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## Human Rights Council

Sixteenth session

Agenda item 1

Organizational and procedural matters

### **Draft report of the Human Rights Council on its sixteenth session\***

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

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\* The text of resolutions and decisions adopted by the Human Rights Council will be available on the website of the Office of the United Nations High Commissioner for Human Rights and will be subsequently included in part one of the final report.

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**Part One: Resolutions and decisions**

[To be added in the final report]

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

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

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

1. The Human Rights Council held its sixteenth session at the United Nations Office at Geneva from 28 February to 25 March 2011. The President of the Council opened the session.
2. At the 1st meeting, on 28 February 2011, the United Nations High Commissioner for Human Rights, the President of the General Assembly and Micheline Calmy-Rey, President of Switzerland, addressed the plenary.
3. At the 16th meeting, on 8 March 2011, the High Commissioner made a statement for the International Women's Day.
4. At the 44th meeting, on 23 March 2011, Idriss Jazairy, Coordinator with the Council review process in New York, provided a briefing on the joint mission by the Council President and himself to New York to participate in the informal plenary meeting of the General Assembly on the review of the Council.
5. In accordance with rule 8 (b) of the rules of procedure of the Council, as contained in part VII of the annex to Council resolution 5/1, the organizational meeting on the sixteenth session was held on 14 February 2011.
6. The sixteenth session consisted of 48 meetings over 20 days (see paragraph 37 below).

#### **B. Attendance**

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

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

8. At the 1st to the 6th meetings, on 28 February - 2 March 2011, the Council held a high-level segment, at which 81 dignitaries addressed the plenary, including one president, one vice-president, 7 vice-prime ministers, 43 ministers, 22 vice-ministers, 6 representatives of observer organizations and the President of the General Assembly.
9. The following dignitaries addressed the Council during the high-level segment, in the order that they spoke:

(a) At the 1st meeting, on 28 February 2011: Angelino Garzon, Vice-President of Colombia; Kevin Rudd, Minister for Foreign Affairs of Australia; Sergey Lavrov, Minister for Foreign Affairs of the Russian Federation; Ahmed Naseem, Minister of State for Foreign Affairs of Maldives; Trinidad Jiménez García-Herrera, Minister for Foreign Affairs and Cooperation of Spain; Patricia Espinosa Cantellano, Secretary (Minister) for Foreign Affairs of Mexico; Mahinda Samarasinghe, Minister of Plantation Industries of Sri Lanka; Maite Nkoana-Mashabane, Minister of the Department of International Relations and Cooperation of South Africa; Maria do Rosário Nunes, Minister, Head of the Human Rights Secretariat of Brazil; Radhouane Nouicer, State Secretary at the Ministry of Foreign Affairs of Tunisia; João Cravinho, Vice-Minister for Foreign Affairs of Portugal; Catherine Ashton, High Representative for Foreign Policy and Security and Vice-President of the Commission of the European Union;

(b) At the 2nd meeting, on the same day: Sven Alkalaj, Minister for Foreign Affairs of Bosnia and Herzegovina; Steven Vanackere, Vice-Prime Minister and Minister for Foreign Affairs of Belgium; William Hague, Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom; Guido Westerwelle, Vice-Chancellor and Minister for Foreign Affairs of Germany; Alexander Stubb, Minister for Foreign Affairs of Finland; Mohamed Bushara Dosa, Minister of Justice of Sudan; Jonas Gahr Støre, Minister for Foreign Affairs of Norway; Ahmet Davutoğlu, Minister for Foreign Affairs of Turkey;

(c) At the 3rd meeting, on the same day: Luis Almagro, Minister for Foreign Affairs of Uruguay; Hillary Rodham Clinton, Secretary of State of the United States of America; Franco Frattini, Minister for Foreign Affairs of Italy; Kasit Piromya, Minister for Foreign Affairs of Thailand; Samuel Zbogar, Minister for Foreign Affairs of Slovenia; Omar El Sherif, Vice-Minister of Justice of Egypt; Michael Spindelegger, Federal Minister for European and International Affairs of Austria; Ali Akbar Salehi, Minister for Foreign Affairs of the Islamic Republic of Iran; Héctor Marcos Timerman, Minister for Foreign Affairs of Argentina; Bandar bin Mohammed Alaiban, Chairman of the Human Rights Commission of Saudi Arabia; Min Dong-Seok, Vice-Minister of Foreign Affairs and Trade of the Republic of Korea; Nicholas Emiliou, Permanent Secretary of the Ministry of Foreign Affairs of Cyprus; Ahoussou Jeannot, Minister of Justice and Human Rights of Cote d'Ivoire; Lawrence Cannon, Minister of Foreign Affairs of Canada; Pham Binh Minh, First Vice-Minister of Foreign Affairs of Viet Nam; Coumba Gaye, State Minister for Human Rights of Senegal;

(d) At the 4th meeting, on 1 March 2011: Iurie Leanca, Deputy Prime Minister, Minister for Foreign Affairs and European Integration of the Republic of Moldova; Jean Asselborn, Vice-Prime Minister, Minister for Foreign Affairs, Luxembourg; Hoda Alban, Minister of Human Rights of Yemen; Fatima Al Balooshi, Minister of Social Development of Bahrain; Mutula Kilonzo, Minister for Justice, National Cohesion and Constitutional Affairs of Kenya; Uri Rosenthal, Minister for Foreign Affairs of the Netherlands; Karel Schwarzenberg, Deputy Prime Minister and Minister for Foreign Affairs of the Czech Republic; Kanat Saudabayev, Minister for Foreign Affairs of Kazakhstan; Antonio Milososki, Minister for Foreign Affairs of The former Yugoslav Republic of Macedonia; Dipu Moni, Foreign Minister of Bangladesh; Mourad Medelci, Minister for Foreign Affairs of Algeria; Luzolo Bambi Lessa, Minister of Justice and Human Rights of the

Democratic Republic of the Congo; Fashion Phiri, Deputy Minister of Foreign Affairs of Zambia; Ikuo Yamahana, Parliamentary Vice-Minister for Foreign Affairs of Japan; Frank Belfrage, Vice-Minister for Foreign Affairs of Sweden; Luis Raul Estevez Lopez, Vice-Minister for Foreign Affairs of Guatemala; Dimiter Tzantchev, Deputy Minister of Foreign Affairs of Bulgaria, Ekmeleddin Ihsanoglu, Secretary-General of the Organization of the Islamic Conference;

(e) At the 5th meeting, on the same day: Salomon Nguema Owono, Vice Prime Minister in charge of Social Affairs and Human Rights of Equatorial Guinea; Vuk Jemerić, Minister for Foreign Affairs of Serbia; Lene Espersen, Minister for Foreign Affairs of Denmark; René Castro Salazar, Minister for Foreign Affairs of Costa Rica; Henri Eyebe Ayissi, Minister for Foreign Affairs of Cameroon; Temir Porras Ponceleón, Vice-Minister for Foreign Affairs of the Bolivarian Republic of Venezuela; Bruno Rodriguez Parrilla, Minister for Foreign Affairs of Cuba; Doru Costea, Vice-Minister of Foreign Affairs of Romania; Edith Harxhi, Deputy Foreign Minister of Albania; Manuel Domingos Augusto, Secretary of State of External Affairs of Angola; Nebojsa Kaludjerovic, State Secretary of Ministry of Foreign Affairs of Montenegro; Arman Kriakossian, Deputy Minister of Foreign Affairs of Armenia;

(f) At the 6th meeting, on 2 March 2011: Slobodan Uzelac, Deputy Prime Minister for Social Issues and Human Rights of Croatia; Salamata Sawadogo, Minister for Human Rights of Burkina Faso; Mohamed Al-Soodani, Minister of Human Rights of Iraq; Patrick Antony Chinamasa, Minister of Justice and Legal Affairs of Zimbabwe; Augustine Makgonatsotlhe, Secretary for Defence, Justice and Security of Botswana; Asta Skaisgiryte-Liauskiene, Vice-Minister of Foreign Affairs of Lithuania; Grazyna Bernatowicz, Under-Secretary of State in the Ministry of Foreign Affairs of Poland; Diego Falconi, Vice-Minister of Justice of Ecuador; Akmal Saidov, Chairperson of the National Centre for Human Rights of Uzbekistan; Anders Johnsson, Secretary-General of the Inter-Parliamentary Union; Julia D. Joiner, Commissioner for Political Affairs of the African Union; Kamallesh Sharma, Secretary-General of the Commonwealth; Janet Lim, Assistant High Commissioner for Operations, United Nations High Commissioner for Refugees.

10. At the 3rd meeting, on 28 February 2011, at the request of the representative of Egypt, the Council observed one minute of silence to honour the memory of the martyrs of the Egyptian revolution.
11. At the 5th meeting, on 1 March 2011, statements in exercise of the right of reply were made by the representatives of Armenia, Azerbaijan, Cuba, Democratic People's Republic of Korea, Estonia, Japan, Latvia and Morocco.
12. At the same meeting, statements in exercise of a second right of reply were made by the representatives of Azerbaijan, Democratic People's Republic of Korea and Japan.
13. At the 8th meeting, on 2 March 2011, statements in exercise of the right of reply were made by the representatives of Belarus and Myanmar.

**Panel on the enjoyment of human rights of people of African descent**

14. At the 7th meeting, on 2 March 2011, pursuant to Council resolution 14/16, the Council held a panel discussion on the full enjoyment of the human rights of people of African descent, to mark the International Year for People of African Descent. The Council divided the panel discussion into two slots, both held at the 7th meeting, on 2 March 2011. The United Nations High Commissioner for Human Rights made introductory remarks for the panel. At the same meeting, the following panellists made statements: Luis Almagro, Mirjana Najcevska, Pastor Murillo, Epsy Campbell and Florence Simbiri Jaoko.
15. During the ensuing panel discussion for the first slot, at the same meeting, the following made statements and asked the panellists questions:
  - (a) Representatives of States Members of the Council: Brazil, Chile, Cuba, Djibouti, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), United States of America;
  - (b) Representatives of the following observer States: Colombia, Panama, Peru;
  - (c) Observer for an intergovernmental organization: European Union;
  - (d) Observer for a national human rights institution: Network of African National Human Rights Institutions;
  - (e) Observer for a non-governmental organization: North-South XXI.
16. At the end of the first slot, at the same meeting, the following panellists answered questions and made comments: Mirjana Najcevska, Pastor Murillo, Epsy Campbell and Florence Simbiri Jaoko.
17. During the ensuing panel discussion for the second slot, at the same meeting, the following made statements and asked the panellists questions:
  - (a) Representatives of States Members of the Council: China, Mauritania, Mexico, Spain;
  - (b) Representatives of the following observer States: Algeria, Congo, Costa Rica, Haiti, Honduras, Morocco, Portugal, South Africa;
  - (c) Observer for a non-governmental organization: African Commission of Health and Human Rights Promoters.
18. At the end of the second slot, at the same meeting, the panellists Mirjana Najcevska, Pastor Murillo, Epsy Campbell and Florence Simbiri Jaoko answered questions and made their concluding remarks.

## **D. General segment**

19. At the 8th meeting, on 2 March 2011, a general segment was held, during which the following addressed the Council:
  - (a) Representatives of States Members of the Council: Chile, China, Djibouti, Jordan, Malaysia, Qatar, Slovakia;
  - (b) Representatives of the following observer States: Afghanistan, Barbados, Belarus, Honduras, India, Indonesia, Israel, Morocco, Namibia, Nepal, Nicaragua, Oman, Philippines, United Arab Emirates;
  - (c) Observer for the Holy See;
  - (d) Observer for a national human rights institution: International Coordinating Committee of National Human Rights Institutions;
  - (e) Invited members of the civil society: Ms. Mervat Rishmawi, Ms. Mary Jean Real, Mr. Alexis Corthay and Mr. Pepe Julian Onziema.

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

20. At the 9th meeting, on 3 March 2011, the agenda and programme of work of the sixteenth session were adopted.

## **F. Organization of work**

21. At the 7th meeting, on 2 March 2011, the President outlined the modalities for the interactive debate of panel discussions, which would be 7 minutes for panellists, 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
22. At the 8th meeting, on 2 March 2011, the President outlined the modalities for the general segment, which would be 5 minutes for statements by States Members of the Council and 3 minutes for statements by observer States of the Council and other observers.
23. At the 9th meeting, on 3 March 2011, the President outlined the modalities for the interactive dialogue for the annual report of the High Commissioner, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
24. At the 11th meeting, on 4 March 2011, the President outlined the modalities for the general debate for reports of the Office of the High Commissioner and the Secretary-General, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
25. At the 12th meeting, on 4 March 2011, the President revised the modalities for the annual interactive debate on the rights of persons with disabilities, which would be 2 minutes for States Members of the Council and 2 minutes for observer States, followed by other observers.
26. At the 13th meeting, on 7 March 2011, the President outlined the modalities for the interactive dialogue with special procedures mandate holders under agenda item 3, which would be 10 minutes for

the presentation by the mandate holder of the main report, with a further 2 minutes to present each additional report; 5 minutes for concerned countries, if any, and States Members of the Council; 3 minutes for statements by observer States of the Council and other observers, including United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations; and 5 minutes for concluding remarks by the mandate holder.

27. At the 22nd meeting, on 10 March 2011, the President outlined the modalities for the general debate on agenda item 3, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
28. At the 25th meeting, on 14 March 2011, the President outlined the modalities for the interactive dialogue with special procedures mandate holders under agenda item 4, which would be 10 minutes for the presentation by the mandate holder of the report, 5 minutes for concerned countries, 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
29. At the 27th meeting, on 14 March 2011, the President outlined the modalities for the general debate on agenda item 4, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
30. At the 30th meeting, on 15 March 2011, the President outlined the modalities for the general debate on agenda item 5, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
31. At the 31st meeting, on 16 March 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 Council, observer States and United Nations agencies to express their views on the outcome of the review and whenever necessary, and in order to accommodate the maximum number of speakers; 2 minutes for States Members and observer States; and up to 20 minutes for stakeholders to make general comments on the outcome of the review, of which 2 minutes would be given to each speaker.
32. At the 36th meeting, on 18 March 2011, the President outlined the modalities for the general debate on agenda item 6, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
33. At the 39th meeting, on 21 March 2011, the President outlined the modalities for the general debate on agenda item 7, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
34. At the 40th meeting, on 22 March 2011, the President outlined the modalities for the general debate on agenda item 8, which would be 3

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

35. At the 41st meeting, on 22 March 2011, the President outlined the modalities for the general debate on agenda item 9, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
36. At the 43rd meeting, on 23 March 2011, the President outlined the modalities for the general debate on agenda item 10, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.

## **G. Meetings and documentation**

37. The Council held 48 fully serviced meetings during its sixteenth session.
38. The resolutions and decisions adopted by the Council are contained in part one of the present report.
39. Annex I contains the list of attendance.
40. Annex II contains the agenda of the Council as included in part V of the annex to Council resolution 5/1.
41. Annex III contains the estimated administrative and programme budget implications of Council resolutions and decisions.
42. Annex IV contains the list of documents issued for the sixteenth session of the Council.
43. Annex V contains the list of special procedures mandate holders appointed by the Council at its sixteenth session.
44. Annex VI contains the list of members appointed to the expert mechanism on the rights of indigenous peoples and the forum on minority issues.
45. Annex VII contains the list of members of the Advisory Committee and duration of terms of membership.

## **H. Visits**

46. At the 11th meeting, on 4 March 2011, the President of Italy, H.E. Mr. Giorgio Napolitano, delivered a statement to the Council.
47. At the 43rd meeting, on 23 March 2011, the Minister of State at the Office of the Prime Minister of Somalia, H.E. Madame Zahra Mohamed Ali Samantar addressed the Council.

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

48. At its 44th meeting, on 23 March 2011, the Council appointed special procedures mandate holders in accordance with Council resolution 5/1 (see annex V).

**J. Selection and appointment of members of the Expert Mechanism on the Rights of Indigenous Peoples**

49. At its 44th meeting, on 23 March 2011, the Council, pursuant to its resolutions 5/1 and 6/36, appointed five experts to the Human Rights Council expert mechanism on the rights of indigenous peoples. The Council had before it a note by the President of the Council containing nominations of candidates for appointment.
50. The Council appointed the following members: Vital Bambanze (Burundi), Anastasia Chukhman (Russian Federation), Jannie Lasimbang (Malaysia), Wilton Littlechild (Canada), José Carlos Morales Morales (Costa Rica) (see annex VI).
51. As requested in operative paragraph 8 of Council resolution 12/13, the Council proceeded with the drawing by lot of the staggered terms of membership for the members of the Expert Mechanism on the rights of indigenous peoples. Vital Bambanze was appointed for one year, Anastasia Chukhman and José Carlos Morales Morales for two years, and Jannie Lasimbang and Wilton Littlechild for three years.

**K. Election of members of the Human Rights Council Advisory Committee**

52. At the 44th meeting, on 23 March 2011, the Council elected, pursuant to its resolution 5/1, seven experts to the Human Rights Council Advisory Committee. The Council had before it a note by the Secretary-General (A/HRC/16/19 and Add.1) containing nominations of candidates for election, in accordance with Council decision 6/102, and the biographical data of the candidates.

The candidates were as follows:

**African States**

Nominating Member State	Expert nominated
Mauritius	Dheerujall Baramlall Seetulsingh
Nigeria	Obiora Chinedu Okafor

**Asian States**

Nominating Member State	Expert nominated
Pakistan	Ahmer Bilal Soofi
Philippines	Purificacion Quisumbing

**Eastern European States**

Nominating Member State	Expert nominated
Azerbaijan	Latif Huseynov

**Latin American and Caribbean States**

Nominating Member State	Expert nominated
Guatemala	Anantonia Reyes Prado

**Western European and other States**

Nominating Member State	Expert nominated
France	Laurence Boisson de Chazournes

53. The number of candidates for each regional group corresponded to the number of seats to be filled. The practice of holding a secret ballot pursuant to paragraph 70 of Council resolution 5/1 was dispensed with and Dheerujall Baramlall Seetulsingh, Obiora Chinedu Okafor, Ahmer Bilal Soofi, Purificacion Quisumbing, Latif Huseynov, Anantonia Reyes Prado and Laurence Boisson de Chazournes were elected as members of the Advisory Committee by consensus.

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

54. At the 48th meeting, on 25 March 2011, the Rapporteur and Vice-President of the Council made a statement in connection with the draft report of the Council (A/HRC/16/L.41).
55. At the same meeting, the draft report was adopted ad referendum and the Council decided to entrust the Rapporteur with the finalization of the report.
56. At the same meeting, the representative of International Service for Human Rights (also on behalf of Asian Forum for Human Rights and Development and Cairo Institute for Human Rights Studies) made general comments in connection with the session.
57. Also at the same meeting, the President of the Council made a closing statement.

**M. 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**

58. At the 47th meeting, on 25 March 2011, the representative of Pakistan (on behalf of the Organization of the Islamic Conference) introduced

draft resolution A/HRC/16/L.5, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and co-sponsored by Iraq on behalf of the Group of Arab States. Subsequently, Algeria, Bolivia (Plurinational State of), Cuba, Ireland, Malta, Nicaragua, Portugal, Slovenia and Venezuela (Bolivarian Republic of) joined the sponsors.

59. At the same meeting, the representative of Pakistan orally revised the draft resolution.
60. Also at the same meeting, the representative of Turkey made a statement as a concerned country.
61. At the same meeting, the representative of Palestine made a statement as a concerned party.
62. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.
63. 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/16/L.5 as orally revised. The draft resolution as orally revised was adopted by 37 votes in favour, 1 against, with 8 abstentions. The voting was as follows:

*In favour:*

*Angola, Argentina, Bahrain, Bangladesh, Belgium, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Ecuador, France, Gabon, 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, Uruguay;*

*Against:*

*United States of America;*

*Abstaining:*

*Cameroon, Hungary, Poland, Republic of Moldova, Republic of Korea, Slovakia, Ukraine, Zambia.*

64. For the text as adopted, see part one, chapter I, resolution 16/20.
65. At the 48th meeting, on the same day, the representative of the Republic of Korea made a statement in explanation of vote after the vote.

#### **Review of the work and functioning of the Human Rights Council**

66. At the 47th meeting, on 25 March 2011, the President of the Council introduced draft resolution A/HRC/16/L.39.
67. At the same meeting, the representatives of Argentina, Brazil, Chile, China, Cuba, Hungary (on behalf of States Members of the European Union that are members of the Council), Japan, Mexico, Nigeria (on behalf of the

African Group), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Saudi Arabia, Switzerland and Uganda made general comments in relation to the draft resolution.

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

69. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote, disassociating the delegation from the consensus in relation to the draft resolution.

70. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/21).

**Postponement of the renewal of the mandate of the Independent Expert on human rights and international solidarity**

71. At the 48th meeting, on 25 March 2011, the representative of Cuba introduced draft decision A/HRC/16/L.40, sponsored by Cuba.

72. At the same meeting, the representative of Hungary, on behalf of States Members of the European Union that are members of the Council, and the representative of the United States of America made statements in explanation of vote before the vote.

73. Also at the same meeting, at the request of the representative of the Hungary, on behalf of States Members of the European Union that are members of the Council, a recorded vote was taken on draft resolution A/HRC/16/L.40. The draft decision was adopted by 32 votes in favour, 14 against, 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 Moldova, Republic of Korea, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America.*

74. For the text as adopted, see part one, chap. II, decision 16/118.

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

### **A. Annual report of the United Nations High Commissioner for Human Rights**

75. At the 9th meeting, on 3 March 2011, the United Nations High Commissioner for Human Rights made a statement in connection with her annual report (A/HRC/16/20).
76. During the ensuing interactive dialogue, at the 9th and 10th meetings, on 3 March 2011, the following made statements and asked the High Commissioner questions:
- (a) Representatives of States Members of the Council: Bangladesh, Belgium, Brazil, Burkina Faso, Chile, China, Cuba, Ecuador, France, Ghana, Hungary (on behalf of the European Union) Iraq<sup>1</sup> (on behalf of the Group of Arab States), Japan, Jordan, Malaysia, Maldives, Mauritania, Mexico, Nigeria (on behalf of the Group of African States), Norway, Pakistan (also on behalf of the Organization of the Islamic Conference), Poland, Republic of Korea, Russian Federation, Saudi Arabia, Spain, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay;
  - (b) Representatives of the following observer States: Algeria, Australia, Austria, Azerbaijan, Belarus, Bulgaria, Canada, Chad, Colombia, Congo, Costa Rica, Czech Republic, Egypt, Ethiopia, Germany, Greece, Honduras, India, Indonesia, Ireland, Iran (Islamic Republic of), Israel, Italy, Morocco, New Zealand, Paraguay, Philippines, Romania, Slovenia, South Africa, Sri Lanka, Tunisia, Turkey, Uzbekistan;
  - (c) Observer for Palestine;
  - (d) Observer for an intergovernmental organization: African Union;
  - (e) Observers for the following national human rights institutions: International Coordinating Committee of National Human Rights Institutions, National Council on Human Rights of Egypt (on behalf of the national human rights institutions of Egypt, Jordan, Mauritania, Morocco, Palestine and Qatar);
  - (f) Observers for the following non-governmental organizations: Action Internationale pour la Paix et le Développement dans la Région des Grands Lacs, Amnesty International, Cairo Institute for Human Rights Studies, Canadian HIV/AIDS Legal Network, CIVICUS-World Alliance for Citizen Participation, Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme

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

et des Peuples, European Region of the International Lesbian and Gay Federation, Federation of Cuban Women, Human Rights Watch, International Commission of Jurists, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Service for Human Rights, The Foundation for Human Rights and Freedoms and Humanitarian Relief, United Nations Watch.

77. At the 9th and 10th meetings, on 3 March 2011, the High Commissioner answered questions.
78. At the 10th meeting, on the same day, the High Commissioner answered questions and made her concluding remarks.
79. At the same meeting, a statement in exercise of the right of reply was made by the representative of the Democratic People's Republic of Korea.

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

80. At the 11th meeting, on 4 March 2011, the Deputy High Commissioner for Human Rights presented thematic reports prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Secretary-General.
81. During the ensuing general debate on thematic reports at the same meeting, statements were made by the following:
  - (a) Representatives of States Members of the Council: Brazil, Cuba, Hungary (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Iceland, Montenegro, Republic of Moldova, Serbia, The former Yugoslav Republic of Macedonia Turkey and Ukraine), Maldives, Qatar, Russian Federation, Spain;
  - (b) Representatives of the following observer States: Australia, Costa Rica, India, Indonesia, Iran (Islamic Republic of), Nepal;
  - (c) Observer for United Nations entities, specialized agencies and related organizations: UNAIDS;
  - (d) Observers for a national human rights institution: Advisory Council on Human Rights of Morocco;
  - (e) Observers for the following non-governmental organizations: Association Comunità Papa Giovanni XXIII (also on behalf of Caritas Internationalis, International Catholic Child Bureau, International Volunteerism Organization for Women Education and Development, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco), Association of World Citizens, Commission to Study the Organization of Peace, International Association for Democracy in Africa, International Club for Peace Research, International Institute for Peace, International Islamic Federation of Student Organizations, Liberation, North-South XXI, Tchad agir pour l'environnement.
82. At the 39th meeting, on 21 March 2011, the High Commissioner for Human Rights presented reports concerning the human rights situation

in Palestine and other occupied Arab territories, prepared by the High Commissioner, the Office of the High Commissioner and the Secretary-General (see Chapter VII below).

83. At the 43rd meeting, on 23 March 2011, the Deputy High Commissioner for Human Rights presented country-specific reports prepared by the High Commissioner, the Office of the High Commissioner and the Secretary-General (see Chapter X below).

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

84. At the 46th meeting, on 24 March 2011, the representative of Cuba introduced draft resolution A/HRC/16/L.19, sponsored by Cuba and co-sponsored by Belarus, Bolivia (Plurinational State of), China, Djibouti, Ecuador, Indonesia, Nicaragua, Pakistan, Singapore, Sri Lanka and Venezuela (Bolivarian Republic of). Subsequently, Algeria, Angola, Bangladesh, Burkina Faso, Costa Rica, Democratic People's Republic of Korea, Haiti, Islamic Republic of Iran, Kenya, Lebanon, Malaysia, Nigeria, Palestine, Panama, Philippines, Russian Federation, Sudan, Syrian Arab Republic, Thailand, Uruguay, Viet-Nam, Zambia, Zimbabwe joined the sponsors.
85. At the same meeting, the representatives of Hungary (on behalf of States Members of the European Union that are members of the Council), Switzerland and the United States of America made statements in explanation of vote before the vote.
86. Also at the same meeting, at the request of the representative of the Hungary, on behalf of States Members of the European Union that are members of the Council, a recorded vote was taken on draft resolution A/HRC/16/L.19. The draft decision was adopted by 31 votes in favour, 13 against, with 2 abstentions. The voting was as follows:

*In favour:*

*Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, 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 Moldova, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America.*

*Abstentions:*

*Chile, Republic of Korea*

87. For the text as adopted, see part one, chap. I, resolution 16/10.
88. At the 48th meeting, on 25 March 2011, the representative of Algeria made comments in relation to the resolution.

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

#### **A. Panels**

##### **Annual interactive debate on the rights of persons with disabilities**

89. At the 12th meeting, on 4 March 2011, pursuant to Council resolution 13/11, the Council held its annual interactive debate on the rights of persons with disabilities in the form of a panel discussion. The Council divided the panel discussion into two slots, both held at the 12th meeting, on 4 March 2011. The United Nations High Commissioner for Human Rights made introductory remarks for the panel. At the same meeting, the following panellists made statements: Shuaib Chalklen, Monthian Buntan, Theresia Degener, María Verónica Reina, and Nathalie Herlemont.
90. During the ensuing panel discussion for the first slot, at the same meeting, the following made statements and asked the panellists questions:
- (a) Representatives of States Members of the Council: Cuba, Iraq<sup>1</sup> (on behalf of the Group of Arab States), Mexico, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Paraguay<sup>1</sup> (on behalf of MERCOSUR, Bolivia, Colombia, Chile, Peru and Venezuela (Bolivarian Republic of)), Ukraine;
  - (b) Representatives of the following observer States: Algeria, Austria, Germany, Honduras, Indonesia, Morocco, New Zealand, Peru;
  - (c) Observer for an intergovernmental organization: European Union;
  - (d) Observer for United Nations entities, specialized agencies and related organizations: United Nations Children's Fund;
  - (e) Observers for a national human rights institution: International Coordinating Committee of National Human Rights Institutions;
  - (f) Observers for the following non-governmental organizations: Conectas Direitos Humanos, Inclusion International (International League of Societies for Persons with Mental Handicaps).
91. At the end of the first slot, at the same meeting, the panellists answered questions and made comments.
92. During the ensuing panel discussion for the second slot, at the same meeting, the following made statements and asked the panellists questions:
- (a) Representatives of States Members of the Council: Belgium, Brazil, Malaysia, Norway, Republic of Korea, Qatar, Russian Federation, Spain, Thailand;
  - (b) Representatives of the following observer States: Argentina, Australia, Kuwait;

(c) Observer for the Anti-Personnel Mine Ban Convention Implementation Support Unit;

(d) Observer for a non-governmental organization: World Blind Union.

93. Also at the same meeting, the panellists answered questions and made their concluding remarks.

**Annual full-day meeting on the rights of the child**

94. An annual full-day meeting on the rights of the child was held on 9 March 2011, in accordance with Council resolution 13/20. The topic of the meeting was a holistic approach to the protection and promotion of the rights of children working and/or living on the street. The meeting was divided into two panel discussions: the first panel discussion was held at the 19th meeting, on 9 March 2011; the second panel discussion was held at the 20th meeting, on the same day.

95. At the 19th meeting, the High Commissioner made introductory remarks for the first panel. At the same meeting, the following panellists of the first panel made statements: Najat Maalla M'jid, Father Patrick Shanahan, Paulo Sergio Pinheiro and the following youth representatives: Riaz, Tania and Séverine. The Council divided the first panel discussion into two slots, both held at the 19th meeting.

96. During the ensuing panel discussion for the first panel, for the first slot, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Belgium, Chile, Cuba, Ecuador, Guatemala, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Spain, Thailand, Uruguay (on behalf of the Group of Latin American and Caribbean States);

(b) Representatives of the following observer States: Germany, Peru, Sri Lanka;

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

(d) Observer for a national human rights institution: Ukrainian Parliamentary Commissioner;

(e) Observers for the following non-governmental organizations: Foundation ECPAT International (also on behalf of Consortium for Street Children, Defence for Children International, International Catholic Child Bureau, International Federation of Social Workers, International Federation Terre des Hommes, Women's World Summit Foundation, World Vision International), International Save the Children Alliance (also on behalf of Consortium for Street Children, Foundation ECPAT International, International Federation Terre des Hommes, SOS Kinderdorf International, Women's World Summit Foundation).

97. At the end of the first slot, at the same meeting, the panellists answered questions and made comments.

98. During the ensuing panel discussion for the first panel, for the second slot, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Argentina, Bangladesh, Brazil, China, Djibouti, Malaysia, Saudi Arabia;

(b) Representatives of the following observer States: Finland, Indonesia, Iran (Islamic Republic of), Slovenia, Turkey;

(c) Observers for the following non-governmental organizations: International Movement ATD Fourth World (also on behalf of Franciscans International, International Catholic Child Bureau, International Council of Women), World Vision International (also on behalf of Consortium for Street Children, Defence for Children International, ECPAT International, International Catholic Child Bureau, International Federation Terre des Hommes, International Harm Reduction Association, Plan International, SOS Children's Villages International, World Women's Summit Foundation).

99. At the same meeting, the panellists of the first panel answered questions and made their concluding remarks.

100. At the 20th meeting, on the same day, the Deputy High Commissioner made introductory remarks for the second panel. The following panellists of the second panel made statements: Marta Santos Pais, Abdul Khaliq Shaikh, Marco Antonio Da Silva Souza, Theresa Kilbane and Kari Tapiola. The Council divided the second panel discussion into two slots, both held at the 20th meeting.

101. During the ensuing panel discussion for the second panel, for the first slot, at the 20th meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Angola, Maldives, Mexico, Pakistan, Paraguay<sup>1</sup> (on behalf of MERCOSUR, Bolivia, Chile, Colombia, Peru and Venezuela (Bolivarian Republic of)), Republic of Korea, Switzerland, Ukraine;

(b) Representatives of the following observer States: Algeria, Australia, Canada, Costa Rica, Honduras, Nepal;

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

(d) Observer for a national human rights institution: National Council on Human Rights of Morocco;

(e) Observers for the following non-governmental organizations: Defence for Children International (also on behalf of African Child Policy Forum, Consortium for Street Children, Covenant House/Casa Alianza, Foundation ECPAT International, International Catholic Child Bureau, International Federation Terre des Hommes, NGO Group for the Convention on the Rights of the Child, Plan International, SOS Kinderdorf International, War Child Holland, Women's World Summit Foundation, World Movement of Mothers, World Organization against Torture, World Vision International), SOS Kinderdorf International (also on behalf of African Child Policy Forum, Consortium for Street Children, Defence for Children International, Foundation ECPAT International, International Catholic Child

Bureau, International Federation Terre des Hommes, International Movement ATD Fourth World, International Social Service, NGO Group for the Convention on the Rights of the Child, Plan International, Red Latinoamericana de Acogimiento Familiar, Women's World Summit Foundation, World Movement of Mothers, World Vision International).

102. At the end of the first slot, at the same meeting, the panellists answered questions and made comments.

103. During the ensuing panel discussion for the second panel, for the second slot, at the same meeting, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Japan, Jordan, Norway, Poland, Qatar, United States of America,

(b) Representatives of the following observer States: Afghanistan, Cambodia, Egypt, Georgia, India, Indonesia, Morocco, Peru, Slovenia, Sudan, Viet Nam;

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

(d) Observers for the following non-governmental organizations: Consortium for Street Children (also on behalf of Defence for Children International, International Catholic Child Bureau, International Federation Terre des Hommes, International Harm Reduction Association, SOS Kinderdorf International, Women's World Summit Foundation), Human Rights Advocates (also on behalf of Consortium for Street Children, Defence for Children International, Women's World Summit Foundation), International Harm Reduction Association (also on behalf of Consortium for Street Children, Human Rights Watch, International Catholic Child Bureau, World Vision International), Plan International (also on behalf of Consortium for Street Children, Defence for Children International, Foundation ECPAT International, International Catholic Child Bureau, NGO Group for the Convention on the Rights of the Child, SOS Kinderdorf International, Women's World Summit Foundation, World Movement of Mothers, World Organisation Against Torture, World Vision International).

104. At the same meeting, the panellists of the second panel answered questions and made their concluding remarks.

#### **Panel on human rights and issues related to terrorist hostage-taking**

105. At the 23rd meeting, on 11 March 2011, pursuant to its Decision 15/116, the Council held a panel discussion on human rights and issues related to terrorist hostage-taking. The Deputy High Commissioner made introductory remarks for the panel. At the same meeting, the following panellists made statements: Martin Scheinin, Kamel Rezzag Bara, Cecilia Quisumbing, Soumeylou Maiga and Federico Andreu.

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

(a) Representatives of States Members of the Council: Burkina Faso, China, France, Iraq<sup>1</sup> (on behalf of the Group of Arab States), Nigeria

(on behalf of the Group of African States), Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Colombia, Iran (Islamic Republic of), Morocco, Syria.

107. At the same meeting, the panellists answered questions and made their concluding remarks.

108. At the 24th meeting, on 11 March 2011, statements in exercise of the right of reply were made by the representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America.

## **B. Interactive dialogue with special procedures mandate holders**

### **Special Rapporteur on the promotion and protection of human rights while countering terrorism**

109. At the 13th meeting, on 7 March 2011, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, Martin Scheinin, presented his reports (A/HRC/16/51 and Add.1-4).

110. At the same meeting, the representatives of Peru and Tunisia made statements as concerned countries.

111. During the ensuing interactive dialogue, at the 13th and 14th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Bangladesh, Brazil, Chile, China, Cuba, Djibouti, France, Iraq<sup>1</sup> (on behalf of the Group of Arab States), Mexico, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Saudi Arabia, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Afghanistan, Algeria, Austria, Colombia, Denmark, Egypt, Indonesia, Iran (Islamic Republic of), Iraq, New Zealand;

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

(d) Observers for the following non-governmental organizations: Amnesty International, France Libertés: Fondation Danielle Mitterrand.

112. At the 14th meeting, on 7 March 2011, the Special Rapporteur answered questions and made his concluding remarks.

### **Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

113. At the 13th meeting, on 7 March 2011, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan Ernesto Mendez, presented his reports (A/HRC/16/52 and Add.1-5).

114. At the same meeting, the representatives of Greece and Jamaica made statements as concerned countries.
115. During the ensuing interactive dialogue, at the 13th and 14th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:
- (a) Representatives of States Members of the Council: Brazil, Chile, China, Cuba, Djibouti, France, Jordan, Maldives, Mexico, Nigeria (also on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Moldova, Russian Federation, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay;
  - (b) Representatives of the following observer States: Algeria, Austria, Belarus, Czech Republic, Denmark, Egypt, Indonesia, Iran (Islamic Republic of), Ireland, Nepal, New Zealand, Paraguay, Sri Lanka, Sweden, Togo, Turkey;
  - (c) Observer for an intergovernmental organization: European Union;
  - (d) Observers for the following national human rights institutions: National Commission for Human Rights of Greece, Network of African National Human Rights Institutions;
  - (e) Observers for the following non-governmental organizations: Amnesty International, Asian Legal Resource Centre, Human Rights Advocates, International Federation of Action by Christians for the Abolition of Torture, Permanent Assembly for Human Rights, Regional Center for Human Rights and Gender Justice (also on behalf of Conectas Direitos Humanos), World Organization against Torture.
116. At the 14th meeting, on 7 March 2011, the Special Rapporteur answered questions and made his concluding remarks.

#### **Working Group on Enforced or Involuntary Disappearances**

117. At the 14th meeting, on 7 March 2011, the Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Jeremy Sarkin, presented the reports of the Working Group (A/HRC/16/48 and Add.1-3).
118. At the same meeting, the representative of Bosnia and Herzegovina made a statement as a concerned country.
119. During the ensuing interactive dialogue, at the 15th meeting, on 7 March 2011 and the 16th meeting on 8 March 2011, the following made statements and asked the Chairperson- Rapporteur questions:
- (a) Representatives of States Members of the Council: Angola, Argentina, Brazil, China, Cuba, France, Japan, Nigeria (on behalf of the Group of African States), Pakistan (also on behalf of the Organization of the Islamic Conference), Paraguay<sup>1</sup> (on behalf of MERCOSUR, Bolivia, Chile, Colombia, Peru and Venezuela (Bolivarian Republic of)), Spain, Switzerland, Thailand, United States of America, Uruguay;

(b) Representatives of the following observer States: Algeria, Colombia, Congo, Egypt, Honduras, Iran (Islamic Republic of), Morocco, Nepal, Peru, Sri Lanka;

(c) Observers for intergovernmental organizations: European Union, International Organization of La Francophonie;

(d) Observer for a national human rights institution: National Council on Human Rights of Morocco;

(e) Observers for the following non-governmental organizations: Asian Legal Resource Centre, International Commission of Jurists, International Movement Against All Forms of Discrimination and Racism.

120. At the 16th meeting, on 8 March 2011, the Chairperson-Rapporteur answered questions and made his concluding remarks.

121. At the 15th meeting, on 7 March 2011, statements in exercise of the right of reply were made by the representatives of Democratic People's Republic of Korea and Japan.

122. At the same meeting, statements in exercise of a second right of reply were made by the representatives of Democratic People's Republic of Korea and Japan.

123. At the 18th meeting, on 8 March 2011, a statement in exercise of the right of reply was made by the representative of Thailand.

#### **Working Group on Arbitrary Detention**

124. At the 14th meeting, on 7 March 2011, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, El Hadji Malick Sow, presented the reports of the Working Group (A/HRC/16/47 and Add.1-3).

125. At the same meeting, the representatives of Armenia and Malaysia made statements as concerned countries.

126. During the ensuing interactive dialogue, at the 15th meeting, on 7 March 2011 and the 16th meeting on 8 March 2011, the following made statements and asked the Chairperson-Rapporteur questions:

(a) Representatives of States Members of the Council: Angola, Brazil, Chile, China, Cuba, France, Kyrgyzstan, Pakistan (on behalf of the Organization of the Islamic Conference), Nigeria (on behalf of the Group of African States), Russian Federation, Spain, Thailand, United States of America, Zambia;

(b) Representatives of the following observer States: Algeria, Austria, Belarus, Colombia, Egypt, Iran (Islamic Republic of), Iraq, Nepal, Peru, Venezuela (Bolivarian Republic of);

(c) Observer of an intergovernmental organization: European Union;

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

(e) Observers for the following non-governmental organizations: Asian Forum for Human Rights and Development, BADIL Resource Center for Palestinian Residency and Refugee Rights, Federation of Cuban Women

(also on behalf of American Association of Jurists), Human Rights Watch, International Association for Democracy in Africa, International Commission of Jurists, International Movement Against All Forms of Discrimination and Racism.

127. At the 16th meeting, on 8 March 2011, the Chairperson-Rapporteur answered questions and made his concluding remarks.

**Special Rapporteur on the human rights of internally displaced persons**

128. At the 14th meeting, on 7 March 2011, the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, presented his reports (A/HRC/16/43 and Add.1-5).

129. At the same meeting, the representative of Iraq made a statement as a concerned country.

130. During the ensuing interactive dialogue, at the 15th meeting on 7 March 2011 and the 16th meeting on 8 March 2011, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Brazil, China, Djibouti, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Switzerland, United States of America;

(b) Representatives of the following observer States: Algeria, Armenia, Australia, Austria, Azerbaijan, Colombia, Democratic Republic of the Congo, Egypt, Georgia, Nepal, Sri Lanka, Turkey;

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

(d) Observers for the following non-governmental organizations: Colombian Commission of Jurists, Commission to Study the Organization of Peace, International Movement Against All Forms of Discrimination and Racism.

131. At the 16th meeting, on 8 March 2011, the Special Rapporteur answered questions and made his concluding remarks.

132. At the 15th meeting, on 7 March 2011, statements in exercise of the right of reply were made by the representatives of Armenia, Azerbaijan, Georgia and the Russian Federation.

133. At the same meeting, statements in exercise of a second right of reply were made by the representatives of Armenia, Azerbaijan and Georgia.

**Special Rapporteur on the right to food**

134. At the 16th meeting, on 8 March 2011, the Special Rapporteur on the right to food, Olivier De Schutter, presented his reports (A/HRC/16/49 and Add.1-3).

135. At the same meeting, the representative of the Syrian Arab Republic made a statement as a concerned country.

136. During the ensuing interactive dialogue, at the 16th and 17th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Argentina, Bangladesh, Brazil, China, Cuba, Djibouti, Ecuador, Ghana, Nigeria (on behalf of the Group of African States), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Saudi Arabia, Switzerland, Thailand, United States of America, Uruguay, Zambia;

(b) Representatives of the following observer States: Algeria, Australia, Canada, Iran (Islamic Republic of), Israel, Luxembourg, Morocco, Netherlands, South Africa, Sudan, Venezuela (Bolivarian Republic of);

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

(d) Observer for the Holy See;

(e) Observers for the following non-governmental organizations: China NGO Network for International Exchange, Human Rights Advocates, Indian Movement "Tupaj Amaru", International Institute for Non-Aligned Studies, Society for Threatened Peoples.

137. At the 17th meeting, on the same day, the Special Rapporteur answered questions and made his concluding remarks.

**Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context**

138. At the 16th meeting, on 8 March 2011, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, presented her reports (A/HRC/16/42 and Add.1-4).

139. At the same meeting, the representatives of Croatia and Kazakhstan made statements as concerned countries.

140. During the ensuing interactive dialogue, at 16th and 17th meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Bangladesh, Brazil, Chile, Cuba, Ecuador, Maldives, Nigeria (also on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), United States of America, Uruguay, Zambia;

(b) Representatives of the following observer States: Algeria, Finland, Germany, Honduras, India, Morocco, Rwanda, Serbia, South Africa, Sudan, Timor-Leste;

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

(d) Observer for Palestine;

(e) Observer for a national human rights institution: Croatian Ombudsman;

(f) Observers for the following non-governmental organizations: BADIL Resource Center for Palestinian Residency and Refugee Rights, European Disability Forum, Permanent Assembly for Human Rights.

141. At the 17th meeting, on the same day, the Special Rapporteur answered questions and made her concluding remarks.

**Special Rapporteur on the sale of children, child prostitution and child pornography**

142. At the 18th meeting, on 8 March 2011, the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid, presented her reports (A/HRC/16/57 and Add.1-5) and the joint report with the Special Representative of the Secretary-General on violence against children (A/HRC/16/56).

143. At the same meeting, the representatives of El Salvador, Senegal, the United Arab Emirates and the United States of America made statements as concerned countries.

144. During the ensuing interactive dialogue at the same meeting, on the same day, and the 19th meeting, on 9 March 2011, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Belgium, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Indonesia<sup>1</sup> (on behalf of ASEAN), Iraq<sup>1</sup> (on behalf of the Group of Arab States), Malaysia, Maldives, Mexico, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Slovakia, Thailand, Uruguay;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Congo, Costa Rica, Egypt, Finland, Kuwait, Morocco, Slovenia, Sudan;

(c) Observer for United Nations entities, specialized agencies and related organizations: United Nations Children's Fund;

(d) Observer of an intergovernmental organization: European Union;

(e) Observer for a non-governmental organization: International Movement ATD Fourth World.

145. At the 19th meeting, on 9 March 2011, the Special Rapporteur answered questions and made her concluding remarks.

**Special Rapporteur on the situation of human rights defenders**

146. At the 21st meeting, on 10 March 2011, the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, presented her reports (A/HRC/16/44 and Add.1-3).

147. At the same meeting, the representative of Armenia made a statement as a concerned country.

148. During the ensuing interactive dialogue at the 21st and 22nd meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Angola, Bangladesh, Brazil, Chile, China, Ecuador, France, Guatemala, Mexico, Nigeria, Norway, Pakistan (also on behalf of the Organization of the Islamic Conference), Poland, Russian Federation, Slovakia, Spain, Switzerland, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Belarus, Canada, Colombia, Czech Republic, Democratic Republic of the Congo, Denmark, Egypt, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Morocco, New Zealand, Serbia, Slovenia, Sudan, Tunisia, Uzbekistan;

(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 the following non-governmental organizations: Asian Forum for Human Rights and Development, CIVICUS, Front Line (on behalf of the Women Human Rights Defenders International Coalition), Human Rights First (also on behalf of International Federation for Human Rights Leagues and World Organisation against Torture), International Service for Human Rights, Mouvement contre le racisme et pour l'amitié entre les peuples (also on behalf of France Libertés: Fondation Danielle Mitterrand), Pax Romana.

149. At the 22nd meeting, on the same day, the Special Rapporteur answered questions and made her concluding remarks.

#### **Special Rapporteur on freedom of religion or belief**

150. At the 21st meeting, on 10 March 2011, the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, presented his reports (A/HRC/16/53 and Add.1).

151. During the ensuing interactive dialogue, at the 21st and 22nd meetings, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Angola, Bangladesh, Belgium, Brazil, China, Ecuador, France, Ghana, Hungary, Nigeria, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Poland, Russian Federation, Slovakia, Switzerland, Uganda, United States of America;

(b) Representatives of the following observer States: Algeria, Armenia, Australia, Austria, Belarus, Canada, Czech Republic, Denmark, Egypt, Germany, Indonesia, Ireland, Italy, Kuwait, Luxembourg, Paraguay, Slovenia, Sudan;

(c) Observers for the Holy See and the Sovereign Military Order of Malta;

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

(e) Observer for a national human rights institution: Indonesian Human Rights Commission Komnas HAM;

(f) Observers for the following non-governmental organizations: Baha'i International Community, Human Rights First (also on behalf of International Federation for Human Rights Leagues and World Organisation against Torture), Pax Romana.

152. At the 22nd meeting, on the same day, the Special Rapporteur answered questions and made his concluding remarks.

#### **Independent expert on minority issues**

153. At the 29th meeting, on 15 March 2011, the independent expert on minority issues, Gay McDougall, presented her reports (A/HRC/16/45 and Add.1 and 2).

154. At the same meeting, the representatives of Colombia and Viet Nam made statements as concerned countries.

155. During the ensuing interactive dialogue, at the same meeting, the following made statements and asked the independent expert questions:

(a) Representatives of States Members of the Council: Bangladesh, Brazil, China, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, United States of America;

(b) Representatives of the following observer States: Armenia, Australia, Austria, Georgia, Greece, Haiti, Italy, Latvia, Morocco, Slovenia, South Africa, Turkey;

(c) Observer for United Nations entities, specialized agencies and related organizations: United Nations Children's Fund;

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

(e) Observers for the following non-governmental organizations: Chinese People's Association for Friendship with Foreign Countries, Colombian Commission of Jurists, European Bureau for Lesser Used Languages, Minority Rights Group, Pax Romana, World Citizen Association.

156. At the same meeting, the independent expert answered questions and made her concluding remarks.

### **C. Interactive dialogue with the Special Representative of the Secretary-General on violence against children**

157. At the 18th meeting, on 8 March 2011, the Special Representative of the Secretary-General on violence against children, Marta Santos Pais, presented her report (A/HRC/16/54) and the joint report with the Special Rapporteur on the sale of children (A/HRC/16/56).

158. During the ensuing interactive dialogue, at the same meeting, on the same day, and at the 19th meeting, on 9 March 2011, the following made statements and asked the Special Representative of the Secretary-General questions:

(a) Representatives of States Members of the Council: Belgium, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Indonesia<sup>1</sup> (on behalf of ASEAN), Iraq<sup>1</sup> (on behalf of the Group of Arab States), Malaysia, Maldives, Mexico, Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Republic of Korea, Russian Federation, Slovakia, Uruguay;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Congo, Costa Rica, Egypt, Finland, Kuwait, Morocco, Slovenia, Sudan, Thailand;

(c) Observer for United Nations entities, specialized agencies and related organizations: United Nations Children's Fund;

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

(e) Observers for the following non-governmental organizations: Defence for Children International, Human Rights Advocates, International Movement ATD Fourth World, United Network of Young Peacebuilders, Verein Südwind Entwicklungspolitik, World Organisation Against Torture (also on behalf of Defence for Children International and International Catholic Child Bureau).

159. At the 19th meeting, on 9 March 2011, the Special Representative of the Secretary-General answered questions and made her concluding remarks.

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

160. At the 22nd meeting, on 10 March 2011, at the 24th meeting, on 11 March 2011, and at the 25th meeting, on 14 March 2011, the Council held a general debate on agenda item 3, during which the following made statements:

(a) Representatives of States Members of the Council: Costa Rica<sup>1</sup> (on behalf of the Group of Latin American and Caribbean States), Cuba, Hungary (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, Republic of Moldova, Serbia, The former Yugoslav Republic of Macedonia and Turkey), Lithuania<sup>1</sup> (on behalf of the Convening Group of the Community of Democracies), Nigeria (on behalf of the Group of African States), Norway, Pakistan, Poland, Senegal, Spain, United States of America;

(b) Representatives of the following observer States: Algeria, Costa Rica, Iran (Islamic Republic of), Morocco, Namibia, Slovenia;

(c) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Al-Hakim Foundation, American Association of Jurists (also on behalf of International Educational Development and Mouvement contre le racisme et pour l'amitié entre les peuples), Amnesty International, Asia Pacific Forum on Women Law and Development, Asian Legal Resource Centre, Association for Women's Rights in Development, Associazione Comunita Papa Giovanni XXIII (also on behalf of Association Points-Coeur, Dominicanas for Justice and Peace - Order of Preachers, International Catholic Child Bureau, International Organization for the Right to Education and Freedom of Education, International Volunteerism Organization for Women

Education and Development – VIDES, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, New Humanity, Pax Romana, Teresian Association and World Union of Catholic Women's Organizations), BADIL Resource Center for Palestinian Residency and Refugee Rights, Cairo Institute for Human Rights Studies, Canadian HIV/AIDS Legal Network (also on behalf of Asia Pacific Forum on Women Law and Development, Association for Women's Rights in Development, BAOBAB for Women's Human Rights, Center for Women's Global Leadership, Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit - COC Nederland), Center for Environmental and Management Studies, Center for Inquiry, Centre for Human Rights and Peace Advocacy, Centrist Democratic International, Charitable Institute for Protecting Social Victims, China NGO Network for International Exchanges, Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples, Commission of the Churches on International Affairs of the World Council of Churches, Commission to Study the Organization of Peace, Conectas Direitos Humanos (also on behalf of Action Canada for Population and Development), Conscience and Peace Tax International, European Disability Forum, European Union of Public Relations, France Libertés (also on behalf of American Association of Jurists and Mouvement contre le racisme et pour l'amitié entre les peuples), Franciscans International, Fundacion Para la Libertad, Human Rights Advocates, Indian Council of Education, Indian Council of South America, International Association for Democracy in Africa, International Association of Peace Messenger Cities, International Club for Peace Research, International Committee for the Indians of the Americas (also on behalf of Indian Council of South America), International Educational Development, International Federation of ACAT, International Institute for Peace, International Islamic Federation of Student Organizations, International Movement against all forms of discrimination and racism, Japanese Workers' Committee for Human Rights, Jubilee Campaign, Liberation, North-South XXI, Organisation pour la Communication en Afrique et de Promotion de la Cooperation Economique Internationale, Organization for Defending Victims of Violence, Pax Romana, Presse Embleme Campaign, Reporters Without Borders, Society for Threatened Peoples, SOS Kinderdorf International (also on behalf of Defence for Children International, Foundation ECPAT International, International Federation Terre Des Hommes, International Save the Children Alliance, Plan International, World Organisation Against Torture and World Vision International), Tchad agir pour l'environnement, Union de l'action feminine, United Nations Watch, United Towns Agency for North-South Cooperation, Universal Peace Federation, World Federation of Democratic Youth, World Federation of Trade Unions (also on behalf of Federation of Cuban Women), World Muslim Congress, World Union for Progressive Judaism.

161. Observers for the following non-governmental organizations made their statements at the 12th meeting on 4 March: Indian Movement "Tupaj Amaru", International Human Rights Association of American Minorities, International Humanist and Ethical Union, United Schools International.
162. At the 24th meeting, on 11 March 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**

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

163. At the 44th meeting, on 23 March 2011, the representative of Morocco on behalf of the Platform on Human Rights Education and Training introduced draft resolution A/HRC/16/L.1, sponsored by Morocco on behalf of the Platform on Human Rights Education and Training and co-sponsored by Austria, Chile, Costa Rica, France, Italy, Lithuania, Monaco, Morocco, Peru, Philippines, Portugal, Senegal Serbia, Slovakia, Slovenia, Spain and Switzerland. Subsequently, Albania, Argentina, Armenia, Australia, Bangladesh, Belarus, Bolivia (Plurinational State of), Bosnia-Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Chad, Colombia, Congo, Cote d'Ivoire, Croatia, Cyprus, the Democratic Republic of the Congo, Djibouti, Egypt, Gabon, Georgia, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Israel, Japan, Jordan, Kenya, Lebanon, Luxembourg, Mauritania, Mauritius, Mexico, Montenegro, Nicaragua, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, Saudi Arabia, Somalia, Sri Lanka, Sudan, Syria Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, Uruguay, Venezuela (Bolivarian Republic of) and Zambia joined the sponsors.
164. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland made general comments in relation to the draft resolution.
165. Also at the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.
166. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/1).

### **The human right to safe drinking water and sanitation**

167. At the 45th meeting, on 24 March 2011, the representatives of Germany and Spain introduced draft resolution A/HRC/16/L.4, sponsored by Germany and Spain and co-sponsored by Albania, Andorra, Armenia, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Croatia, Cyprus, Estonia, Finland, France, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jordan, Lithuania, Luxembourg, Maldives, Monaco, Morocco, Netherlands, Nicaragua, Norway, Palestine, Panama, Peru, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Uruguay, Yemen. Subsequently, Austria, Belgium, Cameroon, Chad, Kenya, Latvia, Montenegro, Qatar, Republic of Moldova, Senegal, Singapore, St Kitts and Nevis, the Former Yugoslav Republic of Macedonia, Venezuela (Bolivarian Republic of) and Viet-Nam joined the sponsors.
168. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).

169. At the same meeting, the representatives of Argentina, Mauritania, and Nigeria, on behalf of the States Members of the Group of African States that are members of the Council, made general comments in relation to the draft resolution.
170. Also at the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.
171. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland made a statement in explanation of vote before the vote, disassociating the delegation from the consensus in relation to the draft resolution.
172. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/2).
173. At the 48th meeting, on 25 March 2011, the representative of Ecuador made a statement in explanation of vote after the vote.
174. Also at the 48th meeting, the representatives of Austria and Bolivia (Plurinational State of) made comments in relation to the resolution.

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

175. At the 45th meeting, on 24 March 2011, the representative of the Russian Federation introduced draft resolution A/HRC/16/L.6, sponsored by the Russian Federation and co-sponsored by Algeria, Angola, Bangladesh, Belarus, Bolivia (Plurinational State of), China, Cuba, Democratic People's Republic of Korea, Djibouti, Ethiopia, Gabon, Indonesia, Kazakhstan, Kyrgyzstan, Lebanon, Mauritania, Morocco, Namibia, Pakistan, Palestine, Russian Federation, Singapore, Sri Lanka, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe. Subsequently, Botswana, Burkina Faso, Burundi, Chad, Egypt, Islamic Republic of Iran, Lao Democratic People's Republic, Madagascar, Malaysia, Nicaragua, Nigeria, Pakistan (on behalf of the Organization of Islamic Conference), Qatar, Thailand and Uzbekistan joined the sponsors.
176. At the same meeting, the representative of the Russian Federation orally revised the draft resolution.
177. At the same meeting, the representatives of China and Pakistan, on behalf of the States Members of the Organization of Islamic Conference that are members of the Council, made general comments in relation to the draft resolution.
178. At the same meeting, the representative of Nigeria proposed an oral revision to the draft resolution as orally revised.
179. At the same meeting, the representative of the Russian Federation agreed to the oral revision.
180. At the same meeting, the representatives of Chile, also on behalf of Argentina, Brazil and Uruguay, Hungary, on behalf of the States Members of the European Union that are members of the Council, Mexico and the United States of America made statements in explanation of vote before the vote.

181. 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/16/L.6 as orally revised. The draft resolution as orally revised was adopted by 24 votes in favour, 14 against, with 7 abstentions. The voting was as follows:

*In favour:*

*Angola, Bahrain, Bangladesh, Burkina Faso, Cameroon, China, Cuba, Djibouti, Ecuador, Ghana, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Zambia;*

*Against:*

*Belgium, France, Hungary, Japan, Mauritius, Mexico, Norway, Poland, Republic of Korea, Slovakia, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America;*

*Abstaining:*

*Argentina, Brazil, Chile, Guatemala, Republic of Moldova, Ukraine, Uruguay.*

182. For the text as adopted, see part one, chap. I, resolution 16/3.
183. At the 48th meeting, on 25 March 2011, the representatives of Maldives and Switzerland made statements in explanation of vote after the vote.

**Freedom of opinion and expression: mandate of the Special Rapporteur on the promotion and protection of the rights to freedom of opinion and expression**

184. At the 45th meeting, on 24 March 2011, the representatives of Egypt and the United States of America introduced draft resolution A/HRC/16/L.10, sponsored by Egypt and the United States of America and co-sponsored by Albania, Argentina, Australia, Canada, Chile, Colombia, Finland, Georgia, Guatemala, India, Jordan, Maldives, Mauritius, Mexico, Monaco, Peru, Portugal, Sweden, Switzerland, Turkey and Uruguay. Subsequently, Algeria, Austria, Belgium, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Costa Rica, Cote d'Ivoire, Croatia, Czech Republic, Denmark, Estonia, France, Gabon, Greece, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malaysia, Malta, Montenegro, Netherlands, New Zealand, Nigeria, Norway, Palestine, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Senegal, Serbia, Slovakia, Slovenia, Somalia, Spain, Switzerland, Thailand, Uganda, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Zambia joined the sponsors.
185. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).
186. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/4).

**Mandate of the Special Rapporteur on the situation of human rights defenders**

187. At the 45th meeting, on 24 March 2011, the representative of Norway introduced draft resolution A/HRC/16/L.15, sponsored by Norway and co-sponsored by Argentina, Armenia, Australia, Bolivia (Plurinational State of), Canada, Chile, Colombia, Croatia, Guatemala, Iceland, Indonesia, Jordan, Mexico, Monaco, Montenegro, New Zealand, Norway, Panama, Paraguay, Peru, Romania, Serbia, Slovenia, Switzerland, Timor-Leste, Turkey, Ukraine, Uruguay and Zambia. Subsequently, Albania, Austria, Belgium, Bulgaria, Costa Rica, Cyprus, Czech Republic, Denmark, Estonia, Finland, Georgia, Germany, Greece, Hungary, Ireland, Israel, Japan, Latvia, Liechtenstein, Lithuania, Malta, Mauritius, Netherlands, Poland, Portugal, Republic of Korea, Republic of Moldova, Senegal, Slovakia, Spain, Sweden, Thailand, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America joined the sponsors.
188. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).
189. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/5).

**Mandate of the independent expert on minority issues**

190. At the 45th meeting, on 24 March 2011, the representative of Austria introduced draft resolution A/HRC/16/L.24, sponsored by Austria and co-sponsored by Albania, Argentina, Armenia, Australia, Benin, Bosnia and Herzegovina, Brazil, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Finland, Germany, Greece, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Mexico, Montenegro, Netherlands, Nicaragua, Norway, Peru Poland, Romania, Serbia, Slovenia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of). Subsequently, Angola, Belarus, Bulgaria, Cape Verde, Cote d'Ivoire, Cuba, Ecuador, Gabon, Georgia, Guinea, Haiti, Iceland, Jordan, Kenya, Lebanon, Malta, Monaco, Nigeria, Republic of Korea, Republic of Moldova, Russian Federation, Senegal, Slovakia, Timor-Leste, Uganda, United States of America, Uruguay, Viet-Nam and Zambia joined the sponsors.
191. At the same meeting, the representative of Austria orally revised the draft resolution.
192. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).
193. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/6).

194. At the 48th meeting, on 25 March 2011, the representative of South Africa made comments in relation to the resolution.

**Mandate of the Special Rapporteur on violence against women, its causes and consequences**

195. At the 45th meeting, on 24 March 2011, the representative of Canada introduced draft resolution A/HRC/16/L.26, sponsored by Canada and co-sponsored by Albania, Argentina, Armenia, Australia, Austria, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Chile, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Jordan, Liechtenstein, Lithuania, Maldives, Mexico, Monaco, Montenegro, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Palestine, Panama, Paraguay, Peru, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Belarus, Belgium, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Congo, Cote d'Ivoire, Cyprus, Djibouti, Ecuador, Gabon, Ghana, Honduras, Japan, Kenya, Latvia, Lebanon, Luxembourg, Madagascar, Malta, Mauritius, Philippines, Republic of Korea, Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Uganda, Ukraine, Tanzania, Turkey, the United States of America, Venezuela (Bolivarian Republic of) and Zambia joined the sponsors.
196. At the same meeting, the representative of Canada orally revised the draft resolution.
197. At the same meeting, the representative of Nigeria moved to amend the draft resolution.
198. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland opposed the motion for the proposed amendment.
199. Also at the same meeting, the representative of Nigeria withdrew its proposal to amend the draft resolution.
200. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).
201. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/7).

**Human Rights and the Environment**

202. At the 46th meeting, on 24 March 2011, the representatives of Costa Rica and the Maldives introduced draft resolution A/HRC/16/L.7, sponsored by Costa Rica, the Maldives and Switzerland and co-sponsored by Austria, Germany, Honduras, Monaco, Morocco, New Zealand, Panama, Paraguay, Peru, Portugal, Slovenia and Uruguay. Subsequently, Albania, Angola, Australia, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi,

Cambodia, Cape Verde, Chad, Congo, Cote d'Ivoire, Croatia, Cyprus, the Democratic Republic of the Congo, Djibouti, Dominica, Federated States of Micronesia, Fiji, France, Georgia, Ghana, Guinea, Haiti, Hungary, Iraq, Ireland, Israel, Italy, Jordan, Kenya, Lebanon, Liechtenstein, Lithuania, Luxembourg, Madagascar, Marshall Islands, Mauritania, Mauritius, Mexico, Montenegro, Niger, Nigeria, Palau, Palestine, Republic of Moldova, Romania, Samoa, Senegal, Seychelles, Somalia, Spain, Sudan, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, Uganda, Vanuatu, Zambia and Zimbabwe joined the sponsors.

203. At the same meeting, the representative of the Maldives orally revised the draft resolution.
204. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).
205. At the same meeting, the representatives of Argentina, Bangladesh, Brazil, Nigeria and United States of America made statements in explanation of vote before the vote
206. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/11).
207. At the 48th meeting, on 25 March 2011, the representatives of Bolivia (Plurinational State of) and India made comments in relation to the resolution.

**Rights of the child: a holistic approach to the protection and promotion of the rights of children working and/or living on the street**

208. At the 46th meeting, on 24 March 2011, the representative of Hungary, on behalf of the States Members of the European Union that are members of the Council, and the representative of Uruguay (on behalf of the Group of Latin American and Caribbean States), introduced draft resolution A/HRC/16/L.13/Rev.1, sponsored by Hungary (on behalf on the European Union) and Uruguay (on behalf of the Group of Latin American and Caribbean States), and co-sponsored by Albania, Argentina, Armenia, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mexico, Montenegro, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of). Subsequently, Canada, Egypt, Japan, Jordan, Republic of Korea, Republic of Moldova, Russian Federation, Senegal, South Africa, Thailand, the former Yugoslav Republic of Macedonia and United States of America joined the sponsors.

209. At the same meeting, the representatives of Hungary and Uruguay orally revised the draft resolution.
210. At the same meeting, the representatives of Nigeria, Uganda and the United States of America made general comments.
211. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).
212. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/12).

#### **Freedom of Religion or Belief**

213. At the 46th meeting, on 24 March 2011, the representative of Hungary, on behalf of the States Members of the European Union that are members of the Council, introduced draft resolution A/HRC/16/L.14, sponsored by Hungary (on behalf of the European Union) and co-sponsored by Albania, Armenia, Austria, Belgium, Bulgaria, Canada, Chile, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Australia, Bosnia and Herzegovina, Costa Rica, Israel, Jordan, Monaco, Republic of Korea, Thailand, Turkey and United States of America joined the sponsors.
214. At the same meeting, the representative of Hungary orally revised the draft resolution.
215. At the same meeting, the representative of Nigeria made general comments.
216. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/13).

#### **Mandate 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**

217. At the 46th meeting, on 24 March 2011, the representative of Cuba introduced draft resolution A/HRC/16/L.18, sponsored by Cuba and co-sponsored by Belarus, Bolivia (Plurinational State of), Cuba, Ecuador, Nicaragua, Sri Lanka, Venezuela (Bolivarian Republic of) and Viet Nam. Subsequently, Algeria, Bangladesh, Burkina Faso, Democratic People's Republic of Korea, Djibouti, Haiti, Lebanon, Malaysia, Nigeria, Palestine, Serbia, South Africa, Sudan, Syrian Arab Republic, Uruguay, Zambia, Zimbabwe joined the sponsors.
218. At the same meeting, the representative of Cuba orally revised the draft resolution.

219. At the same meeting, the representative of Nigeria made general comments in relation to the draft resolution.
220. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).
221. At the same meeting, the representatives of Hungary, on behalf of the States Members of the European Union that are members of the Council, and the United States of America made statements in explanation of vote before the vote.
222. Also at the same meeting, at the request of the representative of Hungary, a recorded vote was taken on draft resolution A/HRC/16/L.18 as orally revised. The draft resolution as orally revised was adopted by 29 votes in favour, 13 against, with 4 abstentions. The voting was as follows:

*In favour:*

*Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, China, Cuba, Djibouti, Ecuador, 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, Gabon, Mexico, Norway.*

223. For the text as adopted, see part one, chap. I, resolution 16/14.

**The role of international cooperation in support of national efforts for the realization of the rights of persons with disabilities**

224. At the 46th meeting, on 24 March 2011, the representatives of Mexico and New Zealand introduced draft resolution A/HRC/16/L.20, sponsored by Mexico and co-sponsored by Albania, Armenia, Australia, Austria, Bolivia (Plurinational State of), Bosnia and Herzegovina, Burkina Faso, Canada, Chile, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Egypt, Finland, France, Germany, Greece, Guatemala, Hungary, Indonesia, Iceland, Israel, Italy, Jordan, Latvia, Maldives, Montenegro, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Serbia, Slovakia, Slovenia, Spain, Sweden, Thailand, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uganda, United States of America and Venezuela (Bolivarian Republic of). Subsequently, Algeria, Belgium, Brazil, Cape Verde, Cuba, Ecuador, Estonia, Ireland, Japan, Lithuania, Malaysia, Mauritius, Morocco, Namibia, Nigeria, Philippines, Poland, Qatar, Republic of Korea, Republic of Moldova, Romania, Senegal, South Africa, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uruguay and Zambia joined the sponsors.

225. At the same meeting, the representative of Mexico orally revised the draft resolution.
226. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).
227. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/15).

#### **Enforced or involuntary disappearances**

228. At the 46th meeting, on 24 March 2011, the representatives of Argentina, France and Morocco introduced draft resolution A/HRC/16/L.23, sponsored by Argentina, France and Morocco and co-sponsored by Albania, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Finland, Germany, Greece, Guatemala, Hungary, Japan, Liechtenstein, Lithuania, Mexico, Monaco, Netherlands, New Zealand, Norway, Palestine, Panama, Paraguay, Poland, Portugal, Romania, Slovenia, Spain, Sweden, Switzerland, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Australia, Canada, Cote d'Ivoire, Estonia, Ireland, Israel, Montenegro, Peru, Republic of Moldova, Senegal, and United Kingdom of Great Britain and Northern Ireland joined the sponsors.
229. At the same meeting, the representative of France orally revised the draft resolution.
230. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).
231. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/16).

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

232. At the 47th meeting, on 25 March 2011, the representative of Egypt, on behalf of the Non-Aligned Movement, introduced draft resolution A/HRC/16/L.8/Rev.1, sponsored by Egypt (on behalf of the Non-Aligned Movement). Subsequently, Serbia joined the sponsors.
233. At the same meeting, the representative of Hungary, on behalf of the States Members of the European Union that are members of the Council, made a statement in explanation of vote before the vote.
234. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/22).

**Torture and other cruel, inhuman or degrading treatment or punishment: mandate of the Special Rapporteur**

235. At the 47th meeting, on 25 March 2011, the representative of Denmark introduced draft resolution A/HRC/16/L.12/Rev.1, sponsored by Denmark and co-sponsored by Argentina, Armenia, Australia, Austria, Belgium, Bosnia-Herzegovina, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Croatia, Czech Republic, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Maldives, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Angola, Belgium, Bolivia (Plurinational State of), Canada, Cyprus, Denmark, Egypt, Georgia, Ghana, Honduras, Israel, Liechtenstein, Luxembourg, Malta, Montenegro, Panama, Republic of Korea, Republic of Moldova, Romania, Senegal, Serbia, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United States of America and Venezuela (Bolivarian Republic of) joined the sponsors.
236. At the same meeting, the representative of Nigeria moved to amend operative paragraph 9 of the draft resolution.
237. At the same meeting, the representative of Norway opposed the motion for the proposed amendment.
238. Also at the same meeting, the representatives of Cuba, Ghana and Jordan made general comments in relation to the draft resolution and on the proposed amendment.
239. At the same meeting, the representative of Norway made a statement in explanation of vote before the vote on the proposed amendment.
240. Also at the same meeting, at the request of the representative of Norway, a recorded vote was taken on the proposed amendment to the draft resolution A/HRC/16/L.12/Rev.1. The motion for amendment was rejected by 22 votes against and 3 in favour, with 19 abstentions. The voting was as follows:

*In favour:*

*China, Djibouti, Russian Federation;*

*Against:*

*Argentina, Belgium, Chile, Ecuador, France, Guatemala, Hungary, Japan, Jordan, Maldives, Mexico, Norway, Poland, Republic of Moldova, Republic of Korea, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay;*

*Abstaining:*

*Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Gabon, Ghana, Kyrgyzstan, Malaysia, Mauritania, Mauritius, Nigeria, Pakistan, Qatar, Saudi Arabia, Senegal, Thailand, Uganda, Zambia.*

241. 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 as orally revised (see annex III).

242. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/23).

#### **The right to food**

243. At the 48th meeting, on 25 March 2011, the representative of Cuba introduced draft resolution A/HRC/16/L.17, sponsored by Cuba and co-sponsored by Belarus, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, China, Cuba, Djibouti, Ecuador, Guatemala, Indonesia, Mexico, Nicaragua, Pakistan, Peru, Sri Lanka, Sudan, Turkey, Venezuela (Bolivarian Republic of) and Viet Nam. Subsequently, Algeria, Angola, Austria, Botswana, Burkina Faso, Cape Verde, Congo, Croatia, Cyprus, Dominican Republic, Ghana, Haiti, Jordan, Kenya, Lao Democratic Peoples' Republic, Lebanon, Luxembourg, Malaysia, Mauritius, Mozambique, Myanmar, Namibia, Niger, Nigeria, Norway, Palestine, Panama, Philippines, Portugal, Senegal, Serbia, South Africa, Spain, Sudan, Switzerland, Syrian Arab Republic, Tanzania, Thailand, Timor-Leste, Zambia, Zimbabwe joined the sponsors.
244. At the same meeting, the representative of Cuba orally revised the draft resolution.
245. At the same meeting, the representative of Mauritania moved to amend the draft resolution.
246. At the same meeting, the representatives of Guatemala and Spain opposed the motion for the proposed amendment.
247. Also at the same meeting, the representatives of Argentina (also on behalf of Brazil), Nigeria and the Republic of Korea made general comments in relation to the draft resolution.
248. At the same meeting, the representatives of Hungary and Nigeria made statements in explanation of vote before the vote on the proposed amendment.
249. Also at the same meeting, at the request of the representative of Norway, a recorded vote was taken on the proposed amendment to the draft resolution A/HRC/16/L.17. The motion for amendment was rejected by 31 votes against and 3 in favour, with 9 abstentions. The voting was as follows:

#### *In favour:*

*Mauritania, Nigeria, Uganda.*

#### *Against:*

*Argentina, Bahrain, Belgium, Brazil, Chile, China, Cuba, Ecuador, France, Guatemala, Hungary, Japan, Jordan, Kyrgyzstan, Maldives, Mexico, Norway, Pakistan, Poland, Qatar, Republic of Moldova, Republic of Korea, Russian Federation, Saudi Arabia, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay;*

#### *Abstaining:*

*Bangladesh, Burkina Faso, Djibouti, Gabon, Ghana, Malaysia, Mauritius, Thailand, Zambia.*

250. 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 as orally revised (see annex III).
251. At the same meeting, the representatives of Hungary, on behalf of the States Members of the European Union that are members of the Council, and the United States of America made statements in explanation of vote before the vote.
252. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/27).
253. Also at the same meeting, the representative of Spain made a statement in explanation of vote after the vote

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

254. At the 48th meeting, on 25 March 2011, the representative of Brazil introduced draft resolution A/HRC/16/L.22, sponsored by Brazil and co-sponsored by Argentina, Armenia, Bolivia (Plurinational State of), Bosnia and Herzegovina, Chile, Colombia, Congo, Costa Rica, Cuba, Guatemala, Honduras, Iceland, Liechtenstein, Mexico, Montenegro, Mozambique, Nicaragua, Peru, Serbia, Switzerland, Thailand, Uruguay and Venezuela (Bolivarian Republic of). Subsequently, Austria, Croatia, Ecuador, Equatorial Guinea, Hungary, Ireland, Israel, Jordan, Netherlands, Palestine, Panama, Portugal and Romania joined the sponsors.
255. At the same meeting, the President informed the Council that the United States of America had withdrawn its co-sponsorship to the draft resolution.
256. At the same meeting, the representative of Nigeria moved to amend the draft resolution.
257. At the same meeting, the representative of Brazil agreed to the motion for the proposed amendment.
258. At the same meeting, the representative of the United States of America made general comments in relation to the draft resolution.
259. Also at the same meeting, the representative of Pakistan made a statement in explanation of vote before the vote, disassociating its delegation from the consensus in relation to some paragraphs of the draft resolution as orally revised.
260. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft decision (see annex III).

261. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/28).
262. At the same meeting, the representatives of Chile, Nigeria, Saudi Arabia and Switzerland made statements in explanation of vote after the vote
263. Also at the same meeting, the representatives of Egypt and Indonesia made comments in relation to the resolution.

**Panel on human rights of victims of terrorism**

264. At the 45th meeting, on 24 March 2011, the representatives of Colombia, Spain and Turkey introduced draft decision A/HRC/16/L.21, sponsored by Colombia, Spain and Turkey and co-sponsored by Algeria, Austria, Costa Rica, Croatia, France, Germany, Guatemala, India, Israel, Panama, Paraguay, Peru, Portugal, Russian Federation, Slovenia, Sri Lanka, Ukraine and Uruguay. Subsequently, Brazil, Egypt, Lithuania, Montenegro and Thailand joined the sponsors.
265. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft decision (see annex III).
266. For the text as adopted, see part one, chap. II, decision 16/116.

**Right to development**

267. At the 47th meeting, on 25 March 2011, the representative of Egypt, on behalf of the Non-Aligned Movement, introduced draft decision A/HRC/16/L.9, sponsored by Egypt (on behalf of the Non-Aligned Movement) and co-sponsored by Uruguay. Subsequently, Armenia and Serbia joined the sponsors.
268. At the same meeting, the representative of Egypt, on behalf of the Non-Aligned Movement, orally revised the draft decision.
269. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft decision (see annex III).
270. At the same meeting, the representatives of Hungary, on behalf of the States Members of the European Union that are members of the Council, and the United States of America made statements in explanation of vote before the vote.
271. Also at the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on draft decision A/HRC/16/L.9 as orally revised. The draft decision as orally revised was adopted by 45 votes in favour and 1 abstention. The voting was as follows:

*In favour:*

*Angola, Argentina, Bahrain, Bangladesh, Belgium, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, France,*

*Gabon, Ghana, Guatemala, Hungary, Japan, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Pakistan, Poland, Qatar, Republic of Moldova, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Slovakia, Spain, Switzerland, Thailand, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;*

*Abstaining:*

*United States of America.*

272. For the text as adopted, see part one, chap. II, decision 16/117.

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

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

###### **Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea**

273. At the 25th meeting, on 14 March 2011, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Marzuki Darusman, presented his report (A/HRC/16/58).

274. At the same meeting, the representative of the Democratic People's Republic of Korea made a statement as the concerned country.

275. During the ensuing interactive dialogue at the same meeting, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Brazil, China, Cuba, France, Japan, Norway, Republic of Korea, Slovakia, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Belarus, Canada, Czech Republic, Indonesia, Israel, Lao People's Democratic Republic, Myanmar, New Zealand, Slovenia, Sudan, Syrian Arab Republic, Viet Nam, Zimbabwe;

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

(d) Observers for the following non-governmental organizations: Amnesty International, Conectas Direitos Humanos, Human Rights Watch, Indian Movement "Tupaj Amaru".

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

### **Special Rapporteur on the situation of human rights in Myanmar**

277. At the 26th meeting, on 14 March 2011, the Special Rapporteur on the situation of human rights in Myanmar, Tomas Ojea Quintana, presented his report (A/HRC/16/59).
278. At the same meeting, the representative of Myanmar made a statement as the concerned country.
279. During the ensuing interactive dialogue at the same meeting, the following made statements and asked the Special Rapporteur questions:
- (a) Representatives of States Members of the Council: Brazil, China, Cuba, France, Japan, Maldives, Norway, Republic of Korea, Slovakia, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America;
  - (b) Representatives of the following observer States: Algeria, Australia, Cambodia, Canada, Czech Republic, Democratic People's Republic of Korea, Indonesia, Lao People's Democratic Republic, New Zealand, Slovenia, Sweden, Viet Nam;
  - (c) Observer for an intergovernmental organization: European Union;
  - (d) Observers for the following non-governmental organizations: Amnesty International, Asian Forum for Human Rights and Development (also on behalf of Conectas Direitos Humanos and Worldview International Foundation), Asian Legal Resource Centre, Human Rights Watch.
280. At the same meeting, the Special Rapporteur answered questions and made his concluding remarks.

### **B. Follow-up to the 14th special session of the Council on the situation of human rights in Cote d'Ivoire since the elections on 28 November 2010**

281. At the 26th meeting, on 14 March 2011, the Deputy High Commissioner presented the High Commissioner's report (A/HRC/16/79) as requested by the Council in its resolution S-14/1 of 23 December 2010.
282. At the same meeting, the representative of Cote d'Ivoire made a statement as the concerned country.
283. During the ensuing general debate, at the 26th and 27th meetings, on the same day, the following made statements:
- (a) Representatives of States Members of the Council: Brazil, Chile, France, Ghana, Hungary (on behalf of the European Union), Japan, Nigeria (on behalf of the Group of African States), Republic of Korea, Russian Federation, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America;
  - (b) Representatives of the following observer States: Canada, Egypt, Germany, Namibia, Portugal, Slovenia, Turkey;

(c) Observers for the following non-governmental organizations: Amnesty International, Cause Premiere, Human Rights Watch, International Educational Development, International Federation for Human Rights Leagues, World Association for the School as an Instrument of Peace.

### **C. Follow-up to the 15th special session of the Council on the human rights situation in the Libyan Arab Jamahiriya**

284. At the 24th meeting, on 11 March 2011, the President of the Council announced the composition of the members of the commission of inquiry appointed to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya, in accordance with Council resolution S-15/1 of 25 February 2011: Mr. Cherif Bassiouni (chair), Ms. Asma Khader and Mr. Philippe Kirsch.

285. At the 27th meeting, on 14 March 2011, the Deputy High Commissioner presented an update on the situation of human rights in the Libyan Arab Jamahiriya, as requested by the Council in its resolution S-15/1 of 25 February 2011.

286. During the ensuing general debate, at the same meeting, the following made statements:

(a) Representatives of States Members of the Council: Brazil, France, Hungary (on behalf of the European Union), Japan, Jordan, Maldives, Nigeria (on behalf of the Group of African States), Norway, Russian Federation, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Canada (on behalf of Australia, Canada and New Zealand), Germany, Israel, Italy, Namibia, Portugal, Slovenia, Turkey;

(c) Observers for the following non-governmental organizations: Cairo Institute for Human Rights Studies, CIVICUS – World Alliance for Citizen Participation, Human Rights Watch, Indian Movement “Tupaj Amaru”, International Federation for Human Rights Leagues, Mouvement contre le racisme et pour l'amitié entre les peuples, Reporters Without Borders International, United Nations Watch.

### **D. General debate on agenda item 4**

287. At the 27th meeting, on 14 March 2011, and at the 28th and 29th meetings, on 15 March 2011, the Council held a general debate on agenda item 4, during which the following made statements:

(a) Representatives of States Members of the Council: Belgium, China, Cuba, France, Hungary (on behalf of the European Union, Albania, Bosnia and Herzegovina, Croatia, Iceland, Liechtenstein, Montenegro and the former Yugoslav Republic of Macedonia), Japan, Lithuania<sup>1</sup> (on behalf of Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Gabon, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Serbia,

Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America and Zambia), Norway, Poland, Republic of Moldova, Slovakia, Spain, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Australia, Austria, Canada, Costa Rica, Czech Republic, Democratic People's Republic of Korea, Denmark, Germany, Iran (Islamic Republic of), Ireland, Israel, Sweden, Syrian Arab Republic, Timor-Leste;

(c) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, African Association of Education for Development, Agence Internationale pour le Développement, Al-Hakim Foundation, American Association of Jurists, Amnesty International, Asian Forum for Human Rights and Development, Asian Legal Resource Centre, Baha'i International Community, Cairo Institute for Human Rights Studies, Center for Environmental and Management Studies, Center for Inquiry, Centre for Human Rights and Peace Advocacy, Centrist Democratic International, Charitable Institute for Protecting Social Victims, Chinese People's Association for Friendship with Foreign Countries, CIVICUS – World Alliance for Citizen Participation (also on behalf of Franciscans International), Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples, Commission to Study the Organization of Peace, Conectas Direitos Humanos, European Union of Public Relations, France Libertés: Fondation Danielle Mitterrand, Human Rights Watch, Indian Council of South America (also on behalf of International Educational Development Inc), International Association for Democracy in Africa, International Association of Schools of Social Work, International Club for Peace Research, International Committee for the Indians of the Americas, International Educational Development Inc, International Fellowship of Reconciliation, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Institute for Peace, International Islamic Federation of Student Organizations, International Movement Against All Forms of Discrimination and Racism, Iranian Elite Research Center, Liberation, Marangopoulos Foundation for Human Rights (also on behalf of International Educational Development, Inc.), Minority Rights Group, Network of Women's Non-governmental Organizations in the Islamic Republic of Iran, Nonviolent Radical Party Transnational and Transparty, North-South XXI, Organisation pour la Communication en Afrique et de Promotion de la Cooperation Economique Internationale, Organization for Defending Victims of Violence, Press Emblem Campaign, Society for Threatened Peoples, Union de l'action feminine, United Nations Watch, United Schools International, United Towns Agency for North-South Cooperation, Verein Sudwind Entwicklungspolitik, World Federation of Democratic Youth, World Muslim Congress, World Organisation Against Torture.

288. At the 27th meeting, on 14 March 2011, statements in exercise of the right of reply were made by the representatives of Azerbaijan, Belarus, China, Cuba, Islamic Republic of Iran, Sri Lanka, Venezuela (Bolivarian Republic of) and Zimbabwe.

289. At the 29th meeting, on 15 March 2011, statements in exercise of the right of reply were made by the representatives of Algeria, Belarus, China, Cuba, Democratic People's Republic of Korea, Morocco, Nigeria, Syrian Arab Republic and Zimbabwe.

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

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

290. At the 45th meeting, on 24 March 2011, the representatives of Hungary, on behalf of the European Union as well as Japan, the Republic of Moldova, Serbia and the former Yugoslav Republic of Macedonia, and Japan introduced draft resolution A/HRC/16/L.3, sponsored by Hungary (on behalf of the European Union) and Japan and co-sponsored by Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America. Subsequently, Republic of Moldova, Serbia and the former Yugoslav Republic of Macedonia joined the sponsors.
291. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).
292. At the same meeting, the representatives of Cuba and Ecuador made general comments in relation to the draft resolution.
293. Also at the same meeting, the representative of the Democratic People's Republic of Korea made a statement as the concerned country.
294. At the same meeting, the representatives of China and Thailand made statements in explanation of vote before the vote.
295. Also at the same meeting, at the request of the representative of Cuba, a recorded vote was taken on draft resolution A/HRC/16/L.3. The draft resolution was adopted by 30 votes in favour, 3 against, with 11 abstentions. The voting was as follows:

*In favour:*

*Argentina, Belgium, Brazil, Burkina Faso, Chile, Djibouti, France, Gabon, Ghana, Guatemala, Hungary, Japan, Jordan, Kyrgyzstan, Maldives, Mauritius, Mexico, Norway, Poland, Republic of Moldova, Republic of Korea, Slovakia, Spain, Switzerland, Thailand, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia;*

*Against:*

*China, Cuba, Russian Federation,;*

*Abstaining:*

*Angola, Bangladesh, Cameroon, Ecuador, Malaysia, Mauritania, Nigeria, Pakistan, Qatar, Senegal, Uganda.*

296. For the text as adopted, see part one, chap. I, resolution 16/8.

#### **Situation of human rights in the Islamic Republic of Iran**

297. At the 45th meeting, on 24 March 2011, the representatives of Sweden, also on behalf of the main sponsors as well as Panama, the Republic of Moldova, the former Yugoslav Republic of Macedonia, United States of America and Zambia, and the United States of America introduced draft resolution A/HRC/16/L.25/Rev.1, sponsored by Sweden and the United States of America and co-sponsored by Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Republic of Moldova, Slovakia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and Zambia. Subsequently, Botswana, Israel and Romania joined the sponsors.

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

299. At the same meeting, the representative of Pakistan made general comments in relation to the draft resolution.

300. Also at the same meeting, the representative of the Islamic Republic of Iran made a statement as the concerned country.

301. At the same meeting, the representatives of Brazil, China, Cuba, Mauritania, Pakistan and Uruguay made statements in explanation of vote before the vote.

302. Also at the same meeting, at the request of the representative of Pakistan, a recorded vote was taken on draft resolution A/HRC/16/L.25/Rev.1. The draft resolution was adopted by 22 votes in favour, 7 against, with 14 abstentions. The voting was as follows:

*In favour:*

*Argentina, Belgium, Brazil, Chile, France, Guatemala, Hungary, Japan, Maldives, Mexico, Norway, Poland, Republic of Moldova, Republic of Korea, Senegal, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Zambia;*

*Against:*

*Bangladesh, China, Cuba, Ecuador, Mauritania, Pakistan, Russian Federation;*

*Abstaining:*

*Bahrain, Burkina Faso, Cameroon, Djibouti, Gabon, Ghana, Jordan, Malaysia, Mauritius, Nigeria, Saudi Arabia, Thailand, Uganda, Uruguay.*

303. For the text as adopted, see part one, chap. I, resolution 16/9.
304. At the 48th meeting, on 25 March 2011, the representatives of Japan, Malaysia and the Republic of Korea made statements in explanation of vote after the vote.

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

305. At the 47th meeting, on 25 March 2011, the representative of Hungary, on behalf of the European Union, introduced draft resolution A/HRC/16/L.11, sponsored by Hungary (on behalf of the European Union) and co-sponsored by Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Australia, Iceland, Israel, Republic of Korea, Republic of Moldova, Serbia and United States of America joined the sponsors.
306. At the same meeting, the representative of Hungary, on behalf of the European Union, orally revised the draft resolution.
307. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).
308. Also at the same meeting, the representative of Myanmar made a statement as the concerned country.
309. At the same meeting, the representatives of Japan, Malaysia and Thailand made statements in explanation of vote before the vote.
310. Also at the same meeting, the representatives of China, Cuba and the Russian Federation made statements in explanation of vote before the vote, disassociating their delegations from the consensus in relation to the draft resolution as orally revised.
311. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/24).

#### **Situation of human rights in Côte d'Ivoire**

312. At the 47th meeting, on 25 March 2011, the representative of Nigeria, on behalf of the Group of African States, introduced draft resolution A/HRC/16/L.33, sponsored by Nigeria (on behalf of the African Group). Subsequently, Austria, Australia, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Greece, Hungary, Iceland, Ireland, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal,

Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the sponsors.

313. At the same meeting, the representative of Nigeria, on behalf of the Group of African States, orally revised the draft resolution.
314. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).
315. At the same meeting, the representatives of Brazil, France, Hungary, on behalf of the States Members of the European Union that are members of the Council, and the United States of America made general comments in relation to the draft resolution as orally revised.
316. Also at the same meeting, the representative of Côte d'Ivoire made a statement as the concerned country.
317. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/25).

## **V. Human rights bodies and mechanisms**

### **A. Complaint procedure**

318. At the 24th meeting, on 11 March 2011, and at the 42nd meeting, on 22 March 2011, the Council held two closed meetings of the complaint procedure.
319. At the 43rd meeting, on 23 March 2011, the President made a statement on the outcome of the meetings, stating: "The Human Rights Council has in closed meetings examined the human rights situation in Tajikistan under the Complaint Procedure established pursuant to Human Rights Council resolution 5/1, and has decided to keep the situation under review."

### **B. Advisory Committee**

320. At the 30th meeting, on 15 March 2011, the Chairperson of the Advisory Committee, Purificacion V. Quisumbing, introduced the Advisory Committee's reports on its fifth and sixth sessions, held from 2 to 6 August 2010 and 17 to 21 January 2011 (A/HRC/16/60 and A/HRC/16/61).

### **C. Forum on Minority Issues**

321. At the 30th meeting, on 15 March 2011, the independent expert on minority issues, Gay McDougall, introduced the recommendations adopted by the Forum on Minority Issues, held on 14 and 15 December 2010 (A/HRC/16/46).

#### **D. The Social Forum**

322. At the 30th meeting, on 15 March 2011, the Chairperson-Rapporteur of the Social Forum, Laura Dupuy-Lasserre, introduced the report of the Social Forum, held from 4 to 6 October 2010 (A/HRC/16/62).

#### **E. Open-ended Working Group on the draft United Nations declaration on human rights education and training**

323. At the 30th meeting, on 15 March 2011, the Chairperson-Rapporteur of the Open-ended Working Group on the draft United Nations declaration on human rights education and training, Jürg Lauber, introduced the report of the Working Group, held from 10 to 14 January 2011 (A/HRC/WG.9/1/3).

#### **F. General debate on agenda item 5**

324. At its 30th meeting, on 15 March 2011, the Council held a general debate on agenda item 5, during which the following made statements:

(a) Representatives of States Members of the Council: Argentina, Brazil, China, Cuba, Ecuador, Ghana, Hungary (on behalf of the European Union), Maldives, Morocco<sup>1</sup> (on behalf of the Platform of Human Rights Education and Training), Nigeria (on behalf of the Group of African States), Norway, Thailand;

(b) Representatives of the following observer States: Armenia, Australia, Austria, Azerbaijan, Bolivia (Plurinational State of), Ethiopia, Indonesia, Iran (Islamic Republic of), Kuwait, Luxembourg, Philippines, Singapore, South Africa;

(c) Observers for the following international organizations: Inter-Parliamentary Union, Organisation Internationale de la Francophonie;

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

(e) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Amnesty International, 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, Foodfirst Information and Action Network, France Libertés: Fondation Danielle Mitterrand, Indian Council of South America, Indian Movement « Tupaj Amaru », International Service for Human Rights (also on behalf of Cairo Institute for Human Rights Studies and CIVICUS – World Alliance for Citizen Participation), Japanese Workers' Committee for Human Rights, Liberation, Minority Rights Group, Mouvement contre le racisme et pour l'amitié entre les peuples, Myochikai (also on behalf of Plan International, Inc. and United Network of Young Peacebuilders), North-South XXI, Permanent Assembly for Human Rights, Servas International, Soka Gakkai International (also on behalf of Al-Hakim Foundation, Asian Forum for Human Rights and Development, Association Points-Coeur, Human Rights Education Associates, International Association

for Religious Freedom, International Association of Peace Messenger Cities, International Catholic Child Bureau, International Movement Against All Forms of Discrimination and Racism, International Network for the Prevention of Elder Abuse, International Organization for the Elimination of All Forms of Racial Discrimination, International Organization for the Right to Education and Freedom of Education, Myochikai, Planetary Association for Clean Energy Inc, Servas International, Soroptimist International, Sovereign Military Order of the Temple of Jerusalem, United Network of Young Peacebuilders, Worldwide Organization for Women), Syriac Universal Alliance, World Association for the School as an Instrument of Peace.

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

### **Social Forum**

325. At the 47th meeting, on 25 March 2011, the representative of Cuba introduced draft resolution A/HRC/16/L.16, sponsored by Cuba and co-sponsored by Belarus, Bolivia (Plurinational State of), Brazil, China, Djibouti, Ecuador, Indonesia, Nicaragua, Peru, Sri Lanka, Uruguay, Venezuela (Bolivarian Republic of) and Viet Nam. Subsequently, Algeria, Angola, Bangladesh, Botswana, Cape Verde, Costa Rica, the Democratic People's Republic of Korea, Egypt, Haiti, Islamic Republic of Iran, Kenya, Malaysia, Mauritius, Niger, Nigeria, Pakistan, Palestine, Panama, Senegal, Serbia, South Africa, Sudan, Syrian Arab Republic, Zimbabwe joined the sponsors.
326. At the same meeting, the representative of Cuba orally revised the draft resolution.
327. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).
328. Also at the same meeting, the representatives of Hungary, on behalf of the States Members of the European Union that are members of the Council, Japan and the United States of America made statements in explanation of vote before the vote, disassociating their delegations from the consensus in relation to the draft resolution as orally revised.
329. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/26).

### **Reports of the Advisory Committee**

330. At the 48th meeting, on 25 March 2011, the President of the Council made a statement in relation to the reports of the Advisory Committee on its fifth and sixth sessions (for the text of the President's statement, see part one, chap. III, PRST/16/1).

## **VI. Universal periodic review**

331. Pursuant to General Assembly resolution 60/251, Council resolution 5/1 and the President's statements (PRST/8/1 and PRST/9/2) on modalities and practices for the universal periodic review process, the Council considered the outcome of the reviews conducted during the ninth session of the Working Group on the Universal Periodic Review held from 1 to 12 November 2010.

### **A. Consideration of the universal periodic review outcomes**

332. In accordance with paragraph 4.3 of the President's statement 8/1, the following section contains a summary of the views expressed on the outcome by States under review, Member and Observer States of the Council, as well as general comments made by other relevant stakeholders before the adoption of the outcome by the plenary.

#### **Liberia**

333. The review of Liberia was held on 1 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
- (a) The national report submitted by Liberia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/9/LBR/1 and A/HRC/WG.6/9/LBR.1/Corr.1);
  - (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/LBR2); and
  - (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/LBR/3).
334. At its 31<sup>st</sup> meeting, on 16 March 2011, the Human Rights Council considered and adopted the outcome of the review on SuR (see section C below).
335. The outcome of the review on Liberia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/16/3), together with the views of Liberia 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.

#### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

336. In its intervention to the Human Rights Council, Liberia provided an update of activities and progress made since its review at the Working Group, as well as additional information to questions raised and its response to recommendations on which it had not yet taken a position.

337. Regarding questions raised about cooperation with human rights mechanisms and, in particular, whether Liberia would consider extending a standing invitation to special procedures, Liberia stated that for these procedures to have the desired impact it is essential that they engage with countries that are fully aware of their international human rights obligations and commitments. Liberia further stated that it has begun to take measures to fully understand its regional and international human rights obligations and analyze the roles and functions of the various United Nations special procedures. Therefore, though it would consider extending a standing invitation in the future, it firmly believes that the first stage in this process is to build the capacity and knowledge of all relevant stakeholders.
338. With regard to questions regarding allegations of torture, Liberia affirmed that it continues to investigate and prosecute state actors accused of torture and that it has instituted human rights education and training for relevant authorities. Additionally, Liberia is currently considering the adoption of an anti-torture bill. The draft bill, which was presented to the House of Representatives in August of 2010, was presented for discussion during the January 2011 session.
339. Liberia also informed the Human Rights Council that the Sub-Committee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the "SPT") had carried out a visit to the country in December of 2010. Since the visit, the SPT's preliminary report has been distributed and the country is currently considering ways to incorporate the SPT's recommendations into programs to improve detention center conditions and protect citizens from torture and ill treatment.
340. On questions that had been raised regarding ethnic based discrimination, Liberia stated that it is aware of the need to handle ethnic based violence and disputes with cultural sensitivity while ensuring that all citizens receive equal treatment under the law.
341. Liberia then provided the following information on measures taken to implement the UPR recommendations and examine recommendations it had deferred.
342. First, it had accelerated the process for drafting and adopting the national human rights action plan for Liberia, and adopted a number of initiatives including finalizing the work plan for nation wide consultation workshops.
343. Second, it had distributed the draft report of the Working Group on the UPR to all relevant government and non government institutions, identifying priorities and issues for special focus. Identified priorities will be a part of the nation wide consultation and will be included in the national human rights action plan.
344. Third it has established links with other national planning activities and working groups to implement the recommendations of the UPR, including government organs and bodies working to implement CEDAW and CRC recommendations

345. Fourth, in collaboration with the UN, the government conducted a Retreat on Pre-trial Detention to determine what needs to be done to improve the work of the Task Force on Pre-trial Detention.
346. Liberia then addressed recommendations on which it had deferred taking a position. It observed that it had accepted seventy two (72) of one hundred and thirteen recommendations received.
347. Liberia stated that at this point it was not able to take a position on deferred recommendations in the following areas: the ratification of human rights instruments; Female Genital Mutilation (FGM) and Trial by Ordeal; and the 2008 law on the Death Penalty. Further, Liberia stated that it was not able to take a position on the implementation of some of the recommendations of the Truth and Reconciliation Commission (TRC); Sexual Based Gender Violence (SBGV); and pre-trial detention
348. On the ratification of human rights instruments, Liberia reiterated that it is in the process of researching the full extent of its regional and international obligations and taking steps to submit overdue reports. It is thus currently unable to take a position on recommendations relating to the ratification and incorporation of international human rights conventions. However, as evidenced in accepted recommendations it will consider ratifying human rights instruments.
349. On the issues of FGM and the practice of trial by ordeal, Liberia explained that these are deeply-rooted traditional practices and that discussions of these issues are often strongly resisted. It was added that notwithstanding the foregoing, practitioners of FGM and trial by ordeal who have caused harm to others have been held accountable under existing penal laws. Additionally, the Government is taking steps to engage the local communities and determine best ways to address these issues. However, the process is ongoing and therefore Liberia is currently unable to accept or reject all recommendations relating to these issues.
350. On the implementation of TRC recommendations, Liberia informed the Human Rights Council that, two months ago, the Supreme Court of Liberia adopted a decision that found that the TRC recommendation to ban certain Liberians from politics for 30 years was unconstitutional as the persons concerned had not been afforded due process. Nevertheless, in the meantime, the Government has begun to implement other recommendations of the Report and a taskforce has continue to review the report to advise on the implication of the implementation of recommendations. However, at this time Liberia is unable to take a position on recommendations relating to the work of the TRC.
351. Regarding recommendations on the Liberian Death Penalty Law, Liberia stated that it is aware of existing concerns and ensuing recommendations which emanate from its obligations under the Second Optional Protocol to the ICCPR, to which it acceded in 2005. Liberia recalled that high criminal rates had demanded a reintroduction of the death penalty. It stressed, however, that the current administration has not signed any warrant to carry out a death

sentence and that the Supreme Court has been disinclined to enforce such penalties, commuting them into life imprisonment.

352. Nevertheless, immediate abrogation of the law allowing for the death penalty to be imposed will need more time and understanding by the Liberian populace and consultations with the people in this regard have been initiated. However, for the reasons stated, Liberia is not able to take a position on recommendations relating to this issue.
353. Liberia referred to concrete steps taken to adjudicate SGBV cases including the enactment of enabling legislation in 2008, creating a specialized criminal court; the establishment of a special prosecution unit to complement the work of this Court, specialized trainings for relevant authorities as well as the adoption of a number of measures to support victims.
354. It was further stated that nevertheless, capacity and resource constraints still impede full implementation of all of the recommendations related to SGBV.
355. On pre-trial detention, Liberia explained that this is a concern of the utmost priority, but that, given the country's present circumstances, most notably, its limited resources, it is not able to take a position on this recommendation.
356. Notwithstanding the foregoing, Liberia explained that it has implemented a number of initiatives in order to combat the problem and provided examples including, among others: the creation of a special pre-trial detention taskforce and ongoing review and work towards law reform pertaining to jury law, criminal procedure and subject matter jurisdiction.
357. In conclusion, Liberia stated that it is eager to work with partners who are committed to assisting the country during this post-conflict, peace-building effort and thanked those working with it to create stable and democratic country.

## **2. Views expressed by member and observer States of the Council on the review outcome**

358. Algeria reiterated its satisfaction with progress made in the resettlement of displaced persons and refugees, and in re-establishing the country's administration, economy and infrastructure, the rule of law and respect for human rights. It also reiterated its call for appropriate international assistance to be granted, which allow Liberia to act on priorities that have been set to improve the living conditions of its people. It also praised Liberia for accepting 72 of the 113 recommendations received, four of which were made by Algeria. It encouraged Liberia to pursue the consolidation of the peace process in the country, with a specific strategy to emerge from the crisis adapted to the Country's specific circumstances.
359. Cuba expressed appreciation that Liberia had accepted the recommendations it had made, in particular those to continue efforts to promote and protect the rights of vulnerable groups such as children, women, persons with disabilities and the elderly. It welcomed Liberia's strategies and plans for socio-economic development and to

reduce poverty. It noted Liberia's efforts must be supported by the international community and called upon developed countries to redouble their cooperation and financial assistance. It called on Liberia to continue promoting and protecting human rights.

360. Nigeria noted with satisfaction that Liberia had accepted a large number of recommendations made and has taken positive steps towards their implementing which is an expression of its willingness to cooperate with relevant United Nations mechanisms. Nigeria encouraged Liberia to improve its policies and programmes towards the promotion and protection of human rights, including, advancing the status of women, girls, children and those with disabilities. It also encouraged Liberia to continue its efforts towards guaranteeing the full enjoyment of all human rights of its people and the attainment of its MDGs targets and called upon the international community to support the country in this regard.
361. Morocco stated that Liberia is an example of democratic transition and reconstruction after civil conflict and highlighted that it was the first African country to have a woman president. It welcomed the fact that Liberia had accepted over 72 recommendations, including those made by Morocco on education and human rights training. It noted that Liberia, as a least developed country, should benefit from the assistance it needs in order to ensure the follow-up of the recommendations. In this regard, it highlighted the need to make operational the Fund put in place to assist developing countries in the follow-up to UPR recommendations.
362. South Africa noted with appreciation the consultative process undertaken in preparation of the national report and encouraged Liberia to continue this interaction during the follow up to be undertaken to implement recommendations that were accepted during the review. It took note of the negative impact of its history of conflict and highlighted the importance of addressing the challenges set out in the national report. It encouraged the international community to provide the required technical assistance. It appreciated that Liberia has addressed specific recommendations on violence against women and that these have been positively considered.
363. Switzerland thanked Liberia for its addendum and presentation. It recalled that article 32 of resolution 5/1 states that recommendations that enjoy the support of the State concerned will be identified as such. Other recommendations will be noted. It added that by stating that recommendations are neither accepted nor rejected the delegation of Liberia did not respect the aforementioned article. It asked Liberia, like all other states under review, to clearly state which recommendations it accepted and which it rejected. It noted that without such a clear position, a proper follow-up of recommendations was not possible.

### **3. General comments made by other relevant stakeholders**

364. Südwind noted that despite steps taken to combat sexual and gender-based violence (SGBV), the high prevalence of female genital mutilation (FGM) remained a matter of major concern, as do rape and other forms of sexual violence committed in Liberia. Over half of the

rape cases reported involve girls under the age of 16. Over 20% of those submitted to FGM die from excessive bleeding. It stated further that Liberia's deep-rooted gender inequalities, inefficient justice system, and immense poverty constitute major obstacles to the elimination of SGBV and FGM. Sudwind urged Liberia, as a matter of priority, to declare FGM as a criminal act and take specific measures to prevent the same and; combat impunity and promote accountability of all reported cases of SGBV.

365. Rencontre Africaine pour la Défense des Droits de l'Homme, RADDHO, noted that Liberians continued to suffer the physical and psychological effects of years of violence. It also took note of the culture of impunity; corruption at the State level and the judiciary, and Liberians' mistrust of public officials. It observed that recourse to popular justice sometimes resulted in the killing of women accused of sorcery. RADDHO expressed concern for the stability and security of Liberia and its neighbours because of recruitment of mercenary's for a third country. It welcomed the establishment of a commission for human rights and encouraged emphasis on women's and girls' rights; and judicial reinforcement. It invited Liberia to incorporate ratified international instruments.
366. Amnesty International expressed its concern, shared by many states, regarding the introduction in 2008 of legislation reintroducing the death penalty for persons convicted of armed robbery, terrorism or hijacking offences, if these crimes result in death. It considered that this legislation directly violates Liberia's obligations under the Second optional protocol to the ICCPR. It urged Liberia to abolish the Armed Robbery Act and to maintain the *de facto* moratorium on executions, in place since 1979. It was also concerned that rape and other forms of sexual violence against women and girls remained widespread, as does domestic violence and forced and under-age marriage. It urged Liberia to act promptly to give effect to the recommendations made during the review regarding these issues.

#### 4. Concluding remarks of the State under Review

367. Liberia thanked those present for recognizing the efforts made, noting that these had been carried out in a post-conflict environment which is a very difficult and complex situation. Liberia then provided additional information on action taken to combat SGBV and examples of prosecution of such cases. Liberian thanked the Human Rights Council once again for receiving its report and assured those present that it would continue its efforts in areas of concern.
368. The President expressed his deep appreciation to Liberia for the comprehensive and very interesting intervention and observed that according to resolution 5/1, states under review should either support or note recommendations and therefore, following the standing practice, those recommendations on which Liberia is unable to pronounce itself at this time are noted.
369. Liberia clarified that a previous document had been submitted in that regard and noted that its current statement clarified its position.

#### Malawi

370. The review of Malawi was held on 1 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
- (a) The national report submitted by Malawi in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/9/MWI/1 and A/HRC/WG.6/9/MWI/1/Corr.1);
  - (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/MWI/2); and
  - (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/MWI/3).
371. At its 31st meeting, on 16 March 2011, the Human Rights Council considered and adopted the outcome of the review on Malawi (see section C below).
372. The outcome of the review on Malawi comprises the report of the Working Group on the Universal Periodic Review (A/HRC/16/4), together with the views of Malawi 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.

**1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

373. Malawi indicated that it remained committed to carry out its obligations with regard to all treaties to which it was a State Party. It mentioned that when deciding to ratify international instruments, Malawi was guided by the fundamental democratic principles enshrined in articles 7, 8, 12 and 13 of its national Constitution.
374. Malawi addressed each of the 23 recommendations mentioned in paragraph 104 of the report of the UPR working group.
375. Malawi indicated that it had no immediate plans to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, and that it would continue to listen to the voices of the people regarding the issue of the death penalty (Recommendations 104.1, 104.7, 104.8, and 104.10).
376. Malawi expressed that it would consider the ratification of the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights (Recommendations 104.8, and 104.9).
377. It mentioned that it would consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was an ongoing process (Recommendations 104.2, and 104.9).
378. It also mentioned that it would consider the ratification of the Optional Protocol to the Convention against All Forms of Discrimination against Women (Recommendations 104.3 and 104.9).

379. Malawi informed that, in September 2010, it had ratified the Optional Protocol to the Convention of the Rights of the Child on the Sale of the Children, Child Prostitution and Child Pornography (Recommendations 104.6 and 104.8).
380. Malawi indicated that it had neither immediate plans nor the intention to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Recommendation 104.8), the International Convention for the Protection of all Persons from Enforced Disappearance –CPED- (Recommendation 104.2, 104.8, and 104.9), and the Optional Protocol to the Rights of Persons with Disabilities -OPCRPD (Recommendations 104.8, and 104.9). However, regarding CPED and OPCRPD, Malawi mentioned that it was engaged in an ongoing process of consideration of treaties that it might ratify.
381. Malawi expressed that it would consider the ratification of the Convention for the Prevention and Punishment of the Crime of Genocide and that it had amended its Penal Code to criminalize genocide under domestic law (Recommendation 104.5).
382. Regarding recommendations 104.4, 104.11, 104.12, and 104.13 calling upon Malawi to harmonize its national legislation with the international treaties to which Malawi is a State Party, the delegation mentioned that the Malawian Law Commission would continue to review the national legislation to bring it in conformity with Malawi's international commitments.
383. Regarding recommendation 104.14 encouraging Malawi to ensure that human rights treaties are given full legal effect in domestic laws; and recommendations 104.15, and 104.16 calling it to ensure that CEDAW is given full legal effect in its legislation, the delegation stated that Malawi would strive to ensure that human rights treaties, including CEDAW, were given that effect, and that this was an ongoing process.
384. In relation to recommendations 104.17 and 104.18 encouraging Malawi to raise the minimum age of criminal responsibility, Malawi explained that the age of criminal responsibility was raised from 7 to 10 years in the 2010 amendment of the Penal Code. It also explained, that according to the same amendment a person under 14 years was not criminally responsible unless it could be demonstrated that at the time of the commission of the crime they had knowledge that they ought not to commit the crime.
385. Malawi stated that in 2010 it had enacted a comprehensive law on the rights of the child, the Child Care Protection and Justice Act (Recommendation 104.19).
386. With regard to recommendation 104.20 calling upon Malawi to extend a standing invitation to all special procedures, Malawi stated that it would consider this option and respond to the Council at an appropriate time.
387. In relation to recommendation 104.21 encouraging Malawi to promoting equality between men and women, the delegation explained

that it had taken active steps and that it would continue to work with international mechanisms to this end.

388. Regarding recommendations 104.22 and 104.23 encouraging Malawi to guarantee that no children under 14 years is admitted to employment and to amend the Constitution to raise to 18 years the minimum age for engaging in hazardous work, the delegation stated that Malawi would properly address these issues.

**2. Views expressed by member and observer States of the Council on the review outcome**

389. Algeria welcomed Malawi's commitment for the promotion and respect of human rights. It encouraged Malawi to pay particular attention to the realization of its programs to fight poverty with the assistance of the international community. Algeria commended Malawi's acceptance of three of the four recommendations it had made, namely with regard to its 2020 socio-economic development strategy, the strengthening of its cooperation with the regional and international mechanisms and the harmonization of the country's laws with its international commitments. However Algeria noted that Malawi had not accepted to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
390. Cuba praised Malawi's acceptance of the recommendations relating to strategies for socio-economic development and plans to reduce poverty. Despite the challenges faced, Malawi had demonstrated progress in health care, prevention and education on HIV/AIDS and in food self reliance. It encouraged Malawi to continue implementing measures to promote and protect the human rights of its population. It called for the international community to step up its cooperation and financial assistance as a positive contribution to these efforts.
391. Botswana welcomed Malawi's acceptance of many of the recommendations made during the Working Group. Botswana was aware of the challenges that some recommendations placed on the national legislative processes and administrative frameworks of any country. Botswana expressed the hope that Malawi would benefit from the support of the international community in meeting its domestic and international obligations.
392. United States of America expressed deep concern at Malawi's law criminalizing homosexuality and recent steps that made this law more severe by criminalizing lesbian relations. While the United States was troubled by Malawi's amendment 46 to its Penal Code, which could expand existing limitations on media freedoms and political speech, it was encouraged by the Government's public statement of 28 February 2011 clarifying the section's limited purview. The United States recommended that Malawi pursue steps to end discrimination against lesbian, gay, bisexual and transgender individuals and enshrine its commitment to free expression through appropriate modifications to Amendment 46 of the Penal Code. It expressed appreciation that Malawi provided clear responses to the recommendations during the

Working Group. However, it was disappointed that Malawi had not met the minimum requirements of HRC resolution 5/1 in identifying which recommendations enjoyed its support, despite indicating that there were several recommendations that it did accept.

393. Nigeria welcomed steps taken so far to implement the recommendations adopted. Nigeria encouraged Malawi to continue its efforts for the promotion and protection of human rights. Nigeria called on the international community to provide all necessary technical assistance to the Government for the better implementation of the recommendations accepted by Malawi.
394. Morocco welcomed the fact that Malawi had accepted 65 recommendations. It referred to Malawi's Constitution, which recognizes the principles of democracy and rule of law, and contains several human rights provisions. Morocco welcomed the acceptance of all of its five recommendations and referred to the importance of providing technical assistance to Malawi for the implementation of UPR recommendations.
395. South Africa appreciated the commitment of the Malawian Government to prioritize issues such as sustainable economic growth, social protection, social development, infrastructure development and improved governance. The number of women in high level positions in government was also a reflection of Malawi's promotion of gender equality. South Africa welcomed Malawi's acceptance of a large number of recommendations. South Africa encouraged Malawi to follow an inclusive process when implementing the accepted recommendations and that all concerned stakeholders are involved in the follow-up process.
396. Tanzania welcomed the implementation of the Malawi Vision 2020 with a view to providing a quality life for all the people. It commended the government's achievements with regard to Millennium Development Goals, its fight against hunger and the reduction of maternal deaths. Tanzania praised the provision of free education at primary level and its positive impact on children enrolment. It encouraged the government to consider favourably acceding to key pending international human rights instruments which it was not a party to. It called on the international community to continue lending its full support to the efforts made by Malawi towards the implementation of its human rights obligations.
397. Zimbabwe encouraged Malawi to continue its excellent work in promoting and protecting human rights. Zimbabwe thanked the delegation for its updated presentation and for Malawi's acceptance of most recommendations and its commitment to implementing them. Zimbabwe noted the recommendations that did not enjoy Malawi's support and expressed the view that Malawi would continue to look at them at the appropriate time. Zimbabwe stated that it stood with other countries for the promotion and protection of the promotion and protection of the human rights of Malawian citizens and of all humankind.

398. Switzerland regretted that only one of the four recommendations it had made was accepted. It requested clarification on the position taken by Malawi with regard to all pending recommendations, in accordance with Human Rights Council Resolution 5/1.

### **3. General comments made by other relevant stakeholders**

399. Malawi Human Rights Commission (MHRC) stated that it would play a consultative and coordinating role with the Government and the NGOs, to ensure that the UPR recommendations, including those rejected, are discussed and all stakeholders reach a common position. The approach to be adopted would be to link international instruments and treaties with the UPR recommendations, so that the public may hold informed discussions on these issues. MHRC suggested that a timeline for follow up be identified and that an Inter-Ministerial Committee to monitor the implementation of the recommendations be established. It hoped that a number of improvements in the areas where the international community raised concerns could be made by the UPR second cycle.
400. Rencontre Africaine pour la Defense des Droits de l'Homme (RADDHO) congratulated Malawi for its Vision 2020 project for socio-economic development. It welcomed the creation of a Human Rights Commission, the Mediator's Office and the ratification of most human rights instruments. RADDHO expressed concerns with regard to detention conditions, and shared its preoccupation with regard to reports on torture and other ill treatments inflicted by the members of the police and with regard to the prevalence of impunity. RADDHO encouraged Malawi to reform its criminal code in order to abolish discrimination based on sexual orientation. Finally it praised Malawi's efforts to combat violence against women and human trafficking.
401. World Vision International (WV) welcomed Malawi's commitment to working on areas such as children rights and violence against women. WV was concerned about shortcomings in the educational system, and encouraged the Government to strengthen its efforts in improving education and health care particularly for persons living in rural areas, women, children, persons living with disabilities and persons living with HIV/AIDS. WV noted that Malawi's expenditure on health fell short of the amount estimated to deliver the Essential Health Package which should be provided free of charge at all public health facilities. WV urged the Government to put in place strong and clear mechanisms for follow-up on the implementation of recommendations which would allow the participation of both Government and civil society. WV was fully committed to assist Malawi in implementing its commitments.
402. Franciscans International (FI) was encouraged that Malawi had accepted recommendations to undertake more effective measures ensuring accessibility of crucial public services in rural areas and to make education one of its top priorities. It regretted that Malawi rejected several recommendations relating to compulsory primary education in contravention of article 28 of the Convention on the

Rights of the Child. FI noted that a major drawback to quality education has been overcrowding and poor teaching and recommended that Malawi increase its education budget to improve infrastructure and teaching resources for more fully trained teachers.

403. Action Canada for Population and Development (ACPD) regretted that Malawi had rejected all the recommendations calling for the prohibition of discrimination against the LGBTI community as well as the decriminalization of same sex relations. It also regretted that in February 2011 Malawi had amended section 46 of the penal code giving powers to a minister to ban newspapers. It raised concerns with the government's decision to intimidate human rights defenders through public ridicule as well as harassment of NGOs workers. ACPD therefore called on Malawi to reflect on the UPR recommendations on these issues.

#### 4. Concluding remarks of the State under Review

404. Malawi clarified that out of 127 recommendations which it received, it accepted 82 and rejected 45.
405. Regarding the comment that Malawi would establish an inter-ministerial committee to monitor progress of the implementation of UPR recommendations, the delegation explained that an inter-ministerial committee responsible for human rights issues was already in place and that this committee would also monitor progress regarding implementation of UPR recommendations.
406. With regard to the amendment of section 46 of the Penal Code, Malawi indicated that former section 46 granted absolute powers to the Minister of Information for regulating publications. The Law Commission, tasked with the mandate of reviewing the laws of Malawi, recommended that section 46 be amended to bring it in line with the Constitution. The delegation explained that section 46 was accordingly amended and that the powers of the Minister to regulate publications were no longer discretionary but based on reasonable grounds, and that the Minister's decision was subjected to judicial review. Malawi highlighted that this was an improvement of the previous situation and that if the Minister were not entitled to exercise these powers the society would be exposed to child pornography, incitement to genocide and the like. Section 46 was amended therefore to protect the children and society of Malawi.
407. Malawi explained that economic and social rights were recognized in Malawian Constitution which provided for their progressive realization. Although many resources were required for the fulfilment of these rights, and notwithstanding Malawi's limited ones, the country had taken steps to progressively fulfil the social and economic rights of its people.
408. Malawi thanked all the delegations for the comments and recommendations received and indicated that it would take them into consideration.

**Mongolia**

409. The review of Mongolia was held on 2 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
- (a) The national report submitted by Mongolia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/9/MNG/1 and A/HRC/WG.6/9/MNG/1/Corr.1);
  - (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/MNG/2); and
  - (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/MNG/3).
410. At its 31st meeting, on 16 March 2011, the Human Rights Council considered and adopted the outcome of the review on SuR (see section C below).
411. The outcome of the review on Mongolia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/16/5), together with the views of Mongolia 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.

**1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

412. The delegation of Mongolia expressed its appreciation for the constructive engagement of members and observer states of the Human Rights Council in the interactive dialogue of Mongolia's universal periodic review. It reported that in the past months the government held extensive dialogue and consultations with relevant state agencies and non governmental organisations regarding the recommendations made during the interactive dialogue as well as Mongolia's voluntary commitments.
413. Recalling that 129 recommendations had been made by delegations during the review in November, 2010 Mongolia noted that it had accepted 118 of these recommendations and postponed the consideration of 11. After the careful consideration of the remaining 11 recommendations in the post- interactive dialogue period the government decided to accept 8 recommendations and not to accept 3 recommendations at this stage.
414. The delegation provided further explanations on its position towards those 11 recommendations. With respect to recommendations nos. 86.1 and 86.2, Mongolia expressed its willingness to accede to ICRMW and to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, having in mind that the accession to these instruments was linked to Mongolia's national security interests. While the

government had submitted its findings and conclusions on the accession of these conventions to the Parliament the final decision fell in the competence of the Parliament and thus, the Government was not in a position to declare the acceptance of recommendations nos. 86.1 and 86.2 at this stage.

415. Similarly, Mongolia was not in a position to accept recommendation no. 86.3 which requested to mandate the Constitutional Court to act upon violations of the individual rights and freedoms guaranteed under the Constitution. The delegation explained that the government found impractical to mandate the Constitutional Court, which carried supreme supervision over the implementation of the Constitution, to receive and address every individual complaint regarding the breach of the constitutional rights and freedoms as the Constitution stipulated that the Constitutional Court should review and make judgment on the disputes at the request of the Parliament, the President, the Prime Minister, the Supreme Court or the Prosecutor General and/or on its own initiative on the basis of petitions and information received from citizens. Furthermore, specialized courts on civil and administrative cases functioned to deal with above mentioned cases. Nevertheless, the government expressed its commitment to further study the proposal.
416. The delegation reported that the government accepted recommendations no. 86.4, which requested to consider accepting individual complaint mechanisms such as those provided for in ICERD, CAT, ICCPR and CEDAW. It noted that Mongolia had been already a party to the OP-ICCPR, and OP-CEDAW and it would consider the possibility of making declarations provided for in the respective articles of ICERD and CAT.
417. Mongolia accepted the recommendation no. 86. 5 regarding the adoption of measures to explicitly prohibit, prevent and punish discrimination on any grounds, including on the basis of HIV/AIDS status. The delegation informed that in November 2009 a Working Group was set up to elaborate amendments to the Law on Prevention of HIV/AIDS and the draft amendments included anti-discrimination clauses.
418. The delegation stated that Mongolia accepted recommendations nos. 86. 6 and 86.7 related to the role of the National Human Rights Commission of Mongolia (NHRCM) in the adoption and implementation of the gender equality law and the participation of women in decision making. It informed that the Parliament had already adopted the Law on Gender Equality which specified the role of the NHRCM in its implementation. As noted by the delegation, the Law also provided ample opportunities for women to be included in the upper and/or high-level decision making process.
419. Mongolia also accepted the recommendations nos. 86.8 and 86.9. In this respect, a Working Group had been established to elaborate amendments to the Criminal Code and the Criminal Procedure Code to combat discrimination based on sexual orientation and gender identity as well as hate crimes.

420. The delegation reported that the declassification of death penalty sentences imposed in the past and the removal of classification of information on death penalty were planned to be implemented after the approval of the Bill and other measures on the Abolition of the Death Penalty. Furthermore, in the spring session the Parliament scheduled to debate Mongolia's accession to the Second Optional Protocol to the ICCPR, aiming at the abolition of death penalty. Having this in mind, Mongolia accepted the recommendations nos. 86.10 and 86.11.

**2. Views expressed by member and observer States of the Council on the review outcome**

421. Algeria welcomed the progress made by Mongolia in the area of human rights, which was illustrated by the establishment of various mechanisms for human rights protection, the ratification of major international instruments and the establishment of a moratorium on the death penalty. Algeria also expressed its appreciation at the acceptance by Mongolia of 126 recommendations, including 3 recommendations made by Algeria. Algeria was encouraged by Mongolia's determination to continue its efforts to promote and protect human rights.

422. Thailand noted Mongolia's determination to overcome socio-economic and development challenges while striking a balance between economic growth and human rights. Thailand expressed its readiness to promote South-South cooperation particularly in the area of sustainable agricultural production and income generating activities. Thailand welcomed the acceptance by Mongolia of recommendations addressing vulnerable groups, such as women, children and persons with disabilities. Thailand expressed its support to Mongolia's efforts to combat human trafficking and expressed its readiness to share its experiences and identify concrete areas of mutual cooperation.

423. Morocco took note of the progress made by Mongolia in the area of human rights. By accepting 126 out of 129 recommendations made during the review, Mongolia reaffirmed its commitment to human rights and to the universal periodic review. This also reinforced the dialogue and cooperative approach demonstrated by Mongolia during the review process. Morocco remained conscious of the difficulties and challenges that Mongolia might face in implementing these recommendations. In this regard, Morocco called on the international community to support Mongolia in its endeavors.

**3. General comments made by other relevant stakeholders**

424. The National Human Rights Commission of Mongolia (NHRCM) stated that the recommendations made during the working group of the Human Rights Council covered important aspects and challenges of Mongolia and supported the fact that the government accepted 126 recommendations out of 129. It assured that even though the issue of the ratification of the Convention related to the status of refugees and ICRMW depended on decision of the Parliament and thus, the government could not make final and firm position at this stage, the

NHRCM would put special efforts for Mongolia's accession to these treaties by carrying out an awareness raising campaign and advocacy to explain the importance of those treaties for Mongolians. The NHRCM expressed the view that individual cases of human rights violations should be addressed to national courts instead of the Constitutional Court. Efforts should thus be made to ensure that the national courts issue fair decisions regarding such individual cases.

425. Asian Forum for Human Rights and Development (Forum Asia) regretted that Mongolia did not provide a written response to the 11 pending recommendations. It underlined that issues relating to land, water and environmental rights did not receive due attention and expressed its disappointment that Mongolia did not accept the recommendation which requested to mandate the Constitutional Court to act upon violations of individual rights, particularly for the land and environmental rights of indigenous and herder communities. Forum Asia mentioned that 50 percent of the population lived in the capital and were at high risk due to a uranium exploration project, while nomadic herders made up 25 percent of the population and were being pushed out of their lands due to mining projects. Forum Asia also underlined the contradiction between the water scarcity and the desertification challenge on one hand and the approval of mining projects in the Gobi Desert.
426. Asia Pacific Forum on Women, Law and Development referred to reported frauds and vote-buying which occurred during the 2008 parliamentary elections. Several candidates and supporters of opposition parties which struggled against the ballot counting fraud were arrested and criminal charges were imposed against them. Asia Pacific Forum on Women, Law and Development urged the government and political parties to shore up their political will to reform the Law on Elections based on human rights and democratic principles, norms and values to ensure free and fair elections. It stated that the courts and Prosecutor's office must reconsider all illegal processes to ensure people's right to a fair trial.
427. Amnesty International welcomed Mongolia's support to the recommendations to ratify the Second Optional Protocol to the ICCPR and urged the early implementation of these recommendations. It raised expectations that the death penalty would be abolished in national legislation. Amnesty International also called on Mongolia to ensure the effective implementation of recommendations to bring the definition of torture in national legislation in line with international standards. While welcoming Mongolia's support of the recommendation to ensure access to health care, adequate housing, education and safe drinking water and sanitation for all, especially people living in "ger" districts, Amnesty International was concerned about the lack of adequate housing, infrastructure, sanitation and drainage in these districts.
428. Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit – COC Nederland NGO encouraged Mongolia to include discrimination on the basis of sexual orientation and gender

identity, as well as health conditions and disability in its Constitution in order to ensure that lesbian, gay, bisexual and transgender persons and other minorities, such as people with disabilities and people living with HIV/AIDS, enjoy equal rights and freedoms. It commended Mongolia for accepting the recommendations to enact broad anti-discrimination legislation that explicitly prohibits discrimination based on sexual orientation and gender identity and stated that the Government should include civil society organizations in the implementation of these recommendations. Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit encouraged Mongolia to: include discrimination on the basis of sexual orientation and gender identity in its broader human rights and awareness-raising activities; apply the Yogyakarta Principles on the Application of International Human Rights Law in relation to sexual orientation and gender identity; and report regularly on progress made in the implementation of the above-mentioned recommendations to the Human Rights Council.

#### **4. Concluding remarks of the State under Review**

429. The delegation stated that the government would pay a special attention to several key areas in order to: guarantee civil participation in decision making process and the right to vote and further develop the relevant legal framework; ensure the right to healthy and safe environment by developing laws in this field , including the mining sector; provide access and relevant infrastructure for participation of persons with disabilities in public life; address violations of the rights of minorities, and develop legislation to provide effective redress for those violations.
430. In conclusion, the delegation stated that Mongolia, by being fully aware of the magnitude of the efforts that were required to implement the accepted recommendations in the upcoming years, would seek technical assistance from relevant international organisations and non governmental organisations as well as bilateral assistance and cooperation.

#### **Panama**

431. The review of Panama was held on 16 March 2011 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
- (a) The national report submitted by Panama in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/9/PAN/1/Rev.1 and A/HRC/WG.6/9/PAN/1/Rev.1/Corr.1);
  - (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/PAN/2); and
  - (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/PAN/3).

432. At its 32<sup>nd</sup> meeting, on 16 March 2011, the Human Rights Council considered and adopted the outcome of the review on SuR (see section C below).
433. The outcome of the review on Panama comprises the report of the Working Group on the Universal Periodic Review (A/HRC/16/6), together with the views of Panama 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 (*see also A/HRC/16/6/Add.1*).

**1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

434. The Minister of Government of Panama, Ms. Roxana Mendez, reminded that the promotion, protection and respect for human rights was a priority for her Government and constituted a matter of public policy.
435. 268. The addendum presented by Panama comprised answers, observations and comments on the recommendations received as well as the Panamanian position on pending recommendations. The addendum also devoted a section to the implementation of UPR voluntary pledges and commitments.
436. Regarding ratifications, the National Assembly adopted on February 22<sup>nd</sup> 2011 four instruments: the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention for the Protection of All Persons from Enforced Disappearance; the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.
437. The Accession to the Optional Protocol of the Covenant on Economic, Social and Cultural Rights and to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was still under study. The Panamanian Government held meetings with the OHCHR regional office and sought the opinion of experts on the extent of the obligations of these two instruments in order to make an informed decision.
438. The Government also established a task force on the ILO Convention 169 which had concluded its work and favored its ratification.
439. Panama was already implementing the recommendation requesting the alignment of national laws and policies with the Convention on the Elimination of All Forms of Discrimination against Women. The delegation mentioned examples of national legislation and policies protecting the rights of women, including the campaign “Maltrato Cero”, the Law 4 of 1999 that prohibited gender discrimination and the bill against femicide. As a result, women’s participation in the labour market had considerably increased though it remained a challenge.

440. On the issue of discrimination, the Government was considering the possibility of amending Law 16 of 2002 to enhance and strengthen the competencies of the national commission against discrimination. Measures of protection for Afro Panamanians were also under study, including a plan of action. Panama had also accepted the recommendation on the Yogyakarta principles as long as they do not infringe the Constitution or the human rights international obligations of Panama.
441. The delegation recalled that, in relation to the “Bocas del Toro” incidents of July 2010, the Government had established a dialogue process regarding Law 30/2010 with the participation of the main social stakeholders, governmental agencies and representatives of the National Assembly. This process concluded with six new laws on environment, public procurement, penal code, labour code, national police and commercial aviation. Additionally, the Government had set up a special commission of inquiry on the incidents of “Boca del Toro” that concluded its work and presented a report to the President of Panama. Furthermore, the Government created an office of permanent dialogue that had adopted a series of measures to assist the victims or persons affected by the incidents.
442. The Supreme Court granted constitutional status to the Convention on the Rights of the Child. The delegation also presented several programs aimed at combating child labour and its causes, and school dropouts including the program “Red de Oportunidades” from which 63,245 families in extreme poverty were benefitting. Regarding the legal responsibility of children, children between 12 and 14 would not be sent to jail and would be put at the charge of the national secretariat for children, adolescents and family. The delegation recalled that corporal punishment was banned by the Penal Code. However, since Panama did not have a specific legislation on this matter, it was considering enacting one. Based on treaty bodies’ observations, Panama had embarked in an ample process of consultation to draft a bill that would rise the minimum age of marriage for women and men.
443. With reference to the case of the death of 5 minors held in the Tocumen reclusion center, the President of Panama had stated that this was a criminal act contrary to the Government’s penitentiary policy. The Attorney General had charged 9 police officers and 3 civilians. Panama had also undertaken measures to restructure the penitentiary system as a whole. The judiciary had begun the implementation of a program to address the case load. As a result, 17,399 cases were solved while 85,034 cases were still pending. Moreover, in 2011 the new procedural system would progressively enter into force.
444. Panama had adopted legislation recognizing the right to land of the indigenous peoples and the realization of consultations. The Government was also trying to build a positive environment to promote dialogue with indigenous communities on the code of mineral resources and the development of mining activities in Panama.
445. Regarding issues related to migrants and refugees, Panama was committed to guarantee the security and effective protection to all persons entering its territory looking for protection or asylum,

particularly the protection against refoulement in the borders and the non-penalty for illegal or irregular entry.

446. Panama could not accept a recommendation on the right to peaceful assembly. On the other hand, Panama recognized freedom of association for civil society and unions in particular. Thus, the Government was studying the possibility of amending the Labour Code, in consultation with employers and unions, in order to reduce the minimum number of workers required to establish a union.
447. In conclusion, the delegation announced that the Government, with the support of the OHCHR regional office, was drafting an Executive Decree to establish a permanent inter-agency commission to follow-up the implementation of the international obligations and commitments of Panama in the area of human rights. Furthermore, the Government had already adopted the decision to extend an open invitation to the special procedures, invitation that was about to be sent.
448. The delegation reiterated the Government's commitment to the promotion and protection of human rights.

## **2. Views expressed by member and observer States of the Council on the review outcome**

449. Algeria noted with appreciation Panama's views on recommendations, its voluntary pledges and replies, its commitment to the universal periodic review and the broad involvement of civil society in the preparatory process. It commended Panama for its vision of universality, indivisibility and interdependence of human rights and of promotion and protection of human rights on an equal and non-discriminatory basis. It noted that Algeria made five recommendations, which enjoyed Panama's support, or were considered as having been implemented or in the process of implementation. It encouraged Panama to give due attention to its voluntary pledges and commitments particularly regarding international law and the outcome of the universal periodic review.
450. The United States of America welcomed Panama's support to many recommendations and its agreement to adopt measures to improve prison conditions in accordance with international human rights law. It sought information about the bill on prison overcrowding. It commended Panama's support to recommendations to undertake a consultative process with labour and civil society leaders to review legislation to ensure protection of human rights of workers, including freedom of assembly. It also commended the implementation of recommendations to effectively investigate the excessive use of force during the July 2010 national strike in Changuinola and inquired about concrete steps in this regard. It commended Panama's intention to strengthen respect for women's rights, including adequate funding for the Women's National Institute and other offices promoting equal opportunities, and focusing on combating gender discrimination and domestic violence.
451. Uruguay welcomed Panama's acceptance of most recommendations and the information on the process of recent ratification of some international human rights instruments. It also welcomed the

strengthened cooperation with the regional office of the High Commissioner for Human Rights. Uruguay encouraged Panama to finalize the standing invitation for special procedures, which would enable closer cooperation and technical assistance. Concerning education, it welcomed the information on improving infrastructure and projects to ensure school enrolment of all children, and the tours conducted mostly in indigenous areas, to identify children working in prohibited activities such as agriculture. It commended Panama for home visits by social workers guiding parents and allocating scholarships, thus withdrawing over 100 children from the labour market and reintegrating them into the educational system. It appreciated the information on progress made in combating discrimination and on women's rights and encouraged Panama to continue in the same vein.

452. Morocco applauded Panama for the openness demonstrated throughout the universal periodic review, illustrated by the frank and constructive debate in the working group. It noted with appreciation the important number of recommendations accepted, reflecting Panama's commitment for the promotion and protection of human rights. It particularly noted Panama's acceptance of the three Moroccan recommendations on human rights training for security forces and prison and judicial personnel, the promotion of rights of migrants and refugees, and the comparison of Panama's experience with the one of other United Nations members. It noted with interest Panama's efforts to improve the human rights situation and to realize economic, social and cultural rights despite difficulties faced, particularly regarding poverty and crime. Morocco called on the international community to assist Panama in its efforts.
453. Brazil welcomed Panama's acceptance of the recommendations made and its openness to adopt the necessary measures to ensure promotion and protection of human rights. Brazil recalled its continued availability to share its perspective and experience regarding the protection and promotion of human rights. It noted with interest Panama's decision to establish an inter-institutional committee to continue to monitor the implementation of accepted recommendations.
454. Guatemala recognized Panama's efforts in the promotion and protection of human rights and noted the progress made in the implementation of many recommendations, underlining Panama's acceptance of most of them. Guatemala also noted progress in the ratification of human rights instruments and the extension of a standing invitation to special procedures. It appreciated the information provided on migrant workers and migrants in general and expressed hope that progress in this area of concern would continue.

### **3. General comments made by other relevant stakeholders**

455. International Voluntarism Organization for Women, Education and Development, VIDES, expressed concern about the situation of indigenous peoples and those in marginalized areas, especially in Darien. It noted that despite Panama's abundant water resources, most areas far from cities suffered from partial or total lack of safe drinking water and insufficient aqueducts. It recommended Panama to

guarantee the right to water for all its citizens and to invite the Independent Expert on the right to water and sanitation to visit the country. Despite the adoption of law N. 34 of 1995, it noted that current education system neither provides bilingual education nor recognizes the value of indigenous culture. It recommended to Panama to implement legislation to guarantee teachers adequate remuneration to allow them to perform their duties in remote areas and to provide adequate training on the value of indigenous cultures.

456. Amnesty International welcomed Panama's support to recommendations on ensuring an independent investigation into events of 2010 in Bocas del Toro and to prosecute those responsible for violations during national strikes. It expressed concern that security forces appeared to have used excessive force resulting in deaths and injuries. It noted that the Special Commission, set up by the Government, recommended bringing those responsible to justice and incorporating the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials into national guidelines. It noted Panama's support to the recommendation to ensure that the press is not targeted and to guarantee freedom of expression. It raised concern about the case of two Spanish journalists who were arrested in February 2011, later deported and prohibited re-entry. It urged Panama to reconsider their expulsion and guarantee all journalists the right to carry out their work without fear of reprisals.
457. Rencontre Africaine pour la Défense des Droits de l'Homme, RADDHO, congratulated Panama's efforts to adhere to a number of international and regional human rights instruments and welcomed the signature of OP-CAT. It welcomed Panama's will to integrate women into the country's sustainable development through a policy of equal opportunities. RADDHO encouraged Panama to adopt a better policy and strategy for the promotion and protection of indigenous rights. It called for full investigation of the events in Bocas del Toro in July 2010. It noted the recent reform of the Mining Code in order to attract new investors and hoped this change was not made to the detriment of indigenous peoples present in territories with strong copper concentration. It saluted Government initiatives concerning the improvement of detention conditions through investment in prison infrastructure and in penal administration.

#### **4. Concluding remarks of the State under Review**

458. The Panamanian delegation thanked the participants for the constructive dialogue during the UPR of Panama and stated that the Government would spare no effort to follow-up on recommendations and improve the human rights situation in Panama for all, and that it was open to further cooperation with OHCHR in that regard.

#### **Maldives**

459. The review of Maldives was held on 3 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
- (a) The national report submitted by Maldives in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/9/MDV/1/Rev.1);

(b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/MDV/2 and A/HRC/WG.6/MDV/2/Corr.1);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/MDV/3).

460. At its 32nd meeting, on 16 March 2011, the Human Rights Council considered and adopted the outcome of the review on Maldives (see section C below).
461. The outcome of the review on Maldives comprises the report of the Working Group on the Universal Periodic Review (A/HRC/16/7), together with the views of Maldives 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. (*see also A/HRC/16/7/Add.1*).

**1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

462. The delegation noted that Maldives considered the Universal Periodic Review process to be a unique and useful exercise from the outset of the preparation of its national report in consultations with NGOs and the National Human Rights Commission. The delegation emphasized the particular usefulness of holding an enlightening and constructive dialogue with UN Member States. Maldives used this dialogue to assess the 126 received recommendations within their government and returned to the HRC to offer their responses to the recommendations and to outline how they intend to go-about the implementation. The delegation has seen this process as a different way to think and act in the sphere of human rights.
463. Maldives' approach to the UPR process has been premised on the same principles with which they approach all their interactions with the Human Rights Council. The delegation reported that they tried to be transparent and willing to listen. This approach was evident through the national report and from the interactive dialogue.
464. The delegation gave detailed feedback on the 126 recommendations submitted to Maldives since it had kept all recommendations pending. This decision stemmed from the seriousness with which Maldives approached the UPR process, and the desire to give full and proper consideration to all recommendations.
465. The delegation informed that since that time, Maldives' UPR Standing Committee, comprised of government departments, the Human Rights Commission and civil society has met to review the recommendations. The important and sensitive recommendations have been the subject of a Cabinet Debate. This demonstrated the importance that the government attached to the UPR process and to the promotion and protection of human rights.

466. The delegation informed that Maldives has submitted in writing its detailed response to all recommendations, , in the interest of openness and transparency.
467. The delegation informed that Maldives has been able to accept, fully or partially, 100 of the 126 recommendations. These recommendations cover a wide-range of important issues and, when implemented, will make a significant positive contribution to human rights in Maldives.
468. The delegation highlighted the position of the State on its international human rights commitments, infrastructure and legislative level by accepting to ratify the two remaining conventions to which it is not yet party – namely the Convention on Enforced Disappearances, and the Convention on the Rights of Migrant Workers. Maldives also agreed to look into replacing the reservation to Article 21 of the Convention on the Rights of the Child with an explanatory declaration, and to significantly reduce the scope of their reservation to Article 16 of CEDAW.
469. The delegation agreed that their nascent institutions needed to be strengthened and to accept all recommendations regarding, for example, enhancing the independence, competence and professionalism of their national human rights commission.
470. On the legislative-level, Maldives has accepted all the recommendations calling on the country to either draft, table or adopt legislation designed to improve human rights protection, and committed itself to implement the recommendations calling for the expeditious adoption of the new Penal Code, as well as specific laws dealing with equality and non-discrimination. It assured the Council that it is a strong advocate of equality for all in society, including vulnerable groups such as women, children and the disabled, and already moved to adopt strong legislation in areas such as domestic violence, and the rights of persons with disabilities.
471. The delegation reported that Maldives also accepted all recommendations aimed at strengthening the enjoyment of economic, social and cultural rights in the country , including in the areas of health, education, employment, trafficking, drug-rehabilitation, and juvenile delinquency.
472. Maldives explained its reasoning for not accepting some recommendations at the present time by stating that in many cases it committed to taking small steps with a view to being able to consider them favorably during future UPR cycles. The delegation clarified their position to the use of different terms in their official written response. All recommendations that are stated as “partially accept this recommendation” were taken as accepted but subject to the explanation given, and those which they phrased as “takes note of this recommendation” reflected those to which the Maldives was sympathetic in principle but which it could not accept at the present time. For those that were rejected, the delegation provided the below explanation
473. With regard to the recommendation on capital punishment (100.6), which was rejected, Maldives is committed to maintaining a

moratorium on the death penalty as its recent vote at the UN General Assembly demonstrates.

474. The delegation reminded the Council that there has not been an execution in the country for half a century and that Maldives voted in favour of this year's UN General Assembly on moratoriums on the death penalty. However, at the present time, they are not able to accept the recommendation to either abolish the death penalty or to ratify the second Optional Protocol to the ICCPR.
475. With regard to the recommendation on corporal punishment, in particular public flogging, the government intended to consult with relevant national and international authorities to assess whether the application of corporal punishment, as currently practiced in Maldives, is compatible with its international obligations under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment (CAT). It will also consult on whether the newly-independent judiciary in the country has the capacity, at present, to pass down such punishments in a manner fully consistent with Maldives' Constitution and international human rights law, in particular those provisions dealing with non-discrimination on the basis of gender.
476. With regard to freedom of religion, the delegation noted that Maldives is and has been since its conversion to Islam, a 100% Muslim country. In the national consciousness, being a Maldivian and being a Muslim cannot be separated. This central role of Islam in Maldives' national identity makes it extremely difficult to introduce principles of freedom of conscience into the country. Notwithstanding, Maldives fully understands the importance of tolerance and understanding across all walks of life – including religion. In this regard, it has decided, as a first step, to accept recommendation 100.91 suggesting steps to encourage and facilitate domestic awareness-raising and open public debate on religious issues. Bearing in mind that perceptions of human rights and religion in Maldives are heavily influenced by relevant international debates and norms, Maldives has decided to host, in 2012, a major international conference on modern Sharia jurisprudence and human rights. In this regard, the delegation requested support from the international community.
477. For the third major category of recommendations on LGBT rights, the delegation was not able to accept them. Maldives' law does not discriminate against people on the basis of their sexual orientation, and in practice LGBTs are able to enjoy the same rights as other members of society. However, at the same time, there are no laws in Maldives which explicitly promote and protect LGBT rights.

**2. Views expressed by member and observer States of the Council on the review outcome**

478. Algeria was following closely the transition of Maldives towards democracy. Algeria welcomed Maldives' cooperation with human rights treaty bodies and its efforts to achieve the Millennium Development Goals and improve social indicators, including in the area of public health. It also expressed appreciation for efforts undertaken to mitigate the consequences of its vulnerability to certain environmental factors.

479. Sri Lanka commended Maldives' withdrawal of its reservation to article 7 of the Convention on the Elimination of All Forms of Discrimination Against Women and the active review of the reservations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child. Sri Lanka congratulated Maldives on becoming a member of the ILO. It noted the process of Maldives becoming a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW). It also noted the progress in combating narcotics and trafficking in persons but stressed that further action is needed. It welcomed Maldives' leading role regarding the resolutions on human rights and climate change which highlighted human rights implications of anthropogenic climate change.
480. Saudi Arabia noted Maldives' commitment to human rights as demonstrated in its cooperation with all United Nations human rights mechanisms and its eagerness to continue this international cooperation and the frank human rights dialogue. It noted that Maldives was party to most international human rights instruments and commended it for receiving and facilitating a number of visits by Special Procedure mandate holders. Saudi Arabia appreciated the spirit of cooperation demonstrated by Maldives delegation as well as the efforts undertaken by the Government in the area of human rights, especially in the legislative and institutional areas.
481. Cuba noted Maldives' efforts to implement the recommendations made during the review. It welcomed Maldives' approach in regard to the recommendations made by Cuba, namely the implementation of strategies and plans related to socio and economic developments and measures taken to guarantee the rights to education and health. Cuba welcomed the steps taken in the area of health, improving the indicators related to life expectancy, infant mortality and eradication of malaria and polio. Cuba highlighted achievements in the area of education through guaranteeing free primary and secondary education, which has improved the situation of women, the elderly, children and persons with disabilities. Cuba stressed that the international community should provide support to Maldives in relation to the implementation of its policies and programmes.
482. Botswana was encouraged by Maldives' determination to meet its obligations to promote and protect human rights, which was evident from the openness and constructive engagement, including, the decision of the Government to accept many of the UPR recommendations. It commended Maldives for its continued leadership on climate change issues, it demonstrated as a member to the Human Rights Council and even before.
483. Morocco congratulated Maldives on the successful review and noted that it had been an occasion to take account of the progress made in the area of human rights, in spite of poverty and climate change related challenges. Morocco welcomed that Maldives had accepted its recommendations concerning the promotion of equality between men and women in all areas, and combating violence against women. Morocco encouraged the continued efforts to ensure the transition to democracy and the realization of economic, social and cultural rights.

Morocco encouraged the international community to support Maldives in its development efforts.

**3. General comments made by other relevant stakeholders**

484. Forum Asia and the Maldivian Democracy Network (MDN) appreciated efforts in convening the UPR Standing Committee for the inclusive debate with all stakeholders, and urged that the Committee be maintained for UPR follow-up activities with measurable implementation plans. Forum Asia and MDN called on the Government to formulate a comprehensive policy to protect the rights of migrant workers as well as victims of trafficking by allowing registration of undocumented migrants, and to establish a bureau to ensure access to justice. It urged the Government to accede to ICRMW. Forum Asia and MDN reiterated the recommendations to strengthen the capacity and independence of the judiciary and improve the human rights education of the judiciary and the public and encouraged the country to seek OHCHR' technical assistance in this area. Forum Asia and MDN called on Maldives to counter negative stereotypes on women and acknowledged the major challenges of discrimination, hate speech and corruption which the government must confront.

**4. Concluding remarks of the State under Review**

485. The delegation concluded by thanking the Working Group and the Human Rights Council for the constructive dialogue and described the next steps that are foreseen in terms of implementing the accepted recommendations and other agreed steps.
486. At the time of its review in the Working Group Maldives has established a UPR Standing Committee composed of relevant government departments, local NGOs and the Human Rights Commission of the Maldives. This Standing Committee was constituted to prepare the report, to consider the recommendations and to have responsibility for implementing them in-time for the second cycle of the UPR in four years time. Maldives will submit a mid-term review on the progress made on the implementation.

**Andorra**

487. The review of Andorra was held on 3 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
- (a) The national report submitted by Andorra in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/9/AND/1 and A/HRC/WG.6/9/AND/1/Corr.1);
  - (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/AND/2); and
  - (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/AND/3).

488. At its 32nd meeting, on 16 March 2011, the Human Rights Council considered and adopted the outcome of the review on Andorra (see section C below).
489. The outcome of the review on Andorra comprises the report of the Working Group on the Universal Periodic Review (A/HRC/16/8), together with the views of Andorra 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 (see also A/HRC/16/8/Add.1).

**1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

490. Andorra expressed its satisfaction with the interactive dialogue that took place during the ninth session of the UPR Working Group. It recalled its adoption of 30 international human rights conventions since 1993 when it had joined the United Nations. It thanked the 22 delegations that intervened during the interactive dialogue of its UPR for their interest. Commenting on the UPR as a new peer review process, Andorra noted that Member States possessed unequal economic and human resources and faced different challenges. Some States like Andorra had never been entangled in a global conflict nor have they been victims of a dictatorship or a revolution. Therefore Andorra believed that it would be more effective and useful to take into account each State's cultural geographic and historic distinctive features when they come before the Human Rights Council for their UPR.
491. Andorra supported the idea of an international solidarity in particular for the ratification of human rights conventions. However it was not easy for Andorra to adhere to new conventions due to its limited human and financial resources.
492. Andorra recalled that it had accepted 24 out of 56 recommendations made during the UPR Working Group and this was a testimony of the progress it had made in the area of human rights. Corporal punishment on minors was currently being punished by criminal laws, gender equality policies had been set up and it had become party to some of the international conventions.
493. In parallel, the Government had considered 30 recommendations and decided not to accept two of them due to the complexity in their implementation.
494. Andorra accepted to ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol (parts of recommendations 84.4, 84.7 and 84.10), the Optional Protocol of the Convention against Transnational Organized Crime, and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (recommendations 84.15 and 84.16.)

495. Other accepted recommendations were related to the review of the existing legislation, including the Marriage Law, in order to comply with the Convention on the Elimination of All forms of Discrimination against Women (recommendations 84.17 and 84.27), the submission and presentation of pending reports to the treaty bodies (recommendation 84.24.) , the effective protection of the rights of foreigners residing in the country, and the active promotion of anti-discrimination policies, including in law enforcement practices (recommendation 84.25), the regulation and guarantee of the rights of workers in accordance with the standards of the European Social Charter, through dialogue with social agents and social stakeholders, and by seeking maximum parliamentary consensus (recommendation 84.28) and the establishment of a system of data collection which would allow a stock-taking of the problems faced by immigrants in areas such as employment and access to public office to enable to take measures to solve these problems and better evaluate their situation and consolidate efforts to ensure that their rights are respected (recommendations 84.29 and 84.30).
496. Andorra acknowledged the importance of adopting the ICESRC and its Optional Protocol (parts of recommendations 84.1, 84.2, 84.4, 84.5, 84.6, 84.7, 84.9 and 84.10) but stressed the difficulties it faced to date to make a firm commitment towards their ratification.
497. With regard to the amendment to the legislation to decriminalize abortion under certain circumstances, such as pregnancies as a result of rape (recommendation 84.18), Andorra would consider the possibility to amend the Penal Code to decriminalize this medical act when carried out in Andorra. Finally, with regard to joining the ILO and ratifying its core Conventions (recommendation 84.14) Andorra could not at present commit to such an accession but would consider it carefully.
498. Andorra referred to the Addendum to the UPR Working Group report (A/HRC/16/8/Add.1) where it had explained the reasons for its decision not to accept the remaining pending recommendations.

## **2. Views expressed by member and observer States of the Council on the review outcome**

499. Algeria thanked Andorra for its response to the recommendations made during its UPR Working Group. Algeria greatly appreciated the acceptance of two of its recommendations namely on strengthening the cooperation between the Group on Interreligious Dialogue and the National Commission of Andorra in UNESCO and on the presentation of periodic reports due to the international human rights instruments. Algeria was also pleased by the fact that Andorra accepted the recommendation related to the ratification of the Convention on the Rights of Persons with Disabilities. However, it invited Andorra to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and to consider the possibility of creating a national human rights institution. Algeria expressed its satisfaction with the progress achieved by Andorra in combating all forms of discrimination, in promoting children's rights and ensuring access to health care and education. As a result of these efforts, Andorra was amongst the first 30 countries of the list of

human development index. Algeria encouraged Andorra to continue on this path.

### **3. Concluding remarks of the State under Review**

500. Andorra expressed its gratitude for having participated in this key exercise to the protection of human rights. It expressed the wish that the UPR, as a unique tool, would continue to contribute to the improvement of the human rights situation in all countries. It thanked the Secretariat and the Troika for their excellent work and outstanding cooperation. It also thanked all the delegations who through their recommendations had expressed their interest in the human rights situation in Andorra. It reiterated Andorra's full commitment to protect human rights and continue the path it had undertaken 18 years ago to ensure the well-being of its citizens by respecting their rights and liberties.

#### **Bulgaria**

501. The review of Bulgaria was held on 4 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
- (a) The national report submitted by Malawi in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/9/BGR/1 and (A/HRC/WG.6/9/BGR/1/Corr.1 and 2);
  - (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/BGR/2) and (A/HRC/WG.6/9/BGR/2/Corr. 1 and 2);
  - (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/MWI/3).
502. At its 33rd meeting, on 17 March 2011, the Human Rights Council considered and adopted the outcome of the review on Bulgaria (see section C below).
503. The outcome of the review on Bulgaria comprises the report of the Working Group on the Universal Periodic Review (A/HRC/16/9), together with the views of Bulgaria 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/16/9/Add.1).

#### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

504. Bulgaria indicated that the Universal Periodic Review process had enabled it to take stock of the internal human rights situation, to draw attention to what had already been accomplished and to exchange views on what remained to be done, including to enhance national capacities for the promotion and protection of human rights to the benefit of all persons residing in the territory of Bulgaria.

505. The delegation highlighted Bulgaria's intention to accept as many recommendations as possible. Bulgaria accepted without any reservations the overwhelming majority of the recommendations (102 out of 113). Another four recommendations on which Bulgaria "took note" were also accepted in principle as their implementation might require legal adjustments, allocating adequate budgetary resources or strengthening or improving administrative capacity. The delegation provided assurances that those recommendations will remain on Bulgaria's agenda in the follow-up period.
506. Regarding recommendation 31, Bulgaria recalled that it had already extended a standing invitation to all special procedures and so it did accept this recommendation.
507. The delegation explained that forty of the accepted recommendations were already implemented or under implementation. For example, the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment had already been submitted to the National Assembly for ratification. Equally, the institution of the Ombudsman created in 2005 in accordance with the Paris Principles and with the assistance of the International Coordinating Committee intended to submit the necessary application for accreditation in compliance with the Statute of the International Coordinating Committee.
508. Regarding recommendations related to the deinstitutionalization of children (Recommendations 15, 20, 27, 77 and others), Bulgaria reiterated the Government's commitment to closing all the remaining specialized institutions for children in the course of 15 years and replacing them with community based supportive centers.
509. The delegation briefly addressed the recommendations regarding the situation of Roma in Bulgaria (Recommendations 18, 29, 86, 93, 95 etc). Bulgaria stated that Government had the political will to take adequate steps aimed at improving the situation of the Roma people. The delegation emphasized that achieving satisfactory results could only be a product of a shared effort and proportional responsibilities between the Government, the Roma and their leaders, and the NGOs involved in the Roma integration.
510. The delegation clarified that out of 113 recommendations made to Bulgaria, only 5 of them had not been accepted (Recommendations 2, 24, 59, 81 and 107), mainly due to constitutional and other legal constraints, some of them touching upon the independence of the judiciary (See Recommendations 81 and 107).
511. Bulgaria explained that two recommendations (Recommendations 64 and 108) were partially accepted. The delegation stated that the first part of recommendation 64 was not in accordance with its domestic constitutional framework. Bulgaria considered that the rights of persons belonging to minorities were duly guaranteed by the Constitution and other legislation in accordance with article 27 of the International Covenant on Civil and Political Rights and *the Framework Convention for the Protection of National Minorities of the Council of Europe*.

512. According to the delegation, the second part of recommendation 108 was, regretfully, irrelevant. The delegation explained that Bulgaria, as a State Party to the International Covenant on Civil and Political Rights, fully implemented all of its provisions, including those of its article 27. Likewise, Bulgaria abides by the provisions of the European Convention of Human Rights and strictly implements the decisions of the European Court of Human Rights vis-à-vis Bulgaria.

**2. Views expressed by member and observer States of the Council on the review outcome**

513. Algeria appreciated Bulgaria's acceptance of an important number of recommendations, including two recommendations made by Algeria on the establishment of a national human rights institution and on the fight against all forms of religious hatred, discrimination, racism, extremism and xenophobia. Algeria noted the explanation for the rejection of the recommendation on the ratification of the Convention on the Rights of All Migrant Workers and Members of their Families. Algeria would have appreciated this recommendation being taken on board in the spirit of the recommendation N° 1737 of the Parliamentary Assembly of the Council of Europe. Algeria hoped that Bulgaria would accept recommendation 4 calling for effective measures to enhance the health care sector and the right to health.

514. Morocco noted with satisfaction Bulgaria's indication of the existence of an independent National Human Rights Institution in conformity with the Paris Principles and its intention to apply for accreditation in 2011. Morocco welcomed Bulgaria's reform of its judicial system through its Judicial Strategy, and indicated that the activities undertaken in a targeted and coordinated manner among all stakeholders favoured the adoption of this Strategy as a best practice to be followed. It also appreciated the various actions taken in favour of vulnerable groups, in particular children and persons with disabilities, including in the spheres of education, employment and health. Morocco thanked Bulgaria for having accepted its recommendations concerning the systematic inclusion of human rights education and training in the educational system and in vocational training as well as on the integration of the Roma in Bulgarian society.

515. Turkey thanked Bulgaria for its responses to the recommendations made. Turkey also commended the achievements made by Bulgaria in various fields and welcomed the development of their bilateral relations. Turkey expressed the view that the Turkish minority in Bulgaria was a strong bridge of friendship and recalled that Turkey had made recommendations during the Universal Periodic Review with a view to further strengthening this bridge. Turkey trusted that its messages of friendship were heard by Bulgaria and wished to continue to enhance their cooperation in every possible field.

**3. General comments made by other relevant stakeholders**

516. COC Netherlands and ILGA-Europe commended Bulgaria for all positive steps it had taken in the past for the human rights of Lesbian,

Gay, Bisexual and Transgender (LGBT) people but reiterated the need to implement various UPR recommendations for them. It highlighted the importance of the development and implementation of effective hate-crime legislation and encouraged Bulgaria to include civil society in the development of education and training programmes to overcome discriminatory patterns against LGBT people and ethnic minorities. It suggested that Bulgaria further develop work in this area by applying the *Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity* as a guide to assist in policy-making.

517. Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO) noted the National Strategy for Children 2008-2018 to improve the situation of those children living in national and municipal institutions. Despite measures taken, RADDHO remained concerned about discrimination and ill treatment against Roma, noting the high levels of illiteracy and poverty affecting Roma children, and urged Bulgaria to guarantee to the Roma minority the full and effective enjoyment of their rights. RADDHO expressed concern about the continued sexual exploitation of women and children in Bulgaria in spite of efforts to combat human trafficking. RADDHO encouraged Bulgaria to ensure that detention conditions fully meet international standards; and to ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
518. The Islamic Human Rights Commission (IHRC) stated that the Roma Muslims residing in Bulgaria had been experiencing prejudice and had endured some of the worst racism and Islamophobia. Roma families were routinely denied access to education, employment, health care and housing. Studies had shown that Roma Christians were in a better position than Roma Muslims, which resulted in many Roma Muslims converting out of their religion to seek a better lifestyle. Bulgaria had not made available any organised support to the Muslim Roma minority. The IHRC urged Bulgaria to provide them with the same standard of living as other citizens, in order to respect their rights.

#### **4. Concluding remarks of the State under Review**

519. Bulgaria thanked all delegations and non-governmental organizations for their interest and active contribution to the UPR of Bulgaria.
520. Bulgaria indicated that its written response to the recommendations made during the UPR Working Group offered a reply to many of the questions raised.
521. Nevertheless, the delegation confirmed that the Bulgarian authorities will closely monitor any alleged manifestation of racism and intolerance against any person in their jurisdiction and, if necessary, would resolutely take steps to punish such acts. The delegation indicated that relevant statistics on hate crimes were being gathered and analyzed by the Ministry of Interior, the General Prosecutor's Office and the Commissions for protection against discrimination and for protection of the rights of the child. The delegation drew attention to the Penal Code amendments of 2009 relating to propaganda with

the addition of provisions on the incitement to ethnic hostility or hatred in speech, print or other mass media or through electronic information systems or through other means. The delegation reaffirmed that the country's Constitution provided equal treatment of all Bulgarian national or foreign citizens residing in the territory of Bulgaria, regardless of his or her religion, ethnicity or sexual orientation.

522. Bulgaria assured participants that it would consider all recommendations made to it and of its commitment to the promotion and protection of human rights in Bulgaria as well as its firm support of the UPR process.

### **Honduras**

523. The review of Honduras was held on 4 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Honduras in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/9/HND/1 and A/HRC/WG.6/HND/Corr.1);

(b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/HND/2); and

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/HND/3).

524. At its 33rd meeting, on 17 March 2011, the Human Rights Council considered and adopted the outcome of the review on Honduras (see section C below).

525. The outcome of the review on Honduras comprises the report of the Working Group on the Universal Periodic Review (A/HRC/16/10), together with the views of Honduras 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.

### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

526. The importance of the UPR to Honduras was demonstrated in the high level delegation led by the Vice President which attended the review in November 2010. Honduras recalled that the country underwent a deep political crisis, which unveiled the shortcomings the country faced in the promotion and protection of human rights. One of the legacies of this crisis was the polarization of the society, which was critical for the realization of human rights.

527. Therefore one of the main challenges of the authorities was to rebuild the confidence of the society towards State institutions. To this end, and under the leadership of the Secretary of Justice and Human Rights, a national dialogue with all civil society sectors was pursued

with the objective of establishing a common and prioritized human rights agenda within the framework of the National Plan of Action for Human Rights. Honduras had sought the cooperation of civil society organizations while following-up on UPR recommendations.

528. Out of 129 recommendations received during the review, Honduras accepted 117 and postponed 12 for further consideration. Honduras welcomed all remaining recommendations, except the one calling for the strengthening of the investigative capacity of the Public Prosecutor's Office (recommendation 83.10) and the recommendation encouraging it to establish an institution specifically addressing the rights of the child (first part of recommendation 83.6). Honduras postponed these recommendations for budgetary reasons.
529. Honduras reported on the measures taken to comply with other pending recommendations: drafts laws have been submitted to the Congress to amend the provisions of articles 117 and 321 to the Penal Code, incorporating as an aggravating circumstance of the crime of assassination and as an element of the crime of discrimination, respectively, the fact that the crimes have been committed on the basis of the sexual orientation or gender identity of the victim, the disability of victims and the fact that they pertain to an indigenous or afro-descendant community. The processes for adhering to the OPCAT and the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption had been launched. The Special Prosecutor for Indigenous and Afro-descendant Peoples had requested the demarcation and regularization of indigenous lands; investigated reports on the usurpation of their lands and initiated proceedings to determine responsibilities for the allegedly irregular concession of rivers in indigenous lands.
530. Honduras also informed that it would hold the First World Summit of Afro-descendant Peoples, in August 2011, in the city of La Ceiba, and that a Presidential Decree had established 2011 as the International Year of Afro-descendants.
531. With respect to its voluntary pledges and commitments, Honduras noted that:
- With the technical support of OHCHR, consultations with civil society had been engaged to take into account their concerns and views in the formulation of a National Plan of Action for Human Rights.
  - Through the National Prevention Mechanism for the Prevention of Torture and with the support of civil society organizations, an amendment of the Penal Code had been prepared, in order to align the national definition of torture with the CAT.
  - A draft law to prevent and suppress human trafficking has been prepared.
  - The Office of the Public Prosecutor designed a new information system to better collect disaggregated data about victims and perpetrators.
  - A comprehensive policy on social cohesion and public security for the period 2010-2022 has been adopted in the Country's National Plan.
  - A protocol for the protection of victims has been established. Appropriate protective measures would be adopted with the victim's

consent, and investigations about the source of threats would be conducted.

- The General Directorate of the Unit for the Protection of Human Rights Defenders had been placed under the supervision of the Secretary of Justice and Human Rights.
  - The President of the Republic had requested the Secretary General of the United Nations to implement a pilot project for strengthening the capacity of the Prosecutor Offices of El Salvador, Guatemala, and Honduras to investigate and prosecute organized crime and to combat impunity.
532. Honduras acknowledged the special vulnerability to which were exposed children, women, members of the LGBT community, journalists, social communicators and human rights defenders, as well as the institutional weaknesses for investigating human rights violations.

## **2. Views expressed by member and observer States of the Council on the review outcome**

533. The United States of America commended the establishment of the Secretariat of State for Justice and Human Rights and the Secretariat of State for Indigenous and Afro-Honduran Affairs and welcomed Honduras agreement to ensure financial and other resources to the above-mentioned bodies and to the Office of the Special Prosecutor for Human Rights. It commended efforts to investigate the cases of murdered journalists and human rights defenders and to ensure protection to the Special Prosecutor for Human Rights. It applauded Honduras' agreement to institute human rights education programs for police, diplomats and security forces, including sensitization for dealing with members of the lesbian, bisexual and transgender community. The United States of America were encouraged that Honduras would examine recommendations to adopt comprehensive anti-discrimination legislation to protect vulnerable groups, and wished to know what concrete steps were taken in this regard and what actions against perpetrators of abuses against these groups were adopted. Likewise, it was interested to know what concrete steps Honduras was taking to combat impunity.
534. Thailand noted with appreciation the national reconciliation plan and was pleased that Honduras accepted all of its recommendations. Thailand welcomed Honduras's support of the recommendation to set up laws against trafficking in persons and hoped that Honduras would continue to work to ensure that national policies related to human trafficking were implemented. Thailand also welcomed efforts to address domestic violence and violence against women and encouraged Honduras to strengthen the protection system. Furthermore, it commended efforts to enhance gender equality. It welcomed the fact that Honduras was in the process of promoting human rights education and training and encouraged Honduras to incorporate human rights education in schools' curricula.

## **3. General comments made by other relevant stakeholders**

535. The World Organization against Torture (OMCT) welcomed the establishment of the Secretariat of State for Justice and Human Rights, the announcement regarding the creation of a special unit to investigate crimes against journalists and hate crimes against the lesbian and gays, and the financial support to the Office of the Special Prosecutor for Human Rights. Nevertheless, it regretted that attacks, threats and harassment of human rights defenders continued, especially from the military intelligence. OMCT welcomed the draft laws which guarantee the independence of the judiciary. It regretted, however, the prevalence of high levels of impunity.
536. The Istituto Internazionale Maria Ausiliatrice (IIMA) remained concerned about the low quality of education in the country and recommended that Honduras take concrete actions to increase budget allocations and to provide subsidies to the poorest families. IIMA was of the view that the measures taken to tackle violence against children, domestic abuse and trafficking had been insufficient, and encouraged implementation of relevant laws and the prosecution of perpetrators. IIMA also recommended that Honduras undertake awareness-raising campaigns to prevent and combat the economic exploitation of children. IIMA encouraged Honduras to provide adequate housing, nutrition, healthcare and educational opportunities to the approximately 10,000 children living in street situations.
537. Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit (COC Netherlands) regretted that crimes against members of the lesbian, gay, bisexual, transgender, transsexual, travesty and intersex communities (LGTTBI) were systematic and on the increase, situation which was worsened by the intolerance and hatred against members of that community. COC Netherlands called for the investigations of recent killings of LGTTBI, and the adoption of measures to ensure adequate, prompt and transparent investigations of the killings, intimidations and other abuses against the LGTTBI community.
538. The International Federation of Human Rights League (FIDH) was concerned that Honduras had not taken sufficient actions to combat impunity and instead appointed in government posts high level military officers involved in the institutional crisis of 2009. It also regretted that no measures had been taken to reinstate the judges dismissed in May 2010. FIDH also noted that the Government did not accepted recommendations concerning action against gender discrimination, discrimination against vulnerable groups and members of the LGTB community though violence against these groups was on the increase. FIDH called Honduras for accepting as soon as possible all recommendations and manifestly express its commitment to translate these recommendations into concrete action to ensure to all Hondurans the enjoyment of their human rights.
539. Rencontre africaine pour la défense des droits de l'homme (RADDHO) recalled that Honduras endured a major political upheaval in recent years. RADDHO stated that national legislation had to be brought in line with international norms to effectively address issues such as torture, enforced disappearance and sexual and commercial exploitation of children. While RADDHO welcomed the creation of

the Secretariat for the Development of Indigenous and Afro-Honduran Peoples, it considered that more needed to be done to combat racial discrimination. RADDHO hoped that more would be achieved to address impunity and prosecute extrajudicial killings and encouraged Honduras to strengthen the role of the Office of the Special Prosecutor for Human Rights by ratifying ICESCR and OP-CAT.

540. Rehabilitation and Research Centre for Torture Victims (CPTRT) regretted that Honduras did not take any initiative to effectively prevent torture and other cruel, inhuman or degrading treatment. In this regard, CPTRT indicated that the National Preventive Mechanism against torture still did not have enough resources to carry out its activities, that the proposal made by the civil society to broaden the current definition of torture in the legislation had been rejected and that the adoption of the new penitentiary law had been stalled. Victims of human rights violations were invisible despite the law on compensation before the Congress. Honduras should display true interest in complying with the UPR recommendations.
541. Amnesty International (AI) welcomed Honduras' voluntary pledge to initiate a process of consultations on a national human rights plan with the involvement of the civil society. After at least 10 journalists were murdered in 2010, AI urged Honduras to immediately implement the recommendations on the protection of journalists and human rights defenders. AI welcomed the acceptance of recommendations on investigations and prosecutions of crimes committed against Lesbians, Gays, Bisexuals and Transgenders due to the increasing levels of violence experienced by these people. AI considered that the acceptance of recommendations relating to investigations of the grave human rights violations which occurred after the 2009 institutional crisis was a first welcome step. However, AI was disappointed about the rejection of recommendations to drop disciplinary proceedings against the judges dismissed for expressing opposing views with regard to the 2009 institutional crisis.
542. Centro de Derechos Humanos Miguel Agustín Pro Juárez (PRODH) welcomed the promise by Honduras to investigate the assassinations of journalists and to legally recognize community based media. However, PRODH recalled the murder of 10 journalists in 2010 and that the precautionary measures requested by the Inter-American Commission on Human Rights (IACHR) had not been fully implemented. PRODH also stated that Honduras had failed to amend the telecommunications legislation and that attacks on community radio broadcasters were on the increase. This prompted allegation letters from United Nations and IACHR Special Rapporteurs on freedom of expression to which Honduras did not reply to date. Due to intensive lobbying, Honduras vowed to investigate the murders and other attacks on journalists. However, PRODH stated that this had not been the case and PRODH reiterated its demand for an end to attacks on journalists.
543. Plan International, Inc. welcomed the recommendations on children living under difficult circumstances and stated that Honduras had to adopt the necessary measures to guarantee human rights to children and establish an institution to protect the rights of indigenous children and those living in remote areas. Plan International stated that there had

been no progress regarding the recommendations guaranteeing access to justice, avoiding re-victimization and ensuring rehabilitation and provided figures on prosecutions of assassinations of children and youths. It also stated that no progress had been made on child labour and sexual exploitation of children and indicated that Honduras should implement recommendations from various human rights mechanisms to strengthen the institutions dealing with children. Plan International recalled the responsibility of the State in guaranteeing the rights of the child.

544. Centre for Justice and International Law (CEJIL) stated that Honduras did not implement any recommendation to improve the administration of justice and the independence of judges. CEJIL stated that a constitutional reform established the High Council of the Judiciary without ensuring a separation of administrative and judicial functions and that judges continued to be appointed on the basis of political recommendations. There was no will from Honduras to make reparations for the violations of the independence of the judiciary. CEJIL stated that lack of judicial independence led to impunity, such as in the cases of killing of women. In 2010, 64 women were killed while the unit set up to investigate such cases faced serious problem to do so. As a consequence of a lack a political will, impunity continued to prevail.
545. The African Commission of Health and Human Rights Promoters (CAPSDH) congratulated Honduras for sponsoring the Global Summit of People of African Descent to be held in August 2011. CAPSDH recalled the historical clash between cultures on the American continent, where discrimination persisted. CAPSDH underlined the loss of languages and ancestral traditions and referred to the specific case of Garifuna people, who preserved their languages but needed support to preserve their territory. CAPSDH welcomed the commemoration of the month of Persons of African Descent in April 2011, while the Garifuna people would celebrate the 214<sup>th</sup> year of their existence in Honduras.

#### **4. Concluding remarks of the State under Review**

546. Honduras clarified that it had accepted all 129 recommendations received during the review and that it has postponed only two for budgetary concerns.
547. Honduras further informed that:
- It had extended an invitation to the Special Rapporteur on the situation of human rights defenders, who had accepted to visit the country in September 2011. It had also invited the Special Rapporteur on the right to education and the President Rapporteur of the Working Group on the use of mercenaries to conduct visits to the country.
  - A Presidential Decree had been adopted, which established, as a national policy, the road map for the prevention and eradication of child labour and its worst forms.

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- The Secretary of Social Development would provide financial and technical support to all kind of activities for the implementation of the 2<sup>nd</sup> National Plan of Action for the Prevention and Eradication of Child Labour 2008-2015.
  - The Commission against commercial sexual exploitation of children has begun a consultation process before presenting a draft law on Trafficking to the National Congress.
  - A National Policy on Nutritional and Food Security had been adopted in order to guarantee the adoption of sector policy guidelines in the fields of health, education, social protection, water and sanitation and basic infrastructure.
  - The Congress had passed a law which incorporate the crime of forced disappearance into domestic legislation.
  - The Congress had initiated a consultation process regarding the draft law on the Council of the Judiciary and the Judicial Career.
  - Similarly, a consultation process regarding the draft law on the protection of Honduran migrants and their families had been launched.
  - A Trust Fund for Hondurans abroad had been established to help migrants living in poverty and in situation of vulnerability. 300 persons had already been assisted.
  - A National Policy for the advancement of juveniles had been established in order to coordinate State's efforts and civil society's contributions for the improvement of life conditions of juveniles.
  - A National Policy on climate change had also been adopted, with the purpose of implementing adaptation and mitigation measures.
  - The Congress had repealed the Law on the State of Emergency.
  - A draft law on reparation to victims of human rights violations had been submitted for its approval by the Congress.
  - Acknowledging the vital importance of freedom of expression in consolidating a democratic society based on the Rule of Law, several measures have been taken to ensure the free exercise of this freedom, including the training of 150 investigative agents whose tasks include the investigation of attacks against journalists.
  - The fight against impunity was at the top of the governmental agenda, and the President of the Republic continued pursuing the establishment of a UN pilot project for enhancing the capacity of the institutions of the justice sector to tackle the phenomenon.

548. Honduras reiterated its call to all sectors of the civil society to engage in a national dialogue to establish an agreed agenda for addressing national priorities.
549. It thanked Members and Observer States of the Council and civil society organizations for contributing to the exchange about the human rights situation in the country.
550. Honduras announced that it would submit a mid-term report on the implementation of UPR recommendations.
551. It further committed itself to continue the dialogue with States and civil society, and acknowledged the importance of the UPR in the promotion and protection of human rights.
552. Honduras thanked the members of the Troika –the United Kingdom of Great Britain and Northern Ireland, the Russian Federation and Thailand- as well as the staff of the Secretariat for their support during the review.

#### **Lebanon**

553. The review of Lebanon was held on 10 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
- (a) The national report submitted by Lebanon in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/9/LBN/1 and A/HRC/WG.6/9/LBN/1/Corr.1);
  - (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/LBN/2); and
  - (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/LBN/3).
554. At its 34th meeting, on 17 March 2011, the Human Rights Council considered and adopted the outcome of the review on Lebanon (see section C below).
555. The outcome of the review on Lebanon comprises the report of the Working Group on the Universal Periodic Review (A/HRC/16/18), together with the views of Lebanon 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.

#### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

556. After conveying to Japan its sympathy and condolences with regard to the natural disaster that had befallen the country, Lebanon stated that it appreciated the efforts of the Human Rights Council in promoting human rights.

557. Lebanon had been a victim of wars of others on its land and was taking steps to make up for the stand-still in the country during successive crises. It was updating its laws in line with the principles promoted by the Council, which were also the essence of the State of Lebanon.
558. The delegation thanked all countries that had provided comments and recommendations, noting that it would make efforts to take all comments into consideration. Lebanon also appreciated the work of civil society and hoped to work hand in hand with civil society organizations to create an enabling environment for these organizations to pursue their legitimate interests and concerns.
559. Lebanon recalled that it had accepted a large number of recommendations, some of which had already been implemented or were in the process of implementation. With regard to the recommendations the consideration of which Lebanon had postponed, the delegation informed that all recommendations were accepted, with the exception of a part of one recommendation. In this context, the delegation referred to an annotated list of recommendations it had submitted so as to provide further clarifications. Lebanon was pleased to announce that it had accepted to extend a standing invitation to all Special Procedures mandate holders to visit the country, and that preparation of overdue reports to treaty bodies, including CAT, was under way.
560. Concerning women's rights, the delegation noted that six draft laws were currently before the Chamber of Deputies and that the National Commission for Lebanese Women had submitted to the Ministry of Justice proposals to eliminate discriminatory provisions from the legislation, in particular provisions having an economic effect. These proposals were currently being considered by the Ministry. Lebanon had accepted all recommendations on the protection of women from domestic violence, and a draft law on this matter was in preparation. Lebanon had also accepted a recommendation concerning crimes of honour, noting that the draft Penal Code which had been submitted to Parliament eliminated provisions mitigating the seriousness of the crime so as to align it with other crimes for which the law provides appropriate punishment.
561. In relation to Palestinian refugees, Lebanon highlighted the establishment of a Lebanese-Palestinian dialogue, which was a mechanism of cooperation conducted in a positive and realistic manner, together with UNRWA and donor countries, to address pending issues, including those relating to identity documents, the situation of camps and the reconstruction of the Nahr el Bared camp. Regarding the economic situation of Palestinian refugees and their right to work, it was noted that the Ministry of Labour had authorized Palestinians living in Lebanon to work in many professions that had previously been reserved for Lebanese nationals. Provisions had also been made to ensure that Palestinians would receive compensation for arbitrary dismissal as well as end-of-service benefits that were equal to those received by Lebanese citizens.
562. Lebanon further stated that, in line with its accession to CAT in 2000 and its Optional Protocol in 2008, it had accepted all recommendations concerning torture and was also following up on recommendations made by the Sub-Committee for the Prevention of Torture following its visit to Lebanon in 2010. With regard to enforced disappearances, Lebanon had accepted all recommendations to determine the fate of disappeared persons, in line with the relevant Ministerial pronouncement

of 2009, but noted that the implementation mechanisms would depend on internal and external circumstances.

563. Recalling the role of Lebanon in drafting the Universal Declaration of Human Rights, Lebanon emphasized its eagerness to preserve its principles and address human rights issues, but acknowledged that its limited resources and political difficulties had slowed down the process of finding appropriate solutions.
564. Concerning the issue of Palestinian refugees, Lebanon noted that it could not solve the Palestinian tragedy on its own and that it could neither take decisions at the expense of its own people nor at that of the Palestinian cause. Although Lebanon would shoulder its part of the responsibility, it was primarily for the international community to carry this burden.

## **2. Views expressed by member and observer States of the Council on the review outcome**

565. Saudi Arabia noted that the acceptance by Lebanon of the majority of recommendations, including those put forward by Saudi Arabia, reflected the positive interaction of Lebanon with the human rights mechanisms. Saudi Arabia observed that Lebanon had consistently cooperated with the UN human rights mechanisms and engaged positively in the field of human rights. The review of Lebanon had offered an opportunity to learn about the efforts made in Lebanon to improve laws and institutions in the field of human rights. Saudi Arabia hoped that these efforts as well as the cohesion by which Lebanese society, with its religious and cultural diversity, was characterized would continue.
566. Qatar commended Lebanon for its engagement in the review process, which had allowed the Council to learn about its efforts in human rights promotion and protection. Qatar noted Lebanon's cooperation with special procedures and other United Nations human rights mechanisms, and its preparedness to work in a positive spirit with the Council, demonstrating its determination to improve the human rights situation and overcome the challenges it faces. Lebanon had acceded to most human rights instruments and developed a national action plan for their implementation, including the establishment of appropriate institutions.
567. Algeria commended Lebanon for the way in which the national report had been prepared and followed up, noting that the report allowed the Council to have a clear view of the significant efforts made by Lebanon to improve the human rights situation. It noted that a large number of recommendations had been accepted during the interactive dialogue, including those put forward by Algeria. This reflected, once again, the commitment of the Lebanese authorities to further promote human rights.
568. Egypt appreciated Lebanon's efforts to overcome the crises and wars which it had suffered, including efforts to bring legislation in line with international human rights principles, and its openness to dialogue with all stakeholders. Egypt welcomed steps to implement accepted recommendations, including the transmission of draft laws to the Council of Deputies for review and adoption, particularly on women's rights. It noted that Lebanon had accepted recommendations concerning domestic violence and intended to adopt specific legislation and conduct an awareness-raising campaign to mobilize support. Egypt further appreciated efforts made regarding the rights of Palestinian refugees and acknowledged related difficulties, especially resource constraints. It appealed to the international community to shoulder its

responsibility and to intensify its efforts aimed at the settlement of the question of Palestine, as well as a comprehensive and just peace in the region.

569. Syria acknowledged the effective participation of Lebanon in the review process, noting that Lebanon had submitted a report which demonstrated transparency as well as a realistic attitude and professionalism. The national report showed the true situation of human rights and fundamental freedoms in the country and was a reflection of efforts undertaken to promote and protect them. The fact that Lebanon had further accepted the pending recommendations demonstrated its readiness to strengthen its engagement with the international community with the aim of strengthening human rights protection.
570. Armenia valued Lebanon's readiness to enhance cooperation with special procedures by extending an open and standing invitation, thus enhancing dialogue on human rights in line with its rich pluralistic traditions. It commended the determination of Lebanon to safeguard freedom of expression, reflected by the acceptance of Armenia's recommendations, and appreciated its commitment to protecting cultural heritage and the intention to ratify the UNESCO Convention on the Protection and Promotion of Diversity of Cultural Expressions. It noted Lebanon's efforts in bringing together Government agencies, communities and civil society and observed that follow-up to the review would consolidate the human rights agenda and serve the cause of unity and solidarity.
571. Iraq was pleased that Lebanon had accepted the recommendations which it had put forward and appreciated the efforts made by the Government in preparing the report in spite of the difficulties faced by the country, which however had not affected the full enjoyment of human rights and fundamental freedoms in the country, which was a model of pluralism and cultural and religious diversity. Iraq commended the sincere will of Lebanon to move towards further promotion of human rights. The report had provided an opportunity to take note of the implementation of fundamental human rights in a democratic and pluralistic country, in which rights were respected in spite of difficult circumstances. Iraq called on Lebanon to draw up effective plans to implement the recommendations and voluntary pledges.
572. Jordan noted the importance which Lebanon attached to human rights promotion and protection, including through institutional and legislative initiatives and by acceding to regional and international instruments. Lebanon had developed a legislative framework and national strategy to protect human rights, particularly to combat child labour and assist victims of trafficking. Jordan welcomed Lebanon's efforts to protect freedom of expression and opinion and develop a legislative framework for the media, and also to promote the right to education and the right to health, amongst others. It further noted measures to promote women's autonomy and emancipation at social and political levels, including their participation in decision-making, and to put an end to honour crimes.
573. Mauritania appreciated the achievements made by Lebanon in the field of human rights and its efforts aiming at the promotion and protection of human rights. These achievements as well as the fact that Lebanon had accepted the great majority of recommendations were proof of a true political will in favour of human rights promotion and protection.
574. Yemen commended Lebanon's cooperation with civil society and noted its important role as a symbol for freedom, as well as the role of Beirut as a regional

and international centre hosting numerous human rights-related events. It noted efforts to promote and protect human rights in line with the principles of the Universal Declaration on Human Rights so as to ensure freedom and prosperity in line with laws and mechanisms ensuring the enjoyment of civil, political, social and other fundamental rights. Yemen commended Lebanon for the efforts made to further promote human rights and appreciated its acceptance of 83 recommendations, including those of Yemen.

### **3. General comments made by other relevant stakeholders**

575. The Cairo Institute for Human Rights Studies welcomed Lebanon's intention to improve the working possibilities and conditions of Palestinian refugees. It remained concerned however at the absence of concrete measures. It urged that Palestinian refugees be allowed to practice liberal professions and that they are issued personal identification documents. Acknowledging challenges related to foreign occupation and Palestinian refugees, it regretted these being used to justify the deprivation of rights. Cairo Institute noted that disregard for the freedom of movement accompanied by military interference had led to the neglect, exclusion and marginalization of Palestinian refugees, particularly in Nahr El Bared Camp. It also noted discrimination related to property issues, particularly the exclusion of Palestinian from the right to own property.
576. The International Institute of Mary Our Help of the Salesians of Don Bosco - International Institute Marie Auxiliatrice (IMMA) - welcomed the achievements made by Lebanon in the promotion and protection of human rights, and the sincere and responsible way in which the Government had handled the review. However, it noted that, despite efforts to improve the quality of education, several problems remained. For instance, measures taken to facilitate the integration of the most vulnerable children in ordinary schools were insufficient. It called for the adoption of a bill extending compulsory schooling to the age of 15 years. It also hoped that the Government would render public education free in practice, modernize the school infrastructure and equipment, and improve the quality of public education. IMMA remained concerned by the situation of Palestinian children living in refugee camps, of which only 20 percent had access to public education. Moreover, it noted that Palestinians were victims of de jure and de facto discrimination with regard to the right to work.
577. Verein Südwind Entwicklungspolitik welcomed Lebanon's ratification of the Optional Protocol to the Convention against Torture in 2008. At the same time, it noted that its unofficial moratorium on the death penalty had not yet been formalized and referred to 42 persons on death row who experienced uncertainty as a result. It urged Lebanon not to abstain from votes on a global moratorium at the General Assembly. It opposed discriminatory provisions regarding marriage, divorce, parenting and inheritance in Lebanon's multiple personal status codes and regretted discrimination in nationality rights against children born to Lebanese mothers where the father is of a different nationality. It recommended lifting all reservations to CEDAW and ratification of its Optional Protocol.
578. The Khiam Rehabilitation Center for Victims of Torture expressed concern that recommendations would not be implemented because of the existence of different factions in Lebanon, which divided the population. It stated the need for a plan of action to implement the recommendations and to end torture in detention. It also noted a need to improve family laws, to end violence against women and to abolish capital punishment. It stated that different factions must not prevent Lebanese

citizens from being equal in dignity and rights and called on Lebanon to review rejected recommendations.

579. Human Rights Watch welcomed the outcome report of Lebanon, which included recommendations on the rights of women, refugees, migrants and victims of enforced disappearance. It would have wished that the review of Lebanon reflected concerns on the continued detention of foreigners following the end of their sentences. It acknowledged that the amendment of the Labor Law to facilitate work permits requirements for Palestinian refugees was a step in the right direction and urged the Government to remove other laws and restrictions that discriminate against Palestinians. It showed disappointment at the Lebanese rejection of some recommendations to amend laws discriminating against women. It welcomed the bill introduced in February by the Minister of Labour to regulate and protect migrant domestic workers and urged for its adoption. It also welcomed Lebanon's pledge to establish an independent national commission to investigate the whereabouts of missing persons and victims of enforced disappearance.
580. World Vision International noted a growing acceptance in Lebanon of the notion that children have the right to participate and be heard in matters affecting them. It appreciated that children were included in civil society consultations for the preparation of the upcoming report to the Convention on the Rights of the Child. It welcomed Lebanon's acceptance of recommendations related to trafficking, child labour and clearing of land mines. A common concern raised by the Children's Council related to the difficulties faced by stateless children and those without identity papers, especially regarding access to education, health care and future employment. It urged Lebanon to reconsider recommendations on the right to acquire a nationality.
581. The Rencontre Africaine pour la défense des droits de l'homme welcomed the establishment of a national human rights institution and an Ombudsman, expressed support for the training of security forces and commended Lebanon's accession to the Optional Protocol to the Convention against Torture. It regretted, however, that despite the imposition of a moratorium, the death penalty remained in force. Rencontre Africaine remained concerned at the lack of freedom of movement of refugees, and regretted that migrant workers were not protected by the Labour Code. It invited Lebanon to decriminalize homosexuality and eliminate discrimination of women in law and practice.
582. Amnesty International welcomed Lebanon's support for recommendations to amend its national legislation to include a definition of torture that conforms to the Convention against Torture. It was disappointed at Lebanon's rejection of recommendations aimed at amending legislation that discriminates against Palestinian refugees and urged the Lebanese authorities to keep these recommendations under review. It also welcomed Lebanon's willingness to examine a recommendation to establish an independent body to investigate the whereabouts of missing persons and to consider ratifying the Convention for the Protection from Enforced Disappearance. It regretted that Lebanon had rejected recommendations to abolish the death penalty and to end the prerogative of military courts to try civilians.
583. Pax Christi International, International Catholic Peace Movement welcomed that Lebanon had accepted a significant number of recommendations related to torture. In this regard, it stated that Article 401 of the Penal Code was ambiguous and did

not criminalize torture. It added that the establishment of a National Prevention Mechanism conforming to obligations under the Optional Protocol to CAT should not be delayed by the creation of bodies with a monitoring mandate within the Ministries of Justice and Interior. It believed that a clear division of responsibilities within the Government could avoid further delays in reporting to the treaty bodies. It regretted that Lebanon had rejected recommendations related to capital punishment and was concerned about death penalties imposed by the Military Tribunal, which did not adhere to international fair trial standards. The Government was in breach of international human rights law for allowing the Military Courts to continue adopting non-military tasks and try civilians.

584. The African Association of Education of Development focused its comments on the rights of domestic workers, stating that women coming from East Africa suffered from diverse abuses in Lebanon and were without protection. Physical violence was a frequent occurrence, freedom of movement was not assured, working hours did not provide for periods of rest and passports were withheld. The African Association stated that, taken together, this situation could be described as a contemporary form of slavery. There had also been cases of sexual abuse and many foreign women workers were victims of human trafficking. It appreciated the work of journalists, trade unionists and non-governmental organizations with affected women.

#### **4. Concluding remarks of the State under Review**

585. The Lebanese delegation stated that it valued all remarks made and that Lebanon attached great importance to the contributions by civil society organizations, with which it intended to have an ongoing dialogue.
586. With regard to those few recommendations which could not be accepted it was noted that this was due to the fact that, at this point, Lebanese citizens to a large extent were not in agreement with the proposed changes. This was for instance the case in relation to the recommendation to abolish the death penalty. While the Ministry of Justice had submitted a draft bill to this extent, this bill had not found majority approval.
587. In general terms, Lebanon was in a particular situation insofar as its people were composed of 18 religious communities, whose religious courts decided on personal matters in line with the rules and principles relating to each faith. At present, the political representation of all these faiths was the appropriate solution by which the interests of all Lebanese citizens were respected and a mutual understanding within Lebanese society could be maintained.
588. As regards the issue of domestic workers, Lebanon acknowledged that there were isolated incidents of abuse. The Ministry of Labour was addressing this issue and had already prepared a draft bill and a model contract in different languages understood by migrant workers. The Ministry of Labour had also adopted a system to regulate employment agencies, with provisions for end-of-service benefits for domestic workers.
589. Concerning Palestinian Refugees living in Lebanon, the delegation stated that they enjoyed full freedom of movement. Checkpoints for access to camps had been set up only to prevent certain individuals that had committed violations from seeking refuge in camps in order to flee prosecution. Delays in the reconstruction of the Naher el Bared camp were partly due to unfulfilled pledges by donors and partners. Mine fields around the camp also still had to be eliminated. Palestinians living in

Lebanon today were entitled to carry out many different professions, and identity cards had been issued to those who had not held such documents so far, so that families could register their children in schools and access social services.

590. Lebanon thanked again all countries for their valuable ideas and proposals, which it would duly take into consideration. Lebanon also stated that it would welcome any additional proposals, and that it would continue its cooperation with civil society, which made an important contribution to the promotion of human rights.

#### **Marshall Islands**

591. The review of the Marshall Islands was held on 5 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by the Republic of the Marshall Islands in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/9/MHL/1 and A/HRC/WG.6/9/MHL/1/Corr.1);

(b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/MHL/2); and

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/MHL/3).

592. At its 34<sup>th</sup> meeting, on 17 March 2011, the Human Rights Council considered and adopted the outcome of the review on the Marshall Islands (see section C below).

593. The outcome of the review on the Marshall Islands comprises the report of the Working Group on the Universal Periodic Review (A/HRC/16/12), together with the views of the Republic of the Marshall Islands 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 (*see also A/HRC/16/12/Add.1*).

#### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

594. The delegation of the Marshall Islands thanked the Office of the High Commissioner on Human Rights, the Human Rights Council and the Working Group for assisting the Marshall Islands in the Universal Periodic Review process and provided an abbreviated summary of its responses to all the 38 recommendations it received during the interactive dialogue .

595. The Marshall Islands accepted recommendations 56, 1 to 56.8, related to ratification of or accession to the main international human rights treaties and the relevant optional protocols, and abiding by the principles therein. The delegation stressed that the Marshall Islands is in serious need of technical and financial assistance in properly implementing the treaties and in continuing its efforts regarding those

to which it is not a party to. As a positive example of where such assistance produced results, the delegation indicated that the Marshall Islands is currently in the process of acceding to the United Nations Convention against Corruption.

596. Regarding recommendations 56.9 to 56.12, on the establishment of a national human rights institution, the delegation stated that the Marshall Islands cannot at this time consider these recommendations due to limited national resources. It stated that the strengthening of the Women's Office under the Ministry of Internal Affairs should occur before consideration of a national human rights institution.
597. The Marshall Islands accepted recommendations 56.22 to 56.27 to further review its laws and policies to ensure conformity with international human rights standards. The delegation stated that the Resource Development Committee will work with appropriate bodies in ensuring development of the laws. The delegation invited the international community to render technical and financial assistance to adhere to the international human rights standards and the provisions of CEDAW and CRC.
598. The Marshall Islands accepted recommendations 56.13 and 56, 14 and mentioned positive efforts undertaken with the support of UNICEF and NGO partners to address children's and women's rights.
599. As regards recommendations 56.15 to 56.19 and 56.25, related to women's rights and domestic violence, the Marshall Islands expressed its commitment to address domestic violence and other issues affecting women. Positive efforts have been made to raise awareness and a bill is currently pending in the national Parliament. Some progress has been made regarding the education of women and economic opportunities. The delegation stressed that more work is needed to address the serious imbalance in female participation in the Parliament. It added that any related constitutional action should continue to ensure democratic principles of free elections.
600. The Marshall Islands accepted recommendations 56.20, 56.21, 56.22, 56.33 and 56.34 and remains committed to properly implement children's rights and improve the situation of children at the national level. The delegation highlighted the establishment of a Child Rights Office and that, with the assistance of UNICEF, baseline research will enable the development of necessary policies.
601. As regards the rights of persons with disabilities, the Marshall Islands accepted recommendations 56.28 and 56.29. The delegation stressed that although these rights are not specifically afforded in the Constitution, there are already policies and legislation which address special education and health of children with disabilities, as well as access to parking facilities.
602. The Marshall Islands accepted recommendations 56.30 and 56.31 to continue to implement strategies and plans for socio-economic development. It stated that increasing national data capacity has improved policy advice and highlighted efforts made since last year toward an updated national development plan, as well as a new national consensus underway.

603. The delegation stated that the Marshall Islands accepted recommendation 56.35 to promote and protect the rights of prisoners and ensure that living standards and detention facilities abide by international standards. The delegation acknowledged the poor living conditions in detention facilities and indicated that the Marshall Islands is already considering improvements including building renovation and rehabilitation programmes for juveniles, although the resources are limited.
604. The Marshall Islands accepted recommendation 56.36 relating to climate change and noted the development of a roadmap and policy framework to provide a holistic approach and further partnership. The delegation expressed its disappointment that so few nations responded to the issue the Marshall Islands raised regarding the climate change impact and sea level rise, especially since immediate action can no longer be ignored. It indicated that the World Bank is currently undertaking a study on climate change and the human rights implications in the Marshall Islands. An academic conference planned for May 2011, cosponsored by the Marshall Islands and Colombia University may further address some of the critical and unprecedented issues in international law in relation to rising seas and climate change.
605. The Marshall Islands accepted recommendations 56.37 and 56.38 and already extended an invitation to the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights.
606. The delegation acknowledged the need to make critical progress in key human rights areas and stressed that the only barrier is limited means. It stressed that its own political will is not enough to achieve many of its affirmed goals under the UPR process. It emphasized the importance of building capacity through partnership which requires efforts to build bridges with local communities (recommendation 56.32). Unless it received such support, the Marshall Islands will only experience limited success or persistent gaps in progress at the next UPR.

**2. Views expressed by member and observer States of the Council on the review outcome**

607. Algeria welcomed the acceptance by the Marshall Islands of its two recommendations on the accession to the two human rights covenants and the implementation of human rights in the areas of education, health, housing and development. Regarding its third recommendation on the establishment of a national human rights institution, Algeria took note that this would be considered at a later stage. Algeria called on the international community to show solidarity with this island nation and help it to overcome its resource constraints, which were amplified by the impact of the financial and economic crisis as well as climate change. Algeria encouraged the Marshall Islands to continue its efforts to overcome obstacles to the full enjoyment of human rights .
608. Morocco congratulated the Marshall Islands on its open spirit demonstrated during the review and its determination to follow the

path of development and democracy. Morocco noted with interest the efforts to strengthen the judicial system, improve conditions of detention and reinforce freedoms of expression, information, religion, assembly and association, as well as efforts to fight violence against women. Morocco was pleased to note that three of its recommendations had been accepted. It called on the international community to support the Marshall Islands' efforts to overcome obstacles hindering the fulfilment of its human rights obligations.

609. Cuba was pleased to note that the Marshall Islands had accepted its recommendations, in particular with regard to the continuation of programmes and measures to ensure the enjoyment of the right to education and the right to health. Cuba welcomed the policies and programmes adopted by the Government and encouraged it to continue its efforts to mitigate the negative impact of climate change, in particular with regard to the full enjoyment of all human rights. The effects of climate change were indeed a reason for concern with regard to areas such as nutrition, education and health. Cuba also encouraged the Marshall Islands to continue the implementation of measures to promote and protect the human rights of its people.
610. New Zealand welcomed the Marshall Islands' intention to address the matter of ratification of major international human rights instruments, and that it was actively pursuing the problem of violence against women, while conceding that further efforts are needed to be made. In the area of children's rights, it noted the information that a review of child protection legislation was under way, with the assistance from UNICEF. It noted that the review would help to identify gaps in child protection as well as measures to address them. New Zealand welcomed these responses while at the same time acknowledging the limited resources of the Marshall Islands as a small state.
611. Maldives welcomed the decision by the Marshall Islands to support most of the recommendations made, including those made by them. With regard to challenges and vulnerabilities resulting from climate change, Maldives applauded the acceptance by the Marshall Islands to take a rights-based approach to adaptation and welcomed the information provided on the holistic approach taken. Maldives called on the international community to assist the Marshall Islands in its efforts to improve the human rights situation. Finally, it stressed the importance of working with the international community to explore the benefit of opening a mission in Geneva.

### **3. General comments made by other relevant stakeholders**

612. The World Association for the School as an Instrument of Peace encouraged the Marshall Islands to ratify core human rights conventions. It recommended that the Marshall Islands issue a standing invitation to the special procedures mandate-holders and offer to assist in future visits by special rapporteurs. It emphasized the importance of human rights education, which should become a part of the curriculum. It hoped that the Marshall Islands would partner with regional and international NGOs and institution of higher education to develop positive curriculum models. It noted that many NGOs in the region were interested in a regional human rights body for the Pacific

and hoped that the Marshall Islands would participate. The World Association further highlighted environmental and health issues, in particular as a result of past nuclear testing and in connection with climate change, and stressed the importance of a human rights-based approach to adaptation.

613. United Nations Watch welcomed and encouraged the commitment of the Marshall Islands to accept virtually all recommendations, including in particular recommendation to ensure that human rights are afforded full legal protection; that legislation and policies on women's rights and the elimination of violence against women are prioritized; that human rights organizations be actively involved in the follow-up to the review; and that existing laws be reviewed and revised to ensure that they are non-discriminatory. With regard to international engagement on human rights, United Nations Watch noted that the Marshall Islands had consistently stood against aiding and abetting selectivity, and for upholding equality, non-discrimination and the promotion of peace.

#### **4. Concluding remarks of the State under Review**

614. The delegation concluded by thanking the Working Group and the Human Rights Council for the constructive dialogue during its UPR and it looked forward to continued co-operation. It also added that it looked forward to the visit of the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights.

#### **Croatia**

615. The review of Croatia was held on 8 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
- (a) The national report submitted by Croatia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/9/HRV/1; A/HRC/WG.6/9/HRV/1/Corr.1 and A/HRC/WG.6/9/HRV/1/Corr.2);
  - (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/HRV/2); and
  - (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/HRV/3).
616. At its 34th meeting, on 17 March 2011, the Human Rights Council considered and adopted the outcome of the review on Croatia (see section C below).
617. The outcome of the review on Croatia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/16/13), together with the views of Croatia 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 (*see also A/HRC/16/13/Add.1*).

**1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

618. Croatia indicated that it actively participated in the UPR process and attached a great importance to the ongoing review of the Human Rights Council. Croatia passed through a dynamic democracy transition with the establishment of an advanced and comprehensive human rights protection system, including through its Constitution, its legislative and institutional framework, the ratification of a significant number of international human rights treaties and the extension of a standing invitation to the special procedures.
619. Croatia indicated that the national report attracted interest amongst the public and civil society and that consultation with civil society organisations would continue after the final adoption of the outcome. The Working Group report was sent to the Government in January 2011, which mandated the Ministry of Foreign Affairs and European Integration to undertake further steps, including the presentation of the report to the Parliamentary Committee for Human Rights and National Minorities.
620. Croatia considered that the UPR recommendations were an effective tool for reviewing and improving legislation and practice and for identifying existing protection gaps. Croatia thanked the 46 countries that had taken part in the interactive dialogue. This dialogue indicated that Croatia had achieved an advanced level in key areas relating to the human rights protection and promotion, such as the justice reform and suppression of all forms of discrimination. The commitment to resolving all outstanding war issues had also been confirmed. Croatia participated actively in the interactive dialogue and was willing to maintain cooperation with all interested countries, civil society organisations and all human rights mechanisms. In this regard, Croatia will be soon reviewed by three United Nations treaty bodies. Croatia stated that it was crucial to maintain an interdependence and constant interaction among the UPR and the treaty body system in order to improve both mechanisms.
621. Croatia was pleased to inform the Human Rights Council that it accepted the great majority of proposed recommendations, among them 94 last November. Croatia was not able to accept only two recommendations: the recommendation concerning the access to citizenship, as it was incompatible with domestic legislation since it had set requirements going beyond the international standards; the recommendation on free legal aid remained open to interpretation due to its drafting.
622. Croatia partially accepted several recommendations, namely those concerning the ratification of the International Convention of the Rights of All Migrant Workers and Members of their Families and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. On the first instrument, Croatia was of the view that an effective system for the migrants' rights should be seen as an integral part of the wider European human rights framework. While Croatia had not yet reached a final decision on the signing or ratification of this Convention, the broad legislative framework for the

migrant protection had been enacted. Regarding the second instrument, the inter-agency working group was in the process of formulating recommendations with regard to its signature and possible ratification.

623. All other postponed recommendations were accepted without any objection and Croatia provided basic information to clarify its responses on various issues, namely national minorities, return of refugees, war crimes, anti-discrimination, persons with disabilities and human trafficking. Croatia finally accepted the recommendation to establish an adequate mechanism for the follow-up of UPR recommendations, which would include the participation and cooperation of all relevant stakeholders.
624. Croatia expressed its commitment to make all recommendations more visible and to the comprehensive UPR exercise, although it can certainly be improved.
625. Finally, Croatia clarified its position relating to recommendations 98.1 to 98.3 on the International Convention of the Rights of All Migrant Workers and Members of their Families. Croatia did not accept these recommendations and recalled what it had said above on this specific instrument.

## **2. Views expressed by member and observer States of the Council on the review outcome**

626. Algeria noted with appreciation the large number of recommendations that Croatia considered it had already implemented or was in the process of implementing. It welcomed that two of its three recommendations had enjoyed the support of Croatia and took note of what Croatia had stated about follow-up to its third recommendation on the possibility of acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in accordance with recommendation 1737 of 17 March 2006, adopted by the Parliamentary Assembly of the Council of Europe, of which Croatia was a member.
627. Morocco noted with interest the efforts made by Croatia, notably, in the framework of the three-year national programme to strengthen promotion and protection of human rights. It welcomed Croatia's efforts aimed at enhancing the implementation of the normative and institutional framework, strengthening the administrative and institutional capacities, and combating discrimination. Morocco was satisfied that two of its recommendations enjoyed the support of Croatia; the recommendation relating to the incorporation of human rights education and training in the school curricula and training for civil servants, as well as the recommendation on the establishment of a system aimed at monitoring and systematically repressing hate crimes.

## **3. General comments made by other relevant stakeholders**

628. The Ombudsman of Croatia noted with regret that the government did not engage in public consultations with national stakeholders during the review process. While welcoming the acceptance by Croatia of a

majority of recommendations, the Ombudsman noted that Croatia needed to accept recommendation 98.11 to amend the strict eligibility requirements of the Free Legal Aid Act so that persons in need could benefit from its provisions. The Ombudsman positively echoed the acceptance by Croatia of all recommendations aimed at strengthening the status of the Ombudsman and specialised Ombudspersons. It urged the government to translate and make publically available the assessments and recommendations made by the international human rights bodies, including that of the universal periodic review.

629. Be Active, Be Emancipated (B.A.B.E) noted with regret that the human rights situation in Croatia had deteriorated since the beginning of the review process and citizens were deprived of basic rights such as the right to work and to just and favourable working conditions. B.A.B.E also noted with regret that Croatia rejected the recommendations related to the Free Legal Aid Act as the procedures for receiving free legal aid were bureaucratic and complicated. B.A.B.E reported that a number of cases of repossession of property of members of minorities had been pending for more than eleven years and that the independence of media had been reduced.

#### **4. Concluding remarks of the State under Review**

630. Croatia expressed its gratitude to the civil society organisations which had just raised some issues that deserved its outmost attention. As it did during the UPR process, Croatia will continue its consultations with civil society organisations in an open and constructive manner to review all remarks raised during this plenary session.
631. Croatia also welcomed the side event organised by Human Rights House Foundation on 17 March 2011 focusing on the process of participation by Croatian civil society organisations in the follow-up to the UPR. Croatia remained open to further challenge its partnership through dialogue and complementarities.
632. Croatia stated that the follow-up to the recommendations will be carried out in a constructive spirit with all stakeholders and all recommendations will be considered as equally important contributions to its national plans and programs. Croatia will soon initiate broad consultations with civil society organisations concerning the possible follow-up mechanism.
633. In conclusion, Croatia extended its gratitude to all the participants in the interactive dialogue, as well as to Morocco and Algeria who extended their support for the adoption of the UPR outcome on Croatia.

#### **Jamaica**

634. The review of Jamaica was held on 8 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
- (a) The national report submitted by Jamaica in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/9/JAM/1 and A/HRC/WG.6/9/JAM/1/Corr.1);

(b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/JAM/2); and

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/JAM/3).

635. At its 34<sup>th</sup> meeting, on 17 March 2011, the Human Rights Council considered and adopted the outcome of the review on Jamaica (see section C below).
636. The outcome of the review on Jamaica comprises the report of the Working Group on the Universal Periodic Review (A/HRC/16/14), together with the views of Jamaica 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 (see also A/HRC/16/14/Add.1).

**1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

637. Jamaica stated that recognition of the universality of human rights principles is embedded in its national policy and outlook and that this approach was evident in the frank and open manner in which the UPR review was addressed.
638. Jamaica expressed its appreciation of the constructive comments received during the review. Jamaica has accepted many of the recommendations made and has implemented or is in the process of implementing many of these recommendations, particularly with respect to social and humanitarian issues. It noted the importance of building on these achievements, and made particular mention of the attainment the Millennium Development Goals related to the reduction of poverty, malnutrition and hunger, universal primary education, universal access to reproductive health and access to safe drinking water and basic sanitation.
639. Jamaica had carefully considered the recommendations that were to be reported on at the outcome with the view of protecting the interests of all Jamaicans.
640. On ratification of treaties, Jamaica underscored the fact that being a non-party to international human rights treaties does not diminish the importance of the country's commitment to promoting and protecting human rights.
641. Regarding recommendations pertaining to voluntary commitments present in the Human Rights Council Resolution 9/12, Jamaica considered these to be in keeping with its commitments to human rights and recalled that it is party to 7 of the 9 core instruments. It stated further, regarding instruments to which it is not party, that appropriate legislation grounded in the Constitution provides for the protection of the rights of all citizens. Nevertheless, it will continue to consider those instruments to which it is not yet party.

642. Jamaica then provided information on the ongoing review that is being carried out, with a view to ratify the following treaties: the Conventions against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Convention for the Protection of All Persons from Enforced Disappearance, the United Nations Convention related to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961; the Optional Protocol to Convention on the Elimination of All Forms of Discrimination Against Women (OP-CEDAW); and the Rome Statute, to which it is signatory.
643. Regarding the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR-OP), Jamaica explained that, at present, it is not in a position to sign and ratify this instrument though it recognizes its aspirations and goals.
644. Regarding refuge and asylum, Jamaica reiterated its commitment to fulfilling its obligations, which is reflected in the adoption of a Refugee Policy in 2008, and noted that efforts are now underway to implement enabling legislation. It further observed that the policy and enabling legislation are intended to ensure the implementation of Jamaica's obligations under the relevant treaties.
645. Jamaica recognizes the importance of timely compliance with reporting obligations to the UN Treaty Bodies and it had accepted the recommendation on this issue. It provided detailed information on efforts already made to comply with this obligation, which has resulted in the submission, since 2009, of reports under the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Jamaica also provided information on efforts made to present outstanding reports under other treaties.
646. Regarding the Constitutional amendment to provide for a Charter of Rights and Freedoms, the Government remains committed to the implementation of this instrument and that the matter is to be taken to Parliament on 29 March 2011.
647. Regarding the issue of human rights institutions, while there is no single institution dealing with human rights in the country, several similar entities exist and steps to strengthen these mechanisms have been taken. Jamaica referred, in particular, to the Bureau of Women's Affairs (BWA) and the Child Development Agency (CDA) and provided detailed information on the mandates and functioning of these bodies.
648. On the events in West Kingston in May 2010 and in particular recommendations to create a Commission of Inquiry, Jamaica explained that the Public Defender is currently carrying out an investigation of these events and a decision whether or not to establish such a Commission will be taken once he has completed and presented his report.
649. Jamaica recognized the urgent need to address conditions in prisons and lockups. It clarified that various efforts are being pursued in this

regard, including the construction of new prison facilities, retrofitting of existing prison facilities and the privatization of prisons. However, Jamaica's ability to carry out such initiatives could be constrained in the short-term by the severe economic and financial constraints facing the country. Jamaica added that a new regime for the management of juveniles is being developed and the existing facility is being renovated.

650. In conclusion, the measures underscored Jamaica's commitment to ensuring that the necessary normative and institutional framework is in place for the protection of human rights. Jamaica expressed its satisfaction that the importance of technical assistance and external cooperation had been recognized in recommendations made during the review.

## **2. Views expressed by member and observer States of the Council on the review outcome**

651. Algeria expressed satisfaction that Jamaica had supported the three recommendations it had made namely, to reactivate the hospital project concerning the ill treatment of children with the assistance from relevant United Nations institutions, to protect children in juvenile correctional facilities, and to establish a human rights institution. Algeria congratulated Jamaica for having met the Millennium Development Goals relating to reduction of poverty, malnutrition and access to primary education. Algeria paid tribute to the people of Jamaica during the current International Year for People of African Descent and sent a strong message of solidarity and encouragement to the authorities to continue their efforts to promote human rights.
652. Morocco congratulated Jamaica for the impressive progress made towards meeting the Millennium Development Goals. Morocco acknowledged efforts deployed to protect children and women against exploitation and ill treatment and to ensure the respect of the rights of the elderly and persons with disabilities. Morocco expressed satisfaction that Jamaica had supported two of its recommendations, namely to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and to reflect on ways and means to address the problems relating to the high rate of violent crime, worsening security, the country's vulnerability to natural disasters, and global economic instability.
653. Cuba congratulated Jamaica for its efforts and action undertaken to implement the recommendations it had received. It expressed particular appreciation for Jamaica's acceptance of recommendations made by Cuba aimed at the continuation of its strategies and plans for socio-economic development and to ensure public health and quality education for its people. Cuba stated that despite challenges faced by Jamaica as a developing country in its socioeconomic advancement, it had nevertheless made important achievements, such as meeting the Millennium Development Goals relating to extreme poverty reduction, malnutrition and hunger. Cuba also acknowledged Jamaica's progress in the areas of universal primary education and access to public health,

including reproductive health. Cuba assured Jamaica of its continuing support and cooperation.

654. The United States of America appreciated Jamaica's support for recommendations on the implementation the Jamaican Justice System Reform Task Force's recommendations and looked forward to continued progress on justice reform, especially on increasing respect for the rule of law and human rights among the police. It appreciated Jamaica's commitment to starting a public information campaign to combat discrimination based on sexual orientation and strongly supported recommendations made to repeal the sections of the Offences against the Person Act, which criminalized same-sex intercourse. It urged Jamaica to reconsider recommendations to investigate incidents or acts of violence with suspected motivations on the grounds of sexual orientation, and to take measures to ensure that lesbian, gay transgender and bisexual persons (LGBT) may fully participate in society without fear of attack or discrimination.

### **3. General comments made by other relevant stakeholders**

655. COC Netherlands and the Jamaica Forum for Lesbians, All-sexuals and Gays (J-FLAG) were encouraged by Jamaica's adoption of recommendations to train law enforcement officials and undertake public campaigns to combat discrimination on the grounds of sexual orientation. Citing the recent incident in February in Montego Bay, they stated that LGBT people continued to be the victims of human rights violations by non-state actors and state actors, such as police. The hope was expressed that Jamaica would demonstrate leadership in the fight against intolerance for LGBT Jamaicans. They encouraged the Government to take bold steps towards the decriminalization of consensual same-sex activities. They asked that within the current review of the Charter of Fundamental Rights and Freedoms a more inclusive clause on non-discrimination be considered for adoption.
656. Amnesty International (AI) welcomed Jamaica's commitment to carry out independent investigations into deaths that occurred during police operations in Tivoli Garden in 2010 and encouraged it to support the establishment of an independent commission of inquiry into this incident. AI expressed its belief that the ratification of CAT and OP-CAT would enhance Jamaica's commitment to prevent and punish violations by the security forces. AI expressed disappointment with Jamaica's rejection of recommendations regarding death penalty. While encouraged that there had been no executions since 1988, AI was concerned that death sentences continued to be handed down and that the authorities justify the retention of the death penalty as the will of the people. AI also urged Jamaica to re-consider a number of recommendations to repeal legislation that criminalized consensual same-sex activities and to include a specific prohibition of discrimination on the grounds of sexual orientation in the Charter of Rights Bill.

### **4. Concluding remarks of the State under Review**

657. Jamaica thanked the delegations and stakeholders for their remarks, in particular those that have recommended the adoption of the report.

Jamaica reiterated that there is no legal discrimination against persons on the basis of their sexual orientation in the country, nor does the government condone discrimination or violence against such persons. Where such actions are brought to the attention of the authorities they are dealt with in accordance with the law.

658. Jamaica then provided additional information on the issues of justice and law enforcement reform. Efforts in this regard have recently been undertaken, such as the promulgation by the Jamaican Constabulary of enhanced guidelines for the use of force by its members and the adoption by the Jamaican Defence Force of updated guidelines for its members operating in support of law enforcement operations. Jamaica also provided additional information concerning efforts made to improve conditions of detention at various institutions and places of detention. It underscored the fact that the Government has established a Commission of Parliament to undertake investigations concerning action by state agents that result in death or injury to person.
659. Jamaica thanked the members of the Council for the attention paid to the review of Jamaica, which it considered to be an extremely valuable contribution to its efforts to develop and reinforce the promotion and protection of human rights.
660. The President thanked Jamaica for its comprehensive presentation and its very fruitful participation in the UPR process. The President observed that according to resolution 5/1, States under review should either support or note recommendations. In keeping with existing practice it was noted that Jamaica was not able to pronounce itself in a definitive manner on recommendations 100.2-8; 100.11-15, 100.17, 100.20-23. The President asked if these recommendations were noted.
661. Jamaica stated that these may be considered as noted. Jamaica observed, however, that the list of recommendations mentioned numerically may be misleading as many of the recommendations are repeated. Its response has sought to cluster together recommendations thematically and, in this regard, Jamaica supports the proposal before the Intergovernmental Working Group on the Review of the HRC that recommendations be clustered in a thematic way.
662. On the matter of recommendations that have been noted, Jamaica underscored that in the cases of recommendations where it has indicated that certain proposals are being examined, it does not consider that these recommendations have been rejected. Jamaica has only sought to ensure that due respect is given to the decision making process that must be followed in order to give effect to some of these recommendations, including action by Parliament. Jamaica added that it has been forthright at all stages of the UPR process and clearly indicated its rejection or acceptance of recommendations received.

### **Libyan Arab Jamahiriya<sup>2</sup>**

<sup>2</sup> By Council decision, the consideration of the UPR outcome of the Libyan Arab Jamahiriya was postponed to the 17<sup>th</sup> session.

**The Federated States of Micronesia**

663. The review of the Federated States of Micronesia was held on 9 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
- (a) The national report submitted by the Federated States of Micronesia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/9/FSM/1);
  - (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/FSM/2); and
  - (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/FSM/3).
664. At its 35th meeting, on 18 March 2011, the Human Rights Council considered and adopted the outcome of the review on the Federated States of Micronesia (see section C below).
665. The outcome of the review on the Federated States of Micronesia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/16/16), together with the views of the Federated States of Micronesia 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 (*see also A/HRC/16/16/Add.1*).

**1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

666. The Federated States of Micronesia stated that the Universal Periodic Review had been a welcoming exercise and that the Government was pleased to have played its part throughout the review.
667. The delegation referred to the natural disaster that had greatly affected Japan the week before and stated that, for a country like Micronesia, a small island developing state in the Pacific, this disaster in Japan was yet another grim reminder of its own vulnerabilities to natural disasters and the impacts of climate change. The challenges Micronesia faced in addressing human rights were often exacerbated by the challenges posed by the negative impacts of climate change. They threatened Micronesia's right to be secure, to live, and exist.
668. The delegation highlighted that remoteness and isolation were realities of small island nations in the Pacific. For a country such as Micronesia with many scattered islands, it added yet another layer of impediments to its efforts to provide the necessary services to its citizens who were scattered on these tiny atolls. But the Government would always endeavour to do what was right, necessary, and

appropriate in order to promote and safeguard the dignity and human rights for its people.

669. The Constitution of the Federated States of Micronesia was the supreme law of the land. It guaranteed the right to life, liberty, equal protection, and due process of law. But many of the challenges Micronesia faced in addressing human rights issues were deprived, not from the lack of regard for law and human dignity, but from limited capacity and resources. The Federated States of Micronesia overwhelmingly supported many of the recommendations made by countries, but it was mindful of its limited capacity and resources to implement necessary laws or carry out the recommended activities.
670. Micronesia supported the recommendations made by countries to ratify and accede to the core human rights treaties. Since the Universal Periodic Review in November 2010, the Government had embarked on activities relating to some of the treaties and protocols. The Government had put in place a Task Force to lead the ratification and accession process of the Palermo Protocol. Drafting of necessary domestic laws would also follow. Micronesia was collaborating with its partners, such as the United States, in advancing the Protocol and putting in place the needed legislations. It would be working on ratifying and acceding to other core treaties.
671. The delegation indicated that Micronesia supported the recommendations to establish national human rights institution, to pass laws to address domestic violence, to continue develop advocacy campaigns to raise awareness of the rights of women, and to adopt legislations against child exploitation and sexual abuse. It also supported the recommendations to protect women and children.
672. A number of countries had recommended that the Federated States of Micronesia remove its reservations made under the Convention on the Elimination of All Forms of Discrimination against Women. Micronesia's effort in this area would be toward removing the reservations while taking into account the unique customs, culture and traditions of the Micronesian people. Its people were guardians of these small islands, and for generations, they had lived in peace and harmony. Their culture, customs, and tradition had sustained them as a people over the years.
673. Micronesians lived in a traditional society where families and extended families were part of the solution to problems. When a child was experiencing difficulty, it became the responsibility of the extended family to assist and ensure its welfare and wellbeing. In the Micronesian context, that meant it would involve an entire village. For this reason, the delegation explained that the recommendations for the establishment of separate homes for children could not enjoy the support of the Federated States of Micronesia.
674. The right to education and access to healthcare would continue to be priority areas in Micronesia's national development efforts. Central to those were the rights of most vulnerable such as women, children and the disabilities.
675. Environmental protection was an essential and important area. The people of the Federated States of Micronesia relied heavily on the

fragile ecosystem for food and sustenance. Any adverse impacts on the terrestrial and marine resources would be detrimental to the livelihood of the Micronesians and deprive them of their human rights. The Government would continue its efforts in protecting the environment through the Micronesian Challenge initiative of effectively conserving 20 per cent of terrestrial and 30 per cent of marine resources areas.

676. In order for Micronesia to implement the various recommendations, it would need the support of its development partners. For the next four years, Micronesia would be calling on the international community for support without which, its efforts would be compromised.
677. The Government recognised the complexity arising from the uniqueness of its federation. To that end, the Government would continue to work with the four States within the federation who had constitutional responsibility over many of the recommendations raised.
678. While the Universal Periodic Review had been a welcome exercise, Micronesia acknowledged that it had not been one without its own difficulties and challenges. Capacity constraints and limited financial resources continued to impact its ability to effectively complete the necessary reports or send delegates to attend the review.
679. In closing, the delegation thanked all of those who had made its review a meaningful and worthwhile undertaking and the Member States for their honest and constructive views. Micronesia would continue to play its role in advancing the human rights and dignity of all its people.

**2. Views expressed by member and observer States of the Council on the review outcome**

680. Cuba welcomed the delegation of Micronesia and praised the country's commitments towards human rights and its efforts and actions in the implementation of the recommendations. It appreciated the fact that Micronesia had accepted Cuba's recommendations, in particular, to continue programs and measures undertaken to ensure the right to education and health. Micronesia faced particular circumstances that affect its socio-economical development. Nevertheless, it showed progress in the sphere of human rights. Cuba encouraged Micronesia to continue its work in favour of all the human rights of its people and appealed to the international community to fully support Micronesia.
681. Algeria noted that Micronesia had accepted 70 out of 73 recommendations it had received and noted with appreciation the acceptance of the three recommendations submitted by Algeria in favour of the ratification of the core human rights instruments, women participation in public life, and reducing violence against women. Algeria commended the significant progress made by Micronesia in the promotion of human rights, particularly the efforts in ensuring access to education and health, despite the challenges of limited financial and human resources as well as vulnerability to the climate change. It called on the international community and relevant United

Nations agencies to provide Micronesia with the needed assistance for the implementation of the accepted recommendations.

682. New Zealand referred to the recommendations it had made about combating domestic violence and the sexual abuse of women, as well as improving children's rights. It praised Micronesia's active engagement in the process and commitments in areas of interest to New Zealand, which included a statement made by Micronesia that the strategic development plan had identified gender as one of its priority areas. New Zealand noted that there was also the possibility of legislation to allocate reserved seats for women in the national congress. New Zealand welcomed Micronesia's decision to seek assistance from donor partners in developing legislation on gender-based violence, acknowledging the limited resources at the disposal of Micronesia as a small island state.
683. Morocco noted Micronesia's true commitments towards human rights despite the challenges it faced as a small island state dealing with climate change and extreme meteorological phenomena. Morocco recommended to the international community to extend assistance to Micronesia through a partnership. Recalling the importance of human rights and environment and the upcoming Human Rights Council's resolution, Morocco praised Micronesia's prioritisation of these issues through an ambitious strategic planning detailed in its national report. Morocco thanked Micronesia for having accepted its recommendations in the field of health, education, and training on human rights and environment.

### **3. General comments made by other relevant stakeholders**

684. World Association for the School as an Instrument of Peace (EIP) welcomed Micronesia's participation in the Universal Periodic Review process and encouraged Micronesia to ratify the core human rights conventions and to immediately implement the articles to guarantee human rights in Oceania. EIP inquired about developments in relation to Hungary's recommendation to initiate a structured public debate to accelerate accession to all core international treaties. EIP also suggested Micronesia issue an open invitation to the United Nations special rapporteurs and inquired about the establishment of a National Human Rights Commission in conformity with the Paris Principles. EIP stressed that human rights education must be incorporated into the curriculum and offered its assistance in this area. It indicated NGOs' interest in creating a regional human rights body for the Pacific and hoped for Micronesia's participation. EIP further referred to the historical significance of women's rights in Micronesia and the importance of the right to self-determination in relation to growing threats of climate change. It also noted the issue of housing and health care for Micronesians inhabiting in Hawaii. EIP supported the United Kingdom's recommendation to provide technical assistance in the follow-up to the Universal Periodic Review.
685. UN Watch welcomed and encouraged Micronesia's commitment to work on 70 out of 73 recommendations. It enumerated the most important ones in relation to the assurance of full human rights and legal protection throughout Micronesia, the elimination of all laws and

practices discriminating against women and girls, the ban on child labour and minimum age for criminal responsibility, the inclusion of sexual orientation and gender identity as prohibited grounds for discrimination, the prevention of mistreatment in detention centres and prisons, and the adequate protection against sexual and gender violence. UN Watch commended Micronesia for its courage, conviction and resolve to uphold the principles of resolution 60/251, the charter that created the Human Rights Council.

#### **4. Concluding remarks of the State under Review**

686. Micronesia thanked all delegations and non-governmental organizations who had taken the floor and stated that it would accept their comments and do whatever it could do. It once again thanked them for any assistance that they could provide.

#### **Mauritania**

687. The review of Mauritania was held on 10 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:

(a) The national report submitted by Mauritania in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/9/MRT/1 and A/HRC/WG.6/9/MRT/1/Corr.1);

(b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/MRT/2); and

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/MRT/3).

688. At its 35<sup>th</sup> meeting, on 18 March 2011, the Human Rights Council considered and adopted the outcome of the review on Mauritania (see section C below).

689. The outcome of the review on Mauritania comprises the report of the Working Group on the Universal Periodic Review (A/HRC/16/17), together with the views of Mauritania 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 (*see also A/HRC/16/17/Add.1*).

#### **1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

690. The head of delegation reaffirmed Mauritania's continuing work to protect and promote human rights and emphasized that Mauritania immediately accepted 88 of 139 recommendations. Upon return to the capital, recommendations were disseminated and consultations held to elaborate a plan of action, including through several workshops together with OHCHR and all relevant stakeholders, including the judiciary, the National Human Rights Commission and civil society.

691. Remaining recommendations related to Mauritania's accession to international human rights instruments, withdrawal of reservations, combating trafficking in persons and discrimination against women, the rights of children and disabled and the abolition of capital punishment. Mauritania reviewed all pending recommendations and indicated its position in the Addendum to its working group report.
692. Mauritania reiterated its continuous work to abide by all ratified international instruments and its readiness to continue the positive interaction and respond to any questions on the remaining recommendations.

**2. Views expressed by member and observer States of the Council on the review outcome**

693. Algeria welcomed Mauritania's acceptance of recommendations it made regarding the national human rights institution, the possibility for looking into abolishing capital punishment, all recommendations concerning women's rights and to raising awareness of the role of women in society as well as to alleviating poverty. It noted the comprehensive work done at the political level and commended Mauritania for several elections that were held in a fair and transparent manner.
694. Saudi Arabia highlighted Mauritania's acceptance of the majority of recommendations. It noted Mauritania's cooperation with human rights mechanisms and the international community and welcomed that it wished to ensure the realization of human rights for its people despite many difficulties. Saudi Arabia commended the efforts deployed to spread a human rights culture, through human rights education and the integration of human rights into development strategies particularly concerning women and children. It supported Mauritania's efforts to develop relevant laws and institutions.
695. Oman appreciated Mauritania's strong cooperation during the universal periodic review, demonstrated through the transparent discussion of the national report during the interactive dialogue. It also noted that acceptance of a large number of recommendations and their implementation displayed Mauritania's commitment to the universal periodic review.
696. Senegal noted that Mauritania accepted many recommendations regarding the promotion of women's and children's rights, including three recommendations made by Senegal. It welcomed Mauritania's acceptance of recommendations concerning the eradication of slavery and the fight against trafficking in persons. Senegal highlighted the opening of the OHCHR office in Mauritania as the authorities' commitment to work for human rights.
697. Sri Lanka noted that the people of Mauritania chose the Islamic, indivisible, democratic and social Republic as system of government. It welcomed steps aimed at withdrawing Mauritania's general reservation to CEDAW and its cooperation with special procedures. It commended the 2003 accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and welcomed that education was made compulsory

for children aged between 6 and 14. Sri Lanka noted Mauritania's constructive engagement with the universal periodic review and commended it for having implemented or being in the process of implementation of 24 recommendations.

698. Bahrain noted that the number of recommendations Mauritania accepted, reflected its readiness to give new impetus to human rights development and cooperation with human rights mechanisms. It appreciated Mauritania's acceptance and implementation of a number of recommendations, including Bahrain's recommendation on pursuing efforts to advance the situation of women and mainstreaming women's and children's needs in the development process. It welcomed Mauritania's political will and its efforts to combat unemployment and poverty.
699. The United Arab Emirates commended Mauritania for the positive measures, implementation of recommendations and for moving to consolidating the rule of law and governance. It hoped that Council members and the High Commissioner for Human Rights will assist Mauritania in capacity building and promoting human rights, and requested the international community to provide necessary support in regard to human rights challenges Mauritania faces as well as in realizing the Millennium Development Goals.
700. Qatar welcomed the serious way in which Mauritania had dealt with the universal periodic review and its acceptance of a large number of recommendations, including those made by Qatar. It noted that Mauritania had accepted all requests for visits from Special Procedures and commended the work undertaken by the Qatari OHCHR office in Nouakchott since December 2010. It noted the High Commissioner would be visiting Mauritania, further reflecting Mauritania's cooperation with the United Nations. It called on human rights mechanisms to provide all necessary assistance to Mauritania.
701. Morocco commended Mauritania's efforts regarding human development and refugees. It congratulated Mauritania's acceptance of many recommendations despite constraints faced, including the impact of the international food and financial crisis, and noted Mauritania's exemplary political determination to improve the human rights situation, strengthening democracy and establishing a sound foundation for the rule of law. Morocco recalled the importance of assistance from the international community. It highlighted the global strategies for good governance and the struggle for financial transparency with the creation of a national commission and a high court to charge senior officials. It welcomed the efforts made in regard to slavery and the voluntary return of refugees and their economic and social integration into society.
702. The Sudan appreciated that Mauritania accepted a number of recommendations, as well as Mauritania's cooperation with OHCHR and human rights mechanisms. It looked positively at the democratic process taking place in Mauritania, its multi-party system and the importance given to human rights and their promotion.
703. Burkina Faso encouraged Mauritania in its efforts to implement the recommendations especially to ensuring children's and women's

rights, despite the many constraints faced. Burkina Faso made an appeal to the international community to provide all necessary assistance to Mauritania in the implementation of its recommendations.

### 3. General comments made by other relevant stakeholders

704. Verein Südwind Entwicklungspolitik was concerned at persisting violations of women's and children's rights, including gender discriminatory laws, violence against women, corporal punishment of children, domestic slavery and rape. Expressing dismay at prevailing harmful traditional practices, including early marriage, female genital mutilation and force-feeding, it called for a holistic, multi-sectoral approach. The promotion of gender equality and the enhancement of women's participation was highlighted, as well as the need to making resources available to ensure women's and girls' access to education and protection from exclusion and violence. It urged Mauritania to withdraw its CEDAW reservation, criminalize FGM and force-feeding, and prohibit all forms of violence against women.
705. Action internationale pour la paix et le développement dans la région des Grands Lacs (AIPDL-GL) noted the important measures taken by Mauritania to fight impunity, abuse of authority and to strengthen good governance. It welcomed concrete measures to eradicate slavery and the action plan to combat human trafficking. It noted the serious efforts deployed at the 2009 presidential elections to ensure political, social, economic and cultural rights and significant progress made in implementing a rationalized institutional framework. It asked the Human Rights Council and the international community to continue supporting Mauritania through a partnership aiming at implementing the Millennium Development Goals.
706. CIRAC recently visited Mauritania and commended its determination to make human rights and democratic principles respected. It noted the conformity of its legal framework with international principles and concrete measures to ensure human rights enjoyment despite challenges faced, including to eradicating slavery, establishing mandatory primary education, promoting women's rights and combating violence and discrimination. CIRAC also noted Mauritania's fight against corruption and impunity, reinforcement of the independence of the judiciary and attention to economic and social rights, the fight against poverty and its commitment towards realizing the Millennium Development Goals.
707. RADDHO commended Mauritania for its commitment to building a State that respects human rights, while expressing concern at rising religious fundamentalism as a threat to stability, democracy and security. It called for continuous cooperation with special procedures and noted that Mauritanian society continued to suffer from the psychological legacy of slavery, despite its criminalization. It noted that foreign domestic work was a contemporary form of slavery and encouraged Mauritania to update its treaty body reports and increase efforts to eliminate discrimination against women, child labour and forced marriages. It stressed the need for a reliable strategy to combat

food insecurity, malnutrition and extreme poverty, particularly in Congal, Guidimakha and Brakma.

708. Amnesty International welcomed Mauritania's support to recommendations to end slavery. It expressed concern at the imprisonment of three anti-slavery activists after exposing the case of two girls allegedly working as slave servants for a government official. It considered them prisoners of conscience and called for their immediate release. It welcomed Mauritania's support to conduct independent and effective investigations into allegations of torture and noted evidence collected on the regular use of torture and ill-treatment by security forces. It urged Mauritania to ensure detainees are promptly brought before a judicial authority and to shorten the period of garde à vue and encouraged Mauritania to ratify the optional protocol to CAT.
709. The International Humanist and Ethical Union welcomed Mauritania's claim that 24 recommendations were or are in progress of being implemented. It however noted little progress regarding slavery and slavery-like practices with many persons still facing daily beatings and rape. Changing the law or redefining it as post-slavery phenomenon will not help these people without serious attempts to implement the law and introducing compensation for victims. It urged Mauritania to reconsider its refusal to modify penal code provisions on death penalty for homosexuality, and to ensure that capital punishment is not applied to consensual same sex relations between adults. It urged Mauritania to be more proactive in educating its society in human rights and their responsibilities under international law.

#### **4. Concluding remarks of the State under Review**

710. Mauritania noted that further to the Addendum, summarizing and fully explaining its position on the remaining recommendations, it recently transmitted a document to OHCHR with further explanation on their acceptance or rejection. Answers were grouped, and on the 47 recommendations, the Government accepted the following:
- Withdrawal of the general reservation regarding CEDAW;
  - Withdrawal of the general reservation regarding CRC;  
The general reservations regarding these two Conventions will be replaced by specific reservations.
  - Adoption and implementation of preventive strategies against traditional practices harmful to the health of mother and child.
  - Continuation of efforts regarding education and universal school enrolment for girls.
  - Future adoption of legislation criminalizing female genital mutilation.
  - Strengthening national legislation relating to the criminal responsibility of children to align it with international standards in this field.
  - Enforcement of an order to the judicial protection of children and establishment of a juvenile criminal court.
  - Reform the status of the Ombudsman towards simplifying its invocation and ensuring its independence.
  - Future adoption of specific criminal legislation criminalizing torture or other cruel, inhuman or degrading treatment.
  - Implementation of a national plan of action against human trafficking.

- Accession in 2010 to the Convention on the Rights of Persons with Disabilities and in 2002, to the optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.
  - On media, Mauritania adopted a law liberalizing the press and the audiovisual and granted a fund to support the press.
  - Mauritania passed a law criminalizing slavery and repressing slavery-like practices and proceeded to executing a programme of eradication of the legacy of slavery.
  - Mauritania is prepared to prevent any act of discrimination and stigmatization of women and girls victims of sexual violence.
711. The Government rejected the following recommendations:
- Mauritania rejected the recommendation to abolish the death penalty, but reaffirmed its de facto abolitionist position, noting that in 17 years no death sentence was executed.
  - Mauritania has not yet acceded to the optional protocols relating to CAT, ICCPR and CRPD. The Government is stepping up its efforts primarily to implement the provisions of the three international conventions it has already ratified.
  - Mauritania does not withdraw the reservation on ICCPR concerning the freedom of belief.
  - Mauritania agreed in the past to all requests for visits by special procedures and reaffirms its readiness to consider any request successfully.
712. These additional responses are an integral part of the Addendum to its report.
713. The delegation stressed ongoing considerable efforts to bringing legislation in line with international norms Mauritania accepted and ratified, as reflected by Mauritania's persistent determination to incorporate international provisions into national legislation to promote the rights and freedoms of Mauritanian citizens. A programme to eradicate slavery and mechanisms for the integration of refugees were established, the latter being welcomed by the international community. Moreover, Mauritania agreed to the opening of an OHCHR office in Nouakchott, which it would wish to play a sub-regional role, and which will facilitate consolidating case law and the rule of law. It thanked all speakers requesting United Nations support for its country.
714. On NGOs comments questioning Mauritania's efforts to combat slavery, they referred to a well-known common criminal case which was politicized for obvious reasons. The case which originated in a provocation of the authorities, ended with appropriate measures being taken. On the organization's allegations that necessary pressure on the judge had not been exercised to render the decision, Mauritania noted that in an independent justice system, the State cannot force the justice system to react in a particular way.
715. On the issue of associations, the legislation is very clear and it suffices to comply with provisions of the law on associations to be accorded

the right to form an association and to freely express ones opinion in this context.

716. The delegation noted that the independent National Human Rights Commission testified in the plenary that it visited police stations and detention centres and unequivocally established that no practice of torture exists and that considerable efforts were made to end such practice. The delegation recalled that Mauritania ratified CAT in 2004 and was preparing its reports to the Committee.
717. Slavery was a structural issue, which could not entirely be resolved by a Government, who could merely accelerate the social transformation process underway. The delegation welcomed RADDHO's comments on the psychological legacy of slavery, which includes poverty, ignorance and other psychological dimensions. The issue is not confined to freeing slaves, but concerns their living conditions, resources, education and access to health services. Mauritania initiated a programme to addressing the sum of all consequences of slavery.
718. On issues of forced marriages, rape and the status of women, Mauritania ratified all of the human rights instruments on the rights of women and children.
719. Concerning three imprisoned anti-slavery activists, based on information provided by them, the prefect instructed police to investigate the alleged case of slavery, demonstrating the authorities' preparedness to implement existing legislation. Yet, the activists attacked the police station, injuring a policeman, thereby turning this into a case between law enforcement and individuals. The activists were tried and convicted to six months imprisonment, but released further to a presidential amnesty.
720. Mauritania recalled that issues pertaining to homosexuality needed to be considered in light of the concerned society. Being an Islamic country and a Muslim society, considering its religious and moral values, Mauritania preferred to remain silent on these matters. As Muslims and a society subscribing to a number of universally recognized values, raising such questions was even deemed an offence.

#### **The United States of America**

721. The review of the United States of America was held on 5 November 2010 in conformity with all the relevant provisions contained in Council resolution 5/1, and was based on the following documents:
  - (a) The national report submitted by the United States of America in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/9/USA/1 and A/HRC/WG.6/9/USA/1/Corr.1);
  - (b) The compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/9/USA/2); and
  - (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/9/USA/3/Rev.1).

722. At its 36th meeting, on 18 March 2011, the Human Rights Council considered and adopted the outcome of the review on the United States of America (see section C below).
723. The outcome of the review on the United States of America comprises the report of the Working Group on the Universal Periodic Review (A/HRC/16/11), together with the views of the United States of America 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 (*see also A/HRC/16/11/Add.1*).

**1. Views expressed by the State under review on the recommendations and/or conclusions as well as on its voluntary commitments and on the outcome**

724. The delegation of the United States of America thanked the President of the Human Rights Council, the States that participated in the Universal Periodic Review Working Group, the Troika, France, Japan, and Cameroon, and in particular the United States' civil society. He stated that the UPR has been a useful tool to assess how the USA can continue to improve in achieving its own human rights goals. Civil society was involved in each and every step of the UPR with the participation of representatives of local and national organizations as well as hundreds of citizens from communities across the country. Since then, US federal agencies held numerous meetings with civil society to discuss the response to the recommendations.
725. Among the more than one dozen Federal agencies that have made essential contributions to the US UPR submission, the presence of the Civil Rights Division of the Department of Justice is particularly significant. Reflecting its historic role, the Division has played a critical role in all UPR consultations and presentations. At the working group session, the USA received a large number of recommendations, 228 in all, which have been the object of careful review. While the U.S. written submission (A/HRC/16/11/Add.1) provides a specific response to each recommendation, the delegation wished to discuss ten broad areas covered by the recommendations, and review significant changes that have occurred since the review.
726. Firstly, the USA supports recommendations concerning civil rights and discrimination, including those from Ghana, Morocco, Costa Rica, Qatar, and Indonesia. Members of civil society, and such states as Uruguay, Australia, and Israel, asked U.S. to do more to address discrimination against lesbian, gay, bisexual, and transgender individuals. The US Government has taken important recent steps in this regard, most notably including enactment on December 22, 2010, of the Don't Ask, Don't Tell Repeal Act, which will allow gay men and women to serve openly in the US military. In response to the mortgage crisis, the Civil Rights Division established a new Fair Lending Unit, which is addressing a wide range of allegations of discriminatory conduct. The Department of Justice has also stepped up its enforcement of laws prohibiting discrimination in areas including voting,

employment, public accommodations and education. The US also continues to prosecute violations of the Federal hate crimes law.

727. In a second area, criminal justice, as recommended by Sweden, France, Haiti, Thailand, Belgium, Algeria, and others, the U.S. continues to work to ensure protection of the rights of those accused of committing crimes, held in prisons or jails. About 25 countries made recommendations concerning the administration of capital punishment by those governments within the Federal system that still apply it. Domestic civil society also raised capital punishment as an issue of concern. The delegation noted the decision made by the Government of Illinois on March 9, 2011, to abolish that state's death penalty.
728. In a third area, the rights of indigenous peoples, the U.S. commits itself to working with tribal governments to address many issues including two particular recommendations. The first, the importance of tribal consultation, was repeatedly stressed during the UPR with tribes and civil society. The second, reflected in recommendations from civil society and tribes, and echoed by a number of countries including Finland and New Zealand, was that the U.S. supports the UN Declaration on the Rights of Indigenous Peoples. At his second White House Tribal Nations Conference with tribal leaders from across the United States, held on December 16, 2010 President Obama made a statement announcing the U.S. support for the UN Declaration, and detailing ongoing work on Native American issues.
729. Civil society and several countries including, Malaysia, Mexico, and Norway made recommendations concerning national security. In this area, the U.S. abides by all applicable law, including those laws respecting humane treatment, detention, and use of force. The U.S. does not, and will not, tolerate torture or inhumane treatment of detainees in its custody, wherever they are held. Ireland, Switzerland and others made recommendations about the Guantanamo Bay detention facility. As the White House indicated on 14 March 2011, the President remained committed to closing that facility. As this effort continues, the U.S. is committed to ensuring that all practices on Guantanamo fully accord with international law. On March 7, 2011, the President reaffirmed the basic approach to ensure a lawful, sustainable, and principled regime for the handling of detainees at Guantanamo, consistent with U.S. national security interests and national values. The U.S. will, inter alia, seek advice and consent to Additional Protocol II to the Geneva Conventions and will also adhere to the human treatment and fair trial safeguards in Article 75 of Additional Protocol I in international armed conflicts, and expects all other nations to adhere to these principles as well. Particularly in the context of counter-terrorism, a number of U.S. civil society groups, and countries including Egypt and Algeria, raised concerns regarding discrimination against Muslims. The U.S. does not support attempts to treat entire communities as a threat to national security, based solely on their race, religion, or ethnicity.
730. Regarding immigration, the U.S. accepted many recommendations both from civil society and from countries including Guatemala, Mexico,

Brazil, Ecuador, Vietnam, Switzerland, and the United Kingdom. The contributions of immigrants have been an important element of every chapter of American history. In keeping with commitments relating to their status as a party to the 1966 Protocol Relating to the status of Refugees, the Government is reviewing its handling of emergent refugee cases. The Department of Homeland Security provided 10,000 victims of crime and over 9,000 of their immediate family members with the opportunity to work and live permanently in the country. Recently, the Department improved accessibility of care for immigration detainees and its procedures for handling, investigating, and correcting complaints regarding all kinds of civil rights issues.

731. In a sixth area, economic, social, cultural and environmental rights, civil society and countries including Thailand, Norway, Morocco, and Brazil recommended the local, state, and federal governments to continue to protect the environment. Recent actions include: the Department of Education's February 2011 announcement of an Equity and Excellence Commission to examine disparities in educational opportunities and address needs of children in distressed communities; grants from the Department of Health and Human Services to support health centers and improve access to health care for the uninsured; and two recent settlements from the Environmental Protection Agency concerning greenhouse gas emissions.
732. The delegation stated that the U.S. has long been a leader in a seventh area addressed by the recommendations: workplace protections and the fight against human trafficking. In the latter area, the U.S. supports several recommendations including one from Moldova. The U.S. Customs and Border Protection agency launched a media campaign in Guatemala, El Salvador and Mexico, which offers information on the dangers of human trafficking and how to avoid becoming a victim. The U.S. continues to address worker protections in countless ways, including through the President's Equal Pay Taskforce to strengthen response to wage differences between men and women, the Justice and Equality in the Workplace Program, and an education campaign focused on civil rights of immigrant workers.
733. The U.S. is committed to an eighth goal as well, robust domestic implementation of its international human rights obligations, and supported recommendations from Egypt, Norway, Austria, and Costa Rica. As a party to several human rights treaties, the U.S. is bound to comply with its obligations and to ensure effective application at the Federal, State, and local levels of government.
734. The ninth and largest group of recommendations concerned the ratification of treaties and other international instruments. Under the U.S. Constitution, treaty ratification requires not only Executive Branch approval, but also the advice and consent of a supermajority two-thirds vote of the Senate. Despite this high threshold, the Administration has pushed for positive Senate action on a number of human rights and other treaties that afford humanitarian protection. As noted, on March 7, 2011, the Administration announced that the Executive Branch intends to seek, as soon as practicable, Senate advice and consent to

ratify Additional Protocol II to the 1949 Geneva Conventions. This responds to points raised by Germany, Russia, Cyprus, Austria, and Hungary.

735. As stated in the Addendum, the U.S. did not support recommendations that urged particular action in pending judicial cases, which are outside executive branch control, nor does it support other inappropriate or politically motivated recommendations.

**2. Views expressed by member and observer States of the Council on the review outcome**

736. Cuba was concerned that a large number of recommendations were rejected by the U.S. The substance of these recommendations was also a source of concern. Cuba was disappointed that only one out of its 13 recommendations was accepted. The U.S. rejected the call to end the blockade against Cuba, which constituted a human rights violation against a people. The U.S. also rejected the liberation of 5 Cuban political prisoners and the extradition of terrorists under its jurisdiction. Cuba called the U.S. to review its position.

737. The Islamic Republic of Iran regretted that a large number of recommendations, including those on the ratification of human rights instruments, had been rejected, and some recommendations were categorised as ‘partially accepted’.. It expressed its disappointment at the rejection of the recommendations to refrain from the application of unilateral measures against other countries, and stated that the USA should, inter alia, close its secret prisons, the Guantanamo Bay prison and stop human rights violations by its military forces abroad.

738. The Bolivarian Republic of Venezuela was disappointed by the unwillingness shown by the U.S. to amend the human rights violations reported during its UPR. Venezuela detailed the rejected recommendations it had put forward. Out of 228 recommendations received, only 40 percent were accepted, while, the U.S. presented a yearly report assessing the human rights situation in the world without any mandate to do it. It called the U.S. Government to accept the recommendations put forward by progressive governments and offered Venezuelan assistance to do so.

739. Algeria valued the review and clarifications provided by the American Government of the recommendations received. It detailed the five recommendations it put forward and was pleased that three of them were accepted. It regretted that recommendation 92.84 was rejected, and since no position on recommendation 92.129 had been provided, it invited the delegation to clarify its position in this regard.

740. China regretted that the USA rejected a number of recommendations, including those related to the ratification of core human rights treaties. It noted that: no thorough investigations of the civilians’ killing in Iraq and Afghanistan were conducted; Guantanamo Bay prison had not been closed; no measures were taken against the extensive use of force by law enforcement agencies and the discrimination against minorities persisted. China stated that the USA should take effective measures to

promote and protect human rights, and should hold constructive dialogue and cooperate with other countries to jointly advance human rights.

741. The Russian Federation noted with appreciation the acceptance of a large number of recommendations. It inquired about consideration of the ratification of a number of human rights treaties. The Russian Federation regretted that some recommendations related to the ratification of the ICESCR, the introduction of a moratorium on the death penalty and the establishment of an independent national human rights institution were rejected. Furthermore, it urged the USA to review its decision, and reintroduce the moratorium on the functioning of the special tribunals with jurisdiction over the cases of individuals suspected of terrorism and detained in Guantanamo Bay detention centre.
742. Egypt welcomed the USA's acceptance of the recommendations to continue creating an enabling environment for religious and cultural tolerance and to adopt effective measures to combat racial discrimination and ban racial profiling by police and migration officers. It noted that the USA partially accepted the recommendation made by Egypt to inter alia address discrimination in law and practice against Americans with African, Arab and Muslim origin in the administration of justice. Egypt called for the USA's commitment to investigate and prosecute allegations of human rights violations by its military forces in line with international law and make the results of such an investigation public.
743. The Plurinational State of Bolivia regretted that its recommendation on non-discrimination was only partially accepted. Bolivia was concerned that the U.S. considered that the recommendation to reduce greenhouse emissions to mitigate threats against human rights resulting from climate change contained an invalid supposition. It referred to the substance of other rejected recommendations and expressed belief that the position was incoherent with the U.S. international discourse on human rights. It acknowledged the U.S. recognition of the Declaration on the Rights to Indigenous Peoples.
744. Morocco thanked the U.S. delegation for providing further information on the recommendations received and the efforts to comply with the promotion and protection of human rights. Morocco appreciated that the U.S. had accepted its recommendations and commended the constructive approach during its participation in the universal periodic review. It highlighted the importance of the democratic American tradition that had given positive examples in the area of human rights protection at the national and international levels.
745. Botswana welcomed the acceptance of a large number of recommendations. It was encouraged by the USA's decision to accept recommendations on the possibility of becoming a party to a number of human rights treaties, including CEDAW and CRC. Botswana also welcomed the USA's decision to engage in the HRC and expected the

USA's leadership in addressing key human rights issues, including the fight against racism and the right to development.

### **3. General comments made by other relevant stakeholders**

746. Human Rights Watch stated that the invitation to the Special Procedures mandate holders to visit Guantanamo Bay should include full access to all detainees in private and in all locations within facilities. It regretted that the USA rejected the recommendations related to the abolition of death penalty and on parole for youth under the age of 18 who commit murder. Human Rights Watch welcomed the fact that the USA accepted a number of recommendations to improve detention conditions and treatment of migrants and combat racial profiling, and the engagement of the USA with civil society throughout the UPR.
747. The Indian Council of South America referred to its shadow report of the U.S. UPR which noted violations of the American Constitution and international obligations with regard to the right to self-determination of Alaska and Hawaii and recalled, in this regard, recommendations 92.199 and 92.215. It regretted the selection of the US in accepting recommendation 92.96, on the prevention of racial bias in the criminal justice system, while rejecting, at the same time, recommendations 92.154 and 92.178 on the unjust incarceration of political prisoners and the right to vote of persons deprived of their liberty.
748. The World Association for the School as an Instrument of Peace acknowledged the unprecedented level of civil society engagement throughout the UPR of the United States. It referred to several human rights issues and challenges that the country faced, including unemployment, the lack of adequate housing, affordable health care and education, the high percentage of Afro-American, Latino and Native Americans among prison population, and the inhumane conditions of some prisoners in special prisons.
749. The Mouvement contre le racismisme et pour l'amitié entre les peuples joined others who recommended to the U.S. to ratify the international and regional human rights instruments to which it was not yet a party. It was concerned by the fact that poverty was more prevalent among Afro-American, Latin-American and Amerindian populations. These same groups composed the majority of the penitentiary population and those condemned to the death penalty. It invited the U.S. to declare a moratorium on capital punishment. It regretted the rejection of the recommendation calling for an end of the blockade against Cuba.
750. The Iranian Elite Research Center stated that the American Government aimed to punish Iran by different means affecting the interests of the Iranian people and economy. It stated that civilians, not Governments, always paid the price of war and sanctions. It condemned all enemies of human development and all governments that violated the rights of peoples in the name of the war against terrorism.
751. Charitable Institute for Protecting Social Victims noted the inequalities in minorities' access to housing, employment, education, healthcare and the criminal justice system. It also noted the high percentage of African

American inmates in prisons and the high rate among Native American women in cases of rape and sexual abuse. Charitable Institute for Protecting Social Victims stated that the USA had not accepted the right to development as a human right and did not ratify a number of core human rights treaties.

752. The Organization for Defending Victims of Violence reiterated its concern regarding the way the U.S. acted in Guantanamo and in regard to torture allegations. Regrettably, the U.S. had resumed the military commissions for detainees at Guantanamo, ending a two-year ban. The functions of military tribunals were contrary to international norms and standards. It also expressed concern by the American self-interpretation regarding the meaning and scope of torture. Moreover, the U.S. rejected recommendations regarding compensation for victims of torture. It requested the U.S. to comply with its obligations under the few international instruments it had ratified.
753. Verein Sudwing Entwicklungspolitik (Sudwind) stated that despite the commitment expressed to ban the practice of torture and some actions undertaken in this regard, no senior state official has been charged with the crime. In relation to Guantanamo detention facility, it expressed concern about the institutionalisation of indefinite detention and the resumption of the unfair military commissions. Sudwind recommended that the USA transform the Commission on Civil Rights into a National Human Rights Institution in accordance to the Paris Principles. It regretted the government's rejection of recommendations to end the sentencing of juveniles to life without parole.
754. The Network of Women's Non-governmental Organizations in the Islamic Republic of Iran regretted that the U.S. Government declined around 60 recommendations and, in reference to recommendation 92.141, it condemned war crimes against unarmed civilians in Iraq and Afghanistan. It demanded that the instigators of these crimes be brought to justice. It demanded the U.S. Government to put an end to the occupation of Iraq and Afghanistan and the violation of human rights in these two countries.
755. Action Canada for Population and Development welcomed the acceptance of the recommendation 92.86 as the first instance of affirmation of sex workers' rights, and expected that the USA would take concrete actions to ensure that no one face discrimination in access to public services based on sexual orientation or their status as a person in prostitution. In this respect, it stressed that the government should involve sex workers in policy decisions that affect them. Action Canada for Population and Development noted with appreciation the government's engagement and openness with civil society throughout the review process.

#### **4. Concluding remarks of the State under Review**

756. The delegation stated that the U.S. studied each and every one of the 228 recommendations and tried to give honest and good-faith answers to each. Progress in areas of, civil rights, criminal justice, indigenous issues, immigration, and environment is continuing. The UPR process is

an opportunity to shape an agenda for future work. Human rights are American core values and interests: without engaging in false rhetoric, the U.S. focuses on the substance of a process of continuing self-examination and dialogue.

## **B. General debate on agenda item 6**

757. At its 36th meeting, on 18 March 2011, the Council held a general debate on agenda item 6, during which the following made statements:

(a) Representatives of States Members of the Council: China, Cuba, Hungary (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey), Malaysia, Mauritius, Poland, Republic of Moldova, Ukraine, United States of America;

(b) Representatives of the following observer States: Austria, Canada, Colombia, Czech Republic, Portugal;

(c) Observers for the following non-governmental organizations: Action internationale pour la paix et le développement dans la région des Grands Lacs, Amnesty International, Arab Lawyers Union (also on behalf of Maarif Foundation for Peace and Development), Colombian Commission of Jurists, Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples, European Disability Forum, Franciscans International, Geneva for Human Rights (also on behalf of Asian Forum for Human Rights and Development, Baha'i International Community, Centro Regional de Derechos Humanos y Justicia de Genero, Commonwealth Human Rights Initiative, International Save the Children Alliance), Indian Council of South America, Indian Movement "Tupaj Amaru", International Committee for the Indians of the Americas, International Indian Treaty Council, International Institute for Non-aligned Studies, International Service for Human Rights, United Nations Watch, Verein Sudwind Entwicklungspolitik, World Union For Progressive Judaism.

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

### **Liberia**

758. At the 31st meeting, on 16 March 2011, the Council adopted draft decision 16/101 without a vote (for the text as adopted, see part one, chap. II).

### **Malawi**

759. At the 31st meeting, on 16 March 2011, the Council adopted draft decision 16/102 without a vote (for the text as adopted, see part one, chap. II).

### **Mongolia**

760. At the 31st meeting, on 16 March 2011, the Council adopted draft decision 16/103 without a vote (for the text as adopted, see part one, chap. II).

**Panama**

761. At the 32nd meeting, on 16 March 2011, the Council adopted draft decision 16/104 without a vote (for the text as adopted, see part one, chap. II).

**Maldives**

762. At the 32nd meeting, on 16 March 2011, the Council adopted draft decision 16/105 without a vote (for the text as adopted, see part one, chap. II).

**Andorra**

763. At the 32nd meeting, on 16 March 2011, the Council adopted draft decision 16/106 without a vote (for the text as adopted, see part one, chap. II).

**Bulgaria**

764. At the 33rd meeting, on 17 March 2011, the Council adopted draft decision 16/107 without a vote (for the text as adopted, see part one, chap. II).

**Honduras**

765. At the 33rd meeting, on 17 March 2011, the Council adopted draft decision 16/108 without a vote (for the text as adopted, see part one, chap. II).

**Lebanon**

766. At the 33rd meeting, on 17 March 2011, the Council adopted draft decision 16/109 without a vote (for the text as adopted, see part one, chap. II).

**Marshall Islands**

767. At the 34th meeting, on 17 March 2011, the Council adopted draft decision 16/110 without a vote (for the text as adopted, see part one, chap. II).

**Croatia**

768. At the 34th meeting, on 17 March 2011, the Council adopted draft decision 16/111 without a vote (for the text as adopted, see part one, chap. II).

**Jamaica**

769. At the 34th meeting, on 17 March 2011, the Council adopted draft decision 16/112 without a vote (for the text as adopted, see part one, chap. II).

**Micronesia**

770. At the 35th meeting, on 18 March 2011, the Council adopted draft decision 16/113 without a vote (for the text as adopted, see part one, chap. II).

**Mauritania**

771. At the 35th meeting, on 18 March 2011, the Council adopted draft decision 16/114 without a vote (for the text as adopted, see part one, chap. II).

**United States of America**

772. At the 36th meeting, on 18 March 2011, the Council adopted draft decision 16/115 without a vote (for the text as adopted, see part one, chap. II).

**VII. Human rights situation in Palestine and other occupied Arab territories**

**A. Interactive dialogue with the Committee of independent experts in international humanitarian and human rights law established pursuant to Council resolution 13/9**

773. At the 37th meeting, on 21 March 2011, Mary Mc Gowan Davis, Chairperson of the Committee of independent experts in international humanitarian and human rights laws to monitor and assess any domestic, legal or other proceedings undertaken by both the Government of Israel and the Palestinian side in the context of the follow-up to the report of the international Fact-Finding Mission on the Gaza Conflict, presented the report of the Committee (A/HRC/16/24).

774. At the same meeting, the representatives of Israel and Palestine made statements as the concerned parties.

775. During the ensuing interactive dialogue at the same meeting, the following made statements and asked the Chairperson questions:

(a) Representatives of States Members of the Council: Bahrain, Bangladesh, Brazil, Cuba, Egypt<sup>1</sup> (on behalf of the Non-Aligned Movement), Iraq<sup>1</sup> (on behalf of the Group of Arab States), Jordan, Malaysia, Maldives, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Saudi Arabia, United States of America;

(b) Representatives of the following observer States: Algeria, Indonesia, Morocco, Nicaragua, South Africa, Turkey;

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

(d) Observers for the following non-governmental organizations: ADALAH – Legal Center for Arab Minority Rights in Israel, Al Haq – Law in the Service of Man, Amnesty International, International Federation for Human Rights Leagues, United Nations Watch .

776. At the same meeting, the Chairperson answered questions and made her concluding remarks.

## **B. Interactive dialogue with special procedures mandate holders**

777. At the 38th meeting, on 21 March 2011, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, presented his report (A/HRC/16/72).

778. At the same meeting, the representative of Palestine made a statement as the concerned party.

779. During the ensuing interactive dialogue at the same meeting, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Bangladesh, Brazil, Cuba, Djibouti, Egypt<sup>1</sup> (on behalf of the Non-Aligned Movement), Iraq<sup>1</sup> (on behalf of the Group of Arab States), Jordan, Malaysia, Maldives, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Qatar, Russian Federation, Saudi Arabia, United States of America;

(b) Representatives of the following observer States: Algeria, Iceland, Indonesia, Kuwait, Lebanon, Sudan, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, Venezuela (Bolivarian Republic of);

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

(d) Observers for the following non-governmental organizations: BADIL Resource Center for Palestinian Residency and Refugee Rights, Commission of the Churches on International Affairs of the World Council of Churches, North-South XXI, United Nations Watch.

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

## **C. Follow-up to Human Rights Council resolutions S-9/1, S-12/1, 13/5, 15/1 and 15/6**

781. At the 39th meeting, on 21 March 2011, the High Commissioner for Human Rights introduced her report on the follow-up to the 9th and 12th special sessions (A/HRC/16/71) and other reports under agenda items 2 and 7.

## **D. General debate on agenda item 7**

782. At its 39th meeting, on 21 March 2011, the 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 concerned countries, and the representative of Palestine, as a concerned party;

(b) Representatives of States Members of the Council: Bahrain, Bangladesh, China, Cuba, Egypt<sup>1</sup> (on behalf of the Non-Aligned Movement), Hungary (on behalf of the European Union), Iraq<sup>1</sup> (on behalf of the Group of Arab States), Japan, Jordan, Malaysia, Maldives, Nigeria (on behalf of the

Group of African States), Norway, Pakistan (also on behalf of the Organization of the Islamic Conference), Qatar, Russian Federation, Saudi Arabia, South Africa (on behalf of India, Brazil and South Africa), Switzerland, Thailand, United States of America;

(c) Representatives of the following observer States: Afghanistan, Algeria, Egypt, Indonesia, Iran (Islamic Republic of), Morocco, Lebanon, Oman, Sri Lanka, United Arab Emirates;

(d) Observer for an intergovernmental organization: League of Arab States;

(e) Observers for the following non-governmental organizations: BADIL Resource Center for Palestinian Residency and Refugee Rights, Cairo Institute for Human Rights Studies, Commission of the Churches on International Affairs of the World Council of Churches, Coordinating Board of Jewish Organizations (also on behalf of B'nai B'rith), European Union of Jewish Students, Foundation for Human Rights and Freedoms and Humanitarian Relief, Gherush92 - Committee for Human Rights (also on behalf of COBASE - Cooperativa Tecnico Scientifica di Base), Indian Movement "Tupaj Amaru", International Federation for Human Rights Leagues, Maarij Foundation for Peace and Development, Mouvement contre le racisme et pour l'amitié entre les peuples, North-South XXI, Organization for Defending Victims of Violence, United Nations Watch, United Towns Agency for North-South Cooperation (also on behalf of Arab Lawyers Union), World Union for Progressive Judaism.

## E. Consideration of and action on draft proposals

### Human rights in the occupied Syrian Golan

783. At the 46th meeting, on 24 March 2011, the representative of Pakistan (on behalf of the Organization of the Islamic Conference) introduced draft resolution A/HRC/14/L.2, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and co-sponsored by Cuba, Democratic People's Republic of Korea, Iraq (on behalf of the Group of Arab States), Nigeria (on behalf of the Group of African States), Subsequently, Venezuela (Bolivarian Republic of) Belarus and Nicaragua joined the sponsors.
784. At the same meeting, the representative of the Syrian Arab Republic made a statement as the concerned country.
785. At the same meeting, the representative of Hungary, on behalf of the States Members of the European Union that are members of the Council, made a statement in explanation of vote before the vote.
786. Also at the same meeting, at the request of the representative of Hungary, on behalf of the States Members of the European Union that are members of the Council, a recorded vote was taken on draft resolution A/HRC/16/L.2. The draft resolution was adopted by 29 votes in favour, 1 against, with 16 abstentions. The voting was as follows:

*In favour:*

*Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Chile, China, Cuba, Djibouti, Ecuador, Ghana, Jordan, Kyrgyzstan,*

*Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia;*

*Against:*

*United States of America;*

*Abstaining:*

*Belgium, Cameroon, France, Gabon, Guatemala, Hungary, Japan, Norway, Poland, Republic of Moldova, Republic of Korea, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.*

787. For the text as adopted, see part one, chap. I, resolution 16/17.

**The Human Rights Situation in the Occupied Palestinian Territory, including East Jerusalem**

788. At the 48h meeting, on 25 March 2011, the representative of Pakistan (on behalf of the Organization of the Islamic Conference) introduced draft resolution A/HRC/14/L.28 sponsored by Pakistan (on behalf of The Organization of Islamic Conference) and co-sponsored by Algeria, Bolivia (Plurinational State of), Cuba, Iraq (on behalf of the Arab Group), Nicaragua, Palestine, Sri Lanka and Venezuela (Bolivarian Republic of). Subsequently, Belarus and Nigeria (on behalf of the African Group) joined the sponsors.

789. At the same meeting, the representative of Pakistan orally revised the draft resolution, inter alia by revising the title (previously “The Grave violations by Israel in the Occupied Palestinian Territory, including East Jerusalem”).

790. At the same meeting, the representative of Argentina made general comments in relation to the draft resolution.

791. At the same meeting, the representative of Palestine made a statement as the concerned party.

792. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

793. 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/16/L.28. The draft resolution was adopted by 30 votes in favour, 1 against, with 15 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

*United States of America;*

*Abstaining:*

*Belgium, Cameroon, France, Guatemala, Hungary, Japan, Norway, Poland, Republic of Moldova, Republic of Korea, Slovakia, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zambia*

For the text as adopted, see part one, chap. I, resolution 16/29.

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

794. At the 48h meeting, on 25 March 2011, the representative of Pakistan (on behalf of the Organization of the Islamic Conference) introduced draft resolution A/HRC/14/L.29 sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and co-sponsored by Algeria, Austria, Bolivia, Cuba, Iraq (on behalf of the Arab Group), Luxembourg, Nicaragua, Palestine, Portugal, Slovenia, Sri Lanka, Switzerland and Venezuela. Subsequently, Belarus, Belgium, Bulgaria, Cyprus, France, Finland, Greece, Iceland, Ireland, Malta, Nigeria (on behalf of the African Group), Norway, Serbia, Spain and Sweden joined the sponsors.
795. At the same meeting, the representative of Brazil (on behalf of MERCOSUR, Bolivia, Chile, Colombia, Ecuador, Nicaragua, Peru and Venezuela) made general comments in relation to the draft resolution.
796. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.
797. 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/16/L.29. The draft resolution was adopted by 45 votes in favour, 1 against, with no abstentions. The voting was as follows:

*In favour:*

*Angola, Argentina, Bahrain, Bangladesh, Belgium, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, France, Gabon, Ghana, Guatemala, Hungary, Japan, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Pakistan, Poland, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Saudi Arabia, Senegal, Slovakia, Spain, Switzerland, Thailand, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;*

*Against:*

*United States of America;*

798. For the text as adopted, see part one, chap. I, resolution 16/30.

**Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan**

799. At the 48h meeting, on 25 March 2011, the representative of Pakistan (on behalf of the Organization of the Islamic Conference) introduced draft resolution A/HRC/14/L.30 sponsored by Pakistan (on behalf of

the Organization of the Islamic Conference) and co-sponsored by Algeria, Austria, Bolivia (Plurinational State of), Cuba, Iraq (on behalf of the Arab Group), Luxembourg, Nicaragua, Palestine, Portugal, Sri Lanka, Switzerland and Venezuela (Bolivarian Republic of). Subsequently, Belgium, Belarus, Cyprus, Greece, Finland, Iceland, Ireland, Malta, Nigeria (on behalf of the African Group), Norway, Spain and Sweden joined the sponsors.

800. At the same meeting, the representative of Pakistan orally revised the draft resolution.
801. At the same meeting, the representative of the Syrian Arab Republic made a statement as a concerned country, and the representative of Palestine made a statement as a concerned party.
802. At the same meeting, the representatives of Hungary, on behalf of the States Members of the European Union that are members of the Council, and the United States of America made statements in explanation of vote before the vote.
803. 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/16/L.30. The draft resolution was adopted by 45 votes in favour, 1 against, with no abstentions. The voting was as follows:

*In favour:*

*Angola, Argentina, Bahrain, Bangladesh, Belgium, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, France, Gabon, Ghana, Guatemala, Hungary, Japan, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Norway, Pakistan, Poland, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Saudi Arabia, Senegal, Slovakia, Spain, Switzerland, Thailand, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia;*

*Against:*

*United States of America;*

804. For the text as adopted, see part one, chap. I, resolution 16/31.

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

805. At the 48th meeting, on 25 March 2011, the representative of Pakistan (on behalf of the Organization of the Islamic Conference) introduced draft resolution A/HRC/14/L.31 sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and co-sponsored by Algeria, Bolivia (Plurinational State of), Cuba, Iraq (on behalf of the Arab Group), Nicaragua, Palestine and Venezuela (Bolivarian Republic of). Subsequently, Belarus and Nigeria (on behalf of the African Group) joined the sponsors.
806. At the same meeting, the representative of Pakistan orally revised the draft resolution.

807. At the same meeting, the representative of Israel made a statement as a concerned country, and the representative of Palestine made a statement as a concerned party.
808. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.
809. 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/16/L.31. The draft resolution was adopted by 27 votes in favour, 3 against, with 16 abstentions. The voting was as follows:

*In favour:*

*Angola, Argentina, Bahrain, Bangladesh, Brazil, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay;*

*Against:*

*Slovakia, United Kingdom of Great Britain and Northern Ireland, United States of America;*

*Abstaining:*

*Belgium, Burkina Faso, Cameroon, France, Guatemala, Hungary, Japan, Mexico, Norway, Poland, Republic of Moldova, Republic of Korea, Spain, Switzerland, Ukraine, Zambia.*

810. For the text as adopted, see part one, chap. I, resolution 16/32.
811. Also at the same meeting, the representatives of China and the Russian Federation made statements in explanation of vote after the vote.

## **VIII. Follow-up to and implementation of the Vienna Declaration and Programme of Action**

### **A. General debate on agenda item 8**

812. At its 40th meeting, on 22 March 2011, the Council held a general debate on agenda item 8, during which the following made statements:

(a) Representatives of States Members of the Council: Argentina, Bangladesh, China, Colombia<sup>1</sup> (on behalf of Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia-Herzegovina, Brazil, Bulgaria, Canada, Central African Republic, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia,

Mongolia, Montenegro, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Poland, Portugal, Romania, Rwanda, Samoa, San Marino, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu and Venezuela), Costa Rica<sup>1</sup> (on behalf of the Group of Latin American and Caribbean States), Hungary (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Montenegro, Serbia, The former Yugoslav Republic of Macedonia, Turkey, Ukraine), Mexico, Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of Islamic States), Paraguay<sup>1</sup> (on behalf of MERCOSUR), Poland, Republic of Moldova, Russian Federation, United States of America;

(b) Representatives of the following observer States: Algeria, Azerbaijan, Indonesia, Iran (Islamic Republic of), Morocco, South Africa;

(c) Observer for the Holy See;

(d) Observers for the following national human rights institutions: Asia Pacific Forum of National Human Rights Institutions, Canadian Human Rights Commission (also on behalf of Australian Human Rights Commission, Comité Senegalais des Droits de l'Homme, Commission on Human Rights of the Philippines, Danish Institute for Human Rights, Defensoria del Pueblo of Ecuador, Equality and Human Rights Commission of Great Britain, German Institute for Human Rights, National Commission on Human Rights of Greece, National Consultative Commission on Human Rights of France, National Human Rights Commission of Korea, National Human Rights Commission of Thailand, New Zealand Human Rights Commission, Procuraduría de los Derechos Humanos de Guatemala, Procuraduría para la Defensa de los Derechos Humanos de Nicaragua, Scottish Human Rights Commission, South African Human Rights Commission), European Group of National Human Rights Institutions, Network of African National Human Rights Institutions, Network of National Human Rights Institutions of the Americas region;

(e) Observers for the following non-governmental organizations: Action Internationale pour la Paix et le Développement dans la région des Grands Lacs, African Association of Education for Development, Asian Forum for Human Rights and Development, Canadian HIV/AIDS Legal Network (also on behalf of Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit and International Service for Human Rights), Centrist Democratic International, France Libertés: Fondation Danielle Mitterrand, Indian Council of Education, Indian Council of South America, International Club for Peace Research, International Humanist and Ethical Union, International Service for Human Rights, International Women's Rights Action Watch Asia Pacific (also on behalf of Shirkat Gah Women's Resource Centre), Liberation, Marangopoulos Foundation for Human Rights (also on behalf of International Alliance of Women), Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale, United Nations Watch, Verein Sudwind Entwicklungspolitik, World Federation of Democratic Youth, World Union for Progressive Judaism.

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

### **The imperative need to respect the established procedures and practices of the General Assembly in the elaboration of new norms and standards and their subsequent integration into existing international human rights law**

813. At the 48th meeting, on 25 March 2011, the President of the Council stated that, at the request of the representative of South Africa, draft resolution A/HRC/16/L.27, sponsored by South Africa, was deferred for consideration by the Council at a later stage.

## **IX. Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action**

### **A. Reports presented under agenda item 9 and general debate on that item**

814. At the 41st meeting, on 22 March 2011, the Chairperson-Rapporteur of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, Mohamed Siad Douale, presented the report of the Working Group on its eighth session held from 11 to 22 October 2010 (A/HRC/16/64).

815. At the same meeting and at the 42nd meeting, on the same day, the Council held a general debate on agenda item 9, during which the following made statements:

(a) Representatives of States Members of the Council: Bangladesh, China, Cuba, Egypt<sup>1</sup> (on behalf of the Non-Aligned Movement), Ghana, 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, Senegal, Spain, United States of America;

(b) Representatives of the following observer States: Algeria, Costa Rica, Egypt, Germany, Indonesia, Iran (Islamic Republic of), Kuwait, Morocco, South Africa, Venezuela (Bolivarian Republic of), Zimbabwe;

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

(d) Observers for the following non-governmental organizations: African Association of Education for Development, African Commission of Health and Human Rights Promoters, Cairo Institute for Human Rights Studies (also on behalf of Article 19 – International Centre Against Censorship), Center for Environmental and Management Studies, Centre for Human rights and Peace Advocacy, Cercle de Recherche sur les Droits et les Devoirs de la Personne Humaine, Commission to Study the Organization of Peace, European Union of Public Relations, Femmes Africa Solidarité, Fraternité Notre Dame, Gherush92 - Committee for Human Rights (also on behalf of COBASE - Cooperativa Tecnico Scientifica di Base), Indian

Council of South America, International Association Against Torture (also on behalf of December Twelfth Movement International Secretariat), International Association for Democracy in Africa, International Club for Peace Research, International Committee for the Indians of the Americas, International Educational Development, International Human Rights Association of American Minorities, International Humanist and Ethical Union, International Institute for Peace, International Movement Against All Forms of Discrimination and Racism, International Muslim Women's Union, International Youth and Student Movement for the United Nations, Liberation, Ligue internationale contre le racisme et l'antisémitisme, Mouvement contre le racisme et pour l'amitié entre les peuples, North-South XXI, Organization for Defending Victims of Violence, Rencontre Africaine pour la défense des droits de l'homme, United Nations Watch, Verein Sudwind Entwicklungspolitik, World Muslim Congress, World Union of Progressive Judaism.

816. At the 42nd meeting, on 22 March 2011, a statement in exercise of the right of reply was made by the representative of the United States of America.

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

### **Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief**

817. At the 46th meeting, on 24 March 2011, the representative of Pakistan, on behalf of the Organization of Islamic Conference, introduced draft resolution A/HRC/16/L.38, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference). Subsequently, Nicaragua, Thailand, Uruguay and Venezuela (Bolivarian Republic of) joined the sponsor.

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

819. At the same meeting, the representatives of Hungary, on behalf of the States Members of the European Union that are members of the Council, Norway, Saudi Arabia and the United States of America made general comments in relation to the draft resolution.

820. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/18).

821. At the 48th meeting, on 25 March 2011, the representatives of Algeria, Egypt, Indonesia and South Africa made comments in relation to the resolution.

### **Mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

822. At the 48th meeting, on 25 March 2011, the representative of Nigeria, on behalf of the Group of African States, introduced draft resolution A/HRC/16/L.34, sponsored by Nigeria (on behalf of the African Group). Subsequently, Bangladesh, Belarus, Brazil, Cuba, Indonesia,

Mexico, Nicaragua, Russian Federation, Pakistan, Uruguay and Venezuela (Bolivarian Republic of) joined the sponsors.

823. At the same meeting, the representative of Nigeria orally revised the draft resolution.
824. At the same meeting, the representatives of the Maldives and the United States of America made statements in explanation of vote before the vote.
825. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex III).
826. Also at the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/33).

## **X. Technical assistance and capacity-building**

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

#### **Independent expert on the situation of human rights in Burundi**

827. At the 42nd meeting, on 22 March 2011, the President informed the Council that the Bureau had considered the request of the Group of African States to postpone to the seventeenth session the interactive dialogue with the Independent Expert on the situation of human rights in Burundi. The representative of Nigeria, on behalf of the Group of African States, made a statement in that regard.

#### **Joint report of Special Procedures mandate holders on the situation of human rights in the Democratic Republic of the Congo.**

828. At the 43rd meeting, on 23 March 2011, the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, presented the third joint report of seven United Nations experts on the situation in the Democratic Republic of the Congo (A/HRC/16/68).
829. At the same meeting, the representative of the Democratic Republic of the Congo made a statement as the concerned country.
830. During the ensuing interactive dialogue, at the same meeting, the following made statements and asked the Special Rapporteur questions:
- (a) Representatives of States Members of the Council: Belgium, Brazil, France, Japan, Norway, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America;
  - (b) Representatives of the following observer States: Algeria, Canada, Luxembourg, Zimbabwe;
  - (c) Observer for an intergovernmental organization: European Union;

(d) Observers for the following non-governmental organizations: Amnesty International, Association of World Citizens, International Federation for Human Rights Leagues, World Organization Against Torture (also on behalf of International Federation of Action by Christians for the abolition of torture).

831. At the same meeting, the Special Rapporteur answered questions and made her concluding remarks.

## **B. General debate on agenda item 10**

832. At the 43rd meeting, on 23 March 2011, the Deputy High Commissioner for Human Rights introduced country-specific reports submitted under agenda items 2 and 10.

833. At the same meeting, the Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, William Schabas, presented the report on Advisory Services and Technical Cooperation (A/HRC/16/66).

834. At the same meeting, the Chief of the Universal Periodic Review Section at the Office of the High Commissioner for Human Rights briefed the Council on the progress achieved in operationalizing the universal periodic review Voluntary Trust Fund for the participation in the UPR mechanism.

835. At the same meeting, the Director of the Field Operations and Technical Cooperation Division at the Office of the High Commissioner for Human Rights briefed the Council on the progress achieved in operationalizing the Voluntary Fund for Financial and Technical Assistance.

836. At the same meeting, and at the 44th meeting, on the same day, representatives of Afghanistan, Bolivia, Colombia, Cyprus, the Democratic Republic of the Congo, Guatemala, Guinea, Islamic Republic of Iran, Kyrgyzstan and Nepal made statements as concerned countries.

837. During the ensuing general debate, at the 44th meeting, on the same day, the following made statements:

(a) Representatives of States Members of the Council: Australia<sup>1</sup> (on behalf of Albania, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Colombia, Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Nigeria, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Somalia, Spain, Sweden, Switzerland, Tanzania, Thailand, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Zambia), Brazil, China, Cuba, Hungary (on behalf of the European Union, Albania, Armenia, Bosnia and Herzegovina, Croatia, Montenegro, Republic of Moldova, Serbia, The former Yugoslav Republic of Macedonia and Turkey), Maldives, Nigeria (on behalf of the Group of African States), Norway, Pakistan, Russian

Federation, Spain, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America;

(b) Representatives of the following observer States: Algeria, Germany, Greece, Italy, Kuwait, Sweden, Turkey;

(c) Observers for the following non-governmental organizations: Bischöfliches Hilfswerk Misereor e.V., Centre Independent de Recherches et d'Initiatives pour le Dialogue, Colombian Commission of Jurists, Friends World Committee for Consultation, Human Rights Watch, Indian Council of South America, Lawyers' Rights Watch Canada (also on behalf of International Commission of Jurists), Liberation, Rencontre Africaine pour la defense des droits de l'homme, Shirkat Gah Women's Resource Centre, United Nations Watch, Verein Sudwind Entwicklungspolitik.

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

839. At the same meeting, a statement in exercise of a second right of reply was made by the representative of Turkey.

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

#### **Cooperation between Tunisia and the office of the High Commissioner for Human Rights**

840. At the 46th meeting, on 24 March 2011, the representative of Hungary, on behalf of the European Union, introduced draft resolution A/HRC/16/L.32/Rev.1, sponsored by Hungary (on behalf of the European Union) and co-sponsored by Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Australia, Chile, Colombia, Costa Rica, Croatia, Ecuador, Honduras, Iceland, Iraq (on behalf of the Arab Group), Japan, Jordan, Maldives, Monaco, Montenegro, New Zealand, Nigeria (on behalf of the African Group), Norway, Panama, Peru, Republic of Moldova, Uruguay and Switzerland joined the sponsors.

841. At the same meeting, the representative of Hungary orally revised the draft resolution.

842. At the same meeting, the representatives of Nigeria and the United States of America made general comments in relation to the draft resolution.

843. Also at the same meeting, the representative of Tunisia made a statement as the concerned country.

844. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/19).

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

845. At the 48th meeting, on 25 March 2011, the representative of Nigeria, on behalf of the Group of African States, introduced draft resolution A/HRC/16/L.35, sponsored by Nigeria (on behalf of the African Group).
846. At the same meeting, the representative of Nigeria orally revised the draft resolution.
847. At the same meeting, the representative of the United States of America made general comments in relation to the draft resolution.
848. Also at the same meeting, the representative of Burundi made a statement as the concerned country.
849. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/34).

**Human rights situation in the Democratic Republic of the Congo and the strengthening of technical cooperation and advisory services**

850. At the 48th meeting, on 25 March 2011, the representative of Nigeria, on behalf of the Group of African States, introduced draft resolution A/HRC/16/L.36, sponsored by Nigeria (on behalf of the African Group). Subsequently, Iceland joined the sponsors.
851. At the same meeting, the representative of Nigeria orally revised the draft resolution.
852. Also at the same meeting, the representative of the Democratic Republic of the Congo made a statement as the concerned country.
853. At the same meeting, the representatives of Hungary, on behalf of States Members of the European Union that are members of the Council, and the United States of America made statements in explanation of vote before the vote.
854. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/35).
855. At the same meeting, the representative of Switzerland (also on behalf of Norway) made a statement in explanation of vote after the vote.

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

856. At the 48th meeting, on 25 March 2011, the representative of Nigeria, on behalf of the Group of African States, introduced draft resolution A/HRC/16/L.37, sponsored by Nigeria (on behalf of the Group of African States). Subsequently, Australia, Austria, Bulgaria, Canada, the Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Greece, Hungary, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America joined the sponsors.
857. At the same meeting, the representative of Nigeria orally revised the draft resolution.

858. Also at the same meeting, the representative of Guinea made a statement as the concerned country.
859. At the same meeting, the draft resolution, as orally revised, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/36).