and accountability at every level of Government, in favour of the protection and promotion of human rights. It referred to the constraints faced by Sao Tome and Principe in terms of the accumulated social and economic shortcomings due to the scarcity of its resources. The international community must bear in mind that the human rights situation in this country could only be assessed in accordance with the duties of the State, but this must also be placed in a context characterized by poverty impairing the effectiveness of its development strategies and hence the promotion of human rights.

559. Nigeria commended Sao Tome and Principe for its engagement in the universal periodic review process. It congratulated Sao Tome and Principe for the additional information provided on its efforts to promote and protect human rights. Nigeria was encouraged to note that Sao Tome and Principe had accepted most of the recommendations received, and that it had started to implement a number of them. Nigeria encouraged Sao Tome and Principe not to relent in its efforts to implement the recommendations accepted. It wished Sao Tome and Principe the best in its efforts to strengthen the specific policies and programmes for the welfare of its population and in the electoral process.

### **3. General comments made by other relevant stakeholders**

560. Rencontre africaine pour la défense des droits de l'homme noted Sao Tome and Principe's scarce resources, which affected its ability to satisfy the fundamental rights of its population. Despite Sao Tome and Principe's commitment to combating illiteracy and to raising the level of education, it noted that the country was still confronted by a major challenge in this sector. It also raised its concerns about child exploitation in cacao plantations, violence against women, and the stigmatization of and discrimination against persons infected with HIV/AIDS. It stated that the monopolization of the majority of the information outlets by the State constituted a hindrance to the effective enjoyment of freedom of expression. The organization urged Sao Tome and Principe to revise its national legal framework by incorporating non-discrimination in all forms, and to address a standing invitation to all special procedures mandate holders. It also encouraged the State to ratify the main international human rights instruments and to update its reports to the treaty bodies.

### **4. Concluding remarks of the State under review**

561. In its concluding remarks, Sao Tome and Principe took note of the comments and recommendations made, and reaffirmed its commitment to complying with its international human rights obligations. It referred to the challenges faced as a result of the global economic crisis and the fact that its economy was highly dependent on the fluctuation of the international prices of raw materials. It also highlighted the efforts made to move forward in the processes of democratization, poverty reduction and the promotion of human rights. It recalled the finalization of the electoral process, and expressed the hope that, during the second cycle, it would further engage in a constructive dialogue with the Human Rights Council to address the concerns and recommendations raised by Member and observer States.

#### **Namibia**

562. The review of Namibia was held on 2 February 2011 in conformity with all the relevant provisions contained in Human Rights Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Namibia in accordance with the annex to resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/NAM/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/NAM/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/NAM/3).

563. At its 18th meeting, on 8 June 2011, the Human Rights Council considered and adopted the outcome of the review of Namibia (see section C below).



564. The outcome of the review of Namibia comprised the report of the Working Group on the Universal Periodic Review (A/HRC/17/14), the views of Namibia 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/17/NAM/Add.1).

**1. Views expressed by the State under review on the recommendations and/or conclusions, its voluntary commitments and the outcome**

565. The delegation of Namibia noted the Human Rights Council was meeting against a backdrop of political upheaval and crisis in a number of countries around the world. The peoples of the world were looking for solutions to their problems and for answers from institutions such as the Council. It noted that it was therefore of paramount importance that the Council function efficiently and effectively in addressing human rights situations around the world, with credibility, fairness and justice for all.

566. Namibia welcomed the opportunity to report on its final position on the recommendations to which it had reservations during the review. Of the 120 recommendations made, Namibia had accepted 90, and rejected and expressed reservations and the need for further consideration by Cabinet on 27. Its written position on the recommendations pending had been included in the addendum to the report of the Working Group.

567. Namibia noted that the percentage of the rural population with sanitary facilities had increased to 38 per cent, and efforts were being continued to increase this percentage rapidly. Plans were under way for the upcoming visit of the Special Rapporteur on the right to safe drinking water and sanitation, which was the first visit by a special rapporteur to Namibia.

568. Namibia requested the figure of 180,000 job opportunities reflected in its latest report submitted on 27 May 2011 be rectified to 104,000, and noted that these were the jobs the Government aimed to create in the coming years in order to curb the recent increase in the unemployment rate. It referred to another correction to be made to the report of the Working Group regarding the number of San people living in Namibia, which should be 30,000, not 60,000.

**2. Views expressed by Member and observer States of the Council on the review outcome**

569. Cuba noted that Namibia had suffered from colonial apartheid for more than 100 years and was proud to have contributed to end such grave ignominy which had caused serious social and economic inequalities. Namibia had also been affected by the international plunder and exploitation of its natural resources, an essential cause of its underdevelopment. Namibia's policies had faced this negative impact, as well as food security issues. Namibia was still consolidating as a middle-income country and had significantly extended and improved its sanitation coverage and health services. Achievements had been made in addressing the issues of HIV/AIDS, education and the rights of women, children and ethnic minorities. It congratulated Namibia on having accepted many of the recommendations made, including those made by Cuba. Cuba reiterated its solidarity with Namibia.

570. Algeria thanked Namibia for its clarity in its responses, which reflected its will to promote human rights and to cooperate with the mechanisms of the Human Rights Council. Algeria highlighted Namibia's tangible results during the review, notably relating to national reconciliation, the fight against racial discrimination, the empowerment of women,

children's rights and access to health and education. It welcomed the fact that Namibia had only rejected a limited number of recommendations. It was appreciative that Namibia had accepted two of its recommendations, and pointed out that it had also recommended accession to the International Convention on the Rights of All Migrant Workers and Their Families. It respected Namibia's decision on the latter recommendation, and had no doubt that Namibia would continue to engage in favour of this vulnerable group.

571. South Africa commended Namibia for its constructive approach to the universal periodic review process and for its positive consideration of a large number of recommendations, as well as for having accepted those made by South Africa. It particularly commended the acceptance of those recommendations on the rights of children and women and of those addressing gender-based violence. It was confident that Namibia would maintain its commitment to human rights and continue the constructive steps to improve its human rights situation, despite its resource and capacity challenges. It encouraged the international community to provide the required technical assistance and capacity-building for the implementation and follow-up of recommendations.

572. Morocco noted Namibia's political will and serious engagement with the universal periodic review and the country's democratic tradition since independence, making it a model to be followed in the African continent. It highlighted that only three recommendations had not received the support of Namibia, for objective reasons that Morocco fully understood. It thanked Namibia for having accepted four recommendations made by Morocco. The universal periodic review had allowed the Human Rights Council to observe Namibia's efforts to achieve rehabilitation after apartheid. It supported Namibia's efforts and the measures taken to achieve its objectives, at both the judicial and institutional levels. It reiterated its appreciation for the work of the ombudsman in Namibia.

573. Nigeria congratulated Namibia and praised it for having accepted a substantial number of recommendations. It was an indication of Namibia's willingness to continue to cooperate with United Nations mechanisms in its efforts to meet its human rights obligations. Nigeria called on Namibia to continue its work in this direction. It appealed to the international community to continue to support Namibia's efforts in the consolidation of its programmes and policies aimed at protecting human rights and wished Namibia success in its future endeavours.

574. Lesotho thanked Namibia for its openness and constructive participation, and had no doubt that Namibia had done much for the protection of human rights. It was encouraged that Namibia had accepted most recommendations, including those made by Lesotho, and made reference to pursuing its impressive policies towards gender equality, particularly the measures taken to eradicate gender-based violence. It encouraged Namibia to continue its efforts. Lesotho called on the international community to provide urgently the technical and financial assistance needed by Namibia.

575. Zimbabwe congratulated Namibia on its primary and pivotal human rights-centred policy, noting its acceptance of most of the recommendations made. It praised Namibia's voluntary commitments and expressed pride in Namibia's people-centred development programmes. It requested the international community to mobilize assistance for Namibia in areas they prioritize with respect to the protection of human rights.

576. Zambia commended Namibia's efforts to put in place frameworks to protect human rights. Namibia had accepted the recommendation to ratify the Optional Protocol to the Convention against Torture and a draft bill to criminalize torture was soon to be presented for consideration. It urged Namibia to expedite this commendable process. It also commended Namibia's efforts to combat violence against women and children, welcomed the establishment of women and child protection units in Namibia's 13 regions, and noted the launch of the campaign against trafficking. It was dissatisfied with Namibia's

explanation for rejecting the recommendation to sign and ratify the International Convention on the Rights of All Migrant Workers and Members of Their Families, and urged it to reconsider its position.

### 3. General comments made by other relevant stakeholders

577. Rencontre africaine de défense pour les droits de l'homme noted that Namibia's past had not allowed the realization of economic, social and cultural rights. It welcomed its efforts to achieve national reconciliation and to remedy structural inequalities. It highlighted the creation of an ombudsman's office to function as a national human rights institution with "A" status. It was encouraged by the regular holding of elections at the local, regional and national levels. It commended Namibia's efforts in the fight against HIV/AIDS. It noted that apartheid had not allowed Namibians to study; thus Namibia had to invest more in education, especially for young girls. The organization invited Namibia to reinforce mechanisms in place to eradicate violence in the family, marital rape and inequalities, particularly in access to land and property.

### 4. Concluding remarks of the State under review

578. Namibia stated that the issue of migrant workers had been addressed in its domestic legislation on labour.

579. Namibia reaffirmed the Government's commitment to building Namibian society in the spirit of harmony and national reconciliation. Namibia was committed to increasing efforts to promote and protect human rights in order to improve the quality of life for its people. It committed to promoting peace and international cooperation by engaging constructively in the deliberations of the Human Rights Council, its subsidiary bodies and mechanisms. The Council had to address all situations of human rights without double standards.

580. Namibia was committed to implementing the recommendations that enjoyed its support during the first cycle of the universal periodic review. In reference to the ratification of outstanding core international human rights instruments, Namibia requested technical assistance from OHCHR to carry out an impact assessment study for each one. Assistance was also requested in the area of state reporting. Namibia was in the process of establishing a national plan of action for human rights, and appealed to OHCHR to support it in this regard. Namibia looked forward to participating in the second cycle of the universal periodic review in an open and constructive manner.

### Niger

581. The review of the Niger was held on 1 February 2011 in conformity with all the relevant provisions contained in Human Rights Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by the Niger in accordance with the annex to resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/NER/1 and A/HRC/WG.6/10/NER/1/Corr.1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/NER/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/NER/3).

582. At its 19th meeting, on 9 June 2011, the Human Rights Council considered and adopted the outcome of the review of the Niger (see section C below).

583. The outcome of the review of the Niger comprised the report of the Working Group on the Universal Periodic Review (A/HRC/17/15), the views of the Niger 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/17/15/Add.1).

**1. Views expressed by the State under review on the recommendations and/or conclusions, its voluntary commitments and the outcome**

584. The Niger recalled that it had received 112 recommendations, 77 of which had been accepted immediately, 33 were postponed and 2 rejected. After its review, the Niger had organized a workshop on the review for various stakeholders, including decision makers, opinion leaders, administrative officials and civil society.

585. The Niger had presented its report in a context of transition characterized by the organization of six votes and the establishment of new democratically elected authorities, which explained the limits faced within the consultations on the 33 pending recommendations.

586. In this regard, consultations had begun on the ratification of certain human rights instruments. The same applied to recommendations concerning torture and the death penalty, where significant progress had been made. Torture was clearly prohibited within the legal framework, but its criminalization had to be formalized in a legal text. With regard to the death penalty, several awareness-raising meetings had been broadcast on television and the process was continuing.

587. Advocacy for the lifting of reservations made to the Convention on the Elimination of All Forms of Discrimination against Women was under way and a draft personal statute was under discussion. Regarding violence against women and children and access to justice for victims of gender-based violence, in addition to the existing legal framework, numerous actions had been undertaken.

588. The Niger had accepted the recommendations concerning the ratification of certain human rights instruments (78.1 to 78.7, 78.11, 78.12, 78.21 to 78.26, and 78.29). It had also accepted the recommendations on torture and the abolition of the death penalty (78.5 and 78.21 to 78.30). The recommendations on the reservations to the Convention on Elimination of Discrimination against Women, violence against women and children, and access to justice for victims of gender-based violence (78.7 to 78.10, 78.12, 78.17 to 78.20, and 78.31 to 78.33) had also been accepted.

589. Of the 33 recommendations pending, 29 had been accepted and 4 were rejected. Those rejected concerned indigenous populations and open and standing invitations to special procedures (recommendations 78.13 to 78.16). Regarding the indigenous population, the Niger did not discriminate against any ethnic groups or communities, and ensured equal promotion of all cultures through actions in favour of unity, national cohesion and balanced socioeconomic development among all regions, despite the limited resources. Regarding special procedures, the Niger reaffirmed its readiness to consider any request by such bodies whenever necessary.

590. Overall, the Niger had accepted 106 recommendations of 112. This fact reflected its desire to respect the commitments arising from the review and to continue its collaboration with the Human Rights Council. The promotion and protection of human rights was a priority for the Niger, despite various economic constraints, the adversity of the environment and the weight of traditions. The Niger therefore remained open for all forms of cooperation for the implementation of the universal periodic review recommendations.

591. The Niger thanked the Human Rights Council for its endless efforts to protect and promote human rights around the world.

**2. Views expressed by Member and observer States of the Human Rights Council on the review outcome**

592. Algeria noted that, after a difficult period, the Niger had strengthened its democracy and showed determination in addressing other challenges, such as achieving development and overcoming food insecurity. In order to continue these efforts, the Niger needed the support of the international community. Algeria observed the tangible progress made in the area of human rights, and encouraged the Niger to continue to follow a human rights-based approach in its policies and development projects. It wished the Niger success in implementing the recommendations that it had accepted.

593. Cuba noted that the Niger had elaborated a strategy to accelerate development and reduce poverty during the period 2008–2012, consistent with the priority accorded by the Government to the protection and promotion of human rights. Education in the Niger was free, and a number of programmes to improve access to health services had been put in place. Measures had also been taken to improve food security and access to drinking water. Cuba was pleased to note that the Niger had accepted many recommendations, including those made by Cuba.

594. Belgium noted that, although the death penalty had not been applied in the Niger since 1975, it had not been abolished in law either. Belgium closely followed the discussions held on this subject in the Niger. Noting that the Niger had taken measures aimed at acceding to the second Optional Protocol to the International Covenant on Civil and Political Rights, Belgium hoped that the Niger would proceed to abolish the death penalty. With regard to discrimination against women, Belgium thanked the Niger for having accepted its recommendation to take further measures for the effective implementation of the prohibition of female genital mutilation. Belgium took note of the steps taken by the Niger to withdraw its reservations to articles 2 and 16 of the Convention on the Elimination of Discrimination against Women.

595. Burkina Faso noted that the information provided by the Niger reflected its clear determination to continue its efforts to promote and protect human rights. It welcomed the acceptance of a large number of recommendations by the Niger and encouraged their implementation. Burkina Faso remained open to sharing experiences and best practices with the Niger in the implementation of recommendations.

596. Nigeria welcomed the steps taken to date by the Niger to implement the numerous recommendations adopted during its review, despite the many challenges it faced. It encouraged the Niger to continue its efforts to promote and protect human rights, and called on the international community to provide all the technical assistance necessary for the Niger to better implement the recommendations accepted and to reach its developmental goals and targets. Nigeria recommended that the Human Rights Council should adopt the report of the universal periodic review of the Niger.

597. Senegal stated that the acceptance by the Niger of many recommendations reflected its willingness to improve its human rights situation. Senegal was particularly pleased by the follow-up to the recommendations relating to the promotion of women's and children's rights and the rights to education, health and food. The clarifications provided by the delegation of the Niger and the reiteration of its commitments made in January 2011, on the ratification of international instruments, cooperation with international mechanisms and approach to gender issues had drawn the attention of Senegal, which was convinced that the end of the political transition in April 2011 would grant the Niger the expected results in the field of human rights.

598. Morocco noted that, thanks to the efforts of all stakeholders, the Niger had overcome the crisis since the coup d'état in February 2010 and become an example for democratic transition. Morocco noted that the Niger's commitment to human rights was demonstrated by its constitutional, legislative and institutional measures, as well as numerous programmes for the protection of human rights, in particular within the framework of the Millennium Development Goals. In accepting almost all Working Group recommendations, the Niger had reaffirmed its engagement and cooperation with international human rights mechanisms. It was important for the international community to support the Niger in order to ensure success in the follow-up to the recommendations.

### 3. General comments made by other relevant stakeholders

599. Rencontre africaine pour la défense des droits de l'homme stated that the Niger had crossed an important threshold in its successful political transition, marked by the organization of elections and the subsequent appointment of a democratically elected president. It welcomed these changes, which were the fruit of the action of, inter alia, the United Nations, the African Union and the Economic Community of West African States, with the active involvement of national and international civil society. The Niger was still facing sociocultural problems, such as violence against women and the enslavement of women and children in rural areas. According to the organization, the Niger authorities should take appropriate measures to put an end to these practices and to promote human rights education and awareness, and training for law enforcement officials.

600. The International Federation for Human Rights called on the Niger to continue implementation of the concrete measures started during the political transition period. Freedom of expression and association and the rights to information, a fair trial and freedom of movement should be protected in an effective manner, while special attention should be paid to the protection of human rights defenders, who had often been the target of harassment and intimidation. It noted that the Niger had accepted to take measures to end gender discrimination, and called on the Niger to ratify the Protocol to the African Charter on Human and Peoples' Rights on the rights of women in Africa, and to lift its reservations to the Convention on the Elimination of Discrimination against Women. The Federation echoed the call of several countries for the abolition of the death penalty and noted that, despite the adoption of a law criminalizing slavery, this practice persisted and that penal proceedings against it were almost inexistent. It welcomed the Niger's commitments with regard to social and economic rights, but stated that it should demonstrate a real willingness to respect these rights, particularly the rights to food and to water.

### 4. Concluding remarks of the State under review

601. The Niger commended all the speakers and took note of the encouragements and suggestions regarding its efforts in the area of human rights

602. The Niger emphasized that it needed the support of the international community to ensure the conclusion of the process that it had begun.

#### Mozambique

603. The review of Mozambique was held on 1 February 2011 in conformity with all the relevant provisions contained in Human Rights Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Mozambique in accordance with the annex to resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/MOZ/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/MOZ/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/MOZ/3).

604. At its meeting, on 9 June 2011, the Human Rights Council considered and adopted the outcome of the review of Mozambique (see section C below).

605. The outcome of the review of Mozambique comprised the report of the Working Group on the Universal Periodic Review (A/HRC/17/16), the views of Mozambique 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/17/16/Add.1).

**1. Views expressed by the State under review on the recommendations and/or conclusions, its voluntary commitments and the outcome**

606. Mozambique considered the recommendations an encouragement in its continuous fight for the realization of human rights. The majority of the 169 recommendations were already part of the various plans to be implemented in the Government's five-year programme and its economic and social plan. It was on this basis that Mozambique had accepted, during the session of the Working Group, 131 of the recommendations made, postponed its position on 28 until the adoption of the outcome, and did not support only 10.

607. Mozambique had explained its position regarding every recommendation in the addendum to the report of the Working Group, with particular emphasis on recommendations that had been postponed. All pending recommendations had been accepted. In addition, two recommendations that had not been supported had now been accepted as well. Therefore, of the 169 recommendations received, 161 had been accepted, while only 8 were not supported.

608. Mozambique provided detailed information on its position on pending recommendations. It reaffirmed that a substantial number of recommendations were already being implemented. It gave the example of recommendations on accession to international instruments, noting that the Council of Ministers had approved the proposal to ratify the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and had submitted the proposal to the Assembly for ratification. Regarding the remaining international instruments, the process of harmonization of the positions of relevant institutions was under way, with a view to their ratification.

609. Regarding the national human rights commission, Mozambique informed the Human Rights Council that the consultative process for the appointment of the members of the commission was in its final phase, which would shortly render the institution operational.

610. With regard to the national plan for human rights, Mozambique explained that there was a consolidated draft in the final stages of harmonization among the different sectors responsible for its implementation, including civil society and development partners. Mozambique stressed that the national plan is a medium-term planning tool (2011–2014) comprising a compilation of different sectoral plans, which corresponded to the majority of the recommendations made. In this field, the plan could also serve as a monitoring mechanism for the implementation of recommendations.

611. Regarding recommendations on visits by special procedures, Mozambique remained open to receive visits from the special procedures mechanisms, though both sides need to coordinate the scheduling of dates. It also reiterated that the Government was prepared to receive those mandate holders who had shown an interest in visiting the country.

612. With regard to access to justice by all citizens, it was stressed that the services of the Legal Aid Institute had been extended and were accessible to 111 of 128 districts. In this regard, Mozambique had counted on a partnership with many civil society organizations and higher-level educational institutions.

613. Regarding the rights of women, the Government and several civil society organizations had paid special attention to this area, in the training of different stakeholders, legal assistance, and advocacy for the promotion of the defence of the rights of women.

614. Mozambique reiterated that extrajudicial executions were not institutionalized in the country. The death penalty was constitutionally forbidden and any action in that sense was punished. Cases of death involving the police or prison officers, when they occurred were properly investigated and the perpetrators held accountable, administratively and criminally.

615. Arrests of persons suspected of having committed crimes were made in accordance with the law, namely, within the scope of criminal liability. All criminal cases followed established legal procedures; on the basis of the independence of powers pursued by the State, the Executive could only monitor these cases at a distance.

616. With regard to the issue of sexual offences against children, Mozambique reiterated that such acts were defined as crimes in the Criminal Code, highlighting that the Code included the crimes of rape, and rape of a minor less than 12 years old, punishable by 2 to 8 and 8 to 12 years of imprisonment, respectively. The above-mentioned crimes were aggravated when combined with the crime of human trafficking.

617. The Criminal Code was being reviewed to better ensure the prevention and punishment of such crimes.

618. With regard to the recommendations made relating to the reduction of poverty, Mozambique stated that, generally, these are addressed by the plan of action for poverty reduction for 2011–2014.

619. Mozambique added that the Government had achieved significant progress in the reduction of poverty in the areas of education, health and access to basic services and infrastructures. These had been attained through the financing of various activities by a local initiative investment fund. It added that, recognizing an increase in urban poverty together with unemployment and low income in these areas, the Government had extended the initiative to urban districts through a strategic programme for urban poverty reduction.

620. Bilingual education was gradually being introduced and improved upon in the early years of primary education. The coverage of schools and students had grown from 23 schools and 1,500 students in 2003 to 198 schools and 47,174 students in 2010. In 2011, the Ministry of Education had expanded bilingual education to 318 schools, and expected effective cover at the end of the implementation of the new strategic plan of education for the period of 2012–2016. To ensure sustainable expansion and education quality, a number of actions were envisaged, including the training of teachers, the publication of books, supervision and monitoring.

621. The Ministry of Education had recognized that the existing instruction in diploma No. 39/2003 that established that pregnant girls should be transferred to night school should be improved upon. A team had been created to consult with relevant groups regarding the revision of this regulation. The same team was also examining strategies to better combat violence, harassment and sexual abuse, and was expected to present a draft document in 2011.

622. The recommendations that had not received the support of Mozambique had been carefully discussed and reviewed at the time. Two developments were highlighted. First,



there was political will to implement the recommendation relating to health insurance (91.7), and discussions thereon had begun. With regard to the recommendation on the enactment and implementation of legislation to provide greater protection for political rights (91.10), relevant legislation had been approved and had been fully implemented.

623. Mozambique thanked all delegations for their contributions and assured those present that due attention would be paid to the recommendations received. It was determined to honour its commitments, and, in this regard, it would like to count on the support and encouragement of the Human Rights Council, OHCHR and all members of the international community.

## **2. Views expressed by Member and observer States of the Human Rights Council on the review outcome**

624. Algeria noted Mozambique's efforts to consolidate stability and realize human rights. It referred to the tangible progress made by Mozambique in the fields of education, food security and access to health services. Algeria noted Mozambique's engagement in the universal periodic review process through the acceptance of most of the recommendations received, including those made by Algeria on the consolidation of the juridical framework for the protection of human rights and the fight against disease. Algeria called upon the international community to provide assistance to Mozambique.

625. Cuba referred to the constructive and open participation of Mozambique during the interactive dialogue of the Working Group, as well as the detailed information provided on efforts made by Mozambique to advance the promotion and protection of human rights. Cuba recalled that it had highlighted Mozambique's commitment to promote food security, reduce illiteracy and improve access to health services, and in environmental rights. Cuba commended Mozambique for accepting a majority of recommendations, including those made by Cuba. It encouraged Mozambique to redouble its efforts to achieve its goals in the implementation of the recommendations.

626. Zimbabwe thanked Mozambique for the additional information provided and supported the country's efforts to advance socioeconomic and political development, including the protection and promotion of human rights. It also thanked Mozambique for accepting most of the recommendations made. Zimbabwe was proud of Mozambique's people-centred programmes, and saluted Mozambique for the standards it upheld in the promotion and protection of human rights. Zimbabwe urged the international community to assist Mozambique in consolidating the protection of human rights.

627. Morocco welcomed the additional information provided on its position on each of the recommendations it had received. It stated that the review of Mozambique offered the opportunity to review the improvements in the human rights situation and to corroborate the engagement of Mozambique in the promotion and protection of human rights, despite the mostly financial challenges that it faced. Morocco congratulated Mozambique on having accepted almost all of the recommendations, and took note with satisfaction of the explanation provided about the implementation of some of them, as well as the rejection of others. Morocco also commended Mozambique for accepting the recommendations it had made.

628. Timor-Leste noted with appreciation that Mozambique had accepted most of the recommendations received, including those made by Timor-Leste. It noted that, despite the challenges and difficulties it faced, Mozambique had incorporated some recommendations into sectoral plans, which were being implemented within the five-year programme and the annual economic and social plan. Timor-Leste encouraged Mozambique to continue its efforts to consolidate its cooperation with the international community and United Nations human rights mechanisms.

629. Nigeria thanked Mozambique for its constructive engagement with universal periodic review. It was pleased that Mozambique had accepted a large number of recommendations and had taken steps towards implementing them, regardless of the numerous challenges encountered, which indicated country's commitment to promote and protect human rights. Nigeria encouraged Mozambique to continue to implement the recommendations accepted and to improve its policies and programmes to ensure the full enjoyment of human rights, and urged the international community to assist Mozambique in this regard.

630. South Africa commended Mozambique for its positive consideration of a large number of recommendations, including those made by South Africa, as well as for having accepted such recommendations as acceding to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol thereto. It also commended the Government for its impressive progress in providing social services to all citizens, including in the health, education and housing sectors, and encouraged Mozambique to continue this commitment. It noted the encouraging participation of Mozambican citizens in democratic processes and decision-making, and was confident that Mozambique would continue to improve the human rights situation, despite its limited resources and capacities. South Africa encouraged the international community to provide Mozambique with the technical assistance and capacity-building necessary for it to implement and follow up on the recommendations accepted.

631. Namibia commended the Government's efforts and progress made in the promotion and protection of human rights, noting that such a commitment was evident in the very large number of recommendations accepted. Namibia also congratulated Mozambique on positively considering its accession to the International Covenant on Economic, Social and Cultural Rights and other international instruments. Namibia noted that Mozambique had embarked upon a number of initiatives in the health and education sectors, and had launched programmes aimed at poverty reduction. Namibia commended Mozambique for the continued rebuilding of the country after years of civil war and appealed to the international community to provide Mozambique with the support necessary for continued improvement in the lives of the Mozambican people.

632. Lesotho noted with satisfaction that human rights were a priority for Mozambique, as shown by the acceptance of the majority of recommendations, despite the challenges it faced. Lesotho also noted with satisfaction Mozambique's efforts to fight corruption and promote transparency. Mozambique was a member of the group of least developed countries, and therefore faced challenges in ensuring equal rights for all its citizens. Lesotho urged the international community to continue to support Mozambique's efforts to implement the recommendations accepted.

### **3. General comments made by other relevant stakeholders**

633. Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, while welcoming Mozambique's acceptance of recommendations, in particular on the right to education, identified issues in the educational system that affected the most vulnerable children, especially those living in rural areas and girls. It strongly recommended that Mozambique should ensure equal access to education and eradicate any gender disparity, and to provide subsidies to poorer families to ensure school attendance, and to provide adequate teacher training to ensure quality education. The organization expressed concern at the persistence of corporal punishment in private and public contexts, and certain traditional practices, in particular early marriages — which reached 60 per cent in rural areas and 39 per cent in urban areas — and made recommendations in that regard.

634. Amnesty International noted that Mozambique had already implemented or was implementing 92 of the 169 recommendations made. In that regard, it urged Mozambique

to ensure prompt implementation of those recommendations that were particularly pertinent in the light of the findings of Amnesty International, over a number of years, with regard to unlawful killings, torture and ill-treatment and excessive use of force by the police in the context of public gatherings. It stated that an extrajudicial execution had been committed by police in March 2011. Amnesty International also welcomed Mozambique's undertaking to take further steps to prevent ill-treatment of prisoners and to bring prison conditions into compliance with international standards, and the indications that action had been taken to give effect to the recommendations of the Special Rapporteur on the independence of judges and lawyers.

635. The International Save the Children Alliance made reference to recommendations 76 and 78, and called on the Government of Mozambique to take steps to implement the recommendation of the Committee on the Rights of the Child that it ensure that development cooperation was targeted at programmes with a rapid and effective impact, such as social protection schemes, immunization, the implementation of a breastfeeding policy and prenatal care. It called on the Government to take effective measures to ensure that all children's voices are heard, including children with disabilities, and that their voices are taken into account in the development of national plans, legislative and structural reform and all judicial and administrative proceedings affecting children.

636. Conectas Direitos Humanos, in a joint statement with the Mozambican League of Human Rights, thanked all those who had supported Mozambique and civil society to participate effectively in the universal periodic review process. They hoped that the next steps of recommended collaboration between the Government and civil society would be effective and not superficial. They expressed satisfaction that the universal periodic review outcome provided recommendations that, when implemented, would align the human rights situation in Mozambique with international standards. They called on the Government to duly implement all accepted recommendations, particularly those on torture, summary executions and domestic violence. They noted that allegations of police brutality were received daily and that victims of domestic violence were often humiliated by specialized services. They called on the Government to reconsider its position on the legal recognition of Lambda, a non-governmental organization that defends the rights of sexual minorities.

#### **4. Concluding remarks of the State under review**

637. Mozambique took note of suggestions and recommendations made and reiterated its resolve to comply with its commitments. Regarding the affirmation made by one of the speakers on the corporal punishment of children in schools and public institutions, Mozambique believed that the speaker had erroneous information. It added that, although corporal punishment persisted in some families, it was not the general practice in the country.

638. Mozambique thanked once again those who had intervened and reiterated its request for support in the implementation of recommendations.

#### **Estonia**

639. The review of Estonia was held on 9 June 2011 in conformity with all the relevant provisions contained in Human Rights Council resolution 5/1, and was based on the following documents:

- (a) The national report submitted by Estonia in accordance with the annex to resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/EST/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/EST/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/EST/3).

640. At its 17th meeting, on 4 February 2011, the Human Rights Council considered and adopted the outcome of the review of Estonia (see section C below).

641. The outcome of the review of Estonia comprised the report of the Working Group on the Universal Periodic Review (A/HRC/17/17), the views of Estonia 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/17/17/Add.1).

**1. Views expressed by the State under review on the recommendations and/or conclusions, its voluntary commitments and the outcome**

642. The delegation of Estonia appreciated the contributions of many States to ensure the constructive interactive dialogue in the Working Group, which had made it possible for Estonia to receive recognition for the steps taken to further promote and protect human rights and to identify areas that required further improvement. The report of the Working Group had been disseminated among ministries, civil society organizations and other national stakeholders, and relevant actors were consulted with regard to the implementation of the recommendations made during the review.

643. Of 124 recommendations, Estonia supported 88, of which 8 had already been implemented, 1 was in the process of implementation, while 20 had been rejected. Furthermore, 16 recommendations were left for Estonia's further consideration after the session of the Working Group.

644. After thorough consideration, Estonia had accepted 6 recommendations of the 16 recommendations pending. Estonia had accepted the recommendation to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and had already initiated the preparation for accession to the Convention. Estonia had also accepted the recommendation to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and had initiated an analysis of domestic legislation for that purpose.

645. In addition, the recommendations that were accepted after the session of the Working Group were on expediting action to establish a gender equality council; increasing the resources allocated to the Commissioner for Gender Equality and Equal Treatment; paying special attention to acts of violence against homosexuals; and speeding up the process of the adoption of the Development Plan for Children and Families for 2011–2020.

646. With regard to its position on the recommendations pending Estonia's decision after the session of the Working Group, the delegation had provided further comments in addition to the written pronouncement submitted by Estonia. In this respect, the delegation reported that, while Estonia was committed to ratifying the Convention of the Rights of Persons with Disabilities in 2011, it was not in a position to give a definitive answer on the recommendation to sign and ratify the Optional Protocol to that Convention.

647. The delegation regretted the fact that, at the current stage, Estonia was not in a position to give a definitive response to the recommendation to recognize the competence of the Committee against Torture or the relevant analysis was still under way. Similarly, Estonia could not provide a definitive answer to the recommendation on obtaining accreditation for a national human rights institution from the International Coordinating Committee. Although no institution was currently accredited, the institution of the Chancellor of Justice had already played this role by acting as national preventive

mechanism provided for in the Optional Protocol to the Convention against Torture since 2007, and as the children's ombudsman since 2011.

648. With regard to the recommendation to develop policy instruments based on the Yogyakarta Principles, Estonia would confirm its actions at a later date.

649. With regard to the recommendation to adopt a national plan of action and a specific law to combat the sale of children, child prostitution and child pornography, the adoption of a specific law was not strictly necessary, as the Penal Code of Estonia already included relevant acts as punishable pursuant to criminal procedure, and Estonia already had national instruments for dealing with crimes against children. In addition, in April 2010, Estonia had approved the Development Plan for Reducing Violence for 2010–2014, which was aimed at, inter alia, reducing and preventing violence and other crimes committed against children.

650. The delegation reiterated Estonia's commitment to ratify the Convention on the Rights of Persons with Disabilities in 2011, and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in the near future.

651. The delegation listed a number of efforts made by Estonia to fight human trafficking, including the continuous work of the national coordinator and national network against human trafficking, Estonia's participation in the various European initiatives in this area, the development of a new form for data collection on trafficking victims and the recent initiatives to amend the Penal Code to introduce a separate provision on human trafficking.

652. In the Development Plan for Reducing Violence, Estonia had put emphasis on the issue of Internet safety for children. Since the beginning of 2011, a web-based hotline was available to report on illegal materials and inappropriate contents that were accessible to children.

653. Estonia had held consultations on the possibility of seeking accreditation for its national human rights institutions, as suggested in several recommendations.

654. Estonia expressed its commitment to raise the level of public awareness and the protection of the rights of lesbian, gay, bisexual and transgender persons, and referred to the cultural events held in Tallinn during the "Broadening one's own world" festival.

655. With regard to the recommendation on ensuring the right to the conscientious objection to military service, the right to object to military service on religious or moral grounds was provided for in the Constitution and the Defence Forces Service Act.

656. With regard to equal access of men and women and all minorities to employment, the delegation stated that equal access to all employment opportunities was guaranteed for both men and women, and that the employment rate of women in the fourth quarter of 2010 was 61 per cent, the overall rate being 63.3 per cent.

657. With regard to the recommendation on discrimination in the labour market based on ethnicity, the delegation assured the Council that restrictions on the labour market were not determined by ethnicity but by qualifications, including language proficiency, when it was required and in the public interest.

658. Estonia considered the integration of minorities an issue of national importance. People with undetermined citizenship were eligible to apply for citizenship and were granted the same basic rights as citizens of Estonia, including the right to vote in local government elections. Estonia continued to take several measures to promote naturalization, including counselling for parents with undetermined citizenship about the possibility of applying for citizenship for their children. Estonia continued to subsidize people applying for citizenship for their language training.

659. The delegation reiterated that the promotion and protection of human rights was a national priority. Estonia supported the human rights institutions of the United Nations and the integration of human rights into all activities of the United Nations. Similarly, Estonia continued to support the functioning of the OHCHR and had issued a standing invitation to all special procedures of the Human Rights Council.

660. Estonia had presented its candidature for membership of the Human Rights Council for 2012–2015 in order to contribute actively to the Council's work for the promotion of human rights. In this respect, Estonia planned to present its voluntary commitments and pledges, which would include its commitment to uphold and advance internationally the highest standards of human rights and contribute to the effective promotion and protection of human rights at the level of the United Nations.

## **2. Views expressed by Member and observer States of the Human Rights Council on the review outcome**

661. Algeria noted with appreciation that Estonia had accepted most of the recommendations, including those made by Algeria, to ratify the Convention on the Rights of Persons with Disabilities and to strengthen the fight against all forms of racism and discrimination. Algeria expected to see its fourth recommendation, on the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, accepted in line with the recommendation of the Parliamentary Assembly of the Council of Europe.

662. The Russian Federation regretted the fact that Estonia had accepted a number of important recommendations; in particular, it regretted that four out of six recommendations made by the Russian Federation had been rejected, even though they related to discrimination against minorities and statelessness, which constituted violations of international human rights. It called upon Estonia to review its approach to the recommendations made during the universal periodic review and to take all measures necessary to fully respect the rights of national minorities and to eliminate statelessness and discrimination. It noted that Estonia had accepted two recommendations made by the Russian Federation on the elimination of discrimination on the basis of ethnicity in the labour market and in the education sector, and on the banning of racist organizations and prohibition of the incitement to racial hatred.

663. The Islamic Republic of Iran was pleased to note that many of the recommendations made by various states had been supported by Estonia. It remained concerned, however, at a number of human rights violations, especially with regard to racism, racial discrimination and xenophobia against religious, linguistic and ethnic minorities. It called upon Estonia to take effective legal and practical measures to combat the sale of children, child prostitution and child pornography, domestic violence against women and children, and to prohibit torture, as a matter of priority.

664. The Republic of Moldova acknowledged Estonia's acceptance of a significant number of recommendations, including those made by Moldova. It welcomed Estonia's commitment to the World Programme on Human Rights Education by taking new measures to continue to reinforce human rights education. It acknowledged Estonia's commitment to taking additional measures to promote actively the full and equal participation of women in decision-making bodies. The Republic of Moldova noted with satisfaction Estonia's commitment to taking additional measures to prevent, combat and sanction trafficking in human beings.

665. Latvia thanked Estonia for the comprehensive information given and the responses to the recommendations. It was pleased to note that a large number of recommendations had been accepted by Estonia, including its own recommendations on the implementation

of bilingual education, the continuation of the successful integration policy and the efforts to improve the knowledge of the State language by the non-Estonian population. Latvia was also pleased to note that Estonia had participated in the universal periodic review process in good faith and demonstrated its readiness and willingness to discuss its human rights record.

666. Morocco stated that the universal periodic review had provided an opportunity to recognize the State's progress, particularly in the area of social integration, gender equality and humanitarian actions, including voluntary contributions to various funds. It welcomed the acceptance by Estonia of two recommendations made by Morocco, on strengthening measures to combat sexist stereotypes affecting women and on the acceleration of activities of one of the existing national human rights institutions to bring it into line with the Paris Principles. It also expressed its appreciation for Estonia's progress towards achieving the Millennium Development Goals.

667. Lithuania noted with satisfaction the responses of Estonia to its recommendations. Estonia's answers to questions and its position on recommendations had displayed Estonia's determination to guarantee the highest human rights standards for all groups of its population. It stated that the creation of a human rights protection and promotion system in a short period after its independence was a major achievement. Lithuania was convinced that Estonia would use the results of the universal periodic process to further advance its human rights policies and practices.

### **3. General comments made by other relevant stakeholders**

668. Rencontre africaine pour la défense des droits de l'homme welcomed Estonia's determination to create national cohesion. It encouraged Estonia to pursue an inclusive policy with regard to its linguistic and national minorities. Estonia's measures for unemployed Russian speakers would lead to progress in their integration into the labour market. It was, however, concerned about poor detention conditions in some penitentiary establishments. It encouraged Estonia to improve its national legislation to combat human trafficking. Given the increase in the number of asylum seekers, in-depth work had been carried out to ensure that asylum seekers enjoyed their fundamental rights. The organization took note with interest of the work undertaken by Estonia to improve the conditions of women facing discrimination and violence.

669. Conscience and Peace Tax International welcomed Estonia's acceptance of the recommendation on the right to conscientious objection to military service. It regretted the fact that Estonia had not yet ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. It was important for Estonia to examine the extent to which the information in Child Soldiers Global reports on the activities of the youth wings of the National Defence Leagues were true and was compatible with the Optional Protocol.

670. COC Netherlands commended Estonia for having accepted various recommendations on sexual orientation and gender identity, including public awareness-raising campaigns on gender identity and sexual orientation issues for civil servants, including security forces and education programmes, and for the measures taken to combat discrimination against homosexuals. It recommended that Estonia should pay special attention to discrimination on the basis of gender identity. It encouraged Estonia to allow the change of gendered identification documents without the prerequisite State-prescribed medical treatment. COC Netherlands regretted the fact that Estonia had not accepted the recommendations to accord the same rights and responsibilities to same-sex partners as to opposite-sex partners and recommended that Estonia should reconsider its position to these recommendations.

#### 4. Concluding remarks of the State under review

671. The delegation of Estonia reiterated its appreciation for the constructive dialogue with the active participation of States during the universal periodic review process, and considered the review process a success for the Human Rights Council.

##### Paraguay

672. The review of Paraguay was held on 2 February 2011 in conformity with all the relevant provisions contained in Human Rights Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Paraguay in accordance with the annex to resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/PRY/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/PRY/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/PRY/3).

673. At its 21st meeting, on 9 June 2011, the Human Rights Council considered and adopted the outcome of the review of Paraguay (see section C below).

674. The outcome of the review of Paraguay comprised the report of the Working Group on the Universal Periodic Review (A/HRC/17/18), the views of Paraguay 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/17/18/Add.1).

#### 1. Views expressed by the State under review on the recommendations and/or conclusions, its voluntary commitments and the outcome

675. Paraguay expressed its commitment to the universal periodic review on the understanding that it would advance its policies of promotion and protection of human rights, one of the priorities of the Government.

676. Paraguay had been reviewed at the beginning of a special year for Paraguayan history, since 2011 marked the bicentenary of the country's independence. The bicentenary had found the people of Paraguay convinced of a better future and united around the ideals of freedom, democracy and social justice.

677. All the observations and recommendations received by Paraguay had been useful. Paraguay would use them as a parameter to improve the national situation and to progress in the area of human rights. The delegation was grateful for the 124 recommendations made, all of which had been accepted. Written details on the position of Paraguay on recommendations were included in the addendum to the report of the Working Group.

678. Between the review and the adoption of the report of the Working Group by the plenary, there had been developments in Paraguay in the area of human rights and that were related to the universal periodic review recommendations, which were highlighted by the delegation.

679. Paraguay provided information on the developments since its review. Paraguay had sent its observations on the report on the follow-up visit of the Sub-Committee on the Prevention of Torture, and was proud to have been the first country to undergo such a follow-up visit. The delegation added that Law No. 4.288/11 of 20 April had established a national preventive mechanism.



680. The Administration had begun the preparation of the first human rights national plan, with the participation of all three branches of Government.

681. Regarding indigenous issues, the Government was working on the restitution of ancestral lands. In June 2011, 1,359 hectares of land had been transferred to indigenous families belonging to the Ava Guarani people. The Government was also committed to uphold the judgements of the Inter-American Court of Human Rights referring to indigenous communities in Paraguay. The issues were extremely complex and needed broad consensus.

682. The State was also promoting equality in the participation of women in elected and other public positions. At the time of the adoption of the report, an Ibero-American conference on gender and a panel discussion on parity were being held in Asunción.

683. In the following months, Paraguay would be examined by the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination and the Committee against Torture. Moreover, Paraguay had no pending reports before any United Nations treaty body, which showed the Government's determination to live up to its international obligations.

684. Paraguay had extended a standing invitation to special procedures and received, in 2011, the visit of the Special Rapporteur on freedom of religion or belief. A Paraguayan delegation would participate in a regional consultation convened by the Special Rapporteur on torture, scheduled for late June 2011, in Santiago de Chile.

685. With regard to other international instruments, the Government had begun the process of acceding to the Convention on the Reduction of Statelessness; the aim was that Congress would ratify it before December 2011. This applied also to the amendment to article 20 of the Convention on the Elimination of Discrimination against Women.

686. In April 2011, the first subregional meeting to follow up on the United Nations study on violence against children was held, resulting in the establishment of a national group on the prevention of violence against children, with public and civil society participation.

687. The delegation valued the role played by civil society during the preparation for the universal periodic review; the Government would continue to work with its representatives for the implementation of human rights policies. The Human Rights Network of the Executive Branch, coordinated by the Vice-Ministry of Justice and Human Rights, was very important in this endeavour and for its constant coordination with the judiciary.

688. Paraguay also acknowledged the cooperation provided by OHCHR through the appointment of a human rights adviser.

689. In concluding, the delegation restated Paraguay's determination to respect without restrictions human rights international law.

## **2. Views expressed by Member and observer States of the Human Rights Council on the review outcome**

690. Algeria was encouraged to note that the recommendations received, including its own, had been accepted by Paraguay or were being implemented. The recommendations accepted related to, inter alia, the implementation of a plan providing for a system of human rights indicators, response to the concerns of the citizens regarding education, the implementation of a plan establishing an institution to deal with questions concerning justice and human rights, and the extension of programmes to combat extreme poverty and improvement of the quality of life of the people.

691. Cuba acknowledged the efforts and actions of the truth and justice commission, as well as the fact that Paraguay had not approved an amnesty law for crimes committed under the dictatorship. It welcomed the progress made in the fight against poverty and the continued increase in social investment. While recognizing the progress made in guaranteeing free universal public health services and in literacy, Cuba noted the remaining challenges in unemployment, which was higher in the indigenous population. Cuba commended Paraguay for having accepted the recommendations, including, in particular, those made by Cuba.

692. Venezuela (Bolivarian Republic of) noted the constructive engagement of Paraguay with the universal periodic review mechanism; it had provided specific information on issues raised during the dialogue, a fact that reflected the commitment of the Government of Paraguay to the promotion and protection of human rights. It highlighted the efforts made by Paraguay in the area of women's rights, the promotion of a gender perspective in all public policies, and the efforts to address gender violence, and encouraged Paraguay to continue to strengthen its gender mainstreaming efforts.

693. The Republic of Moldova commended Paraguay for having accepted all recommendations, including those made by the Republic of Moldova, in particular to take additional measures to improve the low participation of women in decision-making bodies and public life, to continue efforts to prevent and combat trafficking in persons, especially women and children, and to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

694. Morocco underlined the impressive progress made by Paraguay since the advent of democracy in 1989. It welcomed the tireless efforts of the State in the areas of human rights, rule of law and transitional justice, as seen in the establishment of new political and institutional bodies guaranteeing the respect, promotion and protection of human rights. Morocco also welcomed the priority given by the Paraguayan Government to combating poverty and social inequalities. It noted with satisfaction that the recommendation on strengthening efforts in fighting poverty had been accepted by Paraguay.

695. El Salvador commended Paraguay for the openness displayed throughout the universal periodic review and with respect to the commitments made. El Salvador welcomed the progress made in the rights of indigenous peoples and the measures taken to improve their socioeconomic status, which reflected the commitment of Paraguay to complete the construction of a multicultural society based on the principles of tolerance and diversity. It noted the efforts made by Paraguay to establish democratic institutions, such as the creation of the truth and justice commission and the approval of a Constitution establishing a form of pluralistic Government. It also welcomed the establishment of the Human Rights Network and encouraged Paraguay to implement the recommendations associated with the review.

### **3. General comments made by other relevant stakeholders**

696. The International Volunteerism Organization for Women, Education and Development expressed its concerns regarding the education of indigenous peoples and of those living in rural areas. It welcomed Paraguay's acceptance of the recommendations on free education and the improvement of the literacy rate in indigenous and rural areas, but remained concerned by the fact that only 41 per cent of adolescents between the ages 15 and 17 years had access to secondary school. It also referred to other issues of concern, such as deficiencies in infrastructures, the lack of teaching material, the inadequate qualifications of teachers, and bilingual education, which were still to be addressed. It therefore recommended that children belonging to the poorest and most vulnerable groups, be integrated into the educational system, and that measures be taken to improve the quality of education.

697. Amnesty International welcomed Paraguay's support for the majority of universal periodic review recommendations in particular those regarding the protection of the human rights of indigenous peoples. It pointed out the importance of the State's commitment to complying with the judgements by the Inter-American Court of Human Rights on the land rights of the Yakye Axa, Sawhoyamaya and Xakmok Kasek indigenous communities. Amnesty International expressed its concern, however, that Paraguay had failed to comply fully with the judgements, and urged the Government to present a clear plan of action to achieve a definitive solution for these communities. It welcomed Paraguay's support for two recommendations regarding the socioeconomic disparities affecting indigenous populations.

698. Conscience and Peace Tax International welcomed the acceptance by Paraguay of the recommendation that it ensure the effective exercise of the right to conscientious objection, and that no minor is recruited into the armed forces. It also pointed out that, in 1994, Paraguay had agreed to exempt conscientious objectors from military service until the law had established a body to organize alternative service. In 2010, the gap was filled by Law No. 4013, which contains worrying elements such as, *inter alia*, the fact that recognized conscientious objectors are now required to perform alternative service or to pay a large fee. It called upon Paraguay to review the features of the new law and to repeal its retrospective elements.

#### **4. Concluding remarks of the State under review**

699. The delegation of Paraguay was grateful for the comments, concerns and recommendations, and recalled the full commitment of its authorities to ensuring the promotion and protection of human rights, despite all challenges.

### **B. General debate on agenda item 6**

700. At its 21st meeting, on 9 June 2011, the Human Rights Council held a general debate on agenda item 6, during which the following made statements:

(a) Representatives of States Members of the Human Rights Council: Brazil, China, Cuba, Ecuador, France, Hungary (on behalf of the European Union), Malaysia, Norway, Republic of Korea, Republic of Moldova, Russian Federation, Spain, Switzerland;

(b) Representatives of observer States: Colombia, Indonesia, Italy, Turkey;

(c) Observers for non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Amnesty International, Asian Forum for Human Rights and Development (also on behalf of the Commonwealth Human Rights Initiative and the Habitat International Coalition), Colombian Commission of Jurists, Comité international pour le respect et l'application de la Charte africaine des droits de l'homme et des peuples, International Service for Human Rights, Reporters sans frontières international – Reporters without Borders International.

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

#### **Nauru**

701. At the 15th meeting, on 7 June 2011, the Human Rights Council adopted draft decision 17/101 without a vote (for the text as adopted, see part one, chapter II).

**Rwanda**

702. At the 15th meeting, on 7 June 2011 the Human Rights Council adopted draft decision 17/102 without a vote (for the text as adopted, see part one, chapter II).

**Nepal**

703. At the 15th meeting, on 7 June 2011, the Human Rights Council adopted draft decision 17/103 without a vote (for the text as adopted, see part one, chapter II).

**Saint Lucia**

704. At the 16th meeting, on 7 June 2011, the Human Rights Council adopted draft decision 17/104 without a vote (for the text as adopted, see part one, chapter II).

**Oman**

705. At the 16th meeting, on 7 June 2011, the Human Rights Council adopted draft decision 17/105 without a vote (for the text as adopted, see part one, chapter II).

**Austria**

706. At the 16th meeting, on 7 June 2011, the Human Rights Council adopted draft decision 17/106 without a vote (for the text as adopted, see part one, chapter II).

**Myanmar**

707. At the 17th meeting, on 8 June 2011, the Human Rights Council adopted draft decision 17/107 without a vote (for the text as adopted, see part one, chapter II).

**Australia**

708. At the 17th meeting, on 8 June 2011, the Human Rights Council adopted draft decision 17/108 without a vote (for the text as adopted, see part one, chapter II).

**Georgia**

709. At the 17th meeting, on 8 June 2011, the Human Rights Council adopted draft decision 17/109 without a vote (for the text as adopted, see part one, chapter II).

**Saint Kitts and Nevis**

710. At the 18th meeting, on 8 June 2011, the Human Rights Council adopted draft decision 17/110 without a vote (for the text as adopted, see part one, chapter II).

**Sao Tome and Principe**

711. At the 18th meeting, on 8 June 2011, the Human Rights Council adopted draft decision 17/111 without a vote (for the text as adopted, see part one, chapter II).

**Namibia**

712. At the 18th meeting, on 8 June 2011, the Human Rights Council adopted draft decision 17/112 without a vote (for the text as adopted, see part one, chapter II).

**Niger**

713. At the 19th meeting, on 9 June 2011, the Human Rights Council adopted draft decision 17/113 without a vote (for the text as adopted, see part one, chapter II).

**Mozambique**

714. At the 19th meeting, on 9 June 2011, the Human Rights Council adopted draft decision 17/114 without a vote (for the text as adopted, see part one, chapter II).

**Estonia**

715. At the 19th meeting, on 9 June 2011, the Human Rights Council adopted draft decision 17/115 without a vote (for the text as adopted, see part one, chapter II).

**Paraguay**

716. At the 21st meeting, on 9 June 2011, the Human Rights Council adopted draft decision 17/116 without a vote (for the text as adopted, see part one, chapter II).

## **VII. Human rights situation in Palestine and other occupied Arab territories**

### **A. Follow-up to Human Rights Council resolutions S-9/1, S-12/1, S-13/9 and S-16/20**

717. At the 25th meeting, on 14 June 2011, the United Nations High Commissioner for Human Rights introduced her report on the status of the implementation of the conclusions contained in the report of the fact-finding mission on the incident of the humanitarian flotilla (A/HRC/17/47).

### **B. General debate on agenda item 7**

718. At its 25th meeting, on 14 June 2011, the Human Rights Council held a general debate on agenda item 7, during which the following made statements:

(a) The representatives of Israel, the Syrian Arab Republic and Turkey, as the countries concerned, and the representative of Palestine, as a party concerned;

(b) Representatives of States Members of the Human Rights Council: Bahrain, Bangladesh, Brazil (on behalf of the India, Brazil and South Africa Forum), China, Cuba, Egypt (on behalf of the Non-Aligned Movement), France, Hungary (on behalf of the European Union), Japan, Jordan, Malaysia, Maldives, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Palestine (on behalf of the Group of Arab States), Poland, Qatar, Russian Federation, Saudi Arabia, Switzerland, United States of America;

(c) Representatives of observer States: Algeria, Egypt, Indonesia, Iran (Islamic Republic of), Kuwait, Lebanon, Morocco, Oman, Sri Lanka, Sudan, Turkey, United Arab Emirates, Venezuela (Bolivarian Republic of);

(d) Observer for intergovernmental organizations: League of Arab States, Organization of the Islamic Conference;

(e) Observers for non-governmental organizations: Al-Haq, Law in the Service of Man, B'nai B'rith (also on behalf of Coordinating Board of Jewish Organizations), BADIL Resource Center for Palestinian Residency and Refugee Rights, Mouvement contre le racisme et pour l'amitié entre le peuples, North-South XXI – Nord-Sud XXI, Press Emblem Campaign, 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**

719. At its 23rd meeting, on 10 June 2011, the Human Rights Council held a general debate on agenda item 8, during which the following made statements:

(a) Representatives of States Members of the Human Rights Council: Brazil (also on behalf of MERCOSUR and Algeria, Australia, Austria, Bosnia and Herzegovina, China, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, India, Indonesia, Ireland, Italy, Latvia, Luxembourg, Maldives, the Netherlands, Poland, Portugal, Qatar, Serbia, Slovakia, Slovenia, Spain, Sweden, Thailand, Turkey and the United Kingdom of Great Britain and Northern Ireland), China, Hungary (on behalf of the European Union), Paraguay (on behalf of MERCOSUR, Colombia, Chile, Peru and Venezuela (Bolivarian Republic of)), Poland, Russian Federation, Sweden (on behalf of Austria, Bosnia and Herzegovina, Botswana, Brazil, Canada, Chile, Costa Rica, Croatia, the Czech Republic, Denmark, Djibouti, Guatemala, India, Indonesia, Israel, Japan, Jordan, Lithuania, Maldives, Mauritius, Mexico, Montenegro, Morocco, the Netherlands, New Zealand, Norway, Palestine, Peru, Poland, the Republic of Moldova, Senegal, Serbia, South Africa, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, the United States of America and Uruguay), United States of America;

(b) Representatives of observer States: Algeria, Iran (Islamic Republic of);

(c) Observers for non-governmental organizations: Agence internationale pour le développement, Amnesty International, Centre for Human Rights and Peace Advocacy, European Region of the International Lesbian and Gay Federation, France Libertés: Fondation Danielle Mitterrand, Indian Council of South America, International Educational Development, Inc. (also on behalf of the Marangopoulos Foundation for Human Rights and Mouvement contre le racisme et pour l'amitié entre les peuples), Liberation, Marangopoulos Foundation for Human Rights (also on behalf of the Inter-African Committee on Traditional Practices affecting the Health of Women and Children), Mouvement contre le racisme et pour l'amitié entre les peuples, Organisation pour la communication en Afrique et de promotion de la coopération économique internationale, Union de l'action féminine, United Nations Watch, World Union for Progressive Judaism.

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

#### **1. National institutions for the promotion and protection of human rights**

720. At the 33rd meeting, on 16 June 2011, the representative of Australia introduced draft resolution A/HRC/17/L.18, sponsored by Afghanistan, Armenia, Bolivia (Plurinational State of), Bosnia and Herzegovina, Canada, Costa Rica, Croatia, the Czech Republic, Denmark, Ecuador, Finland, France, Germany, Greece, Guatemala, Hungary, India, Ireland, Jordan, Latvia, Lithuania, Luxembourg, Maldives, Malta, Mexico, the Netherlands, New Zealand, Nigeria (on behalf of the African Group), Norway, Palestine, Panama, Peru, Poland, Portugal, Qatar, the Republic of Korea, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Timor-Leste, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of). Subsequently, Albania, Azerbaijan, Belgium, Bulgaria, Cyprus, the Dominican Republic, Estonia, Georgia, Honduras, Iceland, Indonesia,

Iraq, Israel, Japan, Lebanon, Montenegro, the Republic of Moldova, Romania, the Russian Federation and the United States of America joined the sponsors.

721. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 17/9).

**2. Human rights, sexual orientation and gender identity**

722. At the 34th meeting, on 17 June 2011, the representatives of South Africa and Brazil introduced draft resolution A/HRC/17/L.9/Rev.1, sponsored by South Africa and co-sponsored by France, Greece, Ireland, Norway, Slovenia, Sweden and Switzerland. Subsequently, Albania, Argentina, Australia, Austria, Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria, Canada, Chile, Colombia, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Germany, Honduras, Iceland, Israel, Italy, Luxembourg, Montenegro, the Netherlands, New Zealand, Poland, Portugal, Romania, Serbia, South Africa, Spain, Timor-Leste, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela (Bolivarian Republic of) joined the sponsors.

723. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Human Rights Council was drawn to the estimated administrative and programme budget implications of the draft resolution.

724. At the 34th meeting, the representatives of Bahrain, Bangladesh, Hungary (on behalf of the European Union), Mauritania, Mexico, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Qatar and Saudi Arabia made statements in explanation of vote before the vote.

725. At the same meeting, at the request of the representative of Pakistan, on behalf of the Organization of the Islamic Conference, a recorded vote was taken on draft resolution A/HRC/17/L.9/Rev.1. The draft resolution was adopted by 23 votes in favour, 19 against, with 3 abstentions.

726. For the text as adopted and voting results, see part one, chapter I, resolution 17/19.

727. At the 34th meeting, the representatives of Argentina, Jordan, Mauritania, Mauritius, Nigeria (on behalf of the Group of African States) and the United States of America made general comments and explanation of vote after the vote.



## **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**

728. At the 25th meeting, on 14 June 2011, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai, presented his report (A/HRC/17/40 and Add.1-2).

729. At the same meeting, the representative of Singapore made statements as the country concerned.

730. 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 Human Rights Council: Brazil, Cuba, France, Nigeria (on behalf of the Group of African States), Norway, Pakistan, (also on behalf of the Organization of the Islamic Conference), Palestine (on behalf of the Group of Arab States), Russian Federation, Senegal, Switzerland;

(b) Representatives of observer States: Algeria, Austria, Bolivia (Plurinational State of), Czech Republic, Egypt, India, Iran (Islamic Republic of), Italy, South Africa, Venezuela (Bolivarian Republic of);

(c) Observers for intergovernmental organizations: European Union;

(d) Observers for non-governmental organizations: International Movement against All Forms of Discrimination and Racism, Mouvement contre le racisme et pour l'amitié entre les peuples, Pax Romana (also on behalf of the International Catholic Movement for Intellectual and Cultural Affairs and the International Movement of Catholic Students).

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

### **B. General debate on agenda item 9**

732. At its 26th meeting, on 14 June 2011, and at the 29th meeting, on 15 June, the Human Rights Council held a general debate on agenda item 9, during which the following made statements:

(a) Representatives of States Members of the Human Rights Council: China, Cuba, Ecuador, Hungary (on behalf of the European Union), Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Russian Federation, Spain, United States of America;

(b) Representative of the International Federation of Red Cross and Red Crescent Societies;

(c) Observers for non-governmental organizations: Association of World Citizens, BADIL Resource Center for Palestinian Residency and Refugee Rights, Centre for Human Rights and Peace Advocacy, Comité international pour le respect et l'application de la Charte africaine des droits de l'homme et des peuples, France Libertés: Foundation Danielle Mitterrand, Fraternité Notre Dame Inc., Indian Council for South

America, International Educational Development Inc., International Islamic Federation of Student Organizations, International Youth and Student Movement for the United Nations, Liberation, Mouvement contre le racisme et pour l'amitié entre les peuples, Tchad agir pour l'environnement, United Nations Watch, World Muslim Congress.

## **X. Technical assistance and capacity-building**

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

#### **1. Independent expert on the situation of human rights in Burundi**

733. At the 31st meeting, on 16 June 2011, the independent expert on the situation of human rights in Burundi, Fatsah Ougergouz, presented his report (A/HRC/17/50).

734. At the same meeting, the representative of Burundi made a statement as the country concerned.

735. During the ensuing interactive dialogue, also at the same meeting, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Human Rights Council: Angola, Belgium, China, Cuba, Nigeria (on behalf of the Group of African States), Norway, Switzerland, United States of America;

(b) Representatives of observer States: Algeria, Canada, Chad, Congo, Morocco, Rwanda, Sudan, Uganda;

(c) Observer for intergovernmental organizations: European Union, Organisation internationale de la francophonie;

(d) Observers for non-governmental organizations: Amnesty International, Cairo Institute for Human Rights, Human Rights Watch, International Federation for Human Rights Leagues, World Organization against Torture (also on behalf of the International Federation for Human Rights).

736. At the same meeting, the independent expert answered questions and made his concluding remarks.

#### **2. Independent expert on the situation of human rights in Haiti**

737. At the 32nd meeting, on 16 June 2011, the independent expert on the situation of human rights in Haiti, Michel Frost, presented his report (A/HRC/17/42).

738. At the same meeting, the representative of Haiti made a statement as the country concerned.

739. During the ensuing interactive dialogue, also at the same meeting, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Human Rights Council: Brazil, Chile, Cuba, Ecuador, France, Norway, Spain, United States of America, Uruguay;

(b) Representatives of observer States: Algeria, Canada, Colombia, Germany, Honduras, Mexico;

(c) Observer for an intergovernmental organization: European Union, Organisation internationale de la francophonie;

(d) Observers for non-governmental organizations: American Civil Liberties Union, International Federation for Human Rights Leagues, World Vision International.

740. At the same meeting, the independent expert answered questions and made his concluding remarks.

## **B. Follow-up to Human Rights Council resolution S-14/14**

741. At the 32nd meeting, on 16 June 2011, the Deputy High Commissioner for Human Rights introduced the report of the High Commissioner on technical assistance and cooperation on human rights for Kyrgyzstan (A/HRC/17/41), in accordance with Human Rights Council resolution S-14/14.

742. At the same meeting, the representative of Kyrgyzstan made a statement as the country concerned.

## **C. General debate on agenda item 10**

743. At its 32nd meeting, on 16 June 2011, the Human Rights Council held a general debate on agenda item 10, during which the following made statements:

(a) Representatives of States Members of the Human Rights Council: Brazil (also on behalf of Argentina, Bangladesh, Belgium, Bolivia (Plurinational State of), Chile, Colombia, Costa Rica, the Czech Republic, Denmark, Ecuador, France, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Lithuania, Luxembourg, Malaysia, Maldives, Mexico, Morocco, Nicaragua, Nigeria (on behalf of the Group of African States), Norway, Pakistan, Paraguay, Peru, Portugal, Singapore, Spain, Thailand, Turkey, Ukraine, the United States of America, Uruguay and Venezuela (Bolivarian Republic of)), China, Hungary (on behalf of the European Union), United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of observer States: Belarus;

(c) Observers for non-governmental organizations: Human Rights Watch, United Nations Watch, Centre indépendant de recherches et d'initiatives pour le dialogue.

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

### **1. Technical assistance and cooperation on human rights for Kyrgyzstan**

744. At the 36th meeting, on 18 June 2011, the representatives of Kyrgyzstan and the United States of America introduced draft resolution A/HRC/17/L.5, sponsored by Kyrgyzstan and the United States and co-sponsored by Canada, France, Norway, Portugal, Somalia, Spain and the United Kingdom of Great Britain and Northern Ireland. Subsequently, Australia, Belgium, Bulgaria, Chile, the Czech Republic, Denmark, the Dominican Republic, Estonia, Finland, Hungary, Iceland, Italy, Japan, Jordan, Kazakhstan, Lithuania, Maldives, Montenegro, the Netherlands, Poland, the Republic of Korea, Romania, Switzerland, Turkey and Ukraine joined the sponsors.

745. At the same meeting, the representative of Portugal orally revised the draft resolution.

746. Also at the same meeting, the representative of Hungary, on behalf of the European Union, made general comments in relation to the draft resolution.

747. At the same meeting, the representative of Nigeria, on behalf of the Group of African States, made a statement in explanation of vote before the vote.

748. Also at the same meeting, the representative of the United States of America orally amended the draft resolution.

749. At the same meeting, the draft resolution, as orally amended, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 17/20).

## 2. Assistance to Côte d'Ivoire in the field of human rights

750. At the 34th meeting, on 17 June 2011, the representative of Nigeria, on behalf of the African Group, introduced draft resolution A/HRC/17/L.27, sponsored by Nigeria, on behalf of the African Group. Subsequently, Australia, Austria, Azerbaijan, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Maldives, Monaco, the Netherlands, Norway, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the sponsors.

751. At the same meeting, the representative of Nigeria orally revised the draft resolution.

752. Also at the same meeting, the representatives of France, Hungary (on behalf of the European Union) and Maldives made general comments in relation to the draft resolution.

753. At the same meeting, the representative of Côte d'Ivoire made a statement as the country concerned.

754. 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.

755. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 17/21).

## 3. Assistance to Somalia in the field of human rights

756. At the 35th meeting, on 17 June 2011, the representative of Nigeria, on behalf of the Group of African States, introduced draft resolution A/HRC/17/L.14, sponsored by Nigeria, on behalf of the Group of African States. Subsequently, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Malta, Monaco, the Netherlands, Norway, Palestine, Poland, Portugal, Romania, Serbia, Slovenia, Spain, Sweden, Thailand, Turkey, Ukraine and the United States of America joined the sponsors.

757. Also at the same meeting, the representative of Nigeria orally revised the draft resolution.

758. At the same meeting, the representative of Somalia made a statement as the country concerned.

759. 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.

760. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chapter I, resolution 17/25).

761. Also at the same meeting, the representative of Argentina made general comments.

## Annex I

### Attendance

#### Members

Angola	Ghana	Republic of Moldova
Argentina	Guatemala	Russian Federation
Bahrain	Hungary	Saudi Arabia
Bangladesh	Japan	Senegal
Belgium	Jordan	Slovakia
Brazil	Kyrgyzstan	Spain
Burkina Faso	Malaysia	Switzerland
Cameroon	Maldives	Thailand
Chile	Mexico	Uganda
China	Nigeria	United Kingdom of Great Britain and Northern Ireland
Cuba	Norway	United States of America
Djibouti	Pakistan	Uruguay
Ecuador	Poland	
France	Qatar	
Gabon	Republic of Korea	

#### States Members of the United Nations represented by observers

Afghanistan	Georgia	Niger
Albania	Germany	Oman
Algeria	Greece	Paraguay
Andorra	Honduras	Peru
Armenia	India	Philippines
Australia	Indonesia	Portugal
Austria	Iran (Islamic Republic of)	Rwanda
Azerbaijan	Iraq	Sao Tome and Principe
Belarus	Ireland	San Marino
Benin	Israel	Saint Kitts and Nevis
Bolivia (Plurinational State of)	Kenya	Saint Lucia
Bosnia and Herzegovina	Kuwait	Serbia
Bulgaria	Latvia	Singapore
Burundi	Lebanon	Slovenia
Canada	Liechtenstein	South Africa
Colombia	Lithuania	Sri Lanka
Costa Rica	Luxembourg	Sudan
Croatia	Madagascar	Sweden
Cyprus	Malta	Syrian Arab Republic
Czech Republic	Monaco	Tajikistan
Chad	Morocco	Tunisia
Democratic People's Republic of Korea	Mozambique	Turkey
Denmark	Myanmar	United Arab Emirates
Egypt	Namibia	Uzbekistan
Estonia	Nauru	Venezuela (Bolivarian Republic of)
Finland	Nepal	Viet Nam
	Netherlands	Yemen
	New Zealand	

**Non-Member States represented by observers**

Holy See

**Other observers**

Palestine

**United Nations**

United Nations Children's Fund  
United Nations Educational, Scientific  
and Cultural Organization

United Nations Institute for Training and Research  
United Nations Population Fund

**Specialized agencies and related organizations**

International Committee of the Red Cross  
International Criminal Court  
International Federation of Red Cross and  
Red Crescent Societies

International Labour Office  
International Organization for Migration  
World Health Organization

**Intergovernmental organizations**

African Union  
European Union  
International Organization of la  
Francophonie

Organization of the Islamic Conference  
Organization for Security and Cooperation in Europe

**Other entities**

Sovereign Military Order of Malta

**National human rights institutions, international coordinating committees and regional groups of national institutions**

Commission nationale consultative de  
promotion et de protection des droits  
de l'homme d'Algérie  
Conseil consultative des droits de l'homme  
du Royaume du Maroc

National Human Rights Commission of Nepal  
National Human Rights Committee of Qatar  
Scottish Human Rights Commission

**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  
Agence internationale pour le  
développement  
Al-Hakim Foundation

- Al-Haq, Law in the Service of Man  
 American Civil Liberties Union  
 American Jewish Committee  
 Amman Center for Human Rights Studies  
 Amnesty International  
 Anti-Slavery International  
 Arab Organization for Human Rights  
 Asia Pacific Forum on Women, Law and Development  
 Asian Forum for Human Rights and Development  
 Asian Indigenous and Tribal Peoples Network  
 Asian Legal Resource Centre  
 Association for the Prevention of Torture  
 Association for Progressive Communications  
 Associazione Comunità Papa Giovanni XXIII  
 Badil Resource Center for Palestinian Residency and Refugee Rights  
 Bridges International  
 Cairo Institute for Human Rights Studies  
 Canadian HIV/AIDS Legal Network  
 Centre for Human Rights and Peace Advocacy  
 Center for International Environmental Law  
 Centrist Democratic International  
 Centro de Derechos Humanos Miguel Agustín Pro Juárez  
 Centro Regional de Derechos Humanos y Justicia de Género  
 Cercle de recherche sur les droits de la personne humaine  
 Charitable Institute for Protecting Social Victims  
 Child Development Foundation  
 Cooperation internationale pour le développement et la solidarité  
 Civicus – World Alliance for Citizen Participation  
 Cooperativa Tecnico Scientifica di Base  
 Colombian Commission of Jurists  
 Commission of the Churches on International Affairs of the World Council of Churches  
 Conectas Direitos Humanos  
 Congregation of our Lady of Charity of the Good Shepherd  
 Conscience and Peace Tax International  
 Defense for Children International  
 Democracy Coalition Project  
 Dominicans for Justice and Peace (Order of Preachers)  
 Eastern Sudan Women Development Organization  
 European Disability Forum  
 European Law Students' Association  
 European Region of the International Lesbian and Gay Association  
 Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos  
 Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit COC Nederland  
 Femmes Africa Solidarité  
 Foodfirst Information and Action Network  
 France Libertés: Fondation Danielle Mitterrand  
 Franciscans International  
 Fraternité Notre Dame  
 Freedom House  
 Friedrich Ebert Foundation  
 Friends World Committee for Consultation (Quakers)  
 Fundacion Intervida  
 Fundacion Para La Libertad – Askatasun Bidean  
 Geneva for Human Rights  
 Global Alliance against Traffic in Women  
 Hawa Society for Women  
 Human Rights Watch  
 Humanitarian Foundation of Canada  
 Indian Council of South America  
 Institute for Policy Studies/Transnational Institute  
 Inter-African Committee on Traditional Practices affecting the Health of Women and Children  
 International Association of Democratic Lawyers  
 International Association of Jewish Lawyers and Jurists  
 International Association of Peace Messenger Cities  
 International Catholic Child Bureau  
 International Catholic Migration Commission  
 International Catholic Union of the Press  
 International Club for Peace Research  
 International Commission of Jurists  
 International Committee for the Respect and Application of the African Charter on Human and Peoples' Rights  
 International Educational Development, Inc.  
 International Federation of ACAT (Action by Christians for the Abolition of Torture)



International Federation of Business and Professional Women  
 International Federation of Human Rights  
 International Federation Terre des Hommes  
 International Federation of University Women  
 International Human Rights Association of American Minorities  
 International Humanist and Ethical Union  
 International Institute of Humanitarian Law  
 International Islamic Federation of Student Organizations  
 International Movement Against all Forms of Discrimination and Racism  
 International Movement ATD Fourth World  
 International Organization of Employers  
 International Organization for the Right to Education and Freedom of Education  
 International Peace Bureau  
 International Pen  
 International Save the Children Alliance  
 International Service for Human Rights  
 International Union of Latin Notariat  
 International Volunteerism Organization for Women, Education and Development  
 International Youth and Student Movement for the United Nations  
 Istituto Internazionale Marie Ausiliatrice  
 Izza Peace Foundation  
 Kenya Alliance for Advancement of Children  
 Lawyers' Rights Watch  
 Liberation  
 Lutheran World Federation  
 Maarij Foundation for Peace and Development  
 Mandat International  
 Marangopoulos Foundation for Human Rights  
 Medical Care Development International  
 Migrants Rights International  
 Minbyun – Lawyers for a Democratic Society  
 MISEREOR  
 Mouvement contre le racisme et pour l'amitié entre les peuples  
 National Association of Community Legal Centres, Inc.  
 Network of Women's Non-Governmental Organizations in the Islamic Republic of Iran  
 New Humanity  
 Non-violent Radical Party, Transnational and Transparty  
 Nord-Sud XXI  
 Norwegian Refugee Council  
 Open Society Institute  
 Organisation pour la communication en Afrique et de promotion de la coopération économique internationale  
 Organization for Defending Victims of Violence  
 Pax Christi International  
 Pax Romana  
 Plan international, Inc.  
 Planetary Association for Clean Energy, Inc.  
 Presse Embleme Campagne  
 Public Services International  
 Rencontre africaine pour la défense des droits de l'homme  
 Reporters sans frontières international – Reporters without Borders  
 International Russian Peace Foundation  
 Society for the Protection of Unborn Children  
 Society for Threatened Peoples  
 Society Studies Center  
 SOS Kinderdorf International  
 Tchad – Agir pour l'environnement  
 Teresian Association  
 UNESCO Centre Basque Country  
 Union de l'action féminine  
 United Nations Watch  
 United Network of Young Peacebuilders  
 United Towns Agency for North-South Cooperation  
 Verein Sudwind Entwicklungspolitic  
 Women's Human Rights International Association  
 Women's International League for Peace and Freedom  
 World Association for the School as an Instrument of Peace  
 World Federation of Democratic Youth  
 World Federation of Public Health Associations  
 World Federation of Trade Unions  
 World Muslim Congress  
 World Organization against Torture  
 World Union for Progressive Judaism  
 World Vision International  
 World Young Women's Christian Association  
 Worldwide Organization for Women

## Annex II

### Agenda

- Item 1. Organizational and procedural matters.
- Item 2. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General.
- Item 3. Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.
- Item 4. Human rights situations that require the Council's attention.
- Item 5. Human rights bodies and mechanisms.
- Item 6. Universal periodic review.
- Item 7. Human rights situation in Palestine and other occupied Arab territories.
- Item 8. Follow-up to and implementation of the Vienna Declaration and Programme of Action.
- Item 9. Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action.
- Item 10. Technical assistance and capacity-building.

## Annex III

### Documents issued for the seventeenth session

#### *Documents issued in the general series*

<i>Symbol</i>		<i>Agenda item</i>
A/HRC/17/1	1	Annotations to the agenda for the seventeenth session of the Human Rights Council
A/HRC/17/2	1	Report of the Human Rights Council on its seventeenth session
A/HRC/17/3	6	Report of the Working Group on the Universal Periodic Review on Nauru
A/HRC/17/4	6	Report of the Working Group on the Universal Periodic Review on Rwanda
A/HRC/17/5	6	Report of the Working Group on the Universal Periodic Review on Nepal
A/HRC/17/6	6	Report of the Working Group on the Universal Periodic Review on Saint Lucia
A/HRC/17/6/Corr.1	6	Corrigendum
A/HRC/17/7	6	Report of the Working Group on the Universal Periodic Review on Oman
A/HRC/17/8	6	Report of the Working Group on the Universal Periodic Review on Austria
A/HRC/17/9	6	Report of the Working Group on the Universal Periodic Review on Myanmar
A/HRC/17/10	6	Report of the Working Group on the Universal Periodic Review on Australia
A/HRC/17/11	6	Report of the Working Group on the Universal Periodic Review on Georgia
A/HRC/17/12	6	Report of the Working Group on the Universal Periodic Review on Saint Kitts and Nevis
A/HRC/17/13	6	Report of the Working Group on the Universal Periodic Review on Sao Tomé and Príncipe
A/HRC/17/14	6	Report of the Working Group on the Universal Periodic Review on Namibia
A/HRC/17/15	6	Report of the Working Group on the Universal Periodic Review on the Niger
A/HRC/17/16	6	Report of the Working Group on the Universal Periodic Review on Mozambique

*Documents issued in the general series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/17/17	6	Report of the Working Group on the Universal Periodic Review on Estonia
A/HRC/17/18	6	Report of the Working Group on the Universal Periodic Review on Paraguay
A/HRC/17/19	1, 2	Report of the secretariat on the Office of the President of the Human Rights Council
A/HRC/17/20	2	Cooperation with the United Nations, its representatives and mechanisms in the field of human rights: Note by the Secretariat
A/HRC/17/21	2, 3	Report of the Office of the United Nations High Commissioner for Human Rights on the seminar on experiences of activities as a means to guarantee the right to the truth
A/HRC/17/22	2, 3	Report on the expert workshop: "The elimination of all forms of violence against women – challenges, good practices and opportunities" (Geneva, 24–25 November 2010)
A/HRC/17/23	2, 3	Report of the Office of the United Nations High Commissioner for Human Rights on good practices in efforts aimed at preventing violence against women
A/HRC/17/24	2, 3	Report of the Office of the High Commissioner for Human Rights on the question of the realization in all countries of economic, social and cultural rights
A/HRC/17/24/Corr.1	2, 3	Corrigendum
A/HRC/17/25	3	Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
A/HRC/17/25/Add.1	3	Communications to and from Governments: addendum
A/HRC/17/25/Add.2	3	Mission to Guatemala: addendum
A/HRC/17/25/Add.3	3	Mission to the Syrian Arab Republic: addendum
A/HRC/17/26	3	Report of the Special Rapporteur on violence against women, its causes and consequences
A/HRC/17/26/Add.1	3	Communications to and from Governments: addendum
A/HRC/17/26/Add.2	3	Mission to El Salvador: addendum
A/HRC/17/26/Add.3	3	Mission to Algeria: addendum
A/HRC/17/26/Add.4	3	Mission to Zambia: addendum

*Documents issued in the general series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/17/26/Add.5	3	Mission to the United States of America: addendum
A/HRC/17/27	3	Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
A/HRC/17/27/Add.1	3	Communications to and from Governments: addendum
A/HRC/17/27/Add.2	3	Mission to the Republic of Korea: addendum
A/HRC/17/27/Add.2/Corr.1	3	Corrigendum
A/HRC/17/27/Add.3	3	Mission to Mexico: addendum
A/HRC/17/28	3	Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions
A/HRC/17/28/Add.1	3	Communications to and from Governments: addendum
A/HRC/17/28/Add.2	3	Mission to Ecuador: addendum
A/HRC/17/28/Add.3	3	Mission to Albania: addendum
A/HRC/17/28/Add.4	3	Follow-up mission to Kenya: addendum
A/HRC/17/28/Add.5	3	Preliminary note on the follow-up to country recommendations: United States of America
A/HRC/17/28/Add.6	3	Follow-up mission to Afghanistan: addendum
A/HRC/17/29	3	Report of the Special Rapporteur on the right to education
A/HRC/17/29/Add.1	3	Communications to and from Governments: addendum
A/HRC/17/29/Add.2	3	Mission to Senegal: addendum
A/HRC/17/30	3	Report of the Special Rapporteur on the independence of judges and lawyers
A/HRC/17/30/Add.1	3	Communications to and from Governments: addendum
A/HRC/17/30/Add.2	3	Mission to Mozambique: addendum
A/HRC/17/30/Add.3	3	Mission to Mexico: addendum
A/HRC/17/31	3	Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises
A/HRC/17/31/Add/1	3	Piloting principles for effective company-stakeholder grievance mechanisms: a report of lessons learned: addendum

*Documents issued in the general series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/17/31/Add.2	3	Human rights and corporate law: trends and observations from a cross-national study conducted by the Special Representative: addendum
A/HRC/17/31/Add.3	3	Principles for responsible contracts: integrating the management of human rights risks into State-investor contract negotiations: guidance for negotiators: addendum
A/HRC/17/32	3	Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises: business and human rights in conflict-affected regions: challenges and options towards State responses
A/HRC/17/33	3	Report of the Special Rapporteur on the human rights of migrants
A/HRC/17/33/Add.1	3	Communications to and from Governments: addendum
A/HRC/17/33/Add.2	3	Mission to Senegal: addendum
A/HRC/17/33/Add.3	3	Mission to Japan: addendum
A/HRC/17/33/Add.4	3	Mission to South Africa: addendum
A/HRC/17/34	3	Report of the independent expert on the question of human rights and extreme poverty
A/HRC/17/34/Add.1	3	Mission to Viet Nam: addendum
A/HRC/17/34/Add.2	3	Mission to Ireland: addendum
A/HRC/17/35	3	Report of the Special Rapporteur on trafficking in persons, especially women and children
A/HRC/17/35/Add.1	3	Communications to and from Governments: addendum
A/HRC/17/35/Add.2	3	Mission to Egypt: addendum
A/HRC/17/35/Add.3	3	Mission to Uruguay: addendum
A/HRC/17/35/Add.4	3	Mission to Argentina: addendum
A/HRC/17/35/Add.5	3	Consultation on the role of regional and subregional mechanisms in international efforts to counter trafficking in persons, especially women and children: addendum
A/HRC/17/35/Add.6	3	Expert consultation on the right to effective remedy for trafficked persons: addendum

*Documents issued in the general series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/17/36	5	Report of the Open-ended Working Group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure
A/HRC/17/37	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
A/HRC/17/37/Add.1	3	Mission to Australia and the Solomon Islands: addendum
A/HRC/17/37/Add.2	3	Preliminary note on the mission to Viet Nam: addendum
A/HRC/17/38	3	Report of the independent expert in the field of cultural rights
A/HRC/17/38/Add.1	3	Mission to Brazil: addendum
A/HRC/17/38/Add.2	3	Preliminary note on the mission to Austria: addendum
A/HRC/17/39	5	Progress report of the Advisory Committee on the right of peoples to peace
A/HRC/17/39/Corr.1	5	Corrigendum
A/HRC/17/40	9	Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
A/HRC/17/40/Add.1	9	Communications to and from Government: addendum
A/HRC/17/40/Add.2	9	Mission to Singapore: addendum
A/HRC/17/41	2, 10	Report of the United Nations High Commissioner for Human Rights on technical assistance and cooperation on human rights for Kyrgyzstan
A/HRC/17/42	10	Report of the independent expert on the situation of human rights in Haiti
A/HRC/17/43	3	Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health: expert consultation on access to medicines as a fundamental component of the right to health
A/HRC/17/44	4	Report of the international commission of inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya

*Documents issued in the general series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/17/46	2, 3	Summary of the full-day meeting on the rights of the child: report of the United Nations High Commissioner for Human Rights
A/HRC/17/47	7	Report of the United Nations High Commissioner for Human Rights on the status of the implementation of the conclusions contained in the report of the fact-finding mission
A/HRC/17/48	4	Report of the international commission of inquiry on Côte d'Ivoire
A/HRC/17/49	2, 4	Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Côte d'Ivoire
A/HRC/17/50	10	Report of the independent expert on the situation of human rights in Burundi

*Conference room papers*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/17/CRP.1	2, 4	Preliminary report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Syrian Arab Republic

*Documents issued in the limited series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/17/L.1	1	Follow-up to the report of the independent international fact-finding mission on the incident of the humanitarian flotilla: draft resolution
A/HRC/17/L.2	3	Mandate of the Special Rapporteur on trafficking in persons, especially women and children: draft resolution
A/HRC/17/L.3	4	Situation of human rights in the Libyan Arab Jamahiriya: draft resolution
A/HRC/17/L.4/Rev.1	3	Promotion and protection of human rights in the context of peaceful protests: draft decision
A/HRC/17/L.5	10	Technical assistance and cooperation on human rights for Kyrgyzstan: draft resolution
A/HRC/17/L.6	3	Accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in protection: draft resolution
A/HRC/17/L.7/Rev.1	1	Office of the President of the Human Rights Council: draft decision



*Documents issued in the limited series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/17/L.8	5	Optional Protocol to the Convention on the Rights of the Child on a communications procedure: draft resolution
A/HRC/17/L.9/Rev.1	8	Human rights, sexual orientation and gender identity: draft resolution
A/HRC/17/L.10	3	Mandate of the Special Rapporteur on the independence of judges and lawyers: draft resolution
A/HRC/17/L.11	3	The right to education: follow-up to Human Rights Council resolution 8/4: draft resolution
A/HRC/17/L.12	3	Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants: draft resolution
A/HRC/17/L.13	3	Migrants and asylum seekers fleeing from events in North Africa: draft resolution
A/HRC/17/L.14	10	Assistance to Somalia in the field of human rights: draft resolution
A/HRC/17/L.15	3	Extreme poverty and human rights: draft resolution
A/HRC/17/L.16	3	The right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the context of development and access to medicines: draft resolution
A/HRC/17/L.17/Rev.1	3	Human rights and transnational corporations and other business enterprises: draft resolution
A/HRC/17/L.18	8	National institutions for the promotion and protection of human rights: draft resolution
A/HRC/17/L.19	3	Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions: draft resolution
A/HRC/17/L.20/Rev.1	4	Situation of human rights in Belarus: draft resolution
A/HRC/17/L.21	3	Mandate of the independent expert on human rights and international solidarity: draft resolution
A/HRC/17/L.22	3	Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity: draft resolution
A/HRC/17/L.23	3	Promotion of the right of peoples to peace: draft resolution

*Documents issued in the limited series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/17/L.24	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: draft resolution
A/HRC/17/L.25	3	Proclamation of 19 August as the International Day of Remembrance of and Tribute to the Victims of Terrorism: draft resolution
A/HRC/17/L.26	3	The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights: draft resolution
A/HRC/17/L.27	10	Assistance to Côte d'Ivoire in the field of human rights: draft resolution
A/HRC/17/L.28	2	Procedural decision: draft
A/HRC/17/L.29	1	Follow-up to Human Rights Council resolution 16/21 with regard to the universal periodic review: draft resolution

*Documents issued in the Government series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/17/G/1	3	Note verbale dated 25 April 2011 addressed to the Office of the United Nations High Commissioner for Human Rights by the Permanent Mission of Cuba to the United Nations Office at Geneva
A/HRC/17/G/2	4	Letter dated 2 May 2011 from the Permanent Representative of the Republic of Azerbaijan to the United Nations Office and other international organizations at Geneva addressed to the President of the Human Rights Council
A/HRC/17/G/3	4	Letter dated 10 May 2011 from the Permanent Delegation of the European Union to the United Nations Office and other international organizations in Geneva addressed to the President of the Human Rights Council
A/HRC/17/G/4	3	Letter dated 23 May 2011 from the Permanent Mission of the Republic of Belarus to the United Nations Office and other international organizations in Geneva addressed to the President of the Human Rights Council

*Documents issued in the Government series*

<i>Symbol</i>		<i>Agenda item</i>
A/HRC/17/G/5	6	Letter dated 23 May 2011 from the Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other international organizations in Geneva addressed to the President of the Human Rights Council
A/HRC/17/G/6	3	Letter dated 26 May 2011 from the Permanent Mission of the Republic of Belarus to the United Nations Office and other international organizations in Geneva addressed to the President of the Human Rights Council
A/HRC/17/G/7	3	Letter dated 3 June 2011 from the Permanent Mission of Singapore to the United Nations Office and other international organizations in Geneva addressed to the President of the Human Rights Council
A/HRC/17/G/8	4	Letter dated 2 June 2011 from the Permanent Mission of Armenia to the United Nations Office and other international organizations in Geneva addressed to the President of the Human Rights Council
A/HRC/17/G/9	3	Note verbale dated 6 June 2011 from the Permanent Mission of Greece to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
A/HRC/17/G/10	6	Note verbale dated 9 June 2011 from the Permanent Mission of Myanmar to the United Nations Office and other international organizations in Geneva addressed to the secretariat of the Human Rights Council
A/HRC/17/G/11	4	Note verbale dated 10 June 2011 from the Permanent Mission of Azerbaijan to the United Nations Office and other international organizations in Geneva addressed to the President of the Human Rights Council
A/HRC/17/G/12	9	Note verbale dated 14 June 2011 from the Permanent Mission of Singapore to the United Nations Office and other international organizations in Geneva addressed to the secretariat of the Human Rights Council
A/HRC/17/G/13	1	Note verbale dated 16 June 2011 from the Permanent Mission of Turkey to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

*Documents issued in the non-governmental organization series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/17/NGO/1	4	Joint written statement submitted by Rencontre africaine pour la défense des droits de l'homme (RADDHO), Association apprentissage sans frontières (ASF), Union Interafricaine des droits de l'homme – Inter-African Union for Human Rights, Centre indépendant de recherches et d'initiatives pour le dialogue (CIRID)
A/HRC/17/NGO/2	9	Joint written statement submitted by Rencontre africaine pour la défense des droits de l'homme (RADDHO), Synergie Développement et Partenariat International (SYDEPI – SYFODIP)
A/HRC/17/NGO/3	3	Written statement submitted by Human Rights Advocates Inc.
A/HRC/17/NGO/4	3	Joint written statement submitted by New Humanity, International Organization for the Right to Education and Freedom of Education (OIDEL), Association Points-Cœur, International Catholic Child Bureau, Company of the Daughters of Charity of St. Vincent de Paul, et al. [Égalité de chances dans l'éducation: le besoin d'une approche basée sur les droits]
A/HRC/17/NGO/5	4	Joint written statement submitted by Pax Christi International, International Catholic Peace Movement
A/HRC/17/NGO/6	3	Written statement submitted by the World Federation of Trade Unions
A/HRC/17/NGO/7	4	Written statement submitted by the American Association of Jurists
A/HRC/17/NGO/8	3	Written statement submitted by Reporters without Borders International
A/HRC/17/NGO/9	3	Written statement submitted by the Organization for Defending Victims of Violence
A/HRC/17/NGO/10	4	Written statement submitted by the Organization for Defending Victims of Violence
A/HRC/17/NGO/11	7	Written statement submitted by the Organization for Defending Victims of Violence
A/HRC/17/NGO/12	9	Written statement submitted by the Organization for Defending Victims of Violence
A/HRC/17/NGO/13	4	Joint written statement submitted by the Non-violent Radical Party, Transnational and Transparty
A/HRC/17/NGO/14	3	Written statement submitted by International Educational Development, Inc.

*Documents issued in the non-governmental organization series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/17/NGO/15	10	Written statement submitted by International Educational Development, Inc.
A/HRC/17/NGO/16	3	Written statement submitted by International Educational Development, Inc.
A/HRC/17/NGO/17	4	Written statement submitted by International Educational Development, Inc.
A/HRC/17/NGO/18	6	Written statement submitted by the National Association of Community Legal Centres, Inc.
A/HRC/17/NGO/19	3	Written statement submitted by the Institute for Women's Studies and Research
A/HRC/17/NGO/20	5	Written statement submitted by Conscience and Peace Tax International (CPTI)
A/HRC/17/NGO/21	3	Written statement submitted by the International Movement against All Forms of Discrimination and Racism (IMADR)
A/HRC/17/NGO/22	3	Written statement submitted by Reporters Sans Frontières International – Reporters Without Borders International
A/HRC/17/NGO/23	4	Written statement submitted by the Korean Progressive Network “Jinbonet”
A/HRC/17/NGO/24	3	Written statement submitted by the Asian Legal Resource Centre (ALRC)
A/HRC/17/NGO/25	3	Written statement submitted by the Asian Legal Resource Centre (ALRC)
A/HRC/17/NGO/26	3	Written statement submitted by the Asian Legal Resource Centre (ALRC)
A/HRC/17/NGO/27	3	Written statement submitted by the Asian Legal Resource Centre (ALRC)
A/HRC/17/NGO/28	4	Joint written statement submitted by France Libertés: Fondation Danielle Mitterrand, the Marangopoulos Foundation for Human Rights, the Women's Human Rights International Association, the Women's International League for Peace and Freedom, International Educational Development, Inc., and Mouvement contre le racisme et pour l'amitié entre les peuples
A/HRC/17/NGO/Corr.1		
A/HRC/17/NGO/29	4	Written statement submitted by the World Federation of Trade Unions (WFTU)

*Documents issued in the non-governmental organization series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/17/NGO/30	3	Joint written statement submitted by Caritas Internationalis (International Confederation of Catholic Charities) and Associazione Comunità Papa Giovanni XXIII
A/HRC/17/NGO/31	3	Written statement submitted by Associazione Comunità Papa Giovanni XXIII
A/HRC/17/NGO/32	3	Written statement submitted by the Federation of Western Thrace Turks in Europe
A/HRC/17/NGO/33	4	Written statement submitted by People's Solidarity for Participatory Democracy
A/HRC/17/NGO/34	4	Written statement submitted by Verein Sudwind Entwicklungspolitik
A/HRC/17/NGO/35	3	Written statement submitted by Fundacion Intervida
A/HRC/17/NGO/36	3	Written statement submitted by the Permanent Assembly for Human Rights
A/HRC/17/NGO/37	8	Written statement submitted by the Marangopoulos Foundation for Human Rights (MFHR)
A/HRC/17/NGO/38	3	Written statement submitted by the Association for Progressive Communications (APC)
A/HRC/17/NGO/39	3	Joint written statement submitted by Franciscans International and the Global Alliance against Traffic in Women
A/HRC/17/NGO/40	7	Joint written statement submitted by Al-Haq, Law in the Service of Man, the Al Mezan Centre for Human Rights, BADIL Resource Center for Palestinian Residency and Refugee Rights, Defence for Children International and the Women's Centre for Legal Aid and Counseling
A/HRC/17/NGO/41	4	Written statement submitted by the Cairo Institute for Human Rights Studies (CIHRS)
A/HRC/17/NGO/42	3	Written statement submitted by MINBYUN – Lawyers for a Democratic Society
A/HRC/17/NGO/43	4	Written statement submitted by the Cairo Institute for Human Rights Studies (CIHRS)
A/HRC/17/NGO/44	4	Written statement submitted by the Cairo Institute for Human Rights Studies (CIHRS)
A/HRC/17/NGO/45	4	Written statement submitted by the Society for Threatened Peoples
A/HRC/17/NGO/46	4	Written statement submitted by the Cairo Institute for Human Rights Studies (CIHRS)

*Documents issued in the non-governmental organization series*

<i>Symbol</i>	<i>Agenda item</i>	
A/HRC/17/NGO/47	4	Written statement submitted by the Cairo Institute for Human Rights Studies (CIHRS)
A/HRC/17/NGO/48	3	Joint written statement submitted by Amnesty International, the International Federation for Human Rights (FIDH), Human Rights Watch and the International Commission of Jurists
A/HRC/17/NGO/49	4	Written statement submitted by Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP)
A/HRC/17/NGO/50	6	Joint written statement submitted by the Habitat International Coalition, the Asian Centre for Human Rights and the Commonwealth Human Rights Initiative
A/HRC/17/NGO/51	6	Written statement submitted by Amnesty International
A/HRC/17/NGO/52	4	Written statement submitted by Amnesty International
A/HRC/17/NGO/53	5	Written statement submitted by the International Association of Democratic Lawyers (IADL)
A/HRC/17/NGO/54	3	Joint written statement submitted by Amnesty International, the Association for the Prevention of Torture, the International Commission of Jurists and the World Organisation against Torture
A/HRC/17/NGO/55	9	Written statement submitted by the BADIL Resource Center for Palestinian Residency and Refugee Rights
A/HRC/17/NGO/56	3	Written statement submitted by Amnesty International
A/HRC/17/NGO/57	5	Joint written statement submitted by 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), et al.
A/HRC/17/NGO/58	3	Written statement submitted by the Syriac Universal Alliance

*Documents issued in the national institution series*

<i>Symbol</i>		<i>Agenda item</i>
A/HRC/17/NI/1	3	Information presented by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights
A/HRC/17/NI/2	3	Information presented by the National Human Rights Commission of the Republic of Korea
A/HRC/17/NI/3	3	Information presented by the Equality and Human Rights Commission of Great Britain



## Annex IV

### **Special procedures mandate holders appointed by the Human Rights Council at its seventeenth session**

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

François Crépeau (Canada/France)

#### **Independent expert on minority issues**

Rita Izsák (Hungary)

Independent expert on human rights and international solidarity

Virginia Dandan (Philippines)

#### **Special Rapporteur on the promotion and protection of human rights while countering terrorism**

Ben Emmerson (United Kingdom of Great Britain and Northern Ireland)

Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

#### **Ahmed Shaheed (Maldives)**

Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

Anton Ferrel Katz (South Africa)

Patricia Arias (Chile)

Elzbieta Karska (Poland)

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