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**Human Rights Council**

Seventeenth session

Agenda item 1

**Organizational and procedural matters**

**Report of the Human Rights Council on its  
seventeenth session\***

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

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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.

## Contents

| <i>Chapter</i>  | <i>Paragraphs</i> | <i>Page</i> |
|---|-------------------|-------------|
| 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 .....  | –                 |             |
| B. Attendance .....   | –                 |             |
| C. Agenda and programme of work of the session.....   | –                 |             |
| D. Organization of work .....   | –                 |             |
| E. Meetings and documentation .....   | –                 |             |
| F. Visits.....  | –                 |             |
| G. Adoption of the report of the session .....  | –                 |             |
| K. Consideration of and action on draft proposals .....   | –                 |             |
| II. Annual report of the United Nations High Commissioner for Human Rights<br>and reports of the Office of the High Commissioner and the Secretary-General .... | –                 |             |
| A. Update by the United Nations High Commissioner for Human Rights .....  | –                 |             |
| B. Reports of the Office of the United Nations High Commissioner for<br>Human Rights and the Secretary-General.....   | –                 |             |
| III. Promotion and protection of all human rights, civil, political, economic,<br>social and cultural rights, including the right to development.....           | –                 |             |
| A. Interactive dialogue with special procedures .....   | –                 |             |
| B. Panels.....  | –                 |             |
| C. General debate on agenda item 3 .....  | –                 |             |
| D. Consideration of and action on draft proposals .....   | –                 |             |
| IV. Human rights situations that require the Council's attention .....  | –                 |             |
| A. Follow-up to Human Rights Council resolution s-15/1 .....  | –                 |             |
| B. Follow-up to Human Rights Council resolution 16/25 .....   | –                 |             |
| C. Follow-up to Human Rights council resolutions S-14/1 and S-16/1.....   | –                 |             |
| D. General debate on agenda item 4.....   | –                 |             |
| E. Consideration of and action on draft proposals .....   | –                 |             |
| V. Human rights bodies and mechanisms .....   | –                 |             |
| A. General debate on agenda item 5 .....  | –                 |             |

|       |   |   |
|-------|---|---|
| B.    | Consideration of and action on draft proposals .....  | – |
| VI.   | Universal periodic review .....   | – |
| A.    | Consideration of universal periodic review outcomes .....   | – |
| B.    | General debate on agenda item 6 .....   | – |
| C.    | Consideration of and action on draft proposals .....  | – |
| VII.  | Human rights situation in Palestine and other occupied Arab territories .....   | – |
| A.    | Follow-up to Human Rights Council resolution S-9/1, S-12/1 and S-16/20...   | – |
| C.    | General debate on agenda item 7 .....   | – |
| VIII. | Follow-up to and implementation of the Vienna Declaration<br>and Programme of Action .....  | – |
| A.    | General debate on agenda item 8 .....   | – |
| B.    | Consideration of and action on draft proposals .....  | – |
| IX.   | Racism, racial discrimination, xenophobia and related forms of intolerance,<br>follow-up to and implementation of the Durban Declaration and<br>Programme of Action ..... | – |
| A.    | Interactive dialogue with special procedures .....  | – |
| B.    | General debate on agenda item 9 .....   | – |
| C.    | Consideration of and action on draft proposals .....  | – |
| X.    | Technical assistance and capacity-building .....  | – |
| A.    | Interactive dialogue with special procedures .....  | – |
| C.    | General debate on agenda item 9 .....   | – |
| D.    | Consideration of and action on draft proposals .....  | – |

#### Annexes

|      |   |   |
|------|---|---|
| I.   | Attendance.....   | – |
| II.  | Administrative and programme budget implications of resolutions<br>adopted by the Council at its eleventh session ..... | – |
| III. | Agenda .....  | – |
| IV.  | List of documents issued for the fourteenth session of the Human Rights Council .....                                   | – |
| V.   | List of special procedures mandate holders appointed by the Council at its fourteenth session ...                       | – |

## **Part One: Resolutions and decisions**

[To be added in the final report]

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

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

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

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

#### **B. Attendance**

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

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

5. At the 1<sup>st</sup> meeting, on 31 May 2011, the Council adopted the agenda and programme of work of the seventeenth session.

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

6. At the 1<sup>st</sup> meeting, on 31 May 2011, the President outlined the modalities for the general debate on the update by the United Nations High Commissioner of the activities of her Office, which would be 3 minutes for Member States and 2 minutes for observer States and other observers.
7. At the 2<sup>nd</sup> meeting, on 31 May 2011, the President outlined the modalities for the interactive dialogue with mandate holders of special procedures under agenda item 3, which would be as follows: 10 minutes for the presentation by the mandate holder of the main report, with a further 2 minutes to present each additional report; 5 minutes for concerned countries, if any, and States Members of the Council; 3 minutes for statements by observer States of the Council and other observers, including United Nations entities, specialized agencies and related organizations, intergovernmental organizations and other entities, national human rights institutions and non-governmental organizations; and 5 minutes for concluding remarks by the mandate holder.

8. At the 9<sup>th</sup> meeting, on 1 June 2011, the President outlined the modalities for the panel discussion on the issue of human rights and victims of terrorism, which would be 7 minutes for panellists, 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
9. At the 11<sup>th</sup> meeting, on 3 June 2011, the President outlined the modalities for the general debate on thematic reports of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Secretary-General, which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
10. At the 13<sup>th</sup> meeting, on 6 June 2011, the President outlined the modalities for the general debate under item 5, which would be 3 minutes for states Members of the Council and 2 minutes for observer states and other observers.
11. At the 15<sup>th</sup> meeting, on 7 June 2011, the President outlined the modalities for the consideration of the outcomes of the universal periodic review under agenda item 6, which would be 20 minutes for the State concerned to present its views; up to 20 minutes for States Members of the 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.
12. At the 17<sup>th</sup> meeting, on 8 June 2011, the President outlined the modalities for the consideration of the follow-up to the Special Session on Libya which would be 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
13. At the 21<sup>st</sup> meeting, on 9 June 2011, the President outlined the modalities for the general debate under item 6, which would be 3 minutes for states Members of the Council and 2 minutes for observer states and other observers.
14. At the 22<sup>nd</sup> meeting, on 10 June 2011, the President outlined the modalities for the full-day discussion on women's human rights, which would be 7 minutes for panellists, 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
15. At the 23<sup>rd</sup> meeting, on 10 June 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.
16. At the 25<sup>th</sup> meeting, on 14 June 2001, 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.
17. At the 27<sup>th</sup> meeting, on 14 June 2011, the President outlined the modalities for the panel discussion on the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs, which would be 7 minutes for panellists, 3 minutes for States Members of the Council and 2 minutes for observer States and other observers.
18. At the 29<sup>th</sup> meeting, on 15 June 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.

19. At the 32<sup>nd</sup> meeting, on 16 June 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.

## **E. Meetings and documentation**

20. The Council held [...] fully serviced meetings during its seventeenth session.
21. The text of the resolutions and decisions adopted by the Council is contained in Part One of the present report.
22. Annex I contains the list of attendance.
23. Annex II contains the estimated administrative and programme budget implications of Council resolutions and decisions.
24. Annex III contains the agenda of the Council, as included in section V of the annex to Council resolution 5/1.
25. Annex IV contains the list of documents issued for the fourteenth session of the Council.
26. Annex V contains the list of special procedures mandate holders appointed by the Council at its fourteenth session.

## **F. Visits**

27. At the 2<sup>nd</sup> meeting, on 30 May 2011, the Minister for Plantation Industries and Special Envoy for Human Rights of Sri Lanka, Mahinda Samarasinghe, delivered a statement to the Council.
28. At the 5<sup>th</sup> meeting, on 31 May 2011, the Undersecretary of Ministry of Foreign Affairs of Bahrain, Abdulla Abdullatif Abdulla, delivered a statement to the Council.

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

29. At its 35<sup>th</sup> meeting, on 17 June 2011, the Council appointed special procedures mandate holders in accordance with Council resolutions 5/1 (see annex V).

## **H. Adoption of the report of the session**

30. At the 35<sup>th</sup> meeting, on 17 June 2011, the draft report of the Council (A/HRC/17/L.10) was adopted ad referendum and the Council decided to entrust the Rapporteur with the finalization of the report.
31. Also at the same meeting, the representatives of Nigeria (on behalf of the Group of African States), Sri Lanka, Belarus, Bolivia (Plurinational State of), Egypt and Algeria, as well as International Service for Human Rights, Amnesty International and Canadian HIV/AIDS Legal Network (also on behalf of International Commission of Jurists, Action Canada for Population and Development, National Association of Community Legal Centres) made general comments in connection with the session.
32. At the same meeting, the President of the Council made a closing statement.

## I. Consideration of and action on draft proposals

### Follow-up the report of the Independent International fact Finding Mission on the incident of the Humanitarian Flotilla

33. At the 34<sup>th</sup> meeting, on 17 June 2011, the representative of Pakistan (on behalf of the Organization of the Islamic Conference) introduced draft resolution A/HRC/17/L.1, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference) and Palestine (on behalf of the Group of Arab States) and co-sponsored by Somalia. Subsequently, Bolivia (Plurinational State of), Cuba and Venezuela (Bolivarian Republic of) joined the sponsors.
34. At the same meeting, the representative of Pakistan (on behalf of the Organization of the Islamic Conference) orally revised the draft resolution.
35. Also at the same meeting, the representative of Palestine (on behalf the Group of Arab States) and Turkey made statements as concerned countries.
36. At the same meeting, the representatives of the United States of America made a statement in explanation of vote before the vote.
37. Also at the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/HRC/17/L.1 as orally revised. The draft resolution as orally revised was adopted by 36 votes in favour, 1 against, with 8 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

United States of America;

*Abstaining:*

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

38. For the text as adopted, see part one, chapter I, resolution 17/10.

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

39. At the 35<sup>th</sup> meeting, on 17 June 2011, the representative of Mexico introduced draft resolution A/HRC/17/L.7.Rev.1, sponsored by Mexico, Nigeria, Switzerland, Thailand and Ukraine and co-sponsored by Austria, Ecuador and Guatemala. Subsequently the Dominican Republic, Lao People's Democratic Republic, Republic of Moldova, Uruguay and Venezuela (Bolivarian Republic of) joined the sponsors.
40. At the same meeting, the representative of Mexico orally revised the draft resolution.
41. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex II).
42. At the same meeting, the representative of the United States of America made a statement in explanation of vote before the vote.

43. 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, decision 17/118).

#### **Follow-up to the Human Rights Council Resolution 16/21 with regard to the Universal Periodic Review**

44. At the 35<sup>th</sup> meeting, on 17 June 2011, the representative of Morocco introduced draft decision A/HRC/17/L.29, presented by the President of the Human Rights Council.
45. At the same meeting, the representative of Morocco orally revised the draft resolution. The draft resolution was further orally revised by the President.
46. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex II).
47. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/119).
48. At the same meeting, the representative of the Maldives made a statement in explanation of vote after the vote.
49. Also at the same meeting, the representative of Japan made general comments.

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

### **A. Update by the United Nations High Commissioner for Human Rights**

50. At the 1<sup>st</sup> meeting, on 30 May 2011, the United Nations High Commissioner for Human Rights made a statement providing an update of the activities of her Office.

51. During the ensuing general debate, at the 1<sup>st</sup> and at the 2<sup>nd</sup> meeting, on the same day, the following made statements:

(a) Representatives of States Members of the Council: Hungary (on behalf of the European Union, the former Yugoslav Republic of Macedonia, Montenegro, Iceland, the Countries of the Stabilisation and Association Process, Albania, Bosnia and Herzegovina and Serbia), Palestine<sup>1</sup> (on behalf of the Group of Arab States), Pakistan (on behalf of the Organization of the Islamic Conference), Nigeria (also on behalf of the Group of African States), Republic of Moldova, France, Switzerland, United States of America, Spain, Poland, United Kingdom of Great Britain and Northern Ireland, Thailand, Chile, Japan, Cuba, China, Malaysia, Russian Federation, Qatar, Ecuador, Mexico, Norway, Jordan, Maldives, Belgium, Brazil, Bangladesh, Pakistan, Senegal, Republic of Korea, Uganda;

(b) Representatives of observer States: Algeria, Germany, Italy, Egypt, Australia, Czech Republic, Paraguay, India, Turkey, Ethiopia, Botswana, Austria, Indonesia, Israel, Honduras, South Africa, Sri Lanka, Canada, Ireland, Syrian Arab Republic, Belarus, Iran (Islamic Republic of), Nepal, Philippines, Democratic People's Republic of Korea, Morocco, Costa Rica, Colombia, Uzbekistan, Iraq, Viet Nam, Sudan;

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

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

(d) Observers for non-governmental organizations: Mouvement contre le Racisme et pour l'Amitié entre les Peuples (MRAP), Canadian HIV/AIDS Legal Network, Amnesty International, Cairo Institute for Human Rights Studies, Asian Forum for Human Rights and Development (FORUM-ASIA), Nord-Sud XXI, Pax Romana (also on behalf of the International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), CIVICUS - World Alliance for Citizen Participation, France Libertés: Fondation Danielle Mitterrand, Association for Progressive Communications (APC), United Nations Watch, Society for Threatened Peoples, Human Rights Watch, International Islamic Federation of Student Organizations, World Muslim Congress, International Human Rights Association of American Minorities (IHRAAM), National Association of Community Legal Centres.

52. At the 2<sup>nd</sup> meeting, a statement in exercise of the right of reply was made by the representative of China.

53. At the 3<sup>rd</sup> meeting, on 30 May 2011, a statement in exercise of the right of reply was made by the representative of Iraq.

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

54. At the 11<sup>th</sup> meeting, on 3 June 2011, the Director of the Human Rights Council and Special Procedures Division, Bacre Ndiaye, presented thematic reports prepared by the Office of the High Commissioner and the Secretary-General.

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

### **Procedural decision**

55. At the 33<sup>rd</sup> meeting, on 16 June 2011, the representative of Netherlands introduced draft decision A/HRC/17/L.28 sponsored by the Netherlands and Palestine (on behalf of the Group of Arab States).

56. At the same meeting, the draft decision was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 16/117).

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

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

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

57. At the 3<sup>rd</sup> meeting, on 30 May 2011, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, presented his reports (A/HRC/17/28 and Add. 1-6).

58. At the same meeting, the representatives of Albania and Ecuador made statements as concerned countries.

59. During the ensuing interactive dialogue, at the 3<sup>rd</sup> meeting, on 30 May 2011, and at the 4<sup>th</sup> meeting, on 31 May 2011, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Cuba, China, Belgium, Maldives, Nigeria (on behalf of the African Group), United States of America, United Kingdom of Great Britain and Northern Ireland, Russian Federation, Poland, Pakistan (on behalf of the Organization of the Islamic Conference), Switzerland, Brazil, Palestine (on behalf of the Group of Arab States), Nigeria, Qatar, Djibouti, Slovakia, Jordan, Uganda;

(b) Representatives of observer States: Kenya, Venezuela (Bolivarian Republic of), Australia, Algeria, Iran (Islamic Republic of), Sweden, Egypt, Botswana, Austria, Denmark, Canada, New Zealand, South Africa, Serbia, Sri Lanka, Czech Republic, Afghanistan;

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

(d) Observers for non-governmental organizations: World Organization against Torture (OMCT), Mouvement contre le racisme et pour l'amitié des peuples (MRAP), Asian Legal Resource Center (ALRC), Indian Council of South America (CISA), Cairo Institute for Human Rights Studies (CIHRS), Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit COC Nederland;

60. At the 4<sup>th</sup> meeting, on 31 May 2011, the Special Rapporteur answered questions and made his concluding remarks.

61. At the 6<sup>th</sup> meeting, on the same day, a statement in the exercise of the right of reply was made by the representative of Albania.

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

62. At the 3<sup>rd</sup> meeting, on 30 May 2011, the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises, John Ruggie, presented his reports (A/HRC/17/31 and Add. 1–3).

63. During the ensuing interactive dialogue, at the 3<sup>rd</sup> meeting, on 30 May 2011, and at the 4<sup>th</sup> meeting, on 31 May 2011, the following made statements and asked the Special Representative questions:

(a) Representatives of States Members of the Council: China, Norway, Belgium, Guatemala, Nigeria (on behalf of the African Group), United States of America, Spain, United Kingdom of Great Britain and Northern Ireland, Russian Federation, Poland, Ghana, Pakistan (on behalf of the Organization of the Islamic Conference), Switzerland, Argentina, Brazil, Chile, Palestine (on behalf of the Group of Arab States), Spain, Japan, Djibouti, Jordan;

(b) Representatives of observer States: Australia, Algeria, Iran (Islamic Republic of), Sweden, India, Egypt, Denmark, Azerbaijan, Canada, Morocco, New Zealand, Botswana, Austria, South Africa, Serbia, Indonesia;

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

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

(e) Observers for non-governmental organizations: International Commission of Jurists (also on behalf of Tides Center, Human Rights Watch, International Federation of Human Rights Leagues and Amnesty International), Indian Council of South America

(CISA), International Federation of Human Rights Leagues (FIDH), FIAN International (Food First Information and Action Network), International Organization of Employers;

64. At the 4<sup>th</sup> meeting, on 31 May 2011, the Special Representative answered questions and made his concluding remarks.

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

65. At the 3<sup>rd</sup> meeting, on 30 May 2011, the Special Rapporteur on the independence of judges and lawyers, Gabriela Carina Knaul de Albuquerque E Silva, presented her reports (A/HRC/17/30 and Add. 1-3).

66. At the same meeting, the representatives of Mexico and Mozambique made statements as concerned countries.

67. During the ensuing interactive dialogue, at the 3<sup>rd</sup> meeting, on 30 May 2011, and at the 4<sup>th</sup> meeting, on 31 May 2011, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Cuba, China, Maldives, Hungary, United States of America, United Kingdom of Great Britain and Northern Ireland, Russian Federation, Paraguay<sup>2</sup> (on behalf of MERCOSUR and Bolivia, Chile, Colombia, Peru and Ecuador), Pakistan (on behalf of the Organization of the Islamic Conference), Brazil, Chile, Palestine (on behalf of the Group of Arab States), Nigeria, Jordan;

(b) Representatives of observer States: Venezuela (Bolivarian Republic of), Australia, Algeria, Austria, Denmark, Azerbaijan, Canada, Serbia, Indonesia;

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

(d) Observers for non-governmental organizations: World Organization against Torture (OMCT), Indian Council of South America (CISA), Centro de Derechos Humanos Miguel Agustín Pro Juárez;

68. At the 4<sup>th</sup> meeting, on 31 May 2011, the Special Rapporteur answered questions and made her concluding remarks.

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

69. At the 5<sup>th</sup>, on 31 May 2011, the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, presented the reports of the Special Rapporteur on the human rights of migrants, Jorge Bustamante (A/HRC/17/33 and Add.1-6).

70. At the same meeting, the representatives of Japan, South Africa and Senegal made statements as concerned countries.

71. During the ensuing interactive dialogue, at the 5<sup>th</sup> and 6<sup>th</sup> meeting, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Cuba, Mexico, China, Djibouti, Nigeria (on behalf of the Group of African States), Uganda, Ecuador, Pakistan (on behalf of the Organization of the Islamic Conference), United States of America, Palestine (on behalf of the Group of Arab states), Uruguay, Brazil, Thailand, Republic of Korea, Chile, Guatemala, Republic of Moldova, Russian Federation, Bangladesh;

(b) Representatives of observer States: Morocco, Bolivia (Plurinational State of), Honduras, Paraguay, Algeria, Nepal, Egypt, Iran (Islamic Republic of), Iraq, Greece, Sri Lanka, Turkey, Italy, Indonesia, Philippines, Angola;

<sup>2</sup> Observer of the Council speaking on behalf of Member States and observer States.

- (c) Observers for intergovernmental organizations: European Union, African Union;
- (d) Observer for a national human rights institution: National Human Rights Council of the Kingdom of Morocco;
- (e) Observers for non-governmental organizations: Actione internationale pour la paix et le developpment dan la region des Grands Lacs, Centro Regional de Derechos Humanos y Justicia de Genero (Corporoacion Humanas).

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

72. At the 5<sup>th</sup> meeting, on 31 May 2011, the Special Rapporteur on the right to education, Kishore Singh, presented his reports (A/HRC/17/29 and Add. 1-2).
73. At the same meeting, the representatives of Senegal made a statement as concerned country.
74. During the ensuing interactive dialogue, at the 5<sup>th</sup> and at the 6<sup>th</sup> meeting, on the same day, the following made statements and asked the Special Rapporteur questions:
- (a) Representatives of States Members of the Council: Cuba, China, Djibouti, Nigeria (on behalf of the Group of African States), Uganda, Ecuador, Pakistan (on behalf of the Organization of the Islamic Conference), United States of America, Palestine (on behalf of the Group of Arab States), Uruguay, Brazil, France, Thailand, Chile, Russian Federation, Norway, Bangladesh;
  - (b) Representatives of observer States: Morocco, Bolivia (Plurinational State of), Austria, Australia, Honduras, Algeria, Portugal, Egypt, Iran (Islamic Republic of), Sri Lanka, South Africa, Venezuela (Bolivarian Republic of), Costa Rica, Indonesia, Philippines;
  - (c) Observer for an intergovernmental organization: European Union;
  - (d) Observer for the International Federation of Red Cross and Red Crescent Societies;
  - (e) Observers for non-governmental organizations: International Organization for the Right to Education and Freedom of Education (OIDEF) (also on behalf of New Humanity, Association Points-Coeur, Congregation of Our Lady of Charity of the Good Shepherd, International Volunteerism Organization for Women, Education and Development (VIDES), Instituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, Company of the Daughters of Charity of St. Vincent de Paul, Dominicans for Justice and Peace – Order of Preachers, International Catholic Child Bureau), Defence for Children International (also on behalf of Plan International, International Save the Children Alliance, International Federation Terre des Hommes, International Catholic Child Bureau), European Disability Forum (EDF), Franciscan International, Asian Indigenous and Tribal Peoples Network (AITPN), North-South XXI - Nord-Sud XXI;
75. At the 6<sup>th</sup> meeting, the Special Rapporteur answered questions and made his concluding remarks.
76. At the same meeting, a statement in the exercise of the right of reply was made by the representative of China.

#### **Independent Expert in the field of cultural rights**

77. At the 5<sup>th</sup> meeting, on 31 May 2011, the Independent Expert in the field of cultural rights, Farida Shaheed, presented her reports (A/HRC/17/38 and Add.1-2).

78. At the same meeting, the representative of Brazil made a statement as concerned country.
79. During the ensuing interactive dialogue, at the 5<sup>th</sup> and 6<sup>th</sup> meeting, on the same day, the following made statements and asked the Independent Expert questions:
- (a) Representatives of States Members of the Council: Cuba, China, Switzerland, Nigeria (on behalf of the Group of African States), Ecuador, Pakistan (on behalf of the Organization of the Islamic Conference), United States of America, Palestine (on behalf of the Group of Arab States), France, Poland, Russian Federation, Bangladesh; ;
  - (b) Representatives of observer States: Morocco, Bolivia (Plurinational State of), Austria, Algeria, Egypt, Iran (Islamic Republic of), Iraq, Armenia, Venezuela (Bolivarian Republic of);
  - (c) Observers for an intergovernmental organization: European Union;
  - (d) Observer for a United Nations entities, specialized agencies and related organization: United Nations Educational, Scientific and Cultural Organization;
  - (e) Observer for a non-governmental organization: Centro Regional de Derechos Humanos y Justicia de Genero (Corporacion Humanas);
80. At the 6<sup>th</sup> meeting, the Independent Expert answered questions and made her concluding remarks.

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

81. At the 6<sup>th</sup> meeting, on 31 May, the Independent Expert on the effect of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights, Cephias Lumina, presented his reports (A/HRC/17/37 and Add.1–3).
82. At the same meeting, the representative of Australia made statements as concerned country.
83. During the ensuing interactive dialogue, at the 6<sup>th</sup> meeting on 31 May 2011, and at the 7<sup>th</sup> meeting, on 1 June 2011, the following made statements and asked the Independent Expert questions:
- (a) Representatives of States Members of the Council: Russian Federation, China, Pakistan (on behalf of the Organization of the Islamic Conference), United States of America, Cuba, Palestine (on behalf of the Group of Arab States), Ecuador, Nigeria (on behalf of the Group of African States), Brazil, Saudi Arabia, Bangladesh;
  - (b) Representatives of observer States: Bolivia (Plurinational State of), Algeria, Egypt, Uganda;
  - (c) Observer for an intergovernmental organization: European Union;
  - (d) Observers for non-governmental organizations: North-South XXI – Nord-Sud XXI, National Association of Community Legal Centres Inc.;
84. At the 7<sup>th</sup> meeting, the Special Rapporteur answered questions and made his concluding remarks.

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

85. At the 6<sup>th</sup> meeting, on 31 May 2011, the Independent Expert on the question of human rights and extreme poverty, Maria Magdalena Sepúlveda Carmona, presented her reports (A/HRC/17/34 and Add. 1–2).
86. At the same meeting, the representatives of Ireland and Viet Nam made a statement as concerned countries.
87. During the ensuing interactive dialogue, at the 6<sup>th</sup> meeting on 31 May 2011, and at the 7<sup>th</sup> meeting, on 1 June 2011, the following made statements and asked the Independent Expert questions:
- (a) Representatives of States Members of the Council: Chile, Russian Federation, China, Belgium, France, Pakistan (on behalf of the Organization of the Islamic Conference), United States of America, Cuba, Ecuador, Norway, Thailand, Nigeria (on behalf of the Group of African States), Brazil, Saudi Arabia, Uganda, Bangladesh;
  - (b) Representatives of observer States: Indonesia, India, Morocco, Sri Lanka, Bolivia (Plurinational State of), Uruguay, Peru, South Africa, Algeria, Egypt, Iran (Islamic Republic of), Luxembourg;
  - (c) Observer for an intergovernmental organization: European Union;
  - (d) Observers for the following non-governmental organizations: Verein Sudwind Entwicklungspolitik, The International Movement ATD Fourth World (also on behalf of Foodfirst Information and Action Network (FIAN), European Disability Forum, International Council of Women / Conseil International des Femmes, International Commission of Jurists and International Catholic Child Bureau), North-South XXI – Nord-Sud XXI, European Disability Forum, National Association of Community Legal Centres Inc.;
88. At the 7<sup>th</sup> meeting, the Independent Expert answered questions and made her concluding remarks.

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

89. At the 8<sup>th</sup> meeting, on 1 June 2011, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover, presented his reports (A/HRC/17/25 and Add.1–3).
90. At the same meeting, the representatives of Guatemala and Syrian Arab Republic made a statement as concerned countries.
91. During the ensuing interactive dialogue, at the 8<sup>th</sup> meeting, on 1 June 2011, and at the 10<sup>th</sup> meeting, on 3 June 2011, the following made statements and asked the Special Rapporteur questions:
- (a) Representatives of States Members of the Council: Brazil, Nigeria (on behalf of the Group of African States), United States of America, Norway, Djibouti, Pakistan (on behalf of the Organization of the Islamic Conference), Switzerland, Thailand, China, Cuba, Saudi Arabia, Russian Federation, Spain, Qatar;
  - (b) Representatives of observer States: Indonesia, India, Morocco, Uruguay, Iran (Islamic Republic of), Costa Rica, Egypt, Venezuela (Bolivarian Republic of), Austria, Sweden;
  - (c) Observer for an intergovernmental organization: European Union;

(d) Observers for non-governmental organizations: European Region of the International Lesbian and Gay Federation, Associazione Comunità Papa Giovanni XXIII (also on behalf of Caritas Internationalis (International Confederation of Catholic Charities)), North-South XXI – Nord-Sud XXI, International Save the Children Alliance;

92. At the 8<sup>th</sup> meeting, on 1 June 2011, the Special Rapporteur answered questions and made his concluding remarks.

#### **Special Rapporteur on trafficking in persons, especially women and children**

93. At the 8<sup>th</sup> meeting, on 1 June 2011, the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo Alston, presented her reports (A/HRC/17/35 and Add.1-6).

94. At the same meeting, the representatives of Argentina, Egypt and Uruguay made statements as concerned country.

95. During the ensuing interactive dialogue, at the 8<sup>th</sup> meeting, on 1 June 2011, and at the 10<sup>th</sup> meeting, on 3 June 2011, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Brazil, Maldives, Nigeria (on behalf of the Group of African States), United States of America, Norway, Djibouti, Pakistan (on behalf of the Organization of the Islamic Conference), Palestine (on behalf of the Group of Arab States), Thailand, China, Cuba, Guatemala, Saudi Arabia, Russian Federation, Republic of Korea, Republic of Moldova, Qatar;

(b) Representatives of the following observer States: Belarus, Philippines, Australia, Slovakia, Germany, Morocco, Nepal, United Arab Emirates, Sri Lanka, Costa Rica, Egypt, Greece, Venezuela (Bolivarian Republic of), Austria;

(c) Observer for the following intergovernmental organizations: European Union;

(d) Observer for a United Nations entities, specialized agencies and related organization: United Nations Children Fund;

(e) Observer for a national human rights institution: National Human Rights Council of the Kingdom of Morocco;

(f) Observers for non-governmental organizations: Franciscans International (also on behalf of Global Alliance against Traffic in Women), Centro Regional de Derechos Humanos y Justicia de Género (Corporacion Humanas);

96. At the 10<sup>th</sup> meeting, on 3 June 2011, the Special Rapporteur answered questions and made her concluding remarks.

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

97. At the 10<sup>th</sup> meeting, on 3 June 2010, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, presented his reports (A/HRC/17/27 and Add.1-3).

98. At the same meeting, the representatives of Mexico and the Republic of Korea, made statements as concerned countries.

99. During the ensuing interactive dialogue, at the 10<sup>th</sup> and at the 11<sup>th</sup> meeting, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Chile, China, Nigeria (on behalf of the Group of African States), Brazil, Japan, Cuba, France, Pakistan (on behalf of

the Organization of the Islamic Conference), Slovakia, Senegal, Guatemala, United Kingdom of Great Britain and Northern Ireland, Maldives, Switzerland, United States of America, Poland, Thailand, Palestine (on behalf of the Group of Arab States), Malaysia, Norway, Russian Federation, Bangladesh;

(b) Representatives of observer States: Belarus, Morocco, Belgium, Peru, New Zealand, Australia, Austria, Canada, Algeria, Germany, Uruguay, Costa Rica, Czech Republic, Islamic Republic of Iran, Egypt, Sweden, Honduras, Venezuela (Bolivarian Republic of), India, Denmark, Iraq, Slovenia, Viet Nam, Israel;

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

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

(d) Observers for non-governmental organizations: Society for threatened peoples, Human Rights Watch, Freedom House, Association for Progressive Communications (APC), Minbyun-Lawyers for a Democratic Society (also on behalf of Korean Progressive Network “Jinbonet” and People’s Solidarity for Participatory Democracy), Amnesty International, Reporters without Borders (RWB)/Reporters sans frontières (RSF);

100. At the 11<sup>th</sup> meeting, on 3 June 2011, the Special Rapporteur answered questions and made his concluding remarks.

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

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

102. At the 10<sup>th</sup> meeting, on 3 June 2011, the Special Rapporteur on Special Rapporteur on violence against women, its causes and consequence, Rashida Manjoo, presented her reports (A/HRC/17/26 and Add.1–5).

103. At the same meeting, the representatives of Algeria, United States of America and Zambia, made statements as concerned countries.

104. During the ensuing interactive dialogue, at the 10<sup>th</sup> and at the 11<sup>th</sup> meeting, on the same day, the following made statements and asked the Special Rapporteur questions:

(a) Representatives of States Members of the Council: Chile, China, Nigeria (on behalf of the Group of African States), Brazil, France, Pakistan (on behalf of the Organization of the Islamic Conference), Spain, Slovakia, Senegal, United Kingdom of Great Britain and Northern Ireland, Maldives, Indonesia<sup>3</sup> (on behalf of the Association of Southeast Asian Nations), United States of America, Poland, Thailand, Palestine (on behalf of the Group of Arab States), Malaysia, Ecuador, Norway, Bangladesh, Republic of Moldova;

(b) Representatives of observer States: Colombia, Morocco, Belgium, Peru, Australia, Austria, Bosnia and Herzegovina, Canada, Uruguay, Costa Rica, Islamic Republic of Iran, Egypt, Sweden, Sri Lanka, Honduras, Denmark, Slovenia;

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

(d) Observer for the Holy See;

(e) Observers for non-governmental organizations: Canadian HIV/AIDS Legal Network, European Disability Forum (EDF), Association for Progressive Communications (APC), Amnesty International;

<sup>3</sup> Observer of the Council speaking on behalf of Member States and observer States.

105. At the 11th meeting, on the same day, the Special Rapporteur answered questions and made her concluding remarks.

## **B. Panels**

### **Panel on the issue of human rights of victims of terrorism**

106. At the 9th meeting, on 1 June 2011, the Council held a panel discussion on the issue of human rights of victims of terrorism, in accordance with Council decision 16/116. The High Commissioner made opening remarks for the panel.

107. At the same meeting, the following panellists made statements: Anne Wu, Martin Scheinin, Maite Pagazaurtundua, Rianne M. Letschert, Mauro Miedico, Yakin Erturk.

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

(a) Sponsor States of Council decision 16/116: Spain, Turkey, Colombia, France, Algeria, Israel, Russian Federation;

(b) Representatives of States Members of the Council: Cuba, United States of America, Palestine (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland, Pakistan, China, Switzerland;

(c) Representatives of observer States: India, Iran (Islamic Republic of), Morocco, Peru, Indonesia, Austria, Afghanistan, Finland, Sri Lanka, Iraq;

(d) Observer for intergovernmental organizations: European Union, Council of Europe;

(e) Observers for non-governmental organizations: Fundacion para la libertad – Askatasun Bidean, Amnesty International, Rencontre Africaine de Defense Pour les Droits de l'Homme (RADDHO) (also on behalf of Al-Hakim Foundation);

109. At the same meeting, the following panellists answered questions and made their concluding remarks: Anne Wu, Martin Scheinin, Maite Pagazaurtundua, Rianne M. Letschert, Mauro Miedico, Yakin Erturk.

### **Discussion on women's human rights**

110. On 10 June 2011, at the 22<sup>nd</sup> and 24<sup>th</sup> meeting, the Council held a full-day discussion on women's human rights in accordance with Council resolution 6/30. The discussion was divided in two panels.

111. On 10 June 2011, at the 22<sup>nd</sup> meeting, the Council held a discussion on good practices and remaining gaps in the prevention of violence against women, and considered the report of the OHCHR on women's rights (A/HRC/17/23).

112. The discussion was divided into two slots, which were held at the same meeting, on the same day.

113. The High Commissioner for Human Rights, Navanethem Pillay, made introductory remarks for the panel. At the same meeting, the following panellists made statements: Rashida Manjoo, Michelle Bachelet, Dubravka Simonovic, Jimmie Briggs, Yuniyanti Chuyaifah.

114. During the ensuing panel discussion for the first slot, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Chile, Brazil, Costa Rica (on behalf of GRULAC), Maldives, Japan, Cuba, Pakistan, Belgium, Slovakia;

(b) Representatives of observer States: Canada, Paraguay, Finland, Peru, Honduras;

(c) Observer an inter-governmental organization: European Union;

(d) Observer for a United Nations entities, specialized agencies and related organization: United Nations Children Fund (also on behalf of United Nations Population Fund);

(d) Observers for non-governmental organizations: World Young Women's Christian Association (also on behalf of Femmes Afrique Solidarité and Women's International League for Peace and Freedom), Worldwide Organization of Women;

115. During the 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, United Kingdom of Great Britain and Northern Ireland, Norway, Spain, Thailand, Poland;

(b) Representatives of observer States: Indonesia, Slovenia, Germany, Australia, Austria, Azerbaijan, Turkey, Lithuania, Singapore, Islamic Republic of Iran, ;

(d) Observers for non-governmental organizations: Association for Progressive Communication (also on behalf of European Region of the International Lesbian and Gay Federation), Verein Sudwind Entwicklungspolitik;

116. At the same meeting, the following panellists answered questions and made concluding remarks: Michelle Bachelet, Rashida Manjoo, Dubravka Simonovic, Jimmie Briggs, Yuniyanti Chuyaifah.

117. The second panel discussion, held on the 24<sup>th</sup> meeting, on 10 June 2011, focused on conflict-related violence against women.

118. The discussion was divided into two slots, which were held at the same meeting, on the same day.

119. The Deputy High Commissioner for Human Rights, Kyung-wha Kang, made introductory remarks for the panel. At the same meeting, the following panellists made statements: Margot Wallström, Rashida Manjoo, Zohra Rasekh, Marek Marczyński.

120. During the ensuing panel discussion for the first slot, the following made statements and asked the panellists questions:

(a) Representatives of States Members of the Council: Saudi Arabia, Argentina, Palestine (on behalf of the Group of Arab States), Gabon, France, Russian Federation, Ecuador, Burkina Faso, Mexico;

(b) Representatives of observer States: Estonia, Sweden, United Arab Emirates, Colombia, Portugal, Morocco, Ireland, Denmark, Spain, Norway, United Kingdom of Great Britain and Northern Ireland, ;

(c) Observers for non-governmental organizations: International Save the Children Alliance, Colombian Commission of Jurists;

121. During the 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: Switzerland, Qatar, Republic of Korea;

- (b) Representatives of observer States: Algeria, Bangladesh, Iraq, Sri Lanka, Nepal, Sudan;
- (d) Observers for inter-governmental organizations: Organisation Internationale de la Francophonie, African Union, European Union;
- (e) Observer for United Nations entities, specialized agencies and related organization: United Nations Population Fund;
- (f) Observers for non-governmental organization: Union de l'action feminine;

122. At the same meeting, the following panellists answered questions and made concluding remarks: Margot Wallström, Rashida Manjoo, Zohra Rasekh, Marek Marczyński.

**Panel on the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs**

123. At the 27<sup>th</sup> meeting, on 14 June 2011, the Council held a panel discussion on the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs, in accordance with Council resolution 16/18.
124. The High Commissioner for Human Rights, Kyung-wha Kang, made introductory remarks for the panel.
125. At the same meeting, a video message from the High Representative for the United Nations Alliance of Civilizations, Jorge Sampaio, was shown.
126. At the same meeting, the Permanent Representative of the Organization of the Islamic Conference, Slimane Chikh, read a statement on behalf of the Secretary-General of the Organization of the Islamic Conference, Ekmeleddin Ihsanoglu.
127. At the same meeting, the following panellists made statements: Ahmer Bilal Soofi, Doudou Diene, Mario Marazziti, Adil Akhmetov, Simona Santoro, Suzan Johnson Cook.
128. 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: Pakistan (on behalf of the Organization of the Islamic Conference), China, Cuba, Saudi Arabia, United Kingdom of Great Britain and Northern Ireland, Maldives, Palestine (on behalf of the Group of Arab States), Switzerland, Bahrain, Senegal, United States of America, France, Russian Federation, Brazil;
  - (b) Representatives of observer States: Italy, Morocco, Malaysia, Austria, Algeria, Ireland, Kuwait, Azerbaijan, Sweden, Turkey, Armenia, Bosnia and Herzegovina, Iran (Islamic Republic of), Iraq;
  - (c) Representatives for an intergovernmental organization: European Union;
  - (c) Observers for non-governmental organizations: United Nations Watch; .
129. At the same meeting, the following panellists answered questions and made their concluding remarks: Simona Santoro, Ahmer Bilal Soofi, Doudou Diene, Mario Marazziti, Adil Akhmetov, Suzan Johnson Cook.

### **Panel on best practices in the fight against racism**

130. At the 28th meeting, on 15 June 2011, the Council held a panel discussion on best practices in the fight against racism, in accordance with Council resolution 14/16.

131. The High Commissioner made opening remarks for the panel. At the same meeting, the following panellists made statements: Luiza Bairros, Githu Mugai, Ricardo Bucio, Mireille Fanon-Mendes-France, Joris de Bres, Jerald Joseph.

132. 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: Nigeria (on behalf of the Group of African States), Pakistan (on behalf of the Organization of the Islamic Conference), Cuba, Spain, Belgium, Slovakia, France, Norway, Switzerland, Ecuador, United States of America, Senegal, Mexico;

(b) Representatives of observer States: Austria, Sweden, Morocco, Czech Republic, Germany, South Africa;

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

(d) Observer for the International Federation of Red Cross and Red Crescent;

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

(f) Observers for non-governmental organizations: Conectas Direitos Humanos, Indian Council of South America (CISA), Open society Institute.

133. Also at the same meeting, the following panellists answered questions and made their concluding remarks: Luiza Bairros, Githu Mugai, Ricardo Bucio, Mireille Fanon-Mendes-France, Joris de Bres, Jerald Joseph.

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

134. At the 11<sup>th</sup> meeting, on 3 June 2011, and at the 13<sup>th</sup> meeting, on 6 June 2011, the Council held a general debate on thematic reports under agenda item 3, during which the following made statements:

(a) Representatives of States Members of the Council: Hungary (on behalf of the European Union and Turkey, Croatia, the former Yugoslav Republic of Macedonia and Montenegro, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Serbia as well as the Republic of Moldova, Armenia and Georgia), United States of America, Spain, Pakistan, Russian Federation, Guatemala, Cuba, Argentina, Bangladesh;

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

(c) Observer for the Holy See;

(d) Observer for the Sovereign and Military Order of Malta;

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

(e) Observers for non-governmental organizations: Franciscans International (also on behalf of Pax Romana (ICMICA-International Catholic Movement for Intellectual and

Cultural Affairs and IMC-International Catholic Student Movement), Bischofliches Hilfswerk Misereor e. V., Swiss Catholic Lenten Fund), Conectas Direitos Humanos, France Libertés: Fondation Danielle Mitterand, Reporters without Borders International/Reporters Sans Frontieres International, International Educational Development Inc., Liberation, Centre for Human Rights and Peace Advocacy, United Towns Agency for North-South Cooperation, Tchad agir pour l'environnement, North-South XXI – Nord-Sud XXI, International Islamic Federation of Student Organizations, World Muslim Congress, International Peace Bureau, International Human Rights Association of American Minorities (IHRAAM), Rencontre Africaine pour la defense des droits de l'homme (RADDHO), Society for Threatened Peoples, Union de l'action feminine, Asian Legal Resource Centre (ALRC), Indian Council of South America (CISA), Action internationale pour la paix et le developpement dans la region des Grands Lacs (AIPD-GL), Verein Sudwind Entwicklungspolitik, Human Rights Watch, Asian Forum for Human Rights and Development (FORUM-ASIA), Cairo Institute for Human Rights Studies (CIHRS), Agence Internationale pour le Developpement, Centrist Democratic International, World Union for Progressive Judaism, Press Emblem Campaign, United Nations Watch;

135. At the 13<sup>th</sup> meeting, statements in exercise of the right of reply were made by the representatives of China and Thailand.

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

### **Mandate of the Special Rapporteur on trafficking in persons, especially women and children**

136. At the 33<sup>rd</sup> meeting, on 16 June 2011, the representatives of Germany and the Philippines introduced draft resolution A/HRC/17/L.2, sponsored by Germany and the Philippines and co-sponsored by Albania, Algeria, Armenia, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Burkina Faso, Cambodia, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Finland, France, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Maldives, Mexico, Morocco, Netherlands, Norway, Panama, Peru, Poland, Portugal, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sri Lanka, Switzerland, Thailand, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam. Subsequently, Andorra, Argentina, Brazil, Bolivia (Plurinational State of), Bulgaria, Canada, Colombia, Congo, Cote d'Ivoire, Egypt, Estonia, Honduras, Hungary, Iceland, Indonesia, Japan, Jordan, Kazakhstan, Kyrgyzstan, Liechtenstein, Madagascar, Monaco, Montenegro, Nicaragua, Nigeria, Paraguay, Qatar, Republic of Korea, Senegal, Turkey and Uganda joined the sponsors.

137. At the same meeting, the representative of the United States of America made general comments in relation to the draft resolution.

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

139. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 17/1).

### **Independence of judges and lawyers**

140. At the 33<sup>rd</sup> meeting, on 16 June 2011, the representative of Hungary introduced draft resolution A/HRC/17/L.10, sponsored by Hungary and co-sponsored by Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Ireland, Israel, Italy, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Maldives, Mexico, Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America. Subsequently, Albania, Andorra, Brazil, Bulgaria, Honduras, Iceland, India, Japan, Malta, Montenegro, Morocco, Republic of Korea, Senegal, Spain, Uruguay, Venezuela (Bolivarian Republic of) joined the sponsors.
141. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex II).
142. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 17/2).

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

143. At the 33<sup>rd</sup> meeting, on 16 June 2011, the representative of Portugal introduced draft resolution A/HRC/17/L.11, sponsored by Portugal and co-sponsored by Algeria, Argentina, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Burkina Faso, Canada, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Italy, Latvia, Lithuania, Luxembourg, Mexico, Morocco, Panama, Peru, Poland, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Timor-Leste, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of). Subsequently, Albania, Andorra, Azerbaijan, Brazil, Bulgaria, Cape Verde, Egypt, El Salvador, Georgia, Honduras, Ireland, Israel, Japan, Malta, Mauritius, Monaco, Montenegro, Mozambique, Netherlands, Norway, Paraguay, Senegal, Sri Lanka, Thailand, United States of America joined the sponsors.
144. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex II).
145. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 17/3).

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

146. At the 33<sup>rd</sup> meeting, on 16 June 2011, the representatives of Norway and Argentina introduced draft resolution A/HRC/17/L.17.Rev.1, sponsored by Argentina, India, Nigeria, Norway and Russian Federation and co-sponsored by Austria, Canada, Denmark, Guatemala, Peru, Sweden and Turkey. Subsequently, Andorra, Australia, Belgium, Brazil, Bulgaria, Colombia, Djibouti, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Indonesia, Ireland, Italy, Jordan, Latvia, Lithuania, Luxembourg, Mexico, Netherlands, Poland, Portugal, Slovakia, Spain, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland and United States of America joined the sponsors.

147. At the same meeting, the representative of Norway orally revised the draft resolution.
148. Also at the same meeting, the representatives of Ecuador, Hungary, Japan, United Kingdom of Great Britain and Northern Ireland and United States of America made general comments in relation to the draft resolution.
149. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex II).
150. 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 17/4).

**Mandate of the Special Rapporteur on extrajudicial, summary and arbitrary executions.**

151. At the 33<sup>rd</sup> meeting, on 16 June 2011, the representative of Sweden introduced draft resolution A/HRC/17/L.19, sponsored by Sweden and co-sponsored by Albania, Argentina, Armenia, Australia, Austria, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Ireland, Israel, Italy, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Switzerland, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of). Subsequently, Andorra, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Cyprus, Georgia, Iceland, Malta, Monaco, Montenegro, Palestine, Republic of Korea, Republic of Moldova joined the sponsors.
152. At the same meeting, the representative of Sweden orally revised the draft resolution.
153. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex II).
154. Also at the same meeting, the representative the United States of America made a statement in explanation of vote before the vote.
155. 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 17/5).

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

156. At the 33<sup>rd</sup> meeting, on 16 June 2011, the representative of Cuba introduced draft resolution A/HRC/17/L.21, sponsored by Cuba and co-sponsored by Algeria, Bangladesh, Belarus, Bolivia (Plurinational State of), Burkina Faso, China, Djibouti, Ecuador, Indonesia, Malaysia, Nicaragua, Nigeria, Palestine, Philippines, Sri Lanka, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam. Subsequently, Democratic People's Republic of Korea, Sudan, Syrian Arab Republic joined the sponsors.
157. At the same meeting, the representative of Hungary (on behalf of the European Union) made a statement in explanation of vote before the vote.
158. Also at the same meeting, at the request of the representative of Hungary (on behalf of the European Union), a recorded vote was taken on draft resolution A/HRC/17/L.21. The draft resolution was adopted by 32 votes in favour, 14 against, with 0 abstention. 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, United States of America;

159. For the text as adopted, see part one, chapter I, resolution 17/6.

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

160. At the 33<sup>rd</sup> meeting, on 16 June 2011, the representative of Cuba introduced draft resolution A/HRC/17/L.24, sponsored by Cuba and co-sponsored by Algeria, Bangladesh, Belarus, Bolivia (Plurinational State of), Burkina Faso, Congo, Djibouti, Ecuador, Indonesia, Nicaragua, Nigeria, Palestine, Philippines, Sri Lanka, Uruguay, Venezuela (Bolivarian Republic of). Subsequently, Democratic People's Republic of Korea, Dominican Republic, Egypt, South Africa, Sudan and Syrian Arab Republic joined the sponsors.

161. At the same meeting, the representative of Cuba orally revised the draft resolution.

162. At the same meeting, the representatives of Hungary (on behalf of the European Union) and of the United States of America made a statement in explanation of vote before the vote.

163. Also at the same meeting, at the request of the representative of Hungary (on behalf of the European Union) and the United States of America a recorded vote was taken on draft resolution A/HRC/17/L.24. The draft resolution was adopted by 30 votes in favour, 13 against, with 3 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

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

*Abstaining:*

Chile, Mexico, Norway.

164. For the text as adopted, see part one, chapter I, resolution 17/7.

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

165. At the 33<sup>rd</sup> meeting, on 16 June 2011, the representative of Afghanistan introduced draft resolution A/HRC/17/L.25, sponsored by Afghanistan and co-sponsored by Australia, Cuba, Finland, France, Germany, India, Iraq, Japan, Maldives, Morocco,

Norway, Poland, Portugal, Romania, Spain, Timor-Leste, Turkey and United States of America. Subsequently, Algeria, Austria, Azerbaijan, Bangladesh, Brazil, Bulgaria, Chad, Croatia, Djibouti, Greece, Ireland, Italy, Kazakhstan, Kyrgyzstan, Lithuania, Malaysia, Montenegro, New Zealand, Pakistan, Russian Federation, Slovenia, Sri Lanka, Thailand, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of) joined the sponsors.

166. At the same meeting, the representative of Afghanistan orally revised the draft resolution.

167. Also at the same meeting, the representatives of Spain made general comments in relation to the draft resolution.

168. 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 17/8).

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

169. At the 34<sup>th</sup> meeting, on 17 June 2011, the representative of Canada introduced draft resolution A/HRC/17/L.6, sponsored by Canada and co-sponsored by Albania, Armenia, Australia, Austria, Belgium, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Cambodia, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Italy, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, Montenegro, Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Ukraine, Uruguay, Viet Nam. Subsequently, Andorra, Azerbaijan, Brazil, Bulgaria, Burkina Faso, Chad, Congo, Cote d'Ivoire, Denmark, Djibouti, Georgia, Ghana, Greece, Iceland, Ireland, Israel, Japan, Kenya, Madagascar, Maldives, Mauritius, Montenegro, Morocco, Palestine, Paraguay, Republic of Korea, San Marino, Somalia, Timor-Leste, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of) joined the sponsors.

170. At the same meeting, the representative of Canada orally revised the draft resolution.

171. At the same meeting, the representative of the Russian Federation made a statement in explanation of vote before the vote.

172. 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 17/11).

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

173. At the 34<sup>th</sup> meeting, on 17 June 2011, the representative of Mexico introduced draft resolution A/HRC/17/L.12, sponsored by Mexico and co-sponsored by Argentina, Armenia, Bolivia (Plurinational State of), Bosnia and Herzegovina, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Panama, Peru, Philippines, Uruguay, Venezuela (Bolivarian Republic of). Subsequently, Algeria, Belarus, Brazil, Cote d'Ivoire, Egypt, Georgia, Kyrgyzstan, Morocco, Paraguay, Senegal, Sri Lanka, Turkey, United States of America joined the sponsors.

174. Also at the same meeting, the representatives of Hungary (on behalf of the European Union), made general comments in relation to the draft resolution.

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

176. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 17/12).

#### **Extreme poverty and human rights**

177. At the 34th meeting, on 17 June 2011, the representative of France introduced draft resolution A/HRC/17/L.15, sponsored by France and co-sponsored by Albania, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Canada, Chile, Congo, Croatia, Cyprus, Czech Republic, Ecuador, Finland, Germany, Greece, Guatemala, Honduras, Ireland, Italy, Latvia, Lebanon, Lithuania, Morocco, Norway, Panama, Peru, Philippines, Poland, Portugal, Romania, Senegal, Serbia, Slovenia, Spain, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Viet Nam. Subsequently, Andorra, Bulgaria, Cape Verde, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Egypt, Hungary, Japan, Luxembourg, Mexico, Monaco, Montenegro, Netherlands, Qatar, Republic of Korea, Republic of Moldova, Senegal, Slovakia, Sweden, Switzerland, Thailand, Turkey, Venezuela (Bolivarian Republic of) joined the sponsors.

178. At the same meeting, the representative of France orally revised the draft resolution.

179. 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 17/15).

#### **Right of everyone to the enjoyment of the highest attainable standard of physical and mental health in the context of development and access to medicines**

180. At the 34th meeting, on 17 June 2011, the representative of Brazil on behalf of India, Egypt and South Africa, introduced draft resolution A/HRC/17/L.16, sponsored by Brazil, Egypt, India and South Africa and co-sponsored by Algeria, Armenia, Bangladesh, Bolivia (Plurinational State of), Bosnia and Herzegovina, Chile, Colombia, Costa Rica, Cuba, Guatemala, Ecuador, El Salvador, India, Nicaragua, Panama, Peru, Turkey, Uruguay, Venezuela (Bolivarian Republic of). Subsequently, Andorra, Argentina, Burkina Faso, Djibouti, Mauritius, Morocco, Norway, Philippines, Senegal, Spain, Sri Lanka, Switzerland, Thailand, Uganda joined the sponsors.

181. At the same meeting, the representative of Brazil orally revised the draft resolution.

182. Also at the same meeting, the representatives of United States of America, Japan and Cuba made general comments in relation to the draft resolution.

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

184. 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 17/14).

185. Also, at the same meeting, the representative of Brazil made a statement in explanation of vote after the vote.

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

186. At the 34th meeting, on 17 June 2011, the representative of Cuba introduced draft resolution A/HRC/17/L.22, sponsored by Cuba and co-sponsored by Belarus, Bolivia (Plurinational State of), Brazil, Burkina Faso, China, Djibouti, Ecuador, Indonesia, Malaysia, Nicaragua, Nigeria, Pakistan, Palestine, Philippines, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam. Subsequently, Azerbaijan, Bangladesh, Costa Rica, Cote d'Ivoire, Democratic People's Republic of Korea, Dominican Republic, Egypt, Islamic Republic of Iran, Mexico, Morocco, Pakistan, Senegal, Serbia, Sri Lanka, Sudan, Syrian Arab Republic joined the sponsors.
187. At the same meeting, the representative of Cuba orally revised the draft resolution.
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 II).
189. At the same meeting, the representatives of Hungary (on behalf of the European Union) and the United States of America made general comments in relation to the draft resolution.
190. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 17/15).

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

191. At the 34th meeting, on 17 June 2010, the representative of Cuba introduced draft resolution A/HRC/17/L.23, sponsored by Cuba and co-sponsored by Algeria, Belarus, Bolivia (Plurinational State of), Burkina Faso, China, Djibouti, Ecuador, Malaysia, Nicaragua, Nigeria, Palestine, Philippines, Venezuela (Bolivarian Republic of), Viet Nam. Subsequently, Bangladesh, Congo, Cote d'Ivoire, Democratic People's Republic of Korea, Dominican Republic, Egypt, Indonesia, Islamic Republic of Iran, Lebanon, Sri Lanka, Sudan, Syrian Arab Republic, Uruguay joined the sponsors.
192. At the same meeting, the representative of Cuba orally revised the draft resolution.
193. Also at the same meeting, the representatives of Hungary (on behalf of European Union), the United States of America and Mexico made statements in explanation of vote before the vote.
194. At the same meeting, at the request of the representative of Hungary (on behalf of the European Union), a recorded vote was taken on draft resolution A/HRC/17/L.23. The draft resolution was adopted by 32 votes in favour, 14 against, with 0 abstention. 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, United States of America.

195. For the text as adopted, see part one, chapter I, resolution 17/16.

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

196. At the 35th meeting, on 17 June 2011, the representative of Switzerland introduced draft resolution A/HRC/17/L.4/Rev.1, sponsored by Switzerland. Subsequently, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kenya, Latvia, Liechtenstein, Lithuania, Maldives, Montenegro, Netherlands, Norway, Palestine, Poland, Portugal, Republic of Korea, Serbia, Slovakia, Slovenia, Somalia, Spain, Sweden, Timor-Leste, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America joined the sponsors.
197. At the same meeting, the representative of Switzerland orally revised the draft resolution.
198. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex II).
199. Also at the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, decision 17/120).

**Migrants and asylum seekers fleeing from events in North Africa**

200. At the 35th meeting, on 17 June 2011, the representative of Nigeria (on behalf of the Group of African States) introduced draft resolution A/HRC/17/L.13, sponsored by Nigeria (on behalf of the Group of African States). Subsequently, Bolivia (Plurinational State of) and Brazil joined the sponsors.
201. At the same meeting, the representatives of Brazil, made general comments in relation to the draft resolution.
202. At the same meeting, the representatives of Hungary (on behalf of European Union) and the United States of America made statements in explanation of vote before the vote.
203. Also at the same meeting, at the request of the representatives of Hungary (on behalf of European Union) and the United States of America, a recorded vote was taken on draft resolution A/HRC/17/L.22. The draft resolution was adopted by 32 votes in favour, 14 against, with 0 abstention. 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, United States of America;
204. For the text as adopted, see part one, chapter I, resolution 17/22.

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

205. At the 35th meeting, on 17 June 2011, the representative of Nigeria (on behalf of the Group of African States) introduced draft resolution A/HRC/17/L.26, sponsored by Nigeria (on behalf of the Group of African States).
206. At the same meeting, the representative of Cuba orally revised the draft resolution.
207. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex II).
208. At the same meeting, the representatives of the United States of America, Switzerland, Hungary (on behalf of European Union), Argentina and Cuba made statements in explanation of vote before the vote.
209. Also at the same meeting, at the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/HRC/17/L.26. The draft resolution was adopted by 32 votes in favour, 12 against, with 2 abstentions. The voting was as follows:
- In favour:*  
Angola, Argentina, Bahrain, Bangladesh, Brazil, Burkina Faso, Cameroon, Chile, China, Cuba, Djibouti, Ecuador, Gabon, Ghana, Guatemala, Jordan, Kyrgyzstan, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, Senegal, Thailand, Uganda, Uruguay, Zambia;
- Against:*  
Japan, United States of America;
- Abstaining:*  
Belgium, France, Hungary, Norway, Poland, Republic of Moldova, Republic of Korea, Slovakia, Spain, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland.
210. For the text as adopted, see part one, chapter I, resolution 17/23.
211. At the same meeting, the representatives of Nigeria (on behalf of the Group of African States) made a statement in explanation of vote after the vote.
212. Also at the same meeting, the representative of Norway made general comments.

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

### **A. Follow-up to Human Rights Council resolution S-15/1**

213. At its 20th meeting, on 9 June 2011, Professor Cherif Bassiouni, Chairperson of the international commission of inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya, presented the report of the commission of inquiry (A/HRC/17/44), pursuant to Council resolution S-15/1.
214. At the same meeting, a representative of the Libyan Arab Jamahiriya made a statement as a concerned country.

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

(a) Representatives of States Members of the Council: Palestine (on behalf of the Group of Arab States), Jordan, Cuba, Nigeria (on behalf of the Group of African states), United Kingdom of Great Britain and Northern Ireland; France, Qatar, China, Russian Federation, Thailand, Maldives, Argentina, United States of America, Mexico, Norway, Brazil, Spain, Italy, Japan, Mauritania, Switzerland, Malaysia, Belgium, Uganda, Republic of Korea, Slovakia;

(b) Representative of observer States: Iraq, Venezuela (Bolivarian Republic of), Turkey, Morocco, Poland, Denmark, Canada, Germany, Ireland, Sweden, Portugal, Australia, Sudan, Lebanon, Chile;

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

(d) Observers for non-governmental organizations: Cairo Institute for Human Rights Studies, Reporters without Borders - Reporters sans Frontières, Human Rights Watch, Amman Center for Human Rights Studies; North-South XXI – Nord-Sud XXI.

212. At the same meeting, Professor Cherif Bassiouni answered questions and made concluding remarks.

213. At the 23<sup>rd</sup> meeting, on 10 June 2011, the United Nations High Commissioner for Human Rights, Navanethem Pially, presented her report on the situation of human rights in the Libyan Arab Jamahiriya (A/HRC/17/45). At the same meeting, on the same day, the Director of the Office for the Coordination of Humanitarian Affairs (OCHA) and former humanitarian coordinator for Libya, Rashid Khalikov, and the Director of the Regional Bureau for North Africa and the Middle East of the United Nations High Commissioner for Refugees (UNCHR), Yacoub El Hillo, made statements.

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

(a) Representatives of States Members of the Council: United States of America, Argentina, Jordan, France, Palestine (on behalf of the Group of Arab States), United Kingdom of Great Britain and Northern Ireland, Spain;

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

(c) Observers for non-governmental organizations: Amnesty International, International Educational Development Inc., CIVICUS: World Alliance for Citizen Participation, Rencontre Africaine pour la défense des droits de l'homme (RADDHO) (also on behalf of United Towns Agency for North-South Cooperation); Press Emblem Campaign (PEC);

215. At the same meeting, on the same day, the United Nations High Commissioner for Human Rights, answered questions and made her concluding remarks. The Director of the Regional Bureau for North Africa and the Middle East of the United Nations High Commissioner for Refugees (UNCHR), Yacoub El Hillo, and Thierry Delbreuve, on behalf of the Director of the Office for the Coordination of Humanitarian Affairs (OCHA) and former humanitarian coordinator for Libya, Rashid Khalikov, also made concluding remarks.

## **B. Follow-up to Human Rights Council resolution 16/25**

216. At its 29<sup>th</sup> meeting, on 15 June 2011, Professor Vitit Muntabhorn, Chairperson of the international commission of inquiry to investigate the facts and circumstances surrounding

the allegations of serious abuses and violations of human rights committed in Cote d'Ivoire following the presidential election of 28 November 2010, in order to identify those responsible for such acts and to bring them to justice, and to present its findings to the Council at its seventeenth session, presented the report of the commission of inquiry (A/HRC/17/48), pursuant to Council resolution 16/25.

217. At the same meeting, the representative of Cote d'Ivoire made a statement as a concerned country.

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

(a) Representatives of States Members of the Council: Nigeria (on behalf of the Group of African States), Thailand, China, France, Brazil, Japan, Norway, United Kingdom of Great Britain and Northern Ireland, United States of America, Russian Federation, Mexico, Switzerland, Senegal;

(b) Representatives of observer States: Morocco, Turkey, Austria, Germany, Canada, Australia, Sweden, Slovenia;

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

(d) Observers for non-governmental organizations: International Federation for Human Rights Leagues (FIDH), Amnesty International, Human Rights Watch, Action Internationale pour la paix et le développement dans la région des Grands Lacs (AIPD-GL), Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC).

219. At the same meeting, Professor Vitit Muntabhorn answered questions. Reine Alapini and Suliman Baldo, members of the Commission of Inquiry, made concluding remarks. Subsequently, Professor Vitit Muntabhorn, made concluding remarks.

### **C. Follow-up to Human Rights Council resolutions S-14/1 and S-16/1**

220. At the 29th meeting, on 15 June 2011, the United Nations High Commissioner for Human Rights, Navanethem Pillay, presented her report on the situation of human rights in Côte d'Ivoire (A/HRC/17/49), pursuant to Council resolution S-14/1.

221. At the same meeting, on the same day, the United Nations High Commissioner for Human Rights, Navanethem Pillay, presented her report on the situation of human rights in the Syrian Arab Republic (A/HRC/17/CRP.1), pursuant to Council resolution S-16/1.

222. At the same meeting, on the same day, the representative of Cote d'Ivoire made a statement as concerned country.

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

223..At its 29<sup>th</sup> and 30<sup>th</sup> meeting, on 15 June 2011, and at its 31<sup>st</sup> meeting, on 16 June 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: Hungary (on behalf of the European Union), Canada (also on behalf of United States of America, New Zealand, Finland, Sweden, Poland, Lithuania, Spain, Netherlands, Albania, Mexico, Zambia, Israel,

United Kingdom of Great Britain and Northern Ireland, Belgium, Austria, Croatia, Czech Republic, Romania, Australia, Ireland, Denmark, Norway, Latvia, Germany, Liechtenstein, Croatia, Monaco, France, Luxembourg, Costa Rica, Moldova, Bulgaria, Slovenia, Portugal, Republic of Korea, Andorra, Switzerland, Greece, Hungary, Italy, Chile, Cyprus, Malta, Estonia, Slovakia, Serbia, Iceland, Peru, Former Yugoslav Republic of Macedonia, Montenegro, Japan, Benin, Botswana), Netherlands (on behalf of the Group of Arab States, the European Union, Albania, Australia, Canada, Chile, Costa Rica, Cote d'Ivoire, Croatia, Guatemala, Honduras, Iceland, Israel, Japan, Maldives, Mexico, Monaco, New Zealand, Norway, Peru, Republic of Korea, Serbia, Switzerland, Turkey, United States of America, Uruguay), France, Switzerland, United States of America, Spain, United Kingdom of Great Britain and Northern Ireland, China, Japan, Norway, Brazil, Belgium, Slovakia, Republic of Korea, Cuba, Pakistan, Uruguay ;

(b) Representatives of observer States: Algeria, Germany, Australia, Austria, Honduras, New Zealand, Ireland, Canada, Islamic Republic of Iran, Sweden, Denmark, Czech Republic, Israel, Belarus, Venezuela (Bolivarian Republic of), Peru;

(c) Observers for non-governmental organizations: Movement contre le racisme et pour l'amitié entre les peuples (MRAP) (also on behalf of International Educational Development Inc, International Peace Bureau, France Libertés : Fondation Danielle Mitterrand), Women's Human rights International Association (also on behalf of France Libertés : Fondation Danielle Mitterrand, International Educational Development Inc, Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), Society for Threatened Peoples (also on behalf of International Educational Development Inc, Non violent Radical Party, Transnational and Transparty), Baha'I International community, Human rights Watch, Verein Sudwind Entwicklungspolitik, Asian Legal Resource Centre (also on behalf of Lawyers' Rights Watch Canada), Non violent Radical Party, Transitional and Transparty, Centrist Democratic International, Agence Internationale pour le Développement, Centre for Human Rights and Peace Advocacy, Cairo Institute for Human Rights (CIHRS), Rencontre Africaine pour la défense des droits de l'homme, Liberation, United Towns Agency for North-South Cooperation, France Libertés : Fondation Danielle Mitterrand, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale – OCAPROCE Internationale, Indian Council of South America (CISA), Action internationale pour la paix et le développement dans la région des Grands Lacs (AIPD-GL), International Islamic Federation of Student Organizations, World Muslim Congress, International Movement against All Forms of discrimination and Racism (IMADR), Union de l'action féminine, COBASE Cooperativa Tecnico Scientifica di Base (also on behalf of Gherush92 – Committee for Human Rights, United Nations Watch, Amnesty International, Press Emblem Campaign (PEC), CIVICUS – World Alliance for Citizen Participation.

224. At the 30<sup>th</sup> meeting, on 15 June 2011, statements in exercise of the right of reply were made by the representatives of Sri Lanka, Venezuela (Bolivarian Republic of), Cuba, Zimbabwe, Bahrain, China, Democratic People's Republic of Korea, Azerbaijan, Morocco, Ethiopia, Japan, Algeria.

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

226. At the 31<sup>st</sup> meeting, on 16 June 2011, a statement in exercise of the right of reply was made by the representative of Uzbekistan.

## E. Consideration and action on draft proposals

### Human rights in the Libyan Arab Jamahiriya

227. At the 34<sup>th</sup> meeting, on 17 June 2011, the representative of Jordan introduced draft resolution A/HRC/14/L.3, sponsored by Jordan, Maldives, Qatar and United Kingdom of Great Britain and Northern Ireland and co-sponsored by Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Honduras, Hungary, Iraq, Ireland, Israel, Italy, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Morocco, Netherlands, New Zealand, Norway, Palestine, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, St. Kitts and Nevis, Sweden, Switzerland, Turkey, United States of America. Subsequently, Botswana, Costa Rica, Iceland, Mauritania, Mexico, Monaco, Montenegro, Nigeria, Republic of Korea, Senegal and Zambia joined the sponsors.

228. At the same meeting, the representative of Jordan orally revised the draft resolution.

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

230. At the same meeting, the representatives of Brazil (on behalf of Brazil, Russian Federation, India and China (Bric)), Argentina, Cuba, Nigeria (on behalf of the Group of African States) and Ecuador made statements in explanation of vote before the vote.

231. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 17/17).

### Human rights situation in Belarus

232. At the 35<sup>th</sup> meeting, on 17 June 2011, the representative of Hungary (on behalf of the European Union) introduced draft resolution A/HRC/17/L.20/Rev.1, sponsored by Hungary (on behalf of the European Union) and co-sponsored by Albania, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland. Subsequently, Australia, Bosnia and Herzegovina, Iceland, Israel, Monaco, Montenegro, the former Yugoslav Republic of Macedonia, United States of America joined the sponsors.

233. At the same meeting, the representative of Hungary (on behalf of the European Union) orally revised the draft resolution.

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

235. Also at the same meeting, the representative of Belarus made a statement as a concerned country.

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

237. At the same meeting, the representatives of Russian Federation, Cuba, Mexico and China made statement in explanation of vote before the vote.

238. Also at the same meeting, at the request of the representative of the Russian Federation, a recorded vote was taken on draft resolution A/HRC/17/L.20/Rev.1. The draft resolution

was adopted by 21 votes in favour, 5 against, with 19 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

China, Cuba, Ecuador, Nigeria, Russian Federation;

*Abstaining:*

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

239. For the text as adopted, see part one, chapter I, resolution 17/24.

240. At the same meeting, the representative of Nigeria made general comments.

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

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

241..At its 13<sup>th</sup> meeting, on 6 June 2011, the Chairperson of the open-ended Working Group on an optional protocol to the Convention on the Rights of the Child to provide a communications procedure, Drahoslav Stefanek, presented the report of the second session of the Working Group (A/HRC/17/36).

242..At the same meeting, the Council held a general debate on agenda item 5, during which the following made statements:

(a) Representatives of States Members of the Council: Hungary (on behalf of the European Union), Nigeria (on behalf of the Group of African States), Slovenia (on behalf of Austria, Chile, Germany, Kenya, Maldives, Slovenia, Slovakia, Thailand and Uruguay), China, Cuba, Thailand, Maldives, Republic of Moldova, Slovakia;

(b) Representatives of observer States: Algeria, Germany, Turkey, Austria, Morocco;

(c) Observer for the Holy See;

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

(e) Observers for non-governmental organizations: SOS Kinderdorf International (also on behalf of International Save the Children Alliance, World Organization against Torture, Plain International Inc., Kindernothilfe Help for Children in Need, Defence for Children International, International Federation Terre des Hommes), International Service for Human Rights (ISHR), International Commission of Jurists, Comite International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC), Verein Sudwind Entwicklungspolitik, Indian Council for South America (CISA), International Association of Peace Messenger Cities (IAPMC), International Catholic Migration Commission.

## **B. Complaint procedure**

243. At the 14<sup>th</sup> meeting, on 6 June 2011, and at the 21<sup>st</sup> meeting, on 9 June 2011, the Council held two closed meetings of the complaint procedure.

244. At the 23<sup>rd</sup> meeting, on 10 June 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”.

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

### **Optional Protocol to the Convention on the rights of the Child**

245. At the 34<sup>th</sup> meeting, on 17 June 2011, the representative of Slovakia introduced draft resolution A/HRC/17/L.8, sponsored by Austria, Chile, Germany, Kenya, Maldives, Slovenia, Slovakia, Thailand and Uruguay and co-sponsored by Belgium, Bosnia and Herzegovina, Costa Rica, Croatia, Cyprus, Czech Republic, Ecuador, Equatorial Guinea, Estonia, Finland, Greece, Guatemala, Honduras, Hungary, Liechtenstein, Luxembourg, Morocco, Panama, Peru, Portugal, Serbia, Spain, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United States of America. Subsequently, Albania, Andorra, Bangladesh, Bolivia (Plurinational State of), Brazil, Bulgaria, Ireland, Japan, Jordan, Kazakhstan, Montenegro, Palestine, Paraguay, Senegal, Zambia joined the sponsors.

246. At the same meeting, the representative of Slovakia orally revised the draft resolution.

247. Also at the same meeting, the representatives of Japan, Russian Federation and China made general comments in relation to the draft resolution.

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

249. 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 17/18).

## **VI. Universal periodic review**

250. Pursuant to General Assembly resolution 60/251, Council resolution 5/1 and President’s statements PRST/8/1 and PRST/9/2 on modalities and practices for the universal periodic review process, the Council considered the outcome of the reviews conducted during the tenth session of the Working Group on the Universal Periodic Review held from 24 January to 4 February 2011.

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

251. In accordance with paragraph 4.3 of 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.

#### **Nauru**

252. The review of Nauru was held on 24 January 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 Nauru in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/NRU/1 and A/HRC/WG.6/10/NRU/1/Corr.1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/NRU/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/NRU/3).

253. At its 15th meeting, on 7 June 2011, the Council considered and adopted the outcome of the review of Nauru (see section C below).

254. The outcome of the review of Nauru comprises the report of the Working Group on the Universal Periodic Review (A/HRC/17/3), the views of Nauru concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/17/3/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**

255. Nauru expressed its commitment to promoting human rights and participating in both domestic and international fora in this regard and would endeavour to realise measures proposed to address concerns highlighted by States.

256. While having accepted the majority of the recommendations, Nauru lacked the necessary resources and capacity to fully implement all of them. Nauru was unable to accept a number of recommendations calling for ratification of or accession to international treaties, as they were beyond the national resources at this time. Although not being a party to these instruments, Nauru was willing to consider the incorporation of fundamental principles into policy and legislation.

257. The possibility of Nauru becoming a State Party to the Convention on the Elimination of All Forms of Discrimination Against Women remained a matter under active consideration.

258. Since the review held last January, the Parliament of Nauru had passed the *Education Act 2011*. Under this Act, education was compulsory until the age of 18 years, new provisions for teacher registration had been introduced, standards and curriculum issues addressed, the realisation of the education rights of students with disabilities upheld and many other positive changes pursued. The Parliament had also passed the *Passports Act 2011*, which included, among other things, provision for the issuance of travel documents for refugees.

259. Nauru was aware that laws alone did not resolve human rights concerns and that its endeavour represented a considerable undertaking for a small nation with significant challenges. Nauru was encouraged by the newly opened Commonwealth Small States Office in Geneva and would continue to engage with the Commonwealth Secretariat and donors as to the possibility of establishing a small permanent mission in Geneva in future.

260. While expressing its gratitude for all recommendations proposed to it, Nauru called upon the international community to assist it in its efforts to further progress human rights. Recalling the financial turmoil which Nauru was slowly recovering from, it looked forward

to working in partnership with all relevant stakeholders towards a better future for its people.

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

261. Algeria congratulated again Nauru for its human rights centred-approach national report. This was even more significant considering the human and financial constraints that Nauru had to face. Algeria therefore renewed its appeal to the international community to provide Nauru with the necessary assistance. Algeria was pleased to note that its four recommendations – on access to the ICCPR, fight against poverty, domestic violence and the promotion of the role of women - were all accepted by Nauru. Algeria also noted that Nauru accepted a vast majority of the recommendations, while those ones rejected were mainly on accession to human rights treaties. Algeria thought that the heavy treaty bodies reporting obligation overwhelmed a country like Nauru with scant resources.

262. Cuba was pleased by the additional information provided by Nauru on the recommendations . Nauru's review was marked by a good and rich debate and it became clear that, amidst challenges like international economic crisis and environmental issues, the promotion and the protection of human rights was a priority for Nauru. Cuba welcomed the acceptance by Nauru of many recommendations, especially those ones on the socio-economic development of the country including its environmental aspects. Cuba shared Nauru's dreams, expectations and successes, with the common objective of achieving development on the basis of social justice.

263. New Zealand made several recommendations including improvements of Nauru's reporting to international human rights obligations, becoming a party to the core human rights instruments, ratifying the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and reviewing its policies to ensure protection of women's rights. New Zealand congratulated Nauru for having accepted many of the recommendations and recalled Nauru's commitment, made at its review, for the ratification of CEDAW and for the possible ratification of the International Covenant on Civil and Political Rights. New Zealand noted that, at that time, Nauru also stated that it supported the Convention on the Rights of Persons with Disabilities and that it intended to amend the law concerning the illegality of homosexuality. New Zealand encouraged Nauru in its efforts to improve its human rights framework, notwithstanding a number of constitutional constraints.

264. Morocco welcomed with satisfaction Nauru's favourable reaction to many recommendations, especially those related to human development and refugee issues. Morocco thanked Nauru for having accepted its recommendations on the insufficient presence of women in the Parliament and on the establishment of a national human rights institution. According to Morocco, the international community was called to favourably reply to Nauru's request for technical and financial assistance. In doing so, it will be crucial to take into consideration the multiple economic, climatic and geographic constraints that had obliged Nauru to take responsibility for the protection of some vulnerable groups such as migrants and refugees. Nauru's approach to the refugee issue was a best practice. Morocco noted that Nauru had also embarked in a throughout revision of its Constitution.

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

265. The European Region of the International Lesbian and Gay Federation (ILGA-Europe) commended Nauru for its acceptance of recommendations aimed at decriminalising sexual activity between consenting adults of the same sex and asked the delegation about the timetable for the adoption of the Criminal Code amendments. ILGA-Europe also welcomed

Nauru's acceptance of the principle of non-discrimination on the grounds of sexual orientation and gender identity, asked for plans that Nauru may have to further this commitment and referred to the Yogyakarta Principles in this respect. Finally, ILGA-Europe welcomed Nauru's support to the recent Joint statement on human rights, sexual orientation and gender identity delivered at the Human Rights Council.

266. World Association for the School as an Instrument of Peace (EIP) was in agreement with States for Nauru to meet its treaty body reporting obligations. EIP encouraged Nauru to reverse its position on ratification of the core international human rights instruments and to consider the ratification of ILO Conventions. EIP was pleased that Nauru accepted recommendations to issue an issue a standing invitation to the special procedures as well as to establish a national human rights institution. It encouraged Nauru to create a national curriculum for human rights education in all levels of education and to provide a leadership role in the creation of a regional human rights body. EIP also stated that the potential impact of climate change in Nauru was one of the direst situations and encouraged Nauru's continued involvement in this regard. EIP offered its expertise relating to most of the above-mentioned issues.

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

267. Nauru thanked all delegations, including the civil society for their comments and constructive recommendations. In replying to ILGA-Europe, Nauru mentioned that it may take at least three years for the first draft of the Criminal Code to be completed. While being enriched by the UPR experience, Nauru looked forward to the next stage of the process endeavouring to reach its human rights milestones.

##### **Rwanda**

268. The review of Rwanda was held on 24 January 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 Rwanda in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/RWA/1 AND Corr. 1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10RWA/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/RWA/3 and Corr.1).

269. At its 15th meeting, on 7 June 2011, the Council considered and adopted the outcome of the review of Rwanda (see section C below).

270. The outcome of the review of Rwanda comprises the report of the Working Group on the Universal Periodic Review (A/HRC/17/4), the views of Rwanda concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/17/4/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**

271. The delegation recalled that during the review in January 2011, Rwanda accepted most of the recommendations and rejected three recommendations as they were based on incorrect or false premises. Recommendation 81.1 was rejected because there were no armed groups on the Rwandan territory. Rwanda has a professional army, a professional police force and a professional correctional services force, all made up of adult men and

women beyond the age of 18. This fact has been attested to by national, regional and international observers who have participated in the selection of Rwandan forces for the international peace keeping missions. The delegation stated that there was also a Local Defence Force (LDF) that provided security services to decentralized local administration units. The LDF has undergone tremendous reforms and was now a well disciplined and respected force that contributed greatly to community development.

272. The delegation stated that Recommendation 81.2 was rejected because Rwanda was not known to be a country where human trafficking took place. However, there were preventive and precautionary measures in place which included the signing of all International Conventions against human trafficking, as well as the criminalization of human trafficking in the Penal Code. Also, Rwanda has put in place a programme of community policing which made it almost impossible for human trafficking to take place in the country or transit through it.

273. The delegation stated that Recommendation 81.3 was rejected as the question of minority groups and indigenous people in Rwanda has often been misunderstood, confused or distorted by non-Rwandans. All Rwandans were indigenous to Rwanda and no one has the right to arbitrarily state that Rwanda has indigenous and non-indigenous populations. Furthermore, there were marginalized and vulnerable groups but that these groups could not be called indigenous because they cut across and represented a broad spectrum of the Rwandan community. Also, social services policies and programmes on health, education, housing, employment, and empowerment, have been adopted to take care of these disadvantaged groups without any form of discrimination.

274. The delegation recalled that during the review in January 2011, responses to some recommendations were deferred pending further consultations with other stakeholders. In this regard, the delegation indicated that recommendations in paragraphs 80.1, to 80.3 and 80.5 to 80.14 of the Report were now accepted and were being implemented with the other recommendations that were initially accepted in January 2011. Recommendations 80.4, 80.15 and 80.16 were rejected.

275. In relation to Recommendation 80.4, the delegation stated that arbitrary arrests and detentions were prohibited in Rwanda and where such arrests and detentions did take place, corrective measures have been undertaken and perpetrators held accountable. The delegation emphasised that it was important to distinguish procedural irregularity in arrests and detentions from arbitrary arrests and detentions. It stated that there were a few cases of arrests and detentions with procedural irregularities but that they were systematically corrected. Also, the removal of street children to child rehabilitation centres or their organization into productive cooperatives should not be considered as arbitrary arrests. This was a matter of public policy and Rwandan citizens understood and supported it. Beggars and street vendors have also been organized into small cooperatives and given start-up capital and provided with slots and stalls in the markets, again as a matter of public policy. This was a conscious policy on how Rwandans can better organize themselves and that it was erroneous to regard these initiatives as arbitrary arrests.

276. The delegation stated that in the Ministry of Gender and Family Promotion has established eight Childhood Development Centers (CDC) in the Northern Province which were currently hosting and providing proper welfare to orphaned and vulnerable children who were HIV positive. This pilot project will be replicated in other provinces. Also, in the Iwawa Vocational Center (IVC) on Iwawa Island in the Western Province adolescents who were previously aimlessly roaming the streets or involved in drug abuse have been rehabilitated and taught various skills such as carpentry, tailoring, commercial farming, construction and bee-keeping. In May 2011, 752 persons

graduated from IVC and they were immediately absorbed into the job market. This process is continuing.

277. In relation to Recommendation 80.15, the delegation stated that this recommendation insinuated that there was discrimination in Rwanda, which was incorrect. Rwanda was committed to preventing all forms of discrimination and that it was prohibited under various legislative enactments. The delegation stated that various programs on social protection benefitted all the vulnerable groups, including the Batwa population. The Special Rapporteur on minorities, visited Rwanda in February 2011 and assessed the rights enjoyed by the Batwa population and other marginalized groups. Rwanda hoped that her report will shed more light on the situation of the Batwa population and other minorities.
278. In relation to Recommendation 80.16, the delegation stated that religious groups fully enjoyed their rights. There were about 400 registered religious groups in Rwanda with many others not yet registered. These groups vibrantly practice their faith in various public places. Also, six radio stations belonging to religious groups were freely spreading their faith. The delegation stated that a new law governing religious groups and practices has been enacted with full participation of religious leaders and denominations, to inter alia discourage disagreements between the different religious groups and promote coexistence.
279. The delegation stated that Rwanda benefitted from the recommendations of the Working Group, and that Rwanda intended to cooperate with the Human Rights Council in the protection and promotion of human rights. The delegation indicated that even as the recommendations were being made during the review, most of those recommendations were either being implemented or were in the pipeline for implementation. Other accepted recommendations were currently at various levels of implementation.
280. The delegation reiterated that all recommendations have been taken on board and will be implemented to the letter. There is no doubt that Rwanda has made tremendous progress in its reform portfolio and the universal periodic review process will help Rwanda to identify existing gaps that required its attention.
281. The delegation also reiterated Rwanda's open invitation to all Special Rapporteurs and to all participants in the Plenary, who may find the time, to visit Rwanda and share additional ways on improving the lives of Rwanda's citizens. Rwanda has always been open to constructive criticism and engagements and has always examined recommendations, comments, concerns, and other forms of interventions from its interlocutors, adopting those that were good and rejecting those that were not. The delegation stated that it was Rwanda's primary responsibility to ensure respect and dignity for its people and it will not take lessons from any source which contravened this policy.

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

282. Algeria noted with appreciation Rwanda's commitment to the rule of law throughout the review. The fact that Rwanda accepted the three recommendations made by Algeria was highlighted. These recommendations were related to the continuing efforts to implement the programs of Vision 2020, the adoption of measures to resolve prison overcrowding, and the strengthening of the National Human Rights Institution through additional financial and human resources. Algeria applauded the significant progress made by Rwanda in the field of human rights, economic growth and national reconciliation.

283. Cuba noted that Rwanda had moved forward in the promotion of human rights, despite the negative consequences of the genocide. Cuba congratulated Rwanda for envisaging the achievement of most of the Millennium Development Goals before 2015, including the eradication of extreme poverty and hunger, the introduction of universal primary education, and the promotion of gender equality. Cuba commended Rwanda for accepting most of the recommendations. It also commended Rwanda for setting up institutions and developing programmes to promote human rights.

284. Morocco highlighted Rwanda's acceptance of a large number of recommendations, including those that it had made. Morocco stated that its recommendations related to the systematic integration of the promotion of human rights in Rwanda's development program, reform of the prison system, legal reform and abrogation of discriminatory measures in the legislation, in particular with regard to women. Morocco paid a special tribute to the work of the National Commission for Unity and congratulated Rwanda on its in achieving the Millennium Development Goals by 2015.

285. The Republic of Moldova appreciated Rwanda's acceptance of its recommendations which related to the implementation of policies to promote women's rights and combat sexual and family violence, the adoption of a national strategy to combat all forms of violence against women, and the acceleration of the process of legal reform to ensure that all discriminatory provisions in its legislation were repealed. It encouraged Rwanda to continue its efforts to construct a democratic society and to implement the accepted recommendation.

286. Nigeria thanked Rwanda for its commitments and efforts in promoting and protecting human rights. Nigeria noted with encouragement Rwanda's acceptance of most of the recommendations, which reflected Rwanda's engagement with the United Nations human rights system. Nigeria encouraged Rwanda to strive for the implementation of the accepted recommendations and called on the international community to assist Rwanda in this regard.

287. Senegal expressed appreciation for Rwanda's acceptance of a high number of recommendations, including those for the promotion of women and children rights. Rwanda has also accepted recommendations on the improvement of living conditions of its population. These initiatives, together with the progress made in the social and economic sphere, will lead Rwanda closer to its Millennium Development Goals. Senegal referred to Rwanda's 2011 report to the CERD as a further evidence of the Authorities commitment to the promotion and protection of human rights.

288. Uganda expressed satisfaction with Rwanda's consideration of the recommendations that were made. It noted that almost 20 recommendations were already in the process of being implemented and that Rwanda has accepted 63 out of the 73 recommendations that were made. Uganda appreciated Rwanda's explanations for rejecting some recommendations. It noted, with appreciation, Rwanda's measures to implement its decision to protect the rights of the Batwa community. Uganda encouraged Rwanda to give priority to the recommendation to provide universal basic education by 2015, and welcomed Rwanda's voluntary commitments.

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

289. Human Rights Watch (HRW) welcomed Rwanda's undertakings to strengthen the independence of the judiciary, to invite the Special Rapporteur on the Independence of Judges and Lawyers and to modify NGO's registration. It encouraged Rwanda to allow journalists and political parties to carry out their activities in safety. HRW also encouraged Rwanda to amend the 2008 Genocide Ideology Law and the 2009 Media Law. HRW expressed concern at the absence of fair trial safeguards in the gacaca courts, and regretted

that the National Human Rights Commission had sometimes undermined the work of NGOs.

290. Amnesty International (AI) urged Rwanda to announce a timeframe for revising the Genocide Ideology Law and the Media Law, and encouraged Rwanda to amend the Sectarianism Law. It expressed concern that the Genocide Ideology Law has been used to prosecute government critics and urged Rwanda to review cases of politicians and journalists who have been convicted and sentenced to terms of imprisonment. AI also urged Rwanda to carry out investigations on reports of harassment to journalists. It regretted Rwanda's rejection of the recommendation to investigate cases of arbitrary detention and enforced disappearances.

291. The Society for Threatened People (STP) expressed concern at Rwanda's non-ratification of the ILO Convention 169. It stated that the refusal to recognize the Batwa as minority or indigenous has left them with no legal status and prevented them from actively engaging in political activities at the national level. STP highlighted the severity of marginalisation and discrimination faced by the Batwa which has side-lined them in the preparation, planning and implementation of government programmes which provide social welfare and development services. It stated that the speed in which the "Bye-Bye Nyakatsi" campaign has been conducted, left many hundreds of families homeless. STP called on Rwanda to reconsider its decision not to support the recommendation to intensify measures to improve the situation of minority groups and indigenous people.

292. Cairo Institute for Human Rights (CIHR) jointly with Commonwealth Human Rights Initiative, Front Line Defenders, and the East and Horn of Africa Human Rights Defenders Network commended Rwanda for the acceptance of a majority of the recommendations, especially those related to human rights defenders. It encouraged Rwanda to implement these recommendations and to recognize the legitimacy of the work of human rights defenders. CIHR welcomed the planned changes to the NGO registration process and indicated that on-going revision of the Media Law was a positive step. It was concerned at the using of defamation and other criminal charges to obstruct freedom of expression. CIHR commended Rwanda for its openness to receiving visits by Special Procedures.

293. Rencontre Africaine pour la Defense des Droits de l'Homme (RADDHO) welcomed the efforts deployed by Rwanda in the economic and social field as well as institutional and political reforms that have ensured that the country is a world leader in terms of the number of women representatives in parliament. Rwanda has abolished the death penalty and has ratified the second Optional Protocol to ICCPR. It urged Rwanda to revise its 2009 Law to put an end to the restrictions imposed on human rights defenders, media and political parties. RADDHO encouraged the Government to continue its full cooperation with the Human Rights Council in order to complete its reforms.

294. Action internationale pour la paix et le développement dans la region des Grands Lacs (AIPD-GL) indicated that Rwanda was under the consideration of United Nations mechanisms for its alleged involvement in crimes against humanity against the Congolese civilian population. AIPD-GL stated that one of the individuals allegedly responsible for these crimes was under the protection of Rwanda, despite the issuance of an arrest and extradition warrant. AIPD-GL referred to reports which indicated that Rwanda was involved in the pillage of natural and mineral resources in a neighbouring country. AIPD-GL recommended the rejection of the report on the outcome of the review.

295. The Commonwealth Human Rights Initiative (CHRI) noted the willingness of the Rwandan government to revise its media and genocide laws in accordance with international standards and reform the judiciary by ending the *gacaca* court system. CHRI stated that Rwanda should immediately proceed to fully implement all international treaties it has ratified, including CERD, and ratify and implement those it has expressed its

intention to become party to. It also added that Rwanda should demonstrate its willingness to invite UN Special Procedures by issuing an open invitation at the earliest.

## 5. Concluding remarks of the State under review

296. The delegation expressed appreciation for the statements made by Algeria, Cuba, Morocco, Moldova, Nigeria, Senegal and Uganda, as well as those made by the NGOs. In relation to comments made by some NGO's, the delegation reiterated Rwanda's invitation to Special Rapporteurs and all plenary participants. It indicated that the statements made by the Commonwealth Human Rights Initiative and Society for Threatened Peoples were unfortunate. Furthermore, the delegation stated that the statements made by Human Rights Watch and Amnesty International were careless and did not reflect the reality on the ground.

### Nepal

297. The review of Nepal was held on 25 January 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 Nepal in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/NPL/1 and A/HRC/WG.6/10/NPL/1/Corr.1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/NPL/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/NPL/3).

298. At its 15th meeting, on 7 June 2011, the Council considered and adopted the outcome of the review of Nepal (see section C below).

299. The outcome of the review of Nepal comprises the report of the Working Group on the Universal Periodic Review (A/HRC/17/5), the views of Nepal concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/17/5/Add.1*).

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

300. The Head of the delegation expressed appreciation to delegations and national human rights institutions for their constructive engagement in the Universal Periodic Review of Nepal. The delegation also thanked the civil society in Nepal and abroad for their inputs and suggestions.

301. The Government of Nepal has streamlined or is in the process of streamlining its policy, legal and institutional measures to implement these recommendations. The Government widely disseminated all 135 recommendations both at central and local levels in national language. The written response and position on the 36 recommendations for which consideration was reflected in the Addendum to the Working Group report.

302. An Action Plan on the Implementation of UPR Recommendations, prepared in consultation with stakeholders has been adopted. It outlined measures to implement the recommendations, responsible bodies, a time-frame and result indicators. UPR recommendations were being integrated into the National Human Rights Action Plan and other sectoral plans.

303.Nepal viewed human rights, peace process and constitution drafting as interlinked, and was thus working hard to complete the basic tasks of the peace process and the drafting of new constitution. In addition, the Approach Paper of the Three-Year Interim Plan (2010/11-2012/13) has set the goal of improving the living standards of all Nepalese people. It envisages building an inclusive, just and prosperous nation based on the culture of human rights that is in compliance with its international commitments and the fundamental rights guaranteed by the Interim Constitution.

304.Nepal indicated that it would not tolerate scars of untouchability in the society any more. To that effect, the Legislature Parliament has recently passed the Caste-based Discrimination and Untouchability (Offence and Punishment) Bill, 2011. The GON has decided to observe June 4, as a day against racial discrimination and untouchability.

305.Justice is a part of the peace process. Nepal remains committed to strike a necessary balance between peace, justice and reconciliation. With a view to ensure transitional justice and enhance the culture of accountability, two important bills among others - Truth and Reconciliation Bill 2011, and Disappearance (Offence and Punishment) Bill, 2011 are in the final stage of enactment at the Legislature Parliament. Some other important bills are also under the consideration of the Legislature Parliament.

306.Nepal ratified the United Nations Convention against Corruption this year and an action plan has already been developed. The Legislature Parliament is currently considering United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children to supplement the United Nations Convention on Transnational Organized Crime for ratification.

307.The Government firmly believes in the central role of the National Human Rights Commission in the protection and promotion of human rights as well as their monitoring. The National Human Rights Commission Bill, 2011, which contains a range of provisions in line with international standards, is in the final stage of enactment in the Parliament. Nepal remains committed to the implementation of human rights treaties, directives and recommendations by the Supreme Court and the National Human Rights Commission, revamping relevant institutions and security bodies with adequate resources.

308.Nepal attaches importance to the work of special procedures and mandate holders and values their contributions towards advancing the respect of human rights. The Government is considering extending invitations to them in due course of time on a case by case basis. Nepal is of the view that national preparation and capacity is equally important to make these visits productive and meaningful.

309.The delegation briefly explained why Nepal was not able to accept some of the recommendations contained in Paragraph 109 of the Working Group report. With regard to the ratification of the Optional Protocol to the Convention against Torture (OPCAT), the International Convention for the Protection of All Persons from Enforced Disappearance (CED), and the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, the delegation stated that as a party to almost all core human rights treaties, Nepal is regularly reviewing human rights treaties for possible accession or ratification. Nepal believes that putting in place adequate national infrastructures was a prerequisite for complying with the principles and objectives and undertaking additional responsibilities including the reporting obligation that emanate from these treaties. Even without being a party to these instruments, Nepal has consistently upheld their principles and objectives.

310.As to the recommendation contained in paragraph 109.8, Nepal reiterated that it has no policy of forcibly returning the refugees.

311. In terms of the recommendation to promote durable solutions other than resettlement in third countries for the refugees in eastern Nepal (paragraph 109.9), Nepal noted it did not have a policy of local integration of refugees as a durable solution.

312. Regarding the recommendation to amend legislation to remove all provisions granting security forces or Government officials immunity from prosecution for criminal acts (paragraph 109.11), Nepal stated that the existing laws in Nepal do not have any provision of immunity from prosecution.

313. With regard to the recommendation to address cases of statelessness under the new Constitution (paragraph 109.12), the delegation categorically refuted the existence of statelessness cases in Nepal. The delegation further indicated that writing a new Constitution is the prerogative of the sovereign Constituent Assembly.

314. As Nepal is striving to finalize the peace process and the drafting of the new constitution, the protection and promotion of human rights remain a core concern. The delegation made an appeal to the international community for its continued goodwill, support and cooperation to make Nepal a peaceful, stable, democratic and prosperous country.

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

315. Algeria noted Nepal's clear response to the remaining 36 recommendations and welcomed the large number of accepted recommendations. It took note with interest of Nepal's institutional reforms and of the decision to prolong the mandate of the Constitutional Assembly which would consolidate the peace process. It encouraged the international community to continue to provide constructive support to the country.

316. Sri Lanka welcomed Nepal's comprehensive participation in the UPR, incorporating inter-agency and inter-ministerial dialogue involving cross-sectoral and regional representation. It commended the process of discussing achievements, identifying constraints and challenges and sharing of best practices. It appreciated the socio-economic and political transformation taking place in Nepal and the interim Constitution of 2007. It noted the Constitutional Assembly increased representation of women and Nepal's socio-cultural diversity. It welcomed the fact that Nepal had considered 56 recommendations positively.

317. The United Kingdom of Great Britain and Northern Ireland referred to reports according to which the Government sought the withdrawal of conflict era criminal cases, which would constitute an effective amnesty for alleged perpetrators of grave human rights violations and abuses. It expressed concern that the Government considered the truth and reconciliation and disappearance commissions as substitutes for dealing with serious violations through the criminal justice system. It expressed concern at the Government's outright rejection that unlawful killings were committed by the police, especially in the Terai. It urged Nepal to reconsider its decision to extend the mandate of OHCHR for only six months.

318. Cuba noted that Nepal evidently conferred great importance to human rights, despite difficulties due to an unequal international economic order and the current global crisis. It noted with appreciation the fact that Nepal had incorporated a human rights component into its development plans. It also took note of the actions taken to mitigate poverty in a country that had suffered exploitation and colonialism and welcomed the acceptance of an important number of recommendations. Denmark appreciated the plan put in place to implement accepted recommendations and would have liked to see clear indications of the Government's position to all UPR recommendations. Denmark expressed concern at the Government's decision to extend OHCHR's mandate for only six months and noted that the

technical support of OHCHR would be of key importance in building capacity to implement effectively those recommendations. In the light of the unfinished peace process and continued concerns over the human rights situation, Denmark strongly emphasized the continued need for OHCHR's presence in Nepal beyond December 2011.

319. Morocco noted Nepal's recent crisis, Global Peace Accord and young pluralistic democracy. It noted Nepal's firm engagement to human rights. It indicated however that Nepal suffered an economic and social deficit that weighs on the realisation of economic, social and cultural rights and on sustainable development. It pleaded for a generous response from the international community to accompany Nepal in its socioeconomic change. It welcomed Nepal's institutional and legislative measures, particularly for the judiciary. It expressed its hopes for the draft law on transitional justice.

320. Republic of Moldova acknowledged Nepal's pledge to engage civil society and stakeholders in the promotion and protection of human rights and welcomed efforts in building national democratic institutions and developing frameworks to address the remnants of the conflict period. Moldova appreciated that Nepal had put in place a follow up mechanism for the return, registration, and reinsertion of internally displaced persons. Moldova welcomed Nepal's support to the recommendation requiring measures to protect all people from enforced disappearance and to establish a special inquiry team enjoying enough independence to investigate all allegations of extrajudicial executions.

321. China commended Nepal for its efforts and the progress made, inter alia, in promoting economic and social development and protecting the interests of vulnerable groups and reducing poverty. China appreciated Nepal's positive approach in its cooperation with United Nations human rights mechanisms. China indicated that it understood the difficulties and challenges presently faced by Nepal and hoped that the international community would continue to provide Nepal with constructive assistance so as to create a sound environment for the country's political stability and economic and social development.

322. India was encouraged that Nepal accepted 56 recommendations, 28 of which have already been implemented. It trusted that Nepal had gained much from its participation in the Review and would further intensify its efforts to implement the accepted recommendations. It reiterated India's commitment to support Nepal and noted its belief that it should be the prerogative of the government of Nepal to come to an agreement in discussions with OHCHR on the desirability or otherwise of the extension of the mandate of the OHCHR Office in Nepal and its duration.

323. Cambodia recognized the efforts undertaken by the Government through policy measures and reform to further carry out Nepal's commitments on human rights. It noted the continued engagement with all stakeholders, including in the dissemination of the 135 UPR recommendations. It welcomed Nepal's ratification of the UN Convention against Corruption. Cambodia indicated that it was aware of the challenges Nepal faced during this transitional process to advance all human rights. Cambodia stated that the international community should provide Nepal with further assistance in the implementation of the UPR recommendations.

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

324. National Human Rights Commission of Nepal (NHRC), delivering a joint statement, on behalf of the National Women's Commission (NWC) and the National Dalit Commission (NDC), expected stronger Governmental determination to maintain the rule of law by effectively implementing laws and recommendations of the NHRC and the NWC relating to prosecution and action against perpetrators of human rights violations and violence. The establishment of the Truth and Reconciliation and Disappearance

Commissions were unacceptably delayed. The draft Bill for the NHRC and the NDC had yet to be enacted. NHRC noted that, despite specific legislation, crime against women and children remained largely unaddressed.

325.Human Rights Watch indicated that unfortunately, Nepal's pledge to adopt a new Constitution by May 2011 remained unfulfilled. It also noted that the promises to establish an independent Truth and Reconciliation Commission and a Disappearances Commission were unfulfilled and warned that the Commission should not become a judicial body providing amnesty for those responsible of grave human rights violations. It expressed concern at Nepal's announcement that pending cases of alleged human rights violations would be withdrawn. It praised Nepal for including third gender identity in its census.

326.The Asian Legal Resource Centre (ALRC) welcomed the endorsement of the "Untouchability Bill" and urged the establishment of a Dalit Commission and the development of an action plan to address caste-based discrimination. Nepal's rejection of the OHCHR's report on the Terai region suggested an unwillingness to halt extrajudicial killings. ALRC expressed concern at the nomination of a Minister allegedly involved in the disappearance and death of a school teacher. ALRC stated that the Home Minister's consideration of withdrawing conflict-era cases illustrated the continuing failure to combat impunity. ALRC indicated that the use of torture remained widespread and not a single perpetrator of torture had ever been condemned. ALRC urged the Government to specify a timeline for adopting legislation criminalizing torture.

327.Action Canada for Population and Development welcomed Nepal's acceptance of recommendations relating to sexual and gender minorities. It noted that in 2007, Nepal's Supreme Court's ordered to issue citizenship certificates to third gender persons and highlighted that Nepal has not implemented this order and many third-gender Nepalese were forced to carry identification that did not represent their true identity. It expressed concern about proposals to re-criminalize so-called "unnatural sexual offenses". It asked that Nepal be held accountable to implementing Supreme Court decisions.

328.Asian Forum for Human Rights and Development (FORUM-ASIA), delivering a joint statement on behalf of the Nepal NGO Coalition for UPR, Coalition of Women for UPR and the Durban Review Conference Follow-up Committee, expressed regret that no consultation took place with civil society and affected communities in the process of integrating the Government's plan of action for the implementation of UPR recommendations into the National Human Rights Action Plan. FORUM-ASIA urged the Government to take concrete legislative steps to criminalize gender-based violence and to take stronger measures in addressing impunity for past and on-going violations, particularly by setting up the Truth and Reconciliation Commission and Commission of Inquiry on the Disappeared. It urged the Government to continue cooperating with the OHCHR through its field presence.

329.Amnesty International welcomed Nepal's support to recommendations on accountability for human rights violations committed during the conflict. It was concerned that impunity prevailed and that not a single case on these violations had been prosecuted . It was also concerned about the government's intention to withdraw conflict-era criminal cases currently before courts. It highlighted the cases of the death of Arjun Lama in 2005 and of Maina Sunuwar in 2004. It noted that the first case included the investigation of a recently-appointed Cabinet member. It urged Nepal to investigate and prosecute alleged perpetrators of human rights violations and establish the Truth and Reconciliation and the Disappearances Commissions promptly.

330.The International Commission of Jurists (ICJ), remained concerned that the Government had not embraced the substance of all recommendations concerning de facto impunity that existed in Nepal. ICJ stated that legislation criminalizing enforced

disappearance and establishing the framework for transitional justice institutions frameworks languished in parliamentary committees and threats against human rights defenders and lawyers persisted. ICJ called for the extension of OHCHR's mandate for at least one year so that the Office can effectively monitor the implementation of human rights provisions of the Comprehensive Peace Agreement.

331. Save the Children International expressed gratitude that Nepal accepted 8 child-related recommendations and welcomed the declaration of all schools in Nepal as "zones of peace". It expressed concern that Nepal does not have a law to make child recruitment a crime punishable under domestic law and hoped this would take place in the Child Related Bill currently in drafting. It called on Nepal to endorse child policy legislation.

332. Rencontre Africaine pour la defense des droits de l'homme (RADDHO) stated that Nepal needed to create conditions to guarantee judicial independence and reform the legislature to put an end to human rights violations. Victims of extrajudicial killings, torture and enforced disappearance still awaited justice. RADDHO expressed concern about the kidnapping of children in the southern plains to extort money from poor farmers and shopkeepers. RADDHO was also apprehensive about the restrictions on demonstrations and freedom of movement of Tibetans. RADDHO encouraged Nepal to cooperate with special procedures.

333. Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), Society for Threatened Peoples and Asian Indigenous and Tribal Peoples Network (AITPN) urged Nepal to protect vulnerable refugee populations by allowing for registration of the refugee population in Nepal and by refraining from forcibly returning Tibetan asylum-seekers to China. It reported that, recently, Nepalese authorities did not allow Tibetans to vote in an election of the worldwide Tibetan refugee community. It called on Nepal to accede to the Convention relating to the status of Refugees, and its protocol.

334. Jubilee Campaign urged Nepal to ensure that the right to freedom of religion enshrined in the new Constitution reflected Nepal's obligations under the ICCPR. Commending Nepal's commitment to engage with civil society, Jubilee Campaign recommended that the Government closely collaborate with the Nepal Inter-Religious Council and seek to establish a statutory multi-faith body as part of the new Constitution.

## **6. Concluding remarks of the State under review**

335. The delegation indicated that it had tried to give a full picture of existing Constitutional and legal provisions to address the concerns conveyed through some of the recommendations. It indicated that it had accepted a number of recommendations and had provided comments on other recommendations which should be considered as noted.

336. Nepal reiterated that enforced disappearances and extrajudicial executions are strictly outlawed in Nepal. Constitutional provisions provide for direct access to the Supreme Court of any individual or group to obtain redress of violation their fundamental rights. In addition, other mechanisms to address violations of rights exist, such as the National Human Rights Commission and the National Women's Commission.

337. Nepal expressed its appreciation for the role played by OHCHR in Nepal. Given that there are significant changes in Nepal since the Office was established in 2005, the Government has made a decision to extend the mandate of the Office in Nepal for six months. The decision was fully communicated to the Office. There are strong reasons to extend the mandate for six months, given the recent verdict of the Supreme Court and commitment of all political actors to peace and since the Constitution drafting will be completed in six months. Process-wise it was a very democratic decision, made through broad consultations with stakeholders, including political parties, national institutions and civil society. Nepal wishes to work with the international community in the field of human

rights and is committed to implement the recommendations that it has accepted and urged the international community to respect the usual process of democratic decision-making that the Government of Nepal has followed.

338.Nepal considered that the document that is going to be adopted will serve as reference for its efforts to strengthen human rights conditions. Nepal will work in partnership with civil society and social movements for the implementation of the recommendations.

### **Saint Lucia**

339.The review of Saint Lucia was held on 25 January 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 Saint Lucia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/LCA/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/LCA/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/LCA/3).

340.At its 16<sup>th</sup> meeting, on 7 June 2011, the Council considered and adopted the outcome of the review of Saint Lucia (see section C below).

341.The outcome of the review of Saint Lucia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/16/6), the views of Saint Lucia concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/17/6/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**

342.Saint Lucia welcomed the UPR process as it considered it to be an opportunity to ascertain how the world judged the country's efforts to provide the conditions for the development of its citizens. Saint Lucia expressed its appreciation for the comments, suggestions and recommendations received. Recommendations were under consideration so as to determine how they fit into the nations' development strategies, how they could improve the country's performance, and in what areas collaboration with others could enhance Saint Lucia's ability to provide its citizens with the best governance frameworks. It was noted that this last point has been the concern of the successive governments of Saint Lucia.

343.Saint Lucia recalled that the country was young, with limited natural resources, and with a small population that nevertheless expected no less from its government than the guarantee of living in peace, security and prosperity. This requires the participation of and acceptance by all the citizens of the priorities, policies and decision making process. Interaction, information sharing, and consultation at all levels were therefore necessary. The fact that, despite the many challenges it faced, Saint Lucia was categorized as a middle income country and has been able to achieve, and in some cases surpass many of the MDG targets, attested to the willingness of both the government and the people to ensure that gains are made on all fronts. Foremost of these, is the respect for the human rights of the citizens and all those who come to the country, and the vigilance that must be maintained to ensure that shortcomings are corrected in an expeditious manner. It indicated that it was

within this framework that Saint Lucia had reviewed the recommendations that were made to it.

344. Saint Lucia stated that, as can be noted from both the national report and responses provided, many of the recommendations made were in accord with the country's aims and are already being addressed. Others were being considered and a decision regarding these will be made after consultations and a review of the country's capacity to implement. It was explained that the reason for this is that Saint Lucia takes its commitments and obligations seriously and wants to ensure that once it undertakes a commitment it can implement it. In this regard it welcomed the proposals to help the country to overcome its challenges through assistance to improve human resource capacity, policy development and implementation, and the sharing of experiences.

345. Saint Lucia then highlighted certain key points.

346. Regarding ratifications, it indicated that it outlined in the addendum, the five (5) Treaties or Conventions considered to be the most pressing, given the country's limited human resources and their impact on society. In addition, the optional protocols to some others, eg, CRC and CEDAW will also be considered as a priority. Other instruments were not considered not important but there was a need to ensure that actions are taken one step at a time.

347. On its legislative framework, Saint Lucia was in the process of a Constitutional Review that will enable adjustments based on the preferences of the governed. Although Saint Lucia is not a party to a number of international agreements, related provisions are already incorporated within the national legislation. Indeed, many provisions of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, various provisions have been incorporated into domestic law, through the Counter-Trafficking Act, which came into force in February of 2010.

348. Regarding recommendations to strengthen Human Rights Institutions, Saint Lucia informed it stressed that it intended to strengthen the capacity, and scope of the office of the Parliamentary Ombudsman as a means of reinforcing effective avenues for redress of human rights concerns and grievances.

349. The issue of marginalized youth is a matter of growing concern. Saint Lucia informed the Human Rights Council that to give effect to existing policies, and implement new policies and programmes, an increased allocation had been announced in the Government Budget in April of 2011. In addition, the government is developing partnerships with NGOs, CBOs and Faith Based organizations to ensure that the needs of youth are met in an adequate and timely manner.

350. Concerning children, Saint Lucia explained that steps have been taken to ensure that children are born healthy, and that it was necessary to ensure that they continue to be afforded every protection to enable them to progressively develop, and not become marginalized. It was added that ongoing legislative reforms are being pursued at the national level as well as within the framework of the Organization of Eastern Caribbean States (OECS), to secure improved protections and standards of living for children.

351. On the elderly, Saint Lucia stated that the population and government give equal importance to the care of the elderly. Hence a new home for the elderly has been constructed to accommodate the ever increasing aging population, as the country seeks to improve the quality of life, and health care in the State.

352. Regarding torture, violence and especially violence against women, Saint Lucia stressed that the government does not condone violence in any form against any person or group of persons. It reiterated that the Constitution of Saint Lucia already protects all persons against such unlawful acts, and that domestic legislation, through the criminal code,

provides further measures of redress. Additionally, after the review, some of those measures may be strengthened. It was added that the government is conscious of the need to address the root causes and sources of such acts and is putting in place measures to address not just the legal framework but also the socio-economic factors that can help reduce or eliminate these. Saint Lucia expressed its belief that concerns in these areas will be positively addressed, through education, civics, and programmes that help to instill respect for each other and bring about societal change.

353. On socio-economic aspects and poverty, Saint Lucia stated that the eradication of poverty remains a central pillar of government policy and programmes, as it believes that poverty is at the root cause of many of the ills of societies. It was added that the Government is committed to ensuring that programs aimed at providing services to the poor are continued and strengthened. Saint Lucia explained that much of this is accomplished through agencies such as the Saint Lucia Social Development Fund which through diverse policy measures, seek to secure an improved quality of life for the socially or economically disadvantaged.

354. In conclusion, Saint Lucia thanked member states for their valuable comments and recommendations. It assured the Human Rights Council that every effort will be made to implement accepted recommendations.

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

355. Algeria expressed appreciation for the constructive engagement of Saint Lucia in the universal periodic review process. It noted the Government's commitment to the protection and promotion of human rights, demonstrated by the country's acceptance of the vast majority of recommendations made during the review. In particular, Algeria appreciated the acceptance of recommendations to ratify the international instruments to which it was not yet party such as the ICCPR, ICESCR and CRPD. Furthermore, it encouraged Saint Lucia to consider supporting existing efforts aimed at universalising the ICMW. , Algeria also commended efforts to promote human rights through the realisation of Millennium Development Goals, despite the challenges faced by the country. Algeria stated that, in the context of their vulnerability to external shocks and natural disasters, the international community should provide Small Developing Island States with assistance to enable it to meet its development priorities while promoting human rights.

356. Cuba highlighted Saint Lucia's constructive participation in the Working Group and the fact that the delegation had answered to most of the questions formulated during the interactive dialogue. Cuba reiterated its recognition for the progress achieved in the area of human rights, in particular the Government's firm decision to reduce poverty and attain socio-economic development; the determination to guarantee the right to universal education; and the measures adopted in the area of health, women rights, persons with disabilities and the elderly. For the purpose of implementing accepted recommendations, Saint Lucia would need to continue honouring its commitment with the promotion and protection of human rights, and also put in place plans and measures on various issues.

357. Morocco welcomed the open and frank approach adopted by the Government of Saint Lucia along the UPR process. Morocco commended Saint Lucia for the impressive progress in meeting the Millennium Development Goals, in particular those related with poverty reduction, the promotion of equality between women and men and access to education. Morocco welcomed the fact that the three recommendations it had made to Saint Lucia were accepted. It reiterated Morocco's support to the Government in accompanying it in its development efforts and expressed the hope that it will make every effort to implement recommendations.

358.The Bolivarian Republic of Venezuela celebrated the spirit of openness and the constructive disposition exhibited by the Government of Saint Lucia during this process, providing concrete answers to questions, in particular to those related to the advancement of its socio-economic policies. Venezuela emphasized the efforts deployed by the Government to combat poverty, resulting in a significant reduction of extreme poverty as a result of social programs such as the Fund for Social Development, the Program of Public Assistance and the Trust Fund for Basic Needs. The UPR also made it possible to appreciate Saint Lucia's efforts to attain universal primary and secondary education –by making it mandatory between the ages of 5 and 15-, as the only way to reduce poverty and reach economic development and social welfare in the country. It encouraged the Government, with the support of international cooperation granted without conditions, maintain and increase the priority given to social policies in order to protect and guarantee the future of the whole population.

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

359.Canadian HIV/AIDS Legal Network welcomed the Government's commitment to accept a number of recommendations put forward during the universal periodic review and to raise public awareness about the issue of discrimination. It stated that discrimination based on sexual orientation existed, and discriminatory laws legitimised and perpetuated socio-cultural prejudices and facilitated violence against individuals based on their perceived sexual orientation. Canadian HIV/AIDS Legal Network expressed its hope to see stronger recommendations put forward by the Human Rights Council in order to, inter alia: require the Constitutional Reform Commissioners to publicly release their final report and ensure that this process remain accountable and transparent to the people; remind Saint Lucia, to respect, protect and fulfil the rights of everyone without discrimination. It was noted that the LGBT community are asking only for the same rights and protection under the law which are already afforded the larger Saint Lucian society. Canadian HIV/AIDS Legal Network appreciated the Government's engagement during the universal periodic review process and expressed the readiness to continue working with it to implement accepted recommendations which fell in the scope of its mandate.

360.Amnesty International noted the Government's commitment to consider the ratification of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). It noted with appreciation that there had been no executions in the country in the last 15 years. However, it regretted that Saint Lucia was not in a position to move towards a formal moratorium on the use of the death penalty or its abolition. Amnesty International urged the Government to reconsider the recommendations to declare a formal moratorium on capital punishment with a view to abolishing it, to commute all death sentences to prison sentences, and to ratify the Second Optional Protocol to the ICCPR. Amnesty International welcomed Saint Lucia's commitment to condemn acts of violence against persons because of their sexual orientation or gender identity. However, it regretted the rejection of a number of recommendations to decriminalise sexual relations between consenting adults of the same sex and to combat discrimination based on sexual orientation.

### **7. Concluding remarks of the State under review**

361.Saint Lucia thanked those who had expressed support and those who have offered or already provided assistance to the country. It reiterated two points. First, that the Constitution protects all persons with no distinction of any kind. Second, Saint Lucia reiterated that when a State makes a commitment it should be certain that it can implement it so if it has not moved as quickly on all issues as some would have wished it is because the country wishes to ensure the implementation of its undertakings. Saint Lucia confirmed

its readiness to consider the possible incorporation of recommendations into the country's development strategy.

### **Oman**

362. The review of Oman was held on 26 January 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 Oman in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/OMN/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.6/10/OMN/2); and
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/OMN/3).

363. At its 16th meeting, on 7 June 2011, the Human Rights Council considered and adopted the outcome of the review on Oman (see section C below).

364. The outcome of the review of Oman comprises the report of the Working Group on the Universal Periodic Review (A/HRC/17/7), together with the views of Oman concerning the recommendations and/or conclusions, as well as its voluntary commitments and its replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (A/HRC/17/7/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**

365. The Omani delegation reaffirmed that the UPR had provided a useful opportunity to demonstrate the progress and achievements reached in the Sultanate, and at the same time allowed Oman to benefit from the experience and recommendations of other states. Oman emphasized that the human, economic and social development in the country was consistently aimed at realizing the highest living standards, while preserving human dignity, freedom and peace through an integrated legislative framework that ensured justice, equality and social responsibility.

366. The delegation indicated that soon after the adoption of its review report by the UPR Working Group in January, the Ministerial Committee tasked with the preparation of the national report had met under the leadership of the Minister Responsible for Foreign Affairs to discuss the recommendations received and formulate Oman's position towards them. Furthermore, on 26 February, the Ministry of Foreign Affairs together with the regional office of OHCHR had held a workshop on international human rights treaties so as to strengthen cooperation and promote a full understanding of the contents of these treaties in the context of the level of development in the Sultanate, with a view to their progressive implementation.

367. The delegation noted that, at the time of its review, Oman had received 166 recommendations, out of which it had accepted 103, postponed for further consideration 51, and rejected 12. It was pleased to announce that it was now in a position to accept 39 additional recommendations, noting that the content and implementation of recommendations was of course more important than the numbers. In this regard, the delegation indicated by way of example that a recommendation concerning the importance

of the independence of the public prosecution had been implemented through a Decree providing for the separation of the public prosecution from the executive power. Oman also informed that, in line with the provisions of its legislative framework, it had accepted a recommendation to consider accession to four core treaties, namely ICCPR, ICESCR, CAT and the International Convention against Enforced Disappearances.

368. Furthermore, in line with its belief in an open and constructive engagement with the UN human rights mechanisms, Oman had accepted a recommendation to study the possibility of extending an open invitation to all Special Procedures. It had also accepted recommendations to strengthen its National Human Rights Commission and to bring it in line with the Paris Principle, in light of the important role which the Commission played as a link between civil society and the Government institutions. In this context, the delegation mentioned that last year, the Commission, in cooperation with OHCHR, had initiated the holding of a workshop in Oman on the role and functioning of national human rights institutions. Among other findings, the workshop had concluded that, to a large extent, the Omani Commission was already in compliance with the Paris Principles and only needed to undertake some additional adjustments.

369. Oman noted that it had also accepted a number of recommendations to review certain laws and reconsider various reservations made on provisions of human rights treaties, on the understanding that the reform and modernization of legislation is a continuous process in Oman.

370. In conclusion, the delegation affirmed that the Sultanate of Oman consistently worked to further promote human rights, including through awareness-raising, legislative measure and the strengthening of its institutions.

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

371. Qatar noted that Oman had approved a large number of recommendations made during the review, including the five recommendations submitted by Qatar. Oman's approach to the review had demonstrated its constructive cooperation with the Human Rights Council and the UN mechanism. Qatar commended Oman for its continued efforts to consolidate and protect human rights and fundamental freedoms and for the progress made in realizing economic, social and cultural rights, particularly in the fields of health and education, and in the rights of women and children, in addition to the ongoing efforts to advance civil and political rights.

372. Saudi Arabia noted that Oman had accepted most recommendations, including those made by Saudi Arabia. It expressed appreciation for Oman's constructive engagement with the UN human rights mechanisms of the Council, and its openness to international cooperation and dialogue in the human rights area. Oman had also demonstrated its commitment to promoting human rights through concrete legislative and institutional measures. Saudi Arabia noted that the UPR had provided an opportunity to learn about the efforts undertaken by Oman to develop further its laws and institutions for the protection and promotion of human rights, and it commended Oman's achievements.

373. Kuwait commended Oman for its good cooperation with the UPR mechanisms, as demonstrated by its acceptance of a large number of recommendations. Kuwait appreciated the major efforts undertaken by Oman to strengthen human rights and welcomed Oman's acceptance of recommendations to extend a standing invitation to the Special Procedures and to consider further acceding to the ICCPR.

374. Algeria commended Oman's positive engagement with the UPR mechanism and its acceptance of a considerable number of recommendations, including those made by Algeria in relation to further consideration of the ratification of human rights treaties, especially the two international Covenants, and with regard to strengthening the role of women in public life, the design of programmes for decent work and the strengthening of development efforts in rural areas. Algeria noted that Oman's acceptance of a large number of recommendations demonstrated its commitment to human rights. It expressed understanding for Oman's position on some other recommendations.

375. Sri Lanka noted that the right to development, including human development, was a priority area for Oman, and expressed appreciation for the extension of free universal education to Omani citizens. These policies had resulted in commendable progress regarding women and children, and in the fields of health and education. Sri Lanka further noted progress regarding migrant workers, including the establishment of legal structures protecting workers' rights, and Oman's commitment to reviewing labour-related laws. Sri Lanka noted Oman's decision to withdraw four reservations to the CRC and to limit the scope of two others. It appreciated Oman's commitment to ensuring coordination among all stakeholders in the national follow-up to the UPR.

376. Cuba acknowledged measures taken by Oman with regard to education, health, the fight against trafficking and rights of persons with disabilities. Cuba made recommendations on the rights to health and education, and women's participation in economic activities. It noted that Oman had accepted a large number of recommendations, including those made by Cuba. It was now for the Government to implement the recommendations and to put in place programmes, plans and measures to further advance the promotion and protection of human rights.

377. The United Arab Emirates appreciated Oman's efforts in protecting and promoting human rights and commended the measures adopted in the UPR context, which reflected Oman's continuing efforts on human rights, including institutional and legislative reforms, in line with the national needs and specificities, and with the aim of preserving human dignity and achieving social justice and equal opportunities for all. It noted the political will and determination displayed by Oman to implement all accepted recommendations.

378. The United States of America supported recommendations made to Oman to enhance assistance and rights protection mechanisms for migrant and domestic workers, and expressed appreciation for Oman's acceptance of several recommendations regarding freedom of expression and labour rights. It noted Oman's appropriate restraint in dealing with ongoing labor protests and proactive engagement of job seekers. It encouraged Oman to continue efforts to raise employer and employee awareness of their labour rights and responsibilities under national and international law. It looked forward to Oman's continued positive engagement with the private sector and worker organizations.

379. Palestine noted Oman's positive interaction with the mechanisms of the Human Rights Council and its acceptance of most recommendations. It acknowledged the efforts undertaken by Oman in different social and economic areas and noted that Oman's cooperation with all mechanisms of the Human Rights Council United Nations demonstrated its commitment to human rights. The UPR had provided a useful opportunity to learn about its efforts to develop its legislation and strengthen human rights.

380. Bahrain noted that Oman had accepted 142 recommendations, which demonstrated Oman's determination and political will to continue efforts to comply with its obligations in the field of human rights. It appreciated the fact that Oman had accepted recommendations

made by Bahrain, in particular to increase efforts to integrate a human rights culture in school curricula, and to eliminate all kinds of discrimination against women and increase the representation of women in the Consultative Council. In addition, it paid tribute to Oman for its attention to the fight against human trafficking, its focus on the right to development, and its achievements regarding health and education in connection with the rights of women, children and migrant workers.

381. Iraq commended Oman's positive interaction with the UPR process, which demonstrated Oman's desire to promote human rights and fundamental freedoms. Iraq noted that, in total, Oman had accepted 142 recommendations, including recommendation to accede to core human rights instruments, which indicated the determination of the Sultanate to comply with human rights standards and principles.

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

382. Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO) highlighted the importance of addressing abuse and exploitation of migrant workers through measures to combat trafficking in human beings and to improve the living conditions of migrant workers and the prospects for decent work. It was pleased to note the progress made in a short period with regard to economic and social rights. Despite some improvements in women's rights, many challenges remained, including the exposure of women to violence as well as practices which discriminate against women mainly in rural areas. RADDHO noted the lifting of reservation to the Convention on the Rights of the Child, but observed that the situation of children born out of wedlock in terms of upbringing and education was still disturbing. It invited Oman to lift restriction on freedom of expression in the press and through the internet.

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

383. The Omani delegation noted the Government's determination to follow up and implement UPR recommendations through the special commission established for this purpose. The Government was determined to undertake all measures necessary to promote and protect human rights, as part of a principled policy rather than a choice that could be followed today and abandoned tomorrow. Oman emphasized that human dignity and freedom, and the well-being and development of society, depended on decent living standards that were based on equality and equal opportunities for all without discrimination, in a secure and stable environment characterized by social harmony and economic prosperity. These were the national norms and guiding principles that had been translated into rights, guaranteed by the Basic Law.

384. Oman seized the opportunity to thank all delegations as well as non-governmental organizations for their constructive contributions to the review and the interactive dialogue. Finally, Oman especially thanked the President of the Human Rights Council, the members of the Troika and the Secretariat for their efforts and good cooperation during the UPR process.

#### **Austria**

385. The review of Austria was held on 26 January 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 Austria in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/AUT/1);

- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/AUT/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/AUT/3).

386. At its 16th meeting, on 7 June 2011, the Council considered and adopted the outcome of the review of Austria (see section C below).

387. The outcome of the review of Austria comprises the report of the Working Group on the Universal Periodic Review (A/HRC/17/8), the views of Austria concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/17/8/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**

388. Austria stated that the Universal Periodic Review was one of the fundamental achievements of the Human Rights Council, a true celebration and reaffirmation of the principles of universality of all human rights and equality of all states. The Universal Periodic Review had provided a new opportunity to take a fresh look at Austria's human rights situation. The intensive process of preparation of the national report was conducted in openness and transparency, with the full involvement of NGOs, civil society, academia, Parliament, independent human rights bodies and all levels of government.

389. The examination in the Working Group, the questions, remarks and recommendations provided Austria with the assessment of its human rights situation by other states, and gave an additional perspective on its strengths and weaknesses.

390. Austria received 161 recommendations of which 97 were immediately accepted, 10 were rejected and 54 were left for further consideration. Out of these 54 recommendations, 34 enjoyed the support of the authorities which raised to 131 the total number of accepted recommendations which Austria was committed to implement successfully.

The written position of Austria on recommendations left for further consideration are to be found in the addendum to the working group report.

391. The Human Rights Coordinators of the Federal Ministries and of the Provincial Governments established in 1998 which is responsible for the coordination of human rights related policies within the Government and with regard to the implementation of international human rights obligations and treaty body recommendations, has been tasked with the coordination of the implementation of UPR recommendations.

392. The Human Rights Coordinators also had an important role to play in the dialogue process with the civil society. On the basis of a thematic roster, all UPR recommendations were clustered and assigned to the competent ministry and government body. Each ministry will engage with civil society representatives and NGOs in thematic dialogues with regard to implementation. Furthermore, a special high level UPR steering committee was established, comprising high-level officials of the Constitutional Law Service of the Federal Chancellery, the International Law Department of the Foreign Ministry and civil society representatives. This steering committee supported the UPR process to ensure continuous progress in the implementation of the UPR recommendations. Its first meeting took place on 25 May 2011.

393. The Government had accepted several recommendations with regard to considering the withdrawal of reservations to international human rights conventions, in particular with regard to the CRC.

394. Austria accepted recommendations aimed at the strengthening of the existing institutional framework, comprising the Austrian Ombudsman Board, which had extended its human rights monitoring activities during the last years, and specialized ombudsperson mechanisms for equal-treatment and for anti-discrimination. This system of specialized protection mechanisms had worked very effectively and in a focused manner. Therefore, an application for re-accreditation of the Ombudsman Board was made which was currently being examined by the Sub-Committee on Accreditation of the International Coordinating Committee of NHRIs.

395. Austria had committed itself to the ratification of OP-CAT and had also accepted UPR recommendations in this regard. The Government's legislative proposal for the implementation of OP-CAT, aiming at new constitutional provisions and an amendment of the Ombudsman Board Law, has been sent out for public assessment and evaluation on 23 May 2011. It provided for a substantial expansion of the Austrian Ombudsman Board's competences in the protection against human rights violations. It was expected that the draft law will be submitted to Parliament in the second half of this year. According to this draft law, the structures and mandate of the Austrian Ombudsman Board, whose independence was guaranteed by constitutional law, will be enlarged and adapted to fulfil its obligations as a National Preventive Mechanism.

396. To that end, six commissions, independent in accordance with the Paris Principles, will take up their functions under the Ombudsman Board and will conduct monitoring visits to all places of detention or deprivation of liberty in the country. Furthermore, the Human Rights Advisory Council, which was currently established within the Ministry of the Interior, will be reestablished under the Austrian Ombudsman Board and enlarged to cover all administrative areas concerned.

397. With regard to recommendations on the rights of the child, the Austrian Parliament approved a bill in January this year that incorporated children's rights into the Federal Constitution. The law affirmed, among other provisions, a child's right to being raised without violence and to having direct contact with both parents unless the child's well-being was at stake. It banned child labour and abuse, and called for equal treatment of disabled and non-disabled children.

398. Austria was committed to ratifying the Convention on Enforced and Involuntary Disappearances as soon as possible and was preparing the submission to Parliament necessary for the ratification process. The crime of enforced disappearances will also be included in the Austrian Penal Code as a separate criminal offense, together with the inclusion of a specific crime of torture in compliance with the Convention against Torture. The respective amendments of the Austrian Criminal Code were being prepared.

399. Austria had also accepted a number of recommendations with regard to the full realisation of the rights of minorities. In this regard, a historic breakthrough was reached with regard to bilingual topographical signs in Carinthia. The memorandum, which was signed on 26 April 2011, between representatives of the Federal Government, of the Provincial Government of Carinthia and of the three Slovene minority organisations in Carinthia, reflected a broad based solution on bilingual road signs, which contained several elements, namely that existing bilingual road signs remained (no matter the percentage of minority population), that all decisions of the Constitutional Court on bilingual road signs

were implemented and that new bilingual road signs had to be put up in those municipalities with a minimum 17,5 % share of minority population.

400. The use of the minority language as an official language was principally provided for in all those municipalities with bilingual topographical signs. A constitutional law on these issues was about to be submitted to Parliament. An important part of the compromise solution agreed upon was the Federal Government's commitment to allocate additional funds – in addition to the existing financial support accorded to ethnic groups – to promote the bilingual educational system in Carinthia, the local culture and bilingual and multilingual projects. The Federal Government will also allocate special funds to the private Slovene music school in Carinthia and will contribute to a sustainable solution to secure its future.

401. Austria had accepted recommendations to amend its provisions against incitement to hatred, attacks on minority groups and for equal protection of all religious minorities. A government bill was already transmitted to Parliament. Austria was strongly committed to combat discrimination, xenophobia and racism and to strengthen measures for the integration of immigrants into Austrian society. The Austrian Government had established a new State Secretariat for Integration which had strengthened the awareness of governmental policies on integration; it had also set the ground for a more effective implementation of the National Action Plan for Integration, which provided for a number of integration measures in different areas, including concrete measures to combat racism and discrimination. Therefore, Austria did not see the need to elaborate yet another and separate action plan on racism, as the focus was rather on concrete implementing measures.

402. Neither was Austria envisaging the drafting of a general human rights action plan. The Government was convinced that the specific thematic action plans which existed in Austria were more focused and therefore more effective with regard to combating concrete human rights deficiencies.

403. Having only recently introduced a civil partnership for same-sex couples, no further legislative changes with regard to the adoption of children by same-sex couples were currently envisaged. However a legal case on a similar issue was currently pending in the European Court for Human Rights.

404. Austria will submit in due course a mid-term or interim update on the implementation of the UPR recommendations.

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

405. Algeria congratulated Austria's election as a Human Rights Council member and noted the acceptance of 131 out of 160 recommendations. Algeria took positive note of Austria's willingness to further implement measures to ensure gender equality in the labor market and was encouraged by the acceptance of the recommendations to combat racial discrimination and xenophobia. Algeria would have wished Austria's acceptance of the recommendation regarding the accession to the Convention of Migrant Workers.

406. Morocco welcomed Austria's commitment to the UPR, reflected inter-alia in its acceptance of 131 recommendations out of 161 made. It commended the inclusion of and expanded consultation with Civil Society throughout the UPR process. The review of Austria showed its efforts to combat racism and xenophobia, to improve the situation of migrants and promote economic, social and cultural rights to give a constitutional status to these rights. Morocco was satisfied with Austria's replies and explanations on these areas.

Morocco also congratulated Austria for its commitment to submit a mid-term report on the implementation of the UPR recommendations.

407. The Islamic Republic of Iran welcomed Austria's acceptance of many recommendations but remained concerned over the mounting trend of Islamophobia, including provocative motions and remarks by some right wing parties against Islam and Muslims; alarming cases of hate speech and hostility by some politicians, parties and media; and discriminatory attitudes and manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant communities, Muslims in particular. It called upon to adopt and take effective measures to address recommendations made during the UPR Working Group session including those made by Iran.

408. Republic of Moldova appreciated the acceptance of the two recommendations it had made. It expressed its satisfaction for Austria's incorporation of children's rights in the Federal Constitution in accordance with the provisions of the Convention on the Rights of the Child. Republic of Moldova was also pleased that the ratification process of the International Convention for the Protection of All Persons from Enforced Disappearance and the inclusion of enforced disappearances as a criminal offence in the Austrian Penal Code were on the way.

## 9. General comments made by other relevant stakeholders

409. Verein Südwind Entwicklungspolitik noted Austria's acceptance of the recommendation to increase its ODA to 0.7% of the GDP and called for binding legislation and a market increase in development cooperation funding. Südwind mentioned the envisaged budget cut in the Ministry of Foreign Affairs over the period 2012-2015 which will be disproportionately greater in the field of bilateral aid towards reducing poverty. Südwind was critical of Austria shifting development policy, away from combatting poverty, to setting new priorities and focusing on the Black Sea region and the Danube basin where it primarily pursues its foreign trade interest.

410. The Islamic Human Rights Commission expressed its concern over the discrimination against Muslim citizens and foreigners residing in Austria and stated that over 745 cases of racial abuse against Muslim women who chose to wear the headscarf had been reported with the number of verbal abuses on the rise. Such discriminatory acts were a violation of the "European Directive on Equal Opportunity" which Austria was a party to. The Anti-Muslim hate crimes in Austria included incidents where over 60 Muslim tombstones had been desecrated. It urged the Austrian government to take the necessary measures to safeguard the rights of the Muslim community and foreigners.

411. ILGA Europe and COC Netherlands commended Austria's acceptance of recommendations to include gender identity and sexual orientation perspective with regard to measures against incitement to hatred. They recommended extending the *de jure* and *de facto* protection against workplace gender identity discrimination in line with the jurisprudence of the European Court. They recommended considering gender identity as a ground of asylum procedures and protecting transgender asylum seekers from "*refoulement*". They inquired about Austria's intentions to apply the Yogyakarta Principles in their domestic and foreign policy development. They encouraged Austria to share their best practices and examine where adjustment of policies were needed.

412. Amnesty International (AI) welcomed Austria's support of recommendations on the criminalization of torture in domestic law and urged Austria to set a precise timeframe for this endeavor. With regard to the incorporation of the rights of children in the Constitution, AI regretted that the constitutional amendment adopted in January 2011 covered only some

provisions of the Convention on the Rights of the Child. AI was also disappointed that Austria had rejected recommendations calling for the adoption of a national action plan on racism and xenophobia. It regretted Austria's rejection of a recommendation to prepare a study on the scale of racial discrimination in the criminal justice system.

413.RADDHO appreciated Austria's large consultations with the civil society and other national Institutions during the UPR process. It commended the measures to improve the rights of children and women and to combat domestic violence. RADDHO expressed its concern about the reports on racially motivated police misconduct towards foreign nationals, asylum seekers and ethnic minorities; the absence of strict laws on torture and the high level of impunity for abuses committed by the police. It also regretted the lack of accessibility to legal advice for asylum seekers. RADDHO encouraged Austria to work with the civil society to eradicate all forms of discrimination.

414.The International Federation for Human Rights Leagues and the Initiative Human Rights Now welcomed Austria's commitment to harmonize anti-discrimination laws, but expressed concern about Austria's refusal to adopt a National Action Plan on combating racism and xenophobia and the fact that it had not accepted the recommendations made by Brazil and Slovakia to ensure that minors were not held in police custody or detention. It urged Austria to reconsider decisions to reject such recommendations and to ensure that they were fully enforced.

415.The European Disability Forum (EDF) on behalf the Austrian National Council of Persons with Disabilities noted that despite Austria's ratification of the Convention on the Rights of Persons in Disabilities (CRPD) in 2008, the principles of accessibility and inclusion were not recognized as cross cutting issues. Moreover, measures to realize independent living were lacking. Disability in Austria was still rather defined through the medical instead of the social model. Persons with disabilities faced a high risk to live in poverty with women of working age being most affected. The main reasons were the lack of, or low quality of education and subsequent effects on job opportunities.

416.EDF acknowledged Austria's commitment to develop a National Action Plan on Persons with Disabilities. A main challenge in creating the Plan was ensuring participation in line with the CRPD's obligations. Another challenge was to address the need for changes of perception throughout mainstream society rather than just focusing on persons with disabilities.

417.The Society for Threatened Peoples (STP) stated that Austria's draft new constitutional law on minority rights failed to comply with Article 7 of the 1955 State Treaty concerning the rights of the Slovene minority in the provinces of Carinthia and Styria and the rights of the Croat minority in the province of Burgenland. STP urged Austria to comply with its international obligations and determine bilingual territory for schools and all other minority rights of the Slovene minority in the province of Carinthia. It also called upon Austria to prepare comprehensive legislation for all other recognized minorities, besides Croat, Hungarian and Slovene minorities also for the Czech, Slovak and Roma minorities.

## **10. Concluding remarks of the State under review**

418.Austria thanked all delegations that took the floor as well as the NGO representatives for their remarks. Austria emphasized the importance of an open and transparent co-operation with civil society and NGOs in the whole process of the preparation and also follow-up to the UPR. The Austrian government and the Austrian delegation in Geneva

were looking forward to maintaining an on-going dialogue with civil society on the implementation of the UPR recommendations.

419.Regarding the ICMRW, Austria noted that some of the rights mentioned in that Convention were already covered by the national and the European Union legislation. Austria then referred to a new governmental bill to tackle the issue of hate speech and Islamophobia, and criminal proceedings to ban a computer game targeting Muslim religious sites. Austria stated that cases of police misconduct were also taken seriously and pursued through the judicial system. On issues related to asylum-seekers, a draft law was on the way to ensure them free legal advice. The draft laws on the minorities in Carinthia were also being submitted to the Parliament.

420.In conclusion, Austria assured a continued dialogue on the UPR recommendations through an interim report and upon its return for its next UPR.

## **Myanmar**

421.The review of Myanmar was held on 27 January 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 Myanmar in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/MMR/1 and Corr.1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/MMR/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/MMR/3).

422.At its 17th meeting, on 8 June 2011, the Council considered and adopted the outcome of the review of Myanmar (see section C below).

423.The outcome of the review of Myanmar comprises the report of the Working Group on the Universal Periodic Review (A/HRC/17/9), the views of Myanmar concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/17/9/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**

424.The delegation of Myanmar, headed by Mr. Tun Shin, Attorney General of the Union, provided the Human Rights Council with further information on the recommendations contained in paragraph 106 of the report of the Working Group on the Universal Periodic Review (A/HRC/17/9). Myanmar stated that the United Nations Charter placed human rights in the context of international cooperation and in this spirit they participated in the UPR process. Recommendations that were consistent with the principles of the United Nations Charter enjoy Myanmar's support. Accession or ratification of international treaties is first considered by the executive, which is presently examining a number of treaties. They are subsequently submitted to the legislature which, in the case of Myanmar, is composed by the Pyithu and Amyotha Hluttaws, and which has the last word in the ratification of international treaties. This practice is consistent with the universal practice of the constitutional process.

425. Out of the 190 recommendations made during the working group, 74 enjoyed the support of Myanmar while consideration of forty-six recommendations, included in paragraph 106 of the WG report, was postponed to the seventeenth session of the Human Rights Council. Seventy recommendations did ultimately not enjoy Myanmar's support.

426. Myanmar underlined that recommendations of a non-constructive, politicized and confrontational character did not enjoy its support, even those which could have been supported in substance, but were couched in such a manner that their acceptance would have infringed on Myanmar's sovereign rights.

427. With regard to the above-mentioned forty-six recommendations (see also A/HRC/17/9/Add.1), Myanmar stated that recommendation 106.21 on amending domestic laws to be in line with fundamental human rights; 106.32 on continuing with efforts to cooperate with the Special Rapporteur on human rights in Myanmar, 106.34 on increasing cooperation with OHCHR and HRC Special Procedures, and 106.40 on cooperating fully with ILO to end forced labour and child labour, enjoyed Myanmar's support.

428. Myanmar stated that the implementation of recommendations 106.1, 106.2, 106.4, 106.5, 106.6, 106.8, 106.12, 106.14, 106.15, 106.17, 106.18 and 106.19 concerning accession, ratification and implementation of human rights core treaties should be evaluated in light of the adoption process involving the executive and the legislative powers. With regard to recommendations 106.23 to 106.30, on the establishment of a national human rights institution in line with the Paris Principles, Myanmar stated that they are under serious consideration. The present national Human Rights Body has been reformed following the entry into force of the new Constitution. This is a prelude to the establishment of a commission which will be in line with the Paris Principles.

429. Recommendation 106.9 on making plans to sign and ratify core human rights treaties, 106.13 on ratifying remaining core human rights treaties like International Covenant on Civil and Political Rights and Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment, 106.33 on cooperation with the Special Rapporteur on human rights in Myanmar, 106.41 on ending the recruitment of child soldiers and considering ratification of the Optional Protocol to the Convention of the Rights of the Child on Children and Armed Conflicts, and 106.43 on cooperating with the United Nations to end recruitment of child soldiers, enjoyed Myanmar's support. The remaining recommendations contained in paragraph 106 did not enjoy Myanmar's support.

430. Myanmar stated that the fundamental rights of citizens are enshrined in Chapter VIII of the Constitution of the Republic of the Union of Myanmar. The Supreme Court of the Union ensures the application of Writs as legal remedies for the breach of human rights. The Constitution also guarantees various rights to ensure peace, harmony and tranquillity with law and order.

431. A new civilian government has performed its functions since 1 April 2011 and it is still in its infancy. The President of the Republic of the Union of Myanmar stated, in his inaugural address, that domestic laws of Myanmar will be reviewed to be in line with the Constitution and that new bills will be submitted to safeguard citizens' fundamental rights in line with the Constitution. Thus, the concerned executive ministries are in the process of reviewing the laws in order to make them gradually in conformity with the Constitution and international norms.

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

432. Singapore was encouraged by Myanmar's support for its recommendation to continue collaborating with the donor community, United Nations agencies, international financial institutions and civil society organizations to develop institutional capacity, and align

policies with international norms and treaty obligations. It hoped the international community would continue to engage with Myanmar to help it integrate into the global system and support its democratization process. Singapore indicated its commitment to continue to share its experiences and best practices with Myanmar.

433. Japan was of the view that the release of and the amnesty granted to some of the prisoners marked a positive step in the process of national reconciliation. While recognising the need for improvements in the human rights situation, Japan hoped that Myanmar would take further actions to promote democratisation and national reconciliation. It welcomed the additional acceptance of a number of recommendations and considered it important that Myanmar steadily implement the accepted recommendations. Japan also considered it vital that Myanmar continues its dialogue with the international community.

434. Thailand thanked Myanmar for its positive response to its recommendations and noted that Myanmar was considering becoming a party to other international human rights treaties, depending on its resources and capacities. It encouraged Myanmar to seek technical cooperation and assistance from OHCHR and hoped that the international community would provide assistance as well. It highlighted significant political developments in Myanmar such as the release of Daw Aung San Suu Kyi, the meeting of the Parliament, the formation of a new cabinet and the release of prisoners. It welcomed the visit to Myanmar of the Special Advisor to the United Nations Secretary General, Vijay Nambiar.

435. Indonesia noted with appreciation the acceptance by Myanmar of many recommendations put forward during the review. It also appreciated that Myanmar has embarked on a transition to democracy. Indonesia encouraged Myanmar to sign and ratify all core human rights instruments, and consequently strengthen the domestic legal infrastructures necessary for human rights protection. It appreciated Myanmar's intention to review the legislation to guarantee freedom of expression, association and assembly.

436. Cuba noted that during Myanmar's universal periodic review it recalled Myanmar's colonial past and its rich ethnic diversity and highlighted its work for unity and national reconciliation. Cuba's recommendations were related to strategies and plans for socio-economic development. It recognized Myanmar's will to continue promoting human rights and indicated that it was time to work on implementing accepted recommendations.

437. China noted Myanmar's constructive attitude towards and cooperation with the Human Rights Council. It appreciated Myanmar's efforts and achievements in human rights protection. In particular, China appreciated Myanmar's efforts in promoting economic development and national reconciliation. It expected that Myanmar would maintain social stability and further advance democratic developments. China expressed its hope that the international community would respect the path of the development that was chosen independently by Myanmar, and that it would provide assistance to create an enabling environment for socio economic development in Myanmar.

438. Lao People's Democratic Republic was pleased that Myanmar had accepted a large number of recommendations and had taken the necessary steps to implement them. It encouraged Myanmar to continue its effort to bring changes to the country. It believed that the new Government would bring about greater stability, democratization, reconciliation and development.

439. Brunei Darussalam noted with appreciation Myanmar's cooperation in the review process and its acceptance of many recommendations.. It also welcomed Myanmar's cooperation with the United Nations and the international community in promoting and protecting human rights.

440. India highlighted that Myanmar had engaged in the universal periodic review process in an active, cooperative and constructive manner. India noted Myanmar's detailed responses to the recommendations made and was encouraged that it had accepted a large number of recommendations, and expressed its commitment to implement them. It noted that Myanmar had ushered forward a multi-party democratization through the emergence of a constitutional government and the progressive implementation of the Political Roadmap for Democracy.

441. Cambodia noted with appreciation that Myanmar accepted many recommendations put forward during its universal periodic review and that it had already taken steps towards the implementation of some of the recommendations. It noted Myanmar's commitment for a constructive engagement with the international community to protect and promote human rights.

442. Malaysia noted Myanmar's constructive engagement with the UPR, which would serve it well in its ongoing process of democratization. It noted that Malaysia had proposed recommendations, two of which were accepted and one left to be further studied. It inquired on how Myanmar intended to address the issue of refugees and if the Government intended to revisit the recommendations that had been categorised as "noted and to be studied further". Malaysia reaffirmed its commitment to continue cooperating closely with Myanmar.

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

443. Human Rights Watch stated that, despite Myanmar's claim that there were no prisoners held for their political activities, political prisoners remained incarcerated and only 58 out of an estimated 14,700 released prisoners, were political detainees. It noted that Myanmar refused to provide permission for visits of the Special Rapporteur on the human rights situation in Myanmar. Human Rights Watch also referred to the evidence of abuses by armed forces amounting to war crimes and crimes against humanity. It called for a commission of inquiry established by the United Nations to look into the violations of international human rights and humanitarian law.

444. Forum-Asia noted that, despite the November 2010 elections, the systematic militarization of the country contributed to widespread human rights abuses, essentially by authorities. It was disturbed by the situation in ethnic areas where the conflict is ongoing. It regretted that Myanmar did not provide concrete responses to recommendations calling for protection of civilians. It remained concerned that child soldiers continued to be recruited and urged Myanmar to ensure that those involved in their recruitment are prosecuted. It also regretted that Myanmar rejected a recommendation regarding forced labour. It urged the Council to establish a commission of inquiry to look into violations of international humanitarian and human rights law in Myanmar.

445. The Islamic Human Rights Commission noted the discrimination experienced by the Rohingya Muslim population who were refused recognition as one of the main ethnic nationalities. It stated that the Rohingya has been subjected to criminal atrocities, torture, inhuman and degrading treatment and punishment and restrictions of their rights, including the rights to education and work, and that they have been refused full citizenships. The Islamic Human Rights Commission urged Myanmar to provide Rohingya with the same rights granted to other citizens.

446. Jubilee Campaign was concerned that Myanmar did not support recommendations made relating to its 2,200 political prisoners, despite the transition to democracy. It was disturbed about ongoing attacks targeting civilians and violations reportedly committed by the Army. It lamented the history of killing of unarmed peaceful civilians and widespread

use of rape by the Army, and emphasized that impunity must end. It took note of the recommendation of the Special Rapporteur on Situation of Human Rights in Myanmar on establishing a commission to investigate reports of crimes against humanity and urged Myanmar and the international community not to take this conclusion lightly.

447. Worldview International Foundation stated that despite the release of 51 prisoners of conscience, the amnesty had no impact on the majority of them. It expressed concern at the use of torture in detention places, aggravated prison conditions and at the denial of medical care to prisoners. Noting the recent hunger strikes of prisoners of conscience, Worldview International Foundation urged Myanmar to ensure the International Committee of the Red Cross immediate access to all prisons. While referring to the absence of mechanisms to establish justice and accountability, it called on the Human Rights Council to establish a Commission of Inquiry to look into the violations of international humanitarian and human rights laws.

448. Conectas Derechos Humanos highlighted the systematic use of sexual violence. It noted cases of rape as well as the fear and stigma affecting survivors, while none of the perpetrators were punished. It noted the 2010 election's absence of affirmative action to promote women's participation. It indicated that in war-torn zones of the country, women and children's health and education were severely affected. It recommended Myanmar to adopt legislation criminalizing rape, to ensure punishment of perpetrators and make reparation to victims. It also recommended allowing humanitarian assistance without restrictions and called on the Council to establish a commission of inquiry to look into violations in the country.

449. Amnesty International noted the existence of more than 2,200 political prisoners who were detained in inhumane conditions. It expressed concern that Myanmar accepted only 74 of the 190 recommendations made during the review. Amnesty International referred to reports of crimes against humanity by the security and armed forces against ethnic minorities in eastern Myanmar. It stated that investigation and prosecution of such violations and crimes has been obstructed by the Constitutional provision which stipulated that no proceeding could be instituted against military officials in respect of any act done in the execution of their duties. Amnesty International called for the establishment of an international commission of inquiry to investigate crimes against humanity and possible war crimes.

450. Asian Legal Resource Centre noted that Myanmar rejected recommendations to end impunity, reform its legal system and improve cooperation with the Special Rapporteur on the situation of human rights in Myanmar. Although Myanmar accepted to end torture, it did not accept to ratify the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment. Corruption throughout the State apparatus was noted, as well as the lack of an independent and impartial judiciary, and the control of the police by the army. It regretted the absence of avenues for redress and of a normative framework for protection of human rights. It reiterated its support to the mandate of the Special Rapporteur and called on the Council to ensure an independent international inquiry into human rights abuses in Myanmar.

451. International Federation for Human Rights Leagues (FIDH) expressed concern over a wide range of human rights abuses. By referring to the undemocratic provisions of the 2008 Constitution, and unfair and non-free elections in 2010, it called on Myanmar to enter into an inclusive dialogue with stakeholders and initiate a comprehensive review of the Constitution. Furthermore, FIDH supported recommendations for the release of all political prisoners and end all forms of discrimination against ethnic minorities. It also joined the recommendations to establish a United Nations commission of inquiry to investigate such crimes as attacks on civilians, forced labour, rape, internal displacement, extrajudicial executions and enforced disappearances.

452. Rencontre Africaine pour la defense des droits de l'homme (RADDHO) welcomed the dialogue between Myanmar and the international community. It noted that Myanmar's acceptance of recommendations should translate into a policy of good governance, creation of spaces for liberties long denied and for the rule of law. It welcomed the liberation of Aung San Suu Kyi. The creation of a national human rights commission should contribute to human rights education, particularly for the armed forces, in order to end the practice of torture. It called on Myanmar to reform its Constitutional provisions that restrict freedom of religion, fight impunity and cooperate with treaty bodies and special procedures.

#### **11. Concluding remarks of the State under review**

453. The delegation of Myanmar thanked all delegations that constructively participated in its universal periodic review. It reiterated that the current government had recently taken up its duties and that the country was opening new chapters and turning pages of its history, with the political willingness to protect and promote human rights. On-going positive developments were a further evidence of that willingness.

#### **Australia**

454. The review of Australia was held on 27 January 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 Australia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/AUS/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/AUS/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/AUS/3).

455. At its 17th meeting, on 8 June 2011, the Council considered and adopted the outcome of the review of Australia (see section C below).

456. The outcome of the review of Australia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/17/10), the views of Australia concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (see also A/HRC/17/10/Add.1).

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

457. Australia referred to the 145 recommendations received under its UPR. In line with the Government's commitment to consult with a broad range of stakeholders, since January 2011 the Attorney-General had led an extensive consultation process to determine Australia's position on the recommendations. In March, the Attorney-General and Senator Kate Lundy tabled the draft UPR Working Group report in the Australian Parliament. Australia consulted across the government, including with the States and Territories and had also participated in meetings with the Australian Human Rights Commission, non-governmental organizations and civil society to discuss the UPR recommendations and the Government's response. Australia welcomed the commitment and energy brought to the UPR process by Australia's human rights community.

458. Australia accepted or accepted-in-part 137 recommendations and mentioned its intention to provide the Human Rights Council with an interim report prior to its next UPR. It highlighted some of the recent important developments in identified key focus areas raised by delegations.

459. Regarding Australia's international human rights obligations and their domestic implementation, Australia was committed to use accepted recommendations to develop the new Human Rights Action Plan, preparation of which was well underway. Progress had been made in developing an education and training programme for Commonwealth public servants to raise awareness and understanding of Australia's international human rights obligations.

460. Additionally, legislation was before Parliament to establish a Parliamentary Joint Committee on Human Rights and for requiring new legislation to be accompanied by a Statement of Compatibility with Australia's obligations under the core human rights treaties to which it is a party. Policy work and drafting had commenced to review and consolidate federal anti-discrimination laws and to introduce legislation protecting against discrimination on the basis of a person's sexual orientation or gender identity.

461. In relation to recommendations on the rights of Indigenous peoples, Australia highlighted the election in April 2011 of the co-chairs of the National Congress of Australia's First Peoples. Australia stated that the National Congress: will provide a mechanism with which governments and the corporate and community sectors can engage and work on reform initiatives; and an informed and strong national voice for the goals, aspirations, interests and values of Aboriginal and Torres Strait Islander peoples.

462. With respect to recommendations related to combating racism and promoting tolerance, a recent development was the launch in February 2011 of Australia's new multicultural policy, *The People of Australia*. The policy recognized that Australia was a multicultural nation and outlined key principles designed to strengthen Australia's social cohesion and combat racism. It established the Australian Multicultural Council as an independent body to advise the Government, a new National Anti-Racism Partnership and strategy, and a Multicultural Youth Sports Partnership Programme.

463. In relation to Australia's counter terrorism measures and efforts to ensure compliance with its international obligations, a recent development was the appointment in April 2011 of the first Independent National Security Legislation Monitor. The Monitor will review the operation, effectiveness and implications of Australia's counter-terrorism and national security legislation and will report to the Prime Minister and Parliament on an on-going basis.

464. Information was provided on developments in relation to recommendations concerning the rights of women and children. In February 2011 the *National Plan to Reduce Violence against Women and their Children* was endorsed by Federal, State and Territory Governments. It was the first plan to: coordinate actions across jurisdictions; focus strongly on prevention, including building respectful relationships amongst young people and working to increase gender equality to stop violence occurring in the first place; and focus on holding perpetrators accountable and encourage behaviour change.

465. In March 2011 reforms to the Equal Opportunity for Women in the Workplace Act 1999 were announced, requiring large employers to report on gender equality outcomes, including the gender composition of their organizations and their boards, pay equity and the availability of flexible work arrangements.

466. On developments relating to recommendations on the rights of persons with disabilities, in February 2011 the first National Disability Strategy was endorsed by Federal, State and Territory Governments, following extensive consultation across the country. It set a ten year reform plan for all governments to address barriers faced by Australians with disability and will ensure that mainstream services and programmes including health care, housing, transport and education address the needs of people with disability.

467. Concerning recommendations related to the rights of migrants, asylum-seekers and refugees, a recent development in this area was the introduction of legislation in February 2011 to enshrine non-refoulement obligations in law. Existing processes required the personal intervention of the Minister to ensure compliance with non-refoulement obligations. The new complementary protection legislation will provide for the grant of a protection visa in circumstances that engage Australia's non-refoulement obligations under human rights treaties other than the Refugee Convention, allowing for greater certainty and faster outcomes for vulnerable people at risk of violation of their fundamental human rights.

468. With reference to recommendations concerning children in immigration detention and the Government's expansion of its existing residence determination programme, the Government has made a commitment that the majority of children will be moved into community-based accommodation by the end of June 2011. The delegation stated that the Australian Red Cross is the lead agency for the implementation of those arrangements and will draw on the expertise of a wide range of experienced service providers and contributing organizations.

469. In conclusion, Australia highlighted that the Government had given serious consideration to each of the recommendations made during its UPR. It openly acknowledged the existence of human rights challenges in the country. The Government viewed the UPR as an occasion to reflect on those challenges and renew its commitment to continue work to strengthen human rights protections. The Government signalled Australia's longer term engagement with the UPR process as part of its enduring commitment to human rights. Australia thanked the President and member States of the Human Rights Council and the UPR Secretariat for their involvement in Australia's first UPR.

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

470. Lao Peoples Democratic Republic commended Australia for accepting a large number of recommendations. It noted that Australia continued to put in place a broad range of laws, policies and programmes to protect and promote human rights, including with a view to closing the gap in opportunities between indigenous and non-indigenous Australians, achieving gender equality and reducing violence against women. The Government had clearly demonstrated its commitment to engaging with the UN mechanisms in promoting human rights and was also helping developing countries by providing aid where it was most needed.

471. Timor-Leste noted with appreciation that Australia had accepted most recommendations and respected its position not to accept the recommendation regarding legal protection of irregular migrants. However, it reminded Australia that, being dislodged from their homes, irregular migrants were first and foremost in need of protection and assistance. In this regard, it commended Australia for its recent change in policy towards unaccompanied asylum seeking children and asylum seekers generally.

472. Algeria praised Australia for its long human rights tradition as well as its courage to present apologies for the harm done to the aboriginal people. Referring to its recommendation to further strengthen measures to combat discrimination against minorities, including Muslim communities, Algeria appreciated that Australia's new multicultural policy included a National Anti-Racism Partnership and Strategy, the establishment of the Australian Multi-Cultural Council and other programmes of multiculturalism. It also commended the Government's commitment to increase ODA to 0.7 per cent of GDP.

473. Moldova acknowledged Australia's long-standing engagement with the international community on human rights and welcomed its acceptance of many recommendations. It particularly welcomed Australia's commitment to ratify OP-CAT; to ensure compliance with international fair trial guarantees, including in the fight against terrorism; and to draw up a framework of measures to ensure equality of rights for persons with disabilities.

474. Islamic Republic of Iran remained concerned about various human rights violations in Australia, including emerging new forms of racism and Islamophobia, violations of human rights of migrants, refugees and asylum seekers due to hard-line immigration policies, restrictions on indigenous peoples, especially women and children regarding access to health and education, and the use of harsh force and TASERS by the police against various groups of people. Iran called on Australia to take the legitimate concerns expressed by the international community seriously and take effective legal and practical measures to address them promptly.

475. New Zealand welcomed Australia's commitment in accepting in full or in part most of New Zealand's recommendations and highlighted the broad consultations undertaken by Australia in preparation for the UPR process, noting also that it had taken the innovative step of tabling concluding observations from treaty bodies and recommendations of the UPR in its Parliament. New Zealand welcomed Australia's stated goal of advancing the social and economic rights of its indigenous peoples and the fact that Australia had developed specific targets for this work. It also acknowledged the development of Australia's new multi-cultural policy.

476. Morocco congratulated Australia on its engagement for human rights, and the progress realized concerning the rights of indigenous people. This demonstrated Australia's commitment to a multi-cultural society based on tolerance, diversity and inclusiveness. Morocco was pleased that Australia had accepted its three recommendations on combating discrimination, promoting multi-culturalism and social integration and strengthening the participation of indigenous women in decision-making.

477. Belgium thanked Australia for having taken into consideration its recommendations concerning the discrimination of indigenous populations and the respect of human rights in countering terrorism. However, concerning its recommendation to abrogate legal provisions authorizing the sterilization of disabled persons, which Australia had only partially accepted, it wished to know the nature of the "best interest" test which Australia applied in this regard. Belgium hoped that the Attorney-General's dialogue with his counterparts in the States and Territories would allay concerns on this matter.

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

478. The Australian Human Rights Commission commended the Government for its frank and robust engagement with the UPR process. It welcomed the voluntary commitments made by Australia during the UPR process, including incorporating all accepted recommendations into its forthcoming National Action Plan on Human Rights, and making an interim report to the Human Rights Council prior to Australia's next appearance. The Commission also welcomed the Government's acceptance of recommendations regarding

the ratification of OP-CAT and ensuring appropriate conditions of detention. Noting that the current system of mandatory and indefinite immigration detention was not in compliance with Australia's international obligations, the Commission continued to urge the Government to reform the system accordingly. It further welcomed the acceptance of recommendations 122, 124 and 125, on the understanding that any arrangements for the regional processing of asylum seekers would fully comply with the Refugee Convention and Australia's human rights obligations.

479.The European Region of the International Lesbian and Gay Federation on behalf of Australian Coalition for Equality urged Australia to introduce a comprehensive Human Rights Act and enact legislation addressing systematic discrimination and promoting substantive equality. Commending measures on equal treatment of same-sex partners in de facto marriages, they regretted Australia's rejection of the recommendation to allow same-sex partners to marry. They noted the recent amendment to national sex discrimination laws whereby state and territory laws were not discriminatory when requiring gender diverse persons to divorce before affirming their gender. They called on Australia to reconsider its position on marriage equality and make public commitments to introducing anti-discrimination laws and policies in accordance with the Yogyakarta Principles.

480.Human Rights Watch was concerned that Australia's policies and practices regarding refugees and asylum seekers may run counter to its international obligations. Using as an example a bilateral agreement currently being pursued, it called on Australia to abandon such agreements. It also noted that asylum seekers were detained as a matter of course, indicating that of 6,730 people in immigration facilities 6,079 were undergoing refugee status assessments. It urged Australia to end mandatory detention of asylum seekers, enact legislation providing that they are only detained when strictly necessary and as a last resort, and that children are not routinely detained. It further urged Australia to set limits on immigration detention, provide for regular judicial review, and ensure detainees have equal access, among others, to legal counsel and physical and mental health services.

481.Verein Südwind Entwicklungspolitik urged Australia: as the only country in the world with such a system, to end its mandatory, not time-limited, and non-reviewable detention system of all unauthorized arrivals, including children; and to incorporate international human rights obligations into domestic law through adoption of a federal Human Rights Act. Meanwhile, it urged Australia to comply with its *key detention values*, especially concerning asylum seekers arriving by boat; make greater use of community-based detention, particularly for the most vulnerable; stop third country processing; and amend immigration detention laws. It noted Australia rejected the recommendation concerning a compensation scheme for Aborigines and Torres Strait Islanders, disregarding their rights to equality before the law and restitution for past wrongs.

482.The Indian Council of South America expressed doubts that the National Congress of Australia's First Peoples would not be used as rubber stamp mechanism. It referred to the partial acceptance of recommendation 24 and rejected the notion that this will not amount to the continuing denial of the rights of Indigenous peoples on the ground. It noted that Australia had yet to implement the recommendations of the special rapporteur on the rights of indigenous peoples. It questioned Australia's intention to implement its obligations under the Declaration on the Rights of Indigenous Peoples and stated that the rejection of the establishment of a national compensation plan for stolen generations was unacceptable.

483.The Islamic Human Rights Commission was concerned at the alienation and marginalization experienced by Muslim citizens, who face prejudice and hostility, and urged Australia to prevent further attacks and abuse. It stated that over 90 per cent of

asylum seekers who arrived in Australia were found to have genuine protection claims. It further noted the slow processing of asylum claims, whilst asylum seekers lived in appalling conditions in immigration detention centres, where five suicides had been reported. It was also concerned at the suspension on processing asylum claims for Afghans and Sri Lankan nationals and urged Australia to end it.

484.The Human Rights Law Centre on behalf of an NGO coalition, including the National Association of Community Legal Centres and Kingsford Legal Centre, while welcoming Australia's acceptance of the majority of recommendations, regretted that its response in some areas did not accurately reflect law, policy or practice. It noted the lack of jurisdiction to independently investigate police related deaths in Australia and that mandatory, indefinite, arbitrary immigration detention was a fact in law and in practice. It regretted that Australia's response did not meet the need for legal and institutional reform to redress persistent and significant issues and recommended that Australia incorporate international human rights into domestic law through a comprehensive Human Rights Act; strengthen laws to address systemic discrimination; implement the Declaration on the Rights of Indigenous Peoples and the Special Rapporteur's recommendations, and legislate that asylum seekers are detained only where strictly necessary and as last resort and have equal access to and protection under law.

485.Amnesty International (AI) regretted that Australia rejected recommendations to introduce a Human Rights Act and to allow same-sex marriages. It was concerned that the Racial Discrimination Act had been only partially reinstated and provided no retrospective rights in the Northern Territory. It criticized the handling of riots at an immigration detention centre on Christmas Island, including the use of force, and the pursuit of a bilateral agreement to exchange asylum seekers arriving by boat. Despite Australia's contention that mandatory detention was based on unauthorized arrival, AI noted that in reality all undocumented arrivals by boat were asylum seekers and faced indefinite detention and that 1,048 children were detained in immigration facilities.

486.Save the Children urged Australia to establish a national children's commissioner who could represent and act on behalf of all children, including those in immigration detention; to immediately release all children and their families into the community; to repeal the mandatory detention provisions of the Migration Act 1958; and to enact legislation to ensure no children are held in "low security facilities". It further requested Australia to prohibit the use of corporal punishment within the family and in all schools and alternative care settings.

487.Franciscans International, Edmund Rice International and Marist International Solidarity Foundation recommended a fundamental rethink of the Northern Territory Emergency Response to involve all affected indigenous people through consultation and active participation. It requested that Australia lift the moratorium on processing asylum claims by Afghans. Regarding the proposed bilateral agreement for processing of asylum-seekers and resettling refugees, it asked that both countries ensure compliance with international human rights standards; to prevent the demonization of asylum seekers in political debate, and to cease trivialising human rights issues with expressions such as "border control". It further urged Australia to re-consider the impact of carbon emissions on the rights of peoples of low-lying islands.

## **12. Concluding remarks of the State under review**

488.The delegation thanked States and observers and the non-governmental community for their comments, which had been duly noted.

## Georgia

489. The review of Georgia was held on 28 January 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 Georgia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/GEO/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/GEO/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/GEO/3).

490. At its 17th meeting, on 8 June 2011, the Council considered and adopted the outcome of the review of Georgia (see section C below).

491. The outcome of the review of Georgia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/17/11), the views of Georgia concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/17/11/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

492. The Georgian Deputy Minister of Foreign Affairs, Mr. Sergi Kapanadze, thanked all stakeholders that took part constructively in the review of Georgia and emphasized the role played by civil society along the process, from the drafting of the national report until the follow-up to the implementation of recommendations.

493. Georgia viewed the UPR as a unique and highly valuable exercise that allowed the review of its human rights situation in a cooperative manner, the sharing with other states of the actions taken to improve the protection of human rights and the identification of existing challenges.

494. Georgia had proclaimed that the protection and promotion of human rights was one of the founding principles of its policies. In this context, the recommendations accepted would become a reference for the elaboration and implementation of the human rights policies in the country.

495. Out of the 163 recommendations received, Georgia accepted 96 during the Working Group. In its written response submitted as an addendum 1 to the working group report, Georgia accepted in total or partially 43 of the 62 recommendations left for further consideration. Furthermore, recommendations 106.35 and 106.45, which were not mentioned in the addendum due to a clerical matter, were also accepted by Georgia.

496. The delegation provided the Council with additional information with regard to the implementation of the recommendations accepted at the working group.

497. On civil and political rights, Georgia welcomed recommendations on taking further measures for the promotion of a general environment that ensured the protection of the fundamental freedoms of all citizens.

498. As for the reform of the electoral system, the political parties in Georgia had agreed to continue dialogue within the Election Working Group format to further strengthen the electoral code in advance of the 2012's Parliamentary elections. Furthermore, Georgia had accepted to work closely with the Venice Commission and OSCE/ODIHR to ensure that their recommendations would be taken into account in the final package of electoral

amendments. However, the extent to which these recommendations would be implemented would have to be subject to broad political consensus.

499.Regarding the amendment of Georgia's legislation on assemblies and manifestations, the delegation brought to the attention of the Council that the Constitutional Court had recently reviewed the Law of Georgia on Assemblies and Manifestation and repealed norms restricting the enjoyment of freedoms of assembly and manifestation because they were incompatible with the Constitution. This decision was a basis for bringing the domestic legislation in line with international standards. Also, on freedom of the media, the delegation informed that on April 8, 2011, the Parliament passed amendments to the Law on Broadcasting to enhance media ownership and financial transparency. Georgia believed that existing legislative and policy framework guaranteed freedom of the media and intended to continue to ensure it through supplementary measures that could consider necessary.

500.On recommendations related to places of worship, Georgia recognized the importance of addressing this problem but noted that the confiscations that had taken place during Soviet rule remained highly contested among the various religious confessions and that restitution could only result from careful study and investigation.

501.Several recommendations were put forward on the protection of vulnerable groups. Georgia was devoted to meet the MDG's to ensure universal primary education. Georgia was also committed to enhancing the protection and reintegration of the so-called street children and had taken significant steps towards these ends. It further elaborated on the comprehensive reform underway in the area of child care institutions.

502.Georgia accepted recommendations calling for the increased participation of women in public life and had made significant efforts in this regard. However, the Government was not intending to introduce legislative quotas, insofar as political parties across the spectrum expressed opposition to them in the recent drafting of the Gender Equality Law.

503.Concerning criminal justice, the delegation stressed that the judicial reform remained a cornerstone of the legal reforms in Georgia. Recently adopted Constitutional amendments further strengthened the independence of the judiciary by introducing the principle of lifetime appointment of judges, which provided the constitutional guarantee of immutability and stability. Georgia could not accept the recommendation calling for the restoration of confidence in the judicial system since Georgia inherited a Soviet judiciary characterized by general lack of public trust. Meanwhile, conducted surveys clearly showed that public trust in the judicial system was growing steadily as a result of undertaken reforms.

504.Fighting ill treatment was on the top of the government's agenda. Numerous human rights institutions, national and international, had indicated that torture as a systemic problem had disappeared, including CPT.

505.Close to half a million people had been displaced in Georgia as a result of two waves of ethnic cleansing, in 1991-1993 and 2008, in Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia. The Government had elaborated a strategy and an action Plan with the participation of civil society, IDPs and international organizations.

506.The delegation underlined that under international law, Georgia had a positive obligation to protect and promote human rights throughout its whole territory, including Abkhazia, Georgia and Tskhinvali region/South Ossetia Georgia. Nevertheless, the delegation stressed that as these territories remained under Russia's occupation, Georgia was unable to do so. The human rights situation in these Georgian regions remained a concern since no effective mechanism existed for monitoring the situation. The delegation mentioned that in a recent report, Freedom House named the Tskhinvali Region/South

Ossetia, Georgia as a territory with one of the lowest ratings for political rights and civil liberties.

507. Before concluding, the delegation informed that Georgia examined each recommendation regarding the possibility of becoming a party to several international instruments. While the Government shared the aspirational goals and principles of the instruments mentioned in the recommendations, there was a need to conduct the required analysis of its domestic legislation and policies. Furthermore, the ratification of international agreements was subject to the decision of the Parliament and the Government, therefore, would adhere to the requirements of its national legislation. In the specific case of the Convention relating to the Status of Stateless Persons, the Government was reviewing the national legal framework for the subsequent submission of this instrument to Parliament.

508. The delegation reiterated Georgia's commitment to cooperate with the Council and pledged to submit a midterm report on the follow-up to the accepted recommendations.

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

509. The United States of America commended Georgia for its committed participation in the UPR process and for its acceptance of numerous recommendations across a wide range of issues, and it looked forward to updates on implementation. It applauded Georgia for the steps taken to address child labour, as well as for the adoption of the law on broadcasting. The United States remained concerned that since the abolishment of a labour inspectorate in Georgia under the 2006 labour code, no other supervisory agency had been created to ensure full compliance with labour laws. It further regretted instances of injury or loss of life in recent mining accidents and encouraged Georgia to take swift measures to ensure the health and safety of all workers.

510. Algeria appreciated that Georgia accepted numerous recommendations including those it submitted regarding the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities. Algeria welcomed the Georgian willingness to improve the protection of women and children, especially children with disabilities and street children. It underlined that a better representation of women in decision-making process was an essential pillar to bring about the full enjoyment of their rights.

511. The Russian Federation expressed its profound regret to the fact that Georgia had not accepted important recommendations made by many states which was an indication of the intention of the Georgian authorities not to respond to the concerns voiced by the international community. It took note of the fact that all the recommendations made by Russia had been rejected, in particular the recommendation on the need to investigate facts of harsh treatment by the police of demonstrators in Tbilisi in November 2007 and in May 2009. It indicated that these cases, as well as the recent repression of a demonstration in Tbilisi in the nights of 25 and 26 May 2011, were direct evidence that the freedoms of assembly and opinion were being violated and that recommendations agreed by Georgia during the Working Group on this subject were not being implemented.

512. The Republic of Moldova acknowledged the acceptance of a significant number of recommendations by Georgia and especially the two recommendations submitted by its delegation during the Working Group. The Republic of Moldova welcomed Georgia's commitment to implement the national plan of action 2011-2013 against ill-treatment and expressed its satisfaction with Georgia's commitment to continue its effort to implement the judicial reforms.

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

513. The Indian Council of South America recommended the implementation of recommendations 106.24, 106.9, 106.38, 106.39 and 106.40. It noted that the right of expression and protest should be restored. It called upon Georgia to adopt a more rigorous, systematic and transparent inquiry policy for the investigation of allegations of use of excessive force by its internal security forces, and that perpetrators be systematically held accountable (recommendation 106.43). The Indian Council called for a thorough and objective investigation into the facts of the cruel treatment of demonstrators in the past as well as to those that were currently protesting for improved conditions in Georgia (recommendation 106.44).

514. The Russian Peace Foundation (RPF) declared that the outcome document identified serious human rights problems in Georgia and drew attention to a recent night time breaking-up of a peaceful demonstration. RPF stated that the Georgian authorities were confident that they would go unpunished and could ignore the Human Rights Council. This was the only explanation RPF could find to the recent repression of opponents and the lack of desire on the part of Georgia to adopt recommendations from Russia. It noted that the authority of the Human Rights Council had been challenged as a result of these events.

515. Amnesty International (AI) welcomed Georgia's support of recommendations to strengthen the independence of the judiciary and to carry out effective and independent investigations into cases of excessive use of force by law enforcement officials and urged Georgia to ensure that these cases were properly investigated and those responsible brought to justice. AI also welcomed the large number of recommendations made to Georgia to address the situation of IDPs and recommendations to guarantee that evictions of displaced persons were carried out in accordance with international standards; as well as to ensure the rights to decent housing, work, and access to health services and education were respected. AI urged Georgia to give prompt effect to these recommendations.

516. Conscience and Peace Tax International welcomed the acceptance by Georgia of the recommendation that it should "Reduce the length of alternative service for conscientious objectors so that it is the same length as the military service". CPTI hoped that Georgia would use this opportunity to review its current alternative service provisions in order to ensure that conscientious objections may be declared at any time; that the alternative service is completely independent of the military and that the same applied to any linked service obligations.

### 13. Concluding remarks of the State under review

517. The delegation reiterated its gratitude to all delegations and stakeholders who participated in good faith in the review of Georgia. It further noted that the UPR process represented a human rights forum which should not be abused for political considerations or interests. Most of the rejected recommendations did not enjoy its support since Georgia was of the view they were of a clearly politicized nature. It called on all delegations, while looking into the human rights situation in Georgia, focus on the progress achieved in the last 6 or 7 years. Georgia was a young democracy, still striving for the reforms due to its Soviet heritage that was characterized by total disrespect of human rights and fundamental freedoms. Mindful of the challenges ahead, and acknowledging challenges and shortcomings, Georgia was slowly building a state based on the rule of law and respect for human rights. Moreover, the Government was motivated to do everything in its power to ensure that human rights were enjoyed by every citizen in Georgia.

#### Saint Kitts and Nevis

518. The review of Saint Kitts and Nevis was held on 28 January 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 Saint Kitts and Nevis in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/KNA/1 and A/HRC/WG.6/10/KA/1/Corr.1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/KNA/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/KNA/3).

519. At its 18th meeting, on 8 June 2011, the Council considered and adopted the outcome of the review of Saint Kitts of Nevis (see section C below).

520. The outcome of the review of Saint Kitts and Nevis comprises the report of the Working Group on the Universal Periodic Review (A/HRC/17/12), the views of Saint Kitts and Nevis concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/17/12/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**

521. Saint Kitts and Nevis stated that its participation in, and cooperation with the Universal Periodic Review was an indication of its high regard for human rights, which were fundamental to its progress. This exercise offered opportunities for thorough introspection and candid deliberation regarding the status of human rights on the ground.

522. The Federation of Saint Kitts and Nevis was mindful of the tight-rope that its Government must walk as it sought to balance the rights of individuals against the pressing imperatives of the State. The Universal Periodic Review had provided insight on how the Government through its institutions could continue to enhance its human rights mechanisms for the benefit of all its citizens.

523. Saint Kitts and Nevis had given careful consideration to the recommendations proposed during the interactive dialogue. While some recommendations brought to the fore the challenges that Saint Kitts and Nevis had previously identified and was already in the process of addressing, others highlighted additional ideas for advancing the promotion and protection of human rights for all, including marginalized groups such as the poor, women, children, the elderly and persons with disabilities.

524. With regard to ratification of human rights instruments, the delegation indicated that Saint Kitts and Nevis had approached the consideration of the recommendations in a realistic manner, committing only to those actions that were within its ability and competence to implement and maintain. The delegation also stated that Saint Kitts and Nevis could not commit, in the short term, to signing and ratifying new treaties without undertaking a meticulous assessment of the resources essential to fulfilling its obligations under them.

525. The work on this aspect of the human rights framework had already commenced. As a part of this process, the Special Committee on Conventions and Treaties would consider these matters and make recommendations to the Cabinet. Notwithstanding that Saint Kitts and Nevis was not yet a Party to all of the instruments, it continued to adopt best practices, and remained committed to the ideals of the Conventions.

526. As for the creation of a National Human Rights Institution, the delegation stated such an institution would make a significant contribution to improving the coordination on human rights policies between Government and stakeholders. It considered that such an entity would best serve the populace if it were independent of the Government as based on the Paris Principles.

527. Saint Kitts and Nevis would cooperate with non-governmental organizations and individuals that might be disposed to establishing such national monitoring mechanisms for further promotion and protection of human rights. In the meantime, the delegation stated that the Government would continue to support the work and Office of the Ombudsman as it continued to provide an avenue whereby citizens might have their grievances against Government institutions and services heard and resolved.

528. Concerning invitation to the Special Procedures, the delegation stated that, while Saint Kitts and Nevis understood and respected the work of the Special Procedures, a vital arm of the Human Rights Council, it would not be able to issue a standing invitation at this time. However, the Government was willing to address all requests on a case by case basis.

529. With regard to the rights of women and children, the Federation of Saint Kitts and Nevis would seek to strengthen those entities responsible for the promotion of the rights of women and children by adopting practical advances in these areas. Through various pieces of legislation, the Departments of Gender Affairs and Labour had sought to set appropriate standards for the treatment of women and continued to ensure that the laws relating to the promotion of their protection were fully implemented. The Department of Probation and Child Protection Services was one of the government's principal arms for ensuring that the rights of children were safeguarded, especially with respect to those minors in need of care and protection, those in conflict with the law, as well as matters of foster care, adoption and related issues. The Offences against the Persons Act criminalized acts of rape and sexual abuse. The Counseling Department of the Ministry of Health, Social and Community Services and Gender Affairs provided support and counseling for victims of crime.

530. As for discrimination on the grounds of sexual orientation, the delegation indicated that Chapter II of its Constitution prohibited discrimination against any person on the grounds of race, tribe, place of origin, political opinions, colour, creed or sex, and, as such, any person who was of the view that his or her rights had been violated could, at any time, seek redress before the Court. Moreover, there were no challenges to any existing legislation before its courts on the grounds of sexual discrimination. Should any legislation be challenged on such grounds, and if held to be unconstitutional by the Court, the Government would have to be guided by such a ruling.

531. The delegation emphasized that the Government regarded seriously its commitment to protect all members of society from discrimination regardless of sexual orientation. Notwithstanding the above, the State believed that this was an important issue and would continue to engage the public through a consultative process.

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

532. Cuba welcomed the information included in the addendum and the active participation of Saint Kitts and Nevis in the review, while acknowledging limits and challenges it faced. Cuba highlighted the progress which had been made in the area of education, health, employment, gender issues and persons with disabilities. Cuba's recommendations were linked to plans and measures for the socio-economic development and the protection of the rights of vulnerable people. These and other issues were a priority in the development strategy applied by the government. Cuba urged Saint Kitts and Nevis to keep up these efforts, notably through the implementation of the accepted recommendations.

533. Algeria thanked Saint Kitts and Nevis for its replies to the 56 recommendations that it had received during the review. Saint Kitts and Nevis accepted a recommendation by Algeria, asking it to determine its technical and financial assistance needed to improve the conditions of detention. Algeria made a second recommendation on the ratification of human rights international instruments, giving priority to the two International Covenants. This recommendation, as other similar recommendations, did not receive approval. As already mentioned, Algeria was convinced that Saint Kitts and Nevis did not ratify many such instruments due to limited resources for their implementation. Algeria was hopeful that this would be corrected with an adequate international assistance from the relevant actors to help Saint Kitts and Nevis fulfil its obligations resulting from those instruments.

534. Venezuela welcomed the participatory approach adopted to draft the national report. Venezuela welcomed the readiness of Saint Kitts and Nevis to comply with human rights obligations, particularly within the Universal Periodic Review process, as they accepted most of the recommendations. Venezuela highlighted the progress made in the area of education, notably with the establishment of free and compulsory education for children between 5 and 16 years of age and the implementation of the White Paper on Development and Educational Policy 2009-2019. Venezuela encouraged Saint Kitts and Nevis to continue to further its well-grounded education policy with technical assistance and unconditional international cooperation.

535. South Africa thanked Saint Kitts and Nevis for the additional information provided. Saint Kitts and Nevis had made known the steps taken in promoting and protecting human rights and the challenges it faced. South Africa encouraged the international community to provide the requested technical assistance in this regard. South Africa was pleased that Saint Kitts and Nevis positively considered the recommendation it had made along with a large number of other recommendations. This displayed the commitment of Saint Kitts and Nevis in the Universal Periodic Review process. South Africa encouraged Saint Kitts and Nevis to maintain its commitment to promote and protect human rights and wished the government well in the implementation of all accepted recommendations.

536. Morocco welcomed the commitment of Saint Kitts and Nevis in engaging in the review. It also welcomed the high number of accepted recommendations the implementation of which would contribute to the human rights protection, notably through ambitious policies on economic, social and cultural development. Morocco believed that challenges and constraints faced by this small island developing state were numerous and could not be tackled only by Saint Kitts and Nevis, who demonstrated their march towards strengthening democracy and rule of law. Donors and international partners were called upon to reply to the requests made by Saint Kitts and Nevis relating to capacity building and resources. Morocco encouraged Saint Kitts and Nevis to take best advantage from the review in its ongoing consultations on constitutional, legislative and judicial reforms.

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

537. Amnesty International welcomed the willingness of Saint Kitts and Nevis to implement its human rights obligations, including by seeking technical assistance, and hoped that it would enable the country to ratify the core human rights instruments. Amnesty International regretted that Saint Kitts and Nevis did not support the recommendations related to abolishing the death penalty and called on the government to repeal all provisions allowing for the death penalty and to declare a moratorium on executions. Amnesty International urged the government to accept the recommendations aimed at decriminalizing sexual relations between consenting adults of the same sex and combating discrimination based on sexual orientation and gender identity. Amnesty International welcomed the endorsement of the recommendations to tackle violence against women and

called on the government to keep under consideration the recommendations aimed at revising the age of criminal responsibility.

538. Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit-COC Nederland was pleased that Saint Kitts and Nevis accepted a recommendation to combat discrimination on all grounds, including on sexual orientation and gender identity. COC Nederland was concerned that Saint Kitts and Nevis did not accept recommendations aimed at decriminalizing sexual relations between consenting adults of the same sex and at repealing laws that discriminated against lesbian, gay, bisexual and transgender people. COC-Nederland believed such a decriminalization should not be a matter of the majority view of the society. While recalling a statement by the High Commissioner for Human Rights in this regard, COC Nederland held the view that such a criminalization was a form of discrimination in itself, impeding access of citizens to their social and economic rights. COC Nederland reminded that social and cultural change came with public awareness and education.

#### **14. Concluding remarks of the State under review**

539. While the recommendations were challenging, and work still to be done, Saint Kitts and Nevis hoped they would ultimately lead to a constructive process of advancing towards the full realization of human rights in the Federation based upon the rule of law and fundamental freedoms for all its people.

540. Saint Kitts and Nevis is confronted by the titans of hurricanes and droughts, financial retrenchment, global warming and crime, and would require international support and technical assistance from Office of the High Commissioner for Human Rights, other international institutions and Member States of the United Nations to implement the recommendations. Saint Kitts and Nevis made a call for assistance to the international and other developing countries in this regard.

541. The involvement of civil society in the follow-up to the Universal Periodic Review is key to ensuring a vibrant democracy, which was the reason why Saint Kitts and Nevis committed to regular engagement with its civil society, to comply with its international obligations.

542. Saint Kitts and Nevis thanked all delegations and non-governmental organizations that had interacted with it in a bona fide spirit of cooperation and that had contributed useful comments, meaningful suggestions and practical ideas. The delegation of Saint Kitts and Nevis especially recognized the efforts of the Office of the High Commissioner for Human Rights in providing Member States, especially small delegations like itself, with information and guidance in preparing for the follow-up process to the Universal Periodic Review. Saint Kitts and Nevis looked forward to working with all stakeholders during the implementation and follow-up phase and to its second Universal Periodic Review.

#### **Sao Tome and Principe**

543. The review of Sao Tome and Principe was held on 31 January 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 Sao Tome and Principe in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/STP/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/STP/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/STP/3).

544. At its 18th meeting, on 8 June 2011, the Council considered and adopted the outcome of the review of Sao Tome and Principe (see section C below).

545. The outcome of the review of Sao Tome and Principe comprises the report of the Working Group on the Universal Periodic Review (A/HRC/17/13), the views of Sao Tome and Principe concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group.

**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**

546. Sao Tome welcomed the positive comments and acknowledgement of its efforts to promote and protect human rights in spite of its limited resources. 72 recommendations were put forward to Sao Tome and Principe which clustered them into 22 recommendations.

547. Sao Tome and Principe clarified its position regarding recommendations 65.4, 65.5, 65.8 and 65.10 calling it to ratify the Rome Statute of the International Criminal Court. Sao Tome and Principe took note of these recommendations. All remaining recommendations addressed to Sao Tome and Principe were accepted.

548. Sao Tome and Principe considered that the recommendations mentioned in paragraphs 64.1, 64.15, 64.55, 64.55, 64.58 of the Working Group report (incorporation of treaties and harmonization of legislation); 64.21 (measures to ensure the full enjoyment of civil and political rights); 64.22, 64.24, 64.25, and 64.26 (promotion and protection of children rights, women rights and the rights of the most vulnerable sectors of the population); 64.28 to 64.32 (principle of non-discrimination); 64.33 (definition of ill-treatment in domestic legislation); 64.34 (rights of persons deprived of their liberty); 64.35 to 64.43, 64.49 and 64.50 (measures to protect women against violence, including domestic violence); 64.38, 64.42, 64.44, and 64.48 (protection of children against sexual exploitation); 64.53 (juvenile justice system); 64.59 (organization of national roundtable consultations); and 64.64 and 64.68 (improvement of health services) were already in the process of being implemented.

549. Sao Tome and Principe welcomed comments and recommendations encouraging it to adopt a policy of broad transparency in governance and to continue with its social and economic policies on poverty reduction. Sao Tome and Principe reaffirmed its commitment to move towards a more democratic, fair and peaceful society.

550. Sao Tome and Principe also reaffirmed its compromise to do whatever it deems as appropriate in a reasonable period of time in order to ratify international human rights treaties mentioned in recommendations 64.1 to 64.14 and in recommendations 65.1, 65.2, 64.4, 65.5, 65.6, 65.6 and 65.9 of the Working Group report, and especially those which it has already signed.

551. Sao Tome and Principe indicated that the country was undergoing an electoral process, which would be concluded with the presidential election taking place on July 17, 2011, and that from this moment onwards the situation in the country would allow for the consideration of the ratification of different instruments as well as for the implementation of the rest of recommendations received.

552. Sao Tome and Principe welcomed recommendations 64.18 to 64.20 of the Working Group report related to the establishment of a National Human Rights Institution. In this regard, Sao Tome and Principe in conjunction with the Yaoundé Centre for Human Rights

and Democracy and the United Nations Development Programme (UNDP) would organize a training seminar aimed at establishing the appropriate conditions for the implementation of this recommendation.

553.Sao Tome and Principe also referred to the initiatives taken in conjunction with UNDP to strengthen the judiciary (recommendations 64.51 and 64.52).

554.With regard to the recommendation to extend an invitation to Special Procedures (recommendation 64.27), Sao Tome and Principe informed that a visit of one of these procedures has been programmed to take place in September 2011.

555.Sao Tome and Principe concluded by reiterating that, except for the recommendations to ratify the Rome Statute, all the recommendations had been accepted, and many of them are in the process of implementation, which demonstrated its engagement to the promotion and protection of human rights. Sao Tome and Principe requested the assistance of the international community for the fulfilment of its engagements.

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

556.Cuba welcomed Sao Tome and Principe's commitment to the review and thanked it for the additional information provided. Cuba highlighted the importance given by Sao Tome and Principe to the promotion and protection of human rights, despite the negative effects of financial crisis on the macro-economic situation of the country, including the increase of public debt. Economic constraints have limited the capacity of Sao Tome and Principe to address shortcomings in health and educational services, as well as in food supplies. Notwithstanding these difficulties, Sao Tome had managed to minimize the negative impact of the crisis while continue providing health and education services to its population. Cuba commended Sao Tome and Principe for accepting most of the recommendations it received, including those made by Cuba.

557.Timor Leste referred to the acceptance by Sao Tome and Principe of the majority of the recommendations it received, which demonstrated its commitment to the promotion and protection of human rights. It praised the openness of Sao Tome and Principe in acknowledging the challenges it faced. Timor Leste echoed the call made by Sao Tome and Principe to the international community to provide assistance to meet the country challenges. Timor Leste encouraged Sao Tome and Principe to continue and strengthen its cooperation with the international community and the United Nations Human Rights Bodies in the implementation of UPR accepted recommendations.

558.Algeria welcomed the determination of Sao Tome and Principe to take a constructive approach to the UPR mechanism after accepting a large number of the recommendations received. It praised the Government's efforts in every area covered by the UPR recommendations in particular combating poverty, promotion of the rights of women and children and accession to certain international human rights instruments, despite the constraints it faced particularly in the area of development. Algeria renewed its appeal to the international community to continue providing assistance to Sao Tome and Principe in accordance with the priorities identified by the country.

559.Morocco highlighted that Sao Tome and Principe's efforts to implement the UPR recommendations showed a genuine desire to move forward under the overall strategy to strengthen transparency and accountability at every level of the government in favour of the protection and promotion of human rights. It referred to the constraints faced by Sao Tome and Principe in terms of the accumulated social and economic shortcomings due to the scarcity of its resources. It noted that the international community must bear in mind that the human rights situation in this country can only be apprehended based on the duties of

the State but this must also be placed in a context characterized by poverty impairing the effectiveness of its development strategies and hence the promotion of human rights.

560. Nigeria commended Sao Tome and Principe for its engagement in the UPR process. Nigeria congratulated Sao Tome and Principe for the additional information provided on its efforts to promote and protect human rights. It was encouraged to note that Sao Tome and Principe had accepted most of the recommendations it had received and that it was embarked on implementing a number of them. Nigeria encouraged Sao Tome and Principe not to relent in its efforts in implementing accepted recommendations. It wished the best to Sao Tome and Principe in its efforts to strengthen the specific policies and programmes for the welfare of its population and in the completion of the electoral process.

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

561. *Rancontre Africaine pour la Défense des Droits de l'Homme (RADDHO)* noted Sao Tome and Principe's scarce resources to satisfy the fundamental rights of its population. Despite Sao Tome and Principe's commitment to combat illiteracy and to raise the level of education, RADDHO noted that the country is still confronted with a major challenge in this sector. It also raised its concerns about child exploitation in cacao plantations, violence against women, the stigmatisation and discrimination against persons infected with HIV/AIDS. RADDHO stated that the monopolisation of the majority of the information outlets by the State constituted a hindrance to the effective enjoyment of freedom of expression. RADDHO urged Sao Tome and Principe to revise its national legal framework by incorporating non-discrimination in all forms and address a standing invitation to all mandate-holders under the Special Procedures of the Human Rights Council. It also encouraged the State to ratify the main international human rights instruments and to update its reports to the Treaty Bodies.

#### **16. Concluding remarks of the State under review**

562. In its concluding remarks, Sao Tome and Principe took note of the comments and recommendations and reaffirmed its commitment in complying with its international human rights engagements. It referred to the challenges faced as a result of the global economic crisis and the fact that the economy of the country was highly dependent on the fluctuation of the international prices of raw materials; and highlighted its efforts in moving forward in the processes of democratization, poverty reduction and the promotion of human rights. It recalled the finalization of the electoral process; and expressed the hope that during the second cycle it would further engage in a constructive dialogue with the Council to address the concerns and recommendations raised by Members and Observer States.

#### **Namibia**

563. The review of Namibia was held on 2 February 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 Namibia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/NAM/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/NAM/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/NAM/3).

564. At its 18th meeting, on 8 June 2011, the Council considered and adopted the outcome of the review of Namibia (see section C below).

565.The outcome of the review of Namibia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/17/14), the views of Namibia concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/17/NAM/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**

566.The delegation of Namibia noted the Human Rights Council was meeting at the backdrop of political upheaval and crisis in a number of countries around the world. It stated that the peoples of the world were looking for answers and solutions to their problems and for answers from institutions such as the Human Rights Council. It noted that it was therefore of paramount importance that the Council functioned efficiently and effectively in addressing human rights situations around the world, with credibility, fairness and justice for all.

567.Namibia welcomed the opportunity to report on its final position on the recommendations to which it had reservations during its review in February 2011.Out of the 120 recommendations received, Namibia accepted 90, rejected and expressed reservation and the need for further consideration by the Cabinet on 27. Written position on the pending recommendations are included in the addendum to the working group report.

568.Namibia noted that the percentage of the rural population with sanitary facilities had increased to 38 per cent with continued efforts to increase this percentage rapidly. It indicated that plans were underway for the upcoming visit of the Special Rapporteur on the right to access safe drinking water and sanitation which was . It the first visit by a Special Rapporteur in Namibia.

569.Namibia requested the figure of 180,000 job opportunities reflected in its latest report submitted on 27 May 2011 (page 1, paragraph 2) be rectified to 104,000 and noted that these were the jobs the Government aimed to create over the next few years in order to curb the recent increase in the unemployment rate. It referred to a further correction to the Working Group report regarding the number of San people living in Namibia, which should be about 30,000 instead of 60,000.

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

570.Cuba noted that Namibia suffered colonial Apartheid for more than 100 years and was proud to have contributed to end such grave ignominy which provoked serious social and economic inequalities. It highlighted Namibia was also impacted by international plunder and exploitation of its natural resources, an essential cause of its under-development. It noted Namibia's policies had faced this negative impact, as well as food security issues. It highlighted Namibia was still consolidating as a middle-income country and had significantly augmented and improved sanitation coverage and health services. It also noted achievements in facing HIV/AIDS, education and rights of women, children and ethnic minorities. It congratulated Namibia for accepting many of the recommendations it received, including those made by Cuba. Cuba reiterated its solidarity with Namibia.

571.Algeria thanked Namibia for its clarity of responses which evidenced its sincere will to promote human rights and cooperate with the Council's mechanisms. Algeria highlighted Namibia's tangible results during the review, notably related to national reconciliation, fight against racial discrimination, empowerment of women, children's rights and access to health and education. It welcomed that Namibia only rejected a limited number of

recommendations. It was appreciative that Namibia had accepted two of Algeria's recommendations and noted it had also recommended accession to ICRMW. It respected Namibia's decision on this last recommendation and expressed no doubt that Namibia would continue to engage in favour of this vulnerable group.

572.South Africa commended Namibia for its constructive approach to the UPR process and for its positive consideration of a large number of recommendations, as well as for accepting those made by South Africa. It particularly commended the acceptance of those recommendations aiming at rights of children and women, those which addressed gender based violence. It remained confident that Namibia would maintain its commitment to human rights and continue the constructive steps to improve its human rights situation, despite its resource and capacity challenges. It encouraged the international community to provide the required technical assistance and capacity building for the implementation and follow-up of recommendations.

573.Morocco noted Namibia's political will and serious engagement with the UPR and the country's democratic tradition since independence, making it a model to follow in the African continent. It highlighted that only 3 recommendations did not receive the support of Namibia, for objective reasons which Morocco fully understood. It thanked Namibia for accepting 4 recommendations made by Morocco. It noted that the UPR had allowed the Council to see up close Namibia's efforts to achieve rehabilitation after Apartheid. It indicated its support to Namibia's efforts and measures taken to achieve its objectives, both at the judicial and institutional level. It reiterated its appreciation for the work of the Ombudsman in Namibia.

574.Nigeria congratulated Namibia and praised it for accepting a substantial number of recommendations. It noted it was an indication of Namibia's willingness to continue to cooperate with United Nations mechanisms in its efforts to meet its human rights obligations. It called on Namibia to continue its work in this direction. It appealed to the international community to continue to support Namibia's efforts in the consolidation of its programs and policies aimed at protecting human rights and wished Namibia success in its future endeavours.

575.Lesotho thanked Namibia for its openness and constructive participation and expressed no doubt that Namibia had done a lot for the protection of human rights. It was encouraged that Namibia accepted most recommendations, including those made by Lesotho and made reference to pursuing its impressive policies towards gender equality, particularly measures to eradicate gender-based violence. It encouraged Namibia to continue its efforts. Lesotho called on the international community to provide urgently the needed technical and financial assistance.

576.Zimbabwe congratulated Namibia's primary and pivotal human rights centred policy, noting its acceptance of most the recommendations made. It praised Namibia's voluntary commitments and expressed pride for Namibia's people-centred development programs. It requested the international community to mobilize assistance for Namibia in areas they prioritize with respect to protection of human rights.

577.Zambia commended Namibia's efforts to put in place frameworks to protect human rights. It noted that Namibia accepted the recommendation to ratify OP-CAT and that a draft bill to criminalize torture was about to be presented for consideration. It urged Namibia to expedite this commendable process. It also commended Namibia's efforts in combating violence against women and children and welcomed the establishment of Women and Child Protection Units in Namibia's 13 regions and noted the launch of the campaign against trafficking. It was dissatisfied with Namibia's explanation for rejecting the recommendation to sign and ratify ICRMW and urged it to reconsider its position.

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

578.RADDHO noted that Namibia's past did not allow the realisation of economic, social and cultural rights. It welcomed its efforts to achieve national reconciliation and remedy structural inequalities. It highlighted the creation of an Ombudsman to function as a national human rights institution with "A" status. It was encouraged by the regular holding of elections at the local, regional and national level. It commended Namibia's efforts in the fight against HIV/AIDS. It noted that Apartheid did not allow Namibians to study and thus Namibia had to invest more in education, especially for young girls. It invited Namibia to reinforce mechanisms in place to eradicate violence in the family, marital rape and inequalities, particularly in access to land and property.

### 17. Concluding remarks of the State under review

579.In conclusion, Namibia added that the issue of migrant workers was addressed in its domestic legislation on labour.

580.It reaffirmed the Government's commitment in building the Namibian society in a spirit of harmony and national reconciliation. Namibia remained committed to enhancing efforts towards the promotion and protection of human rights in order to improve the quality of life for her people. It committed to promoting peace and international cooperation by engaging constructively in the deliberations of the Human Rights Council, its subsidiary bodies and mechanisms, as one way of achieving that. Namibia stated that the Council must, unquestionably, address all situations of human rights without double standards.

581.Namibia remained committed to implementing the recommendations that enjoyed its support during the first cycle of the UPR. In reference to the ratification of outstanding core international human rights instruments, Namibia requested technical assistance from the Office of the High Commissioner for Human Rights to carry out an impact assessment study in respect of each instrument. Further assistance was requested in the area of state reporting. Namibia noted that it was in the process of establishing a National Action Plan for Human Rights and appealed to the Office of the High Commissioner for Human Rights to render it support in this regard. Namibia looked forward to participating in the second cycle of the UPR in an open and constructive manner.

### Niger

582.The review of Niger was held on 1 February 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 Niger in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/NER/1 and A/HRC/WG.6/10/NER/1/Corr.1);

(b)The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/NER/2);

(c)The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/NER/3).

583.At its 19th meeting, on 9 June 2011, the Council considered and adopted the outcome of the review of Niger (see section C below).

584.The outcome of the review of Niger comprises the report of the Working Group on the Universal Periodic Review (A/HRC/17/15), the views of Niger concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies

presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/17/15/Add.1*).

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

585.Niger recalled that it received 112 recommendations, 77 of which were immediately accepted, 33 postponed and 2 rejected. After its review last February, Niger organised a workshop on the review for various stakeholders including, decision makers, opinion leaders, administrative officials and the civil society.

586.Niger presented its report in a context of transition characterised by the organisation of six votes and the establishment of new authorities democratically elected, which explained the limits faced within the consultations on the 33 pending recommendations.

587.In this regard, consultations had begun regarding the ratification of some human rights instruments. The same applied to recommendations concerning torture and the death penalty, where significative progress had been made. Torture was clearly prohibited within the legal framework but its criminalisation needed to be formalised in a legal text. As of the death penalty, several awareness-raising meetings had been relayed on Television and the process was continuing.

588.Advocacy for the lifting of reservations made to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was on its way and a draft personal statute was under discussion. Regarding violence against women and children and access to justice for victims of gender-based violence, in addition to the existing legal framework, numerous actions had been undertaken towards these target groups.

589.Niger therefore accepted recommendations concerning the ratification of certain human rights instruments as spelled out in recommendations 78.1 to 78.7; 78.11; 78.12; 78.21 to 78.26; and 78.29. It also accepted recommendations on torture and the abolition of the death penalty included in recommendations 78.5; 78.21 to 78.30. Recommendations 78.7-to 78.10; 78.12; 78.17 to 78.20 and 78.31 to 78-33 on the reservations to CEDAW; violence against women and children and; access to justice for victims of gender-based violence were also accepted.

590.Out of the 33 pending recommendations, 29 were therefore accepted and 4 rejected. Those rejected concerned indigenous populations and open and standing invitation to special procedures, as enshrined in recommendations 78.13 to 78.16. Regarding indigenous population, Niger did not discriminate against any ethnic groups or communities and ensured an equal promotion of all cultures through actions towards unity and national cohesion and a balanced socio-economic development among all regions despite limited resources. Regarding special procedures, Niger reaffirmed its readiness to consider any request by such bodies whenever necessary.

591.Overall, Niger accepted 106 recommendations out of 112. This showed the desire of Niger to respect commitments issued from the review and to continue its collaboration with the Human Rights Council. The promotion and protection of human rights was a priority for Niger despite various economic constraints, the adversity of the environment and the weight of traditions. Niger therefore remained open for all cooperation for the implementation of the UPR recommendations.

592.Niger thanked the Human Rights Council for its endless efforts towards the protection and promotion of human rights around the world.

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

593. Algeria noted that, after a difficult period, Niger had strengthened its democracy and showed determination in addressing other challenges, such as achieving development and overcoming food insecurity. In order to continue these efforts, Niger needed the support of the international community. Algeria observed tangible progress made in the human rights area and encouraged Niger to continue to follow a human rights-based approach in its policies and development projects. It wished Niger success in implementing those recommendations which it had accepted.

594. Cuba noted that Niger had elaborated a strategy to accelerate development and reduce poverty during the period 2008-2012, consistent with the priority accorded by the Government to the protection and promotion of human rights. Cuba indicated that education in Niger was free and that a number of programmes to improve access to health services had been put in place. Measures had also been taken to improve food security and access to drinking water. Cuba was pleased to note that Niger had accepted many recommendations, including those made by Cuba.

595. Belgium noted that, although the death penalty had not been applied in Niger since 1975, it had not been abolished in law either. Belgium indicated that it closely followed the discussions held on this subject in Niger. Noting that Niger had taken measures aimed at acceding to the Second Optional Protocol to ICCPR, Belgium hoped that Niger would proceed to abolish the death penalty. With regard to discrimination against women, Belgium thanked Niger for having accepted its recommendation to take further measures for effective implementation of the prohibition of FGM. Belgium took note of steps taken by Niger to withdraw its reservations to articles 2 and 16 of CEDAW.

596. Burkina Faso noted that information provided by Niger reflected its clear determination to continue its efforts to promote and protect human rights. It welcomed the acceptance of a large number of recommendations by Niger and encouraged their implementation. Burkina Faso noted that it remained open to sharing experiences and best practices with Niger in the implementation of recommendations.

597. Nigeria welcomed the steps taken so far by Niger to implement the numerous recommendations adopted during its review, despite the many challenges it faced. It encouraged Niger to continue with its efforts in the promotion and protection of human rights, and called the international community to provide all necessary technical assistance to allow Niger to better implement the accepted recommendations and reach its developmental goals and targets. Nigeria recommended that the Council adopt the report of the universal periodic review of Niger.

598. Senegal stated that the acceptance by Niger of many recommendations marked Niger's willingness to improve its human rights situation. Senegal was particularly pleased by the follow-up reserved to the recommendations related to the promotion of women and children's rights, the rights to education, health and food. The clarifications provided by the delegation of Niger and the reiteration of its commitments made last January, on the ratification of international instruments, the cooperation with international mechanism and gender approach, drew the attention of Senegal, which was convinced that the end of the political transition in April 2011 should grant Niger expected results in the field of human rights.

599. Morocco noted that, due to the efforts of all stakeholders, Niger had been able to overcome the crisis since the coup d'État in February 2010 and became an example for a democratic transition. Morocco noted that Niger's commitment to human rights was demonstrated by constitutional, legislative and institutional measures as well as numerous programmes for the protection of human rights, in particular within the framework of the MDGs. In accepting the quasi totality of the Working Group recommendations, Niger had

reaffirmed its engagement and its cooperation with the international human rights mechanisms. It was important for the international community to support Niger in order to ensure success in the follow-up to the recommendations.

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

600. Rencontre africaine pour la Défense des Droits de l'Homme (RADDHO) stated that Niger crossed a very important threshold in successfully going through a political transition period, marked by the organization of elections and the subsequent appointment of a democratically elected president. RADDHO welcomed these changes, which were the fruit of the action of, among others, the United Nations, the African Union and the *Economic Community Of West African States*, with the active involvement of the national and international civil society. Niger's society was still facing socio-cultural problems, such as violence against women and the enslavement of women and children in rural areas. According to RADDHO, Niger's authorities should take appropriate measures to put an end to these practices and promote human rights education and awareness, and training for law enforcement officials.

601. La Fédération internationale des Ligues des Droits de l'Homme (FIDH) called Niger to continue the implementation of concrete measures started along the political transition period. Freedom of expression and association, right to information, fair trial and freedom of movement should be protected in an effective manner, while special attention should be devoted to the protection of human rights defenders, who have often been the target of harassment and intimidation. FIDH noted that Niger accepted to take measures to end gender discrimination and called Niger to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, and to lift its reservations to CEDAW. FIDH echoed the call of several countries for the abolition of the death penalty and noted that, despite the adoption of a law criminalizing slavery, this practice persisted and that penal proceedings against it were almost inexistent. FIDH welcomed Niger's engagements with regard to social and economic rights, but stated that Niger should demonstrate a real willingness to respect these rights, particularly the right to food and to water.

### 18. Concluding remarks of the State under review

602. Niger commended all the speakers and took note of the encouragements and suggestions regarding what it was doing with regard in the area of human rights

603. Niger reiterated that it needed the support of the international community to ensure the conclusion of the process that it had begun.

#### Mozambique

604. The review of Mozambique was held on 1 February 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 Mozambique in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/MOZ/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/MOZ/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/MOZ/3).

605. At its meeting, on 9 June 2011, the Council considered and adopted the outcome of the review of Mozambique (see section C below).

606.The outcome of the review of Mozambique comprises the report of the Working Group on the Universal Periodic Review (A/HRC/17/16), the views of Mozambique concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/17/16/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**

607.Mozambique considers the recommendations as an encouragement in its continuous fight for the realisation of human rights in the country. Mozambique noted that the majority of the 169 recommendations made already fit in the various sectoral plans to be implemented through the Government's Five Year Programme and the Economic and Social Plan. It was on this basis that Mozambique accepted, during the Working Group, 131 of the recommendations made, postponed its position on 28 until the adoption of the outcome, and did not support only 10.

608.Mozambique noted further that its position regarding every recommendation has been explained in the addendum to the report, with particular emphasis on recommendations that had been postponed. It stated that, all pending recommendations have been accepted. Additionally, two recommendations that had not been supported have now been accepted as well. Therefore, of the 169 recommendations received 161 have been accepted while only 8 were not supported.

609.Mozambique then provided detailed information on its position on pending recommendations. It reaffirmed that a substantial number of recommendations were already being implemented. It gave the example of recommendations on accession to international instruments, noting that the Council Ministers has approved the proposal to ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Convention on the Protection of Migrant Workers and Members of Their Families (ICRMW) and submitted the proposal to the Assembly of the Republic for ratification. Mozambique added, regarding remaining international instruments, that the process of harmonization of the positions of relevant institutions is underway, with a view to their ratification.

610.Regarding, the National Human Rights Commission, Mozambique informed the Council that the consultative process for the appointment of the members of the Commission is in its final phase, which will shortly render this institution operational.

611.In relation to the National Plan for Human Rights, Mozambique explained that a consolidated draft exists, which is in the final stages of harmonization amongst the different sectors that will be responsible for its implementation, including civil society and development partners. Mozambique stressed that the National Plan is a medium term planning tool (2011-2014) consisting in a compilation of different sectoral plans, which coincide with the majority of the recommendations made. In this field, the Plan could also serve as a monitoring mechanism of the implementation of recommendations.

612.Regarding recommendations on visits by Special Rapporteurs, Mozambique reiterated that the country remains open to receive visits from the United Nations Special Procedures mechanisms, though both sides need to coordinate the scheduling of dates. It also reiterated that the Government is prepared to receive those Special Procedure mandate holders who have shown an interest in visiting the country.

613.On access to justice by all citizens, it was stressed that the services of the Legal Aid Institute (IPAJ) have been extended and are accessible to 111 of the 128 districts.

Mozambique added that, in this regard, it is had counted on the partnership of many civil society organizations and higher level educational institutions.

614.Regarding the rights of women, it was noted that the Government and several civil society organizations have given special attention to this area through: training of different stakeholders, legal assistance, and advocacy for the promotion of the defence of the rights of women.

615.Mozambique reiterated that extrajudicial executions are not institutionalized in the country. The death penalty is constitutionally forbidden and any action in that sense is punished. Cases of death involving the police or prison officers, when they occur, are properly investigated and the perpetrators held accountable administratively and criminally.

616.Additionally, Mozambique stated that arrests of persons suspected of having committed crimes occur in accordance with the law, that is, within the scope of criminal liability. All criminal cases follow established legal procedures and due to the independence of the powers pursued by the state, the executive can only monitor these at a distance.

617.With regard to the issue of crimes of sexual offenses against children, Mozambique reiterated that such acts are defined as crimes in the Criminal Code, highlighting that the code includes the crimes of rape and rape of a minor less than twelve years old, punishable by 2/8 and 8/12 years of imprisonment respectively. It was added that the crimes mentioned above are aggravated when combined with the crime of human trafficking.

618. Additionally, the criminal code is in the process of being reviewed, which should better ensure the prevention and punishment of such crimes.

619.On the recommendations made relating to the reduction of poverty, Mozambique indicated that generally these are addressed by the the Plan of Action for Poverty Reduction (PARP) 2011-2014.

620.Mozambique added that the Government has achieved significant progress in the reduction of poverty in the areas of education, health and access to basic services and infrastructures. These have been attained through the financing of various activities by the Local Initiative Investment Fund. It added that, recognizing an increase in urban poverty together with unemployment and low income by the population in these areas, the Government has extended this initiative to urban districts through the Strategic Programme for Urban Poverty Reduction (PERPU).

621.It was also reiterated that bilingual education is gradually being introduced and improved upon in the early grades of primary education. The coverage of schools and students has grown from 23 schools and 1.500 students in 2003 to 198 schools and 47,174 students in 2010. In 2011 the Ministry of Education has expanded the bilingual education to 318 schools and expects an affective cover at the end of the implementation of the new Strategic Plan of Education for the period of 2012 to 2016. To enable a sustainable expansion and quality of this education modality a number of actions are foreseen including training of teachers, production of books, supervision and monitoring.

622.Mozambique added that the Ministry of Education recognizes that the existing instruction in Diploma N°39/2003 that established that pregnant girls should be transferred to night school should be improved upon and that a team has been created to consult with relevant groups regarding the revision of this regulation. This same team is also examining strategies to better combat violence, harassment and sexual abuse and should present a draft document this year.

623.Regarding recommendations that had not received the support of Mozambique, it was clarified that these were carefully discussed and reviewed at the time. However, two developments were highlighted. First, it was stated that there is political will to implement

the recommendation relating to health insurance (91.7) and discussions in this regard have begun. Additionally, regarding the recommendation relative to the enactment and implementation of legislation to provide greater protection for political rights (91.10), Mozambique stated that legislation in this regard has been approved and is wholly implemented.

624. Mozambique thanked all delegations that intervened for their contributions and assured those present that due attention would be given to the recommendations received. It added that it is determined to honour commitments made and that in this regard it would like to count on the support and encouragement of the Council, the Office of the High Commissioner for Human Rights and all Member States of the International Community.

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

625. Algeria noted Mozambique's efforts to consolidate stability and realize human rights. It referred to tangible progress made by Mozambique in the fields of education, food security, and access to health services. Algeria noted Mozambique's engagement in the UPR process through the acceptance of most of the recommendations received, including those made by Algeria on the consolidation of the juridical framework for the protection of human rights and its fight against diseases. Algeria called upon the international community to provide assistance to Mozambique.

626. Cuba referred to the constructive and open participation of Mozambique during the interactive dialogue of the Working Group, as well as the detailed information provided about efforts made by Mozambique to continue advance in the promotion and protection of human rights. Cuba recalled that it had highlighted Mozambique's commitment to promote food security, reduce illiteracy, and improve access to health services and in environmental rights. Cuba commended Mozambique for accepting a majority of recommendations, including those made by Cuba. Cuba encouraged Mozambique to redouble its efforts to achieve its goals in the implementation of the recommendations.

627. Zimbabwe thanked Mozambique for the additional information provided and supported the country's efforts to advance socio-economic and political development including the enhancement of the protection and promotion of human rights. It also thanked Mozambique for accepting most of recommendations received. Zimbabwe was proud of Mozambique's driven people centred programmes and saluted Mozambique for the standards it upholds in the promotion and protection of human rights. Zimbabwe urged the international community to assist Mozambique in consolidating the protection of human rights.

628. Morocco welcomed the additional information provided on its position on each of the recommendations it received. It stated that the review of Mozambique offered the opportunity to review the improvements in the human rights situation, and to corroborate the engagement of Mozambique in the promotion and protection of human rights, despite the, mostly financial, challenges it faces. Morocco congratulated Mozambique for having accepted almost all of the recommendations, and took note with satisfaction of the explanation provided about the implementation of some of them, as well as the rejection of others. Morocco also commended Mozambique for accepting the recommendations it had made.

629. Timor-Leste noted with appreciation that Mozambique had accepted most of the recommendations received, including those made by Timor Leste. Timor-Leste noted positively that despite the challenges and difficulties it faces, Mozambique had incorporated some recommendations in sectoral plans which are being implemented within the Five Year Programme and annual Economic and Social Plans. Timor-Leste encouraged

Mozambique to continue its efforts and to consolidate its cooperation with the international community and the United Nations human rights mechanisms.

630. Nigeria thanked Mozambique for its constructive engagement with UPR. It was pleased to note that Mozambique had accepted a large number of recommendations, and had taken steps towards implementing them, regardless of the numerous challenges encountered, which indicated country's commitment to promote and protect human rights. Nigeria encouraged Mozambique to continue implementing accepted recommendations and improve its policies and programmes to ensure full enjoyment of human rights, and urged the international community to assist Mozambique in this regard.

631. South Africa commended Mozambique for its positive consideration of a large number of recommendations, including those made by South Africa, as well as for accepting such recommendations as acceding to ICESCR and its Optional Protocol. It also commended the Government for its impressive strides in providing social services to all citizens including in the health, education and housing sectors, and encouraged Mozambique to continue this commitment. It noted the encouraging trend of Mozambican citizens' participation in the democratic process and decision making and was confident that Mozambique will continue the steps to improve the human rights situation, despite resource and capacity challenges. South Africa encouraged the international community to provide the required technical assistance and capacity building to implement and follow-up on accepted recommendations.

632. Namibia commended the Government's efforts and progress made for the promotion and protection of human rights, noting that such commitment was evident in the very large number of recommendations accepted. Namibia also congratulated Mozambique for positively considering acceding to the ICESCR and other international instruments. Namibia noted that Mozambique had embarked upon a number of initiatives in the health and education sectors and programmes aimed at poverty reduction. Namibia commended Mozambique for the continued rebuilding of the country after years of civil war and appealed to the international community to render the necessary support to the continued improvement in the lives of the Mozambican people.

633. Lesotho noted with satisfaction that human rights are a priority for Mozambique, as evidenced by the acceptance of the majority of recommendations despite the challenges it faced. Lesotho noted with satisfaction Mozambique's efforts to fight corruption and promote transparency. Lesotho noted that Mozambique is amongst the least development countries and therefore faced challenges in ensuring equal rights for all its citizens. Lesotho urged the international community to continue supporting Mozambique's efforts in implementing accepted recommendations.

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

634. Instituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco (IIMA), while welcoming Mozambique's acceptance of recommendations, notably on the right to education identified issues affecting the educational system, which affected the most vulnerable children, especially those living in rural areas and girls. IIMA strongly recommended that Mozambique ensure equal access to education and eradicate any gender disparity especially rurally build new schools and provide subsidies to poorest families for school attendance and provide adequate teacher training to ensure a quality education. IIMA expressed concern at the persistence of corporal punishment in private and public contexts and some traditional practices, especially early marriages, which reached 60 per cent in rural areas and 39 per cent in urban areas and made recommendations in that regard.

635. Amnesty International (AI) noted that Mozambique has already implemented or is in the process of implementing 92 of the 169 recommendations made to it. In that regard, AI

urged Mozambique to ensure prompt implementation of those recommendations which were particularly pertinent in the light of the findings of AI, over a number of years, of unlawful killings, torture and ill-treatment and excessive use of force by the police in the context of public gatherings. AI alleged that an extrajudicial execution was committed by police in March 2011. AI also welcomed Mozambique's undertaking to take further steps to prevent ill-treatment of prisoners and to bring prison conditions into compliance with international standards and indications that action had been taken to give effect to the recommendations of the Special Rapporteur on the independence of judges and lawyers.

636. International Save the Children Alliance (ISCA) made reference to recommendations 76 and 78 and called on the Government to take steps to implement the Committee on the Rights of the Child's recommendation to ensure development cooperation was targeted towards programmes that can deliver quick and high impacts, which should include social protection schemes, immunization, implementation of the breastfeeding policy and prenatal care. ISCA called on the Government to take effective measures to ensure that all children's voices are heard, including children with disabilities, and that their voices are taken into account in the development of national plans, legislative and structural reform and all judicial and administrative proceedings affecting children.

637. Conectas Direitos Humanos, in a joint statement with Mozambican League of Human Rights, thanked all those who supported the Mozambique State and civil society to participate effectively in the UPR process. They hoped that the next steps of recommended collaboration between the Government and civil society will be effective and not superficial. They expressed satisfaction that the UPR outcome provided recommendations that when implemented will align the human rights situation in Mozambique with international standards. They called on the Government to duly implement all accepted recommendations particularly those on torture, summary executions and domestic violence. They noted that allegations of police brutality were received daily and noted that victims of domestic violence were often humiliated by the specialized services called "Gabinetes de Atendimento da Mulher e da Criança". They called for reconsideration of the Government position with respect to the legal recognition of Lambda - the NGO for the defence of sexual minorities.

## 19. Concluding remarks of the State under review

638. Mozambique took note of suggestions and recommendations made and reiterated its resolve to comply with its commitments. Regarding the affirmation made by one of the speakers on the corporal punishment of children in schools and public institutions, Mozambique stated that it believed that the speaker had erroneous information on the facts. It added that, though corporal punishment does persist within some families, this is not a general practice in the country.

639. Finally, Mozambique thanked once again those who had intervened and reiterated its request for support in the implementation of recommendations.

### Estonia

640. The review of Estonia was held on 9 June 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 Estonia in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/EST/1);

(b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/EST/2);

(c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/EST/3).

641..At its 17th meeting, on 4 February 2011, the Council considered and adopted the outcome of the review of Estonia (see section C below).

642.The outcome of the review of Estonia comprises the report of the Working Group on the Universal Periodic Review (A/HRC/17/17), the views of Estonia concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/17/17/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**

643.The delegation appreciated the contributions of many states to ensure the constructive interactive dialogue in the working group which made it possible for Estonia to receive recognition for its several steps taken to further promote and protect human rights and to identify areas that require further improvements. The delegation informed that the working group report was disseminated among ministries, civil society organisations and other national stakeholders, and the relevant actors were consulted as to the implementation of the recommendations made during the review.

644.Out of 124 recommendations, Estonia supported 88among which 8 recommendations had already been implemented,one was in the process of implementation, while 20 were rejected. Furthermore, 16 recommendations were left for Estonia's further consideration after the working group.

645.After thorough considerations, Estonia had accepted 6 recommendations out of those 16 pending recommendations. Estonia had accepted the recommendation to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and had already initiated the preparation for the accession to the Convention. Estonia also accepted the recommendation to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and had started the analysis of domestic legislation for this purpose.

646.Additionally, the remaining recommendations that were accepted after the working group were those suggesting to: (i) expedite action to establish the Gender Equality Council, (ii) increase the resources allocated to the Commissioner for Gender Equality and Equal Treatment; (iii) pay special attention to acts of violence against homosexuals and (iv) speed up the process of the adoption of the Development Plan for Children and Families 2011-2020.

647.As to its position to the remaining recommendations that were pending for Estonia's decision after the working group, the delegation provided further comments in addition to the written pronouncement submitted by Estonia. In this respect, the delegation reported that while Estonia was committed to ratifying the Convention of the Rights of Persons with Disabilities (CRPD) in 2011, however, it was not in a position to give a definitive answer to the recommendation to sign and ratify the Optional Protocol to CRPD.

648.Furthermore, the delegation regretted that, at the current stage, Estonia was not in a position to give a definitive response to the recommendation to recognise the competence of the Committee against Torture and the relevant analysis was still underway. Similarly, Estonia could not provide its definitive answer to the recommendation to obtain

accreditation for a national human rights institution from the International Coordinating Committee. Although no institution was accredited as an NHRI, the institution of the Chancellor of Justice had already fulfilled this role by acting as national preventive mechanism provided for in the OP-CAT since 2007 and as the children's ombudsman since 2011.

649.As to the recommendation to develop policy instruments based on the Yogyakarta Principles the delegation stated that Estonia would be able to confirm its definitive actions at the later stage.

650.In respect to the recommendation to adopt a National Action Plan and a specific law to combat the sale of children, child prostitution, and child pornography, the delegation expressed the view that the adoption of a specific law was not strictly necessary, as the Penal Code already included the relevant acts as punishable pursuant to criminal procedure and Estonia already had national instruments for dealing with crimes against children. Additionally, in April 2010 the Estonia approved the Development Plan for Reducing Violence for 2010-2014, which, among others, aimed at reducing and preventing violence and other crimes committed against children.

651.The delegation reiterated Estonia's commitment to ratify the Convention of the Rights of Persons with Disabilities in 2011 and also ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in the near future.

652.The delegation listed a number of efforts undertaken by Estonia to fight against human trafficking, including continuous work of the national coordinator and national network against human trafficking, Estonia's participation in the various European initiatives in this area; the development of a new form for data collection on trafficking victims and the recent initiatives to amend the Penal Code to introduce a separate provision on human trafficking.

653.Within the Development Plan for Reducing of Violence, Estonia had also placed an emphasis on the issue of internet safety for children. Since the beginning of 2011, a web-based hotline was available for persons to report on illegal materials and inappropriate contents that were accessible to children.

654.The delegation informed that Estonia held consultations on a possibility of seeking accreditation to the national human rights institutions as suggested by several recommendations.

655.Estonia expressed its commitment to enhance the level of public awareness and protection of the rights of lesbian, gay, bisexual and transgender people and informed about the cultural events that took place in Tallinn under the umbrella of the festival "Broadening of one's own world".

656.With regard to the recommendation suggesting to ensure the right of the conscientious objection to military service, the delegation noted that the right to object to military service for religious or moral grounds was provided in the Constitution and the Defence Forces Service Act.

657.As to the equal access to employment for men and women and all minorities, it noted that equal access to all employment opportunities was guaranteed for both men and women and that the employment rate of women in the 4th quarter of 2010 was 61 percent with the overall rate being 63.3 percent.

658.As to the recommendation concerning discrimination in the labour market based on ethnicity, the delegation assured that restrictions on the labour market were not determined

by ethnicity but by qualifications, including the language proficiency when it was required in the public interest.

659.The delegation stated that Estonia considered national minority integration an issue of national importance. People with undetermined citizenship were eligible to apply for the citizenship and were granted basically the same rights as citizens of Estonia, including the right to vote in the local government elections. Furthermore, Estonia continued to apply several measures to promote naturalisation, including counselling for parents with undetermined citizenship about the possibility of applying for the citizenship for their children. Estonia continued to compensate persons applying for citizenship for their language training.

660.The delegation reiterated that the promotion and protection of human rights was Estonia's national priority. Estonia supported the human rights institutions of the United Nations and the integration of human rights into all activities of the United Nations. Similarly, Estonia continued to support the functioning of the Office of the high Commissioner for Human Rights and had issued a standing invitation to all special procedures of the Human Rights Council.

661.The delegation informed that Estonia had been presenting its candidature to the Human Rights Council for 2012 – 2015 in order to actively contribute to the Council's work for the promotion of human rights. In this respect, Estonia planned to present its voluntary commitments and pledges which would set out its commitment to uphold and advance internationally the highest standards of human rights and contribute to the effective promotion and protection of human rights at the UN level.

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

662.Algeria noted with appreciation that Estonia had accepted the large number of the recommendations, including those put forward by Algeria to ratify the Convention on the Rights of the Persons with Disabilities and to strengthen fight against all forms of racism and discrimination. Algeria expected to see its fourth recommendation in relation to the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families accepted in line with the recommendation of the Parliamentary Assembly of the Council of Europe.

663.Russian Federation regretted that Estonia was not able to accept a number of important recommendations. In particular, it regretted that four out of six recommendations put forward by the Russian Federation were rejected while they related to discrimination against minorities and statelessness that constituted violations of international human rights standards. It called upon Estonia to review its approach to the recommendations put forward during the universal periodic review and to take all necessary measures to fully respect the rights of national minorities and eliminate statelessness and discrimination. It noted that Estonia had accepted two recommendations put forward by the Russian Federation, which concerned the elimination of discrimination on the basis of ethnicity in the labor market and in education sector and the prohibition of the functioning of racist organizations and incitement to racial hatred.

664.The Islamic Republic of Iran was pleased to note that many of the recommendations put forward by various states had been supported by Estonia. However, it remained concerned over a number of human rights violations, especially with regard to racism, racial discrimination and xenophobia against religious, linguistic and ethnic minorities. It called upon Estonia to take effective legal and practical measures to combat sale of children, child prostitution and child pornography, domestic violence against women and children, and prohibit torture, as a matter of priority.

665. Republic of Moldova acknowledged Estonia's acceptance of the significant number of recommendations, including those put forward by Moldova. It welcomed Estonia's commitment towards the World Programme on Human Rights Education by taking new measures to continue to reinforce human rights education. It acknowledged Estonia's commitment to take additional measures to actively promote full and equal participation of women in decision making bodies. Moldova noted with satisfaction Estonia's commitment to take additional measures to prevent, combat and sanction trafficking in human beings.

666. Latvia thanked Estonia for the comprehensive information and responses to the recommendations. Latvia was pleased to note that the high number of the recommendations was accepted by Estonia, including its own recommendations regarding the implementation of bilingual education, continuation of the successful integration policy and efforts to improve the knowledge of the State language among non-Estonian population. Latvia was also pleased to note that Estonia had participated in the universal periodic review process in good faith and demonstrated readiness and willingness to discuss its human rights record.

667. Morocco stated that the universal periodic review provided an opportunity to recognise the Government's progress, particularly in the area of social integration, gender equality and humanitarian actions including voluntary contributions to various funds. It welcomed the acceptance by Estonia two recommendations put forward by Morocco in order to strengthen measures to combat sexist stereotypes affecting women, and the acceleration of activities of one of the existing national human rights institutions to make it consistent with the Paris Principles. It also expressed its appreciation for Estonia's progress towards the achievements of MDGs.

668. Lithuania noted with satisfaction the responses of Estonia to its recommendations. It noted that Estonia's answers to questions and positions to recommendations displayed Estonia's determination to guarantee the highest human rights standards to all groups of its population. It stated that the creation of human rights protection and promotion system in a short period after its independence was major achievement. Lithuania stated that it was convinced that Estonia would use results of the universal periodic process to further advance its human rights policies and practices.

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

669. Rencontre Africaine pour la defense des droits de l'homme (RADDHO) welcomed Estonia's determination to create a national cohesion. It encouraged Estonia to pursue an inclusive policy as regards to its linguistic and national minorities. It stated that Estonia's measures related to unemployed Russian-speakers would lead to progress in the integration in the labour market. RADDHO was, however, concerned about poor detention conditions in some penitentiary establishments. It encouraged Estonia to improve its national legislation to combat human trafficking. Given the increase of asylum seekers, in-depth work must be carried out to ensure that asylum seekers enjoy their fundamental rights. It took note with interest the work undertaken by Estonia to improve the conditions of women facing discrimination and violence.

670. Conscience and Peace Tax International (CPTI) welcomed Estonia's acceptance of the recommendation regarding the right of conscientious objections to military service. It regretted that Estonia had not yet ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. CPTI considered it important for Estonia to examine the extent to which the information in Child Soldiers Global reports concerning the activities of the youth wings of the National Defence Leagues remained true and was compatible with the Optional Protocol.

671.COC Netherlands commended Estonia for accepting various recommendations in relation to sexual orientation and gender identity, including public awareness raising campaigns on gender identity and sexual orientation issues for civil servants including security forces and education programs; and taking measures to combat discrimination against homosexuals. It recommended that Estonia pay particular attention to discrimination on the basis of gender identity. It encouraged Estonia to allow change of gendered identification documents without the prerequisite state prescribed medical treatment. COC Netherlands regretted that Estonia did not accept recommendations to accord the same rights and responsibilities to same-sex partners as to opposite-sex partners and recommended that Estonia reconsider its position to these recommendations.

## **21. Concluding remarks of the State under review**

672.In conclusion, the delegation reiterated its appreciation for the constructive dialogue with active participation of states during the universal periodic review process and considered the review process a success story of the Human Rights Council.

### **Paraguay**

673.The review of Paraguay was held on 2 February 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 PRY in accordance with the annex to Council resolution 5/1, paragraph 15 (a) (A/HRC/WG.6/10/PRY/1);
- (b) The compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/10/PRY/2);
- (c) The summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/PRY/3).

674.At its 21th meeting, on 9 June 2011, the Council considered and adopted the outcome of the review of Paraguay (see section C below).

675.The outcome of the review of Paraguay comprises the report of the Working Group on the Universal Periodic Review (A/HRC/17/18), the views of Paraguay concerning the recommendations and/or conclusions, as well as its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues that were not sufficiently addressed during the interactive dialogue in the Working Group (*see also A/HRC/17/18/Add.1*).

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

676.Paraguay expressed its commitment to the UPR on the understanding that it would advance its policies of promotion and protection of human rights, one of the priorities of the Government.

677.Paraguay was reviewed at beginning of a special year for Paraguayan history, since 2011 marked the bicentenary of the independence of the country. The bicentenary had found a people convinced of a better future and united around the ideals of freedom, democracy and social justice.

678.All the observations and recommendations received by Paraguay had been useful. Paraguay would use them as a parameter to improve the national situation and

progressively develop new achievements in the area of human rights. The delegation was grateful for the 124 recommendations received all of which were accepted. Written details on the position of Paraguay on recommendations are part of the addendum to the working group report.

679. Between the moment of the review and the adoption of the report in the Plenary there had been some developments in Paraguay in the area of human rights and that were related to the UPR recommendations that were highlighted by the delegation.

680. Paraguay provided information on the developments which occurred since the review in the working group. Paraguay sent its observations to the report on the follow-up visit of the Sub-Committee on the Prevention of Torture (SPT) and was proud for having been the first country to undergo such a follow-up visit. The delegation added that Law 4.288/11 of 20 April established the National Preventive Mechanism.

681. Also, the Administration had begun the preparation of the first Human Rights National Plan, with the participation of the three branches of Government.

682. Regarding indigenous issues, the Government was working on the restitution of ancestral lands. In June 1,359 hectares of land had been transferred to indigenous families belonging to the Ava Guarani people. The Government was also committed to uphold the judgments of the Inter-American on Human Rights referred to indigenous communities in Paraguay. The issues were extremely complex and needed broad consensus.

683. The State was also promoting equality in the participation of women in elected and other public positions. At the time of the adoption of the report, an Ibero-American Conference on gender and a Panel on Parity were taking place in Asuncion.

684. In the following months, Paraguay would be examined by the Committee on the Elimination of Discrimination against Women, the Committee for the Elimination of Racial Discrimination and the Committee against Torture. Moreover, Paraguay had no pending reports before any UN Treaty Body, which showed the Government's will to live up to its international obligations.

685. Furthermore, Paraguay had extended a standing invitation to the Special Procedures and received, in 2011, the visit of the Special Rapporteur on freedom of religion or belief. A Paraguayan delegation would participate in a regional consultation convened by the Special Rapporteur on Torture, scheduled for late June, in Santiago de Chile.

686. In relation to other international instruments, the Government had begun the process to accede to the 1961 Convention to Reduce Statelessness with the aim that the Congress would ratify it before December 2011. The amendment to article 20 of the Convention for the Elimination of Discrimination against Women was in the same situation.

687. On April 2011 was held a first Sub-Regional meeting to follow-up the UN study on violence against boys, girls and adolescents which resulted in the establishment of a national group on prevention of violence against children with public and civil society participation.

688. The delegation valued the role played by civil society during the preparation for the UPR and added that the Government would continue working with its representatives for the implementation of the human rights policies. The Human Rights Network of the Executive Branch, coordinated by the Vice-Ministry of Justice and Human Rights, was very important in this endeavour and for its constant coordination with the Judiciary.

689. Paraguay also acknowledged the cooperation provided by OHCHR, through the appointment of a human rights advisor.

690. In concluding, the delegation restated Paraguay's firm will to respect without restrictions human rights international law.

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

691. Algeria was encouraged to note that the recommendations received, including its own, had been accepted by Paraguay or were in a process of implementation. The accepted recommendations related, inter alia, to the implementation of a plan providing for a system of Human Rights indicators, the response to the concerns of the citizens regarding education, the implementation of a plan establishing an institution to deal with questions concerning justice and human rights, amplification of programs to combat extreme poverty and improvement of the quality of life of the Paraguayan population.

692. Cuba acknowledged the efforts and actions of the Truth and Justice Commission, as well as the fact that Paraguay did not approve any amnesty law for crimes committed during the dictatorship. It welcomed progress made in the fight against poverty and the continued increase in social investment. While recognizing progress made in guaranteeing free universal public health services and in literacy, it noted the remaining challenges in relation to the unemployment rate, which was higher among the indigenous population. Cuba commended Paraguay for accepting the recommendations, including in particular those made by Cuba.

693. The Bolivarian Republic of Venezuela noted the constructive engagement of Paraguay with the universal periodic review mechanism, providing specific information on issues raised during the dialogue, which reflected the commitment of the Government of Paraguay in the promotion and protection of human rights. Venezuela highlighted the efforts made by Paraguay in the area of the women's rights, the promotion of a gender perspective in all public policies, as well as efforts to address gender violence, and encouraged Paraguay to continue strengthening its gender mainstreaming efforts.

694. The Republic of Moldova commended Paraguay for having accepted all the recommendations, including those made by Moldova, in particular to adopt additional measures to improve the low participation of women in decision-making bodies and public life; to continue efforts to prevent and combat the trafficking of persons, especially women and children; and to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

695. Morocco underlined the impressive progress carried out by Paraguay since the advent of democracy in 1989. It also welcomed the tireless efforts of the State in the areas of human rights, rule of law and transitional justice, through the establishment of new political and institutional structures guarantying the respect, promotion and protection of human rights. Furthermore, Morocco welcomed the importance given by the Paraguayan Government to combating poverty and social inequalities. It also noted with satisfaction that the recommendation concerning strengthening the efforts in combating poverty was accepted by Paraguay.

696. El Salvador commended Paraguay for the openness displayed throughout the universal periodic review and with respect to the commitments undertaken. El Salvador welcomed progress made on the rights of indigenous peoples and measures to improve their socioeconomic status, which reflected the commitment of Paraguay to complete the construction of a multicultural society based on the principles of tolerance and diversity. It noted the efforts made by Paraguay to establish democratic institutions, such as the creation of the Truth and Justice Commission and the approval of a Constitution establishing a form of pluralistic government. It further welcomed the establishment of the Government's

Human Rights Network and encouraged Paraguay to implement the recommendations associated with the review.

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

697. International Volunteerism Organisation for Women, Education and Development expressed its concerns regarding the education of indigenous peoples and of those living in rural areas. It welcomed Paraguay's acceptance of recommendations concerning free education and the improvement of literacy rate in indigenous and rural areas but remained concerned by the fact that only 41% of youth between ages 15 and 17 years have access to secondary school. In addition, VIDES International mentioned issues of concern such as deficiencies in infrastructures, lack of teaching material, inadequate qualification of teachers and bilingual education are still to be addressed. Therefore it recommended to integrate children belonging to the poorest and vulnerable group into the educational system and to take measures to improve the quality of education.

698. Amnesty International welcomed Paraguay's support of the majority of the UPR recommendations, particularly those regarding the protection of the human rights of Indigenous Peoples. It pointed out the importance of the State's commitment to comply with the judgments by the Inter-American Court of Human Rights on the land rights of the Yakye Axa, Sawhoyamaxa and Xakmok Kasek Indigenous communities. However, AI expressed its concern that Paraguay has failed so far to fully comply with the judgements and urged the Government to present a clear plan of action to achieve a definitive solution for these communities. Finally, the NGO welcomed Paraguay's support for two recommendations regarding the socio-economic disparities which affect Indigenous populations.

699. Conscience and Peace Tax International welcomed the acceptance by Paraguay of that it should ensure the effective exercise of the right to conscientious objection and that no minor is recruited into the Armed Forces. CPTI also pointed out that, in 1994, it has been agreed to exempt conscientious objectors from military service until the law establishes a body which organises alternative service. In 2010, the gap was filled in by law 4013 which contains worrying elements such as, among others, the fact that the recognised conscientious objectors are now required performing an alternative service or paying an important fee. CPTI called upon Paraguay to review the features of the new law and to repeal retrospective elements.

### 22. Concluding remarks of the State under review

700. The delegation was grateful for the comments, concerns and recommendations received and recalled the full commitment of its authorities to ensure the promotion and protection of human rights, despite all challenges.

## B. General debate on agenda item 6

701. At its 21<sup>st</sup> meeting, on 9 June 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: Hungary (on behalf of the European Union, France, Switzerland, Spain, China, Russian Federation, Malaysia, Cuba, Ecuador, Brazil, Republic of Korea, Norway, Republic of Moldova);
- (b) Representatives of observer States: Italy, turkey, Indonesia, Colombia;
- (c) Observers for non-governmental organizations: Colombian Commission of Jurists, Asian Forum for Human Rights and Development (FORUM-ASIA) (also on behalf

of Commonwealth Human Rights Initiative, Habitat International Coalition), International Service for Human Rights (ISHR), Reporters Sans Frontiers International – Reporters without Borders International, Action internationale pour la paix et le développement dans la région des Grands Lacs (AIPD-GL), Comité International pour le Respect et l'application de la Charte Africaine des droits de l'homme et des peuples (CIRAC), Amnesty International.

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

### **Nauru**

702. At the 15th meeting, on 7 June 2011, the Council adopted draft decision 17/101 without a vote (for the text as adopted, see part one, chapter II).

### **Rwanda**

703. At the 15th meeting, on 7 June 2011 the Council adopted draft decision 17/102 without a vote (for the text as adopted, see part one, chapter II).

### **Nepal**

704. At the 15th meeting, on 7 June 2011, the Council adopted draft decision 17/103 without a vote (for the text as adopted, see part one, chapter II).

### **Saint Lucia**

705. At the 16th meeting, on 7 June 2011, the Council adopted draft decision 17/104 without a vote (for the text as adopted, see part one, chapter II).

### **Oman**

706. At the 16th meeting, on 7 June 2011, the Council adopted draft decision 17/105 without a vote (for the text as adopted, see part one, chapter II).

### **Austria**

707. At the 16th meeting, on 7 June 2011, the Council adopted draft decision 17/106 without a vote (for the text as adopted, see part one, chapter II).

### **Myanmar**

708. At the 17<sup>th</sup> meeting, on 8 June 2011, the Council adopted draft decision 17/107 without a vote (for the text as adopted, see part one, chapter II).

### **Australia**

709. At the 17th meeting, on 8 June 2011, the Council adopted draft decision 17/108 without a vote (for the text as adopted, see part one, chapter II).

### **Georgia**

710. At the 17th meeting, on 8 June 2011, the Council adopted draft decision 17/109 without a vote (for the text as adopted, see part one, chapter II).

### **Saint Kitts and Nevis**

711. At the 18th meeting, on 8 June 2011, the Council adopted draft decision 17/110 without a vote (for the text as adopted, see part one, chapter II).

### **Sao Tome and Principe**

712. At the 18th meeting, on 8 June 2011, the Council adopted draft decision 17/111 without a vote (for the text as adopted, see part one, chapter II).

**Namibia**

713. At the 18th meeting, on 8 June 2011, the Council adopted draft decision 17/112 without a vote (for the text as adopted, see part one, chapter II).

**Niger**

714. At the 19th meeting, on 9 June 2011, the Council adopted draft decision 17/113 without a vote (for the text as adopted, see part one, chapter II).

**Mozambique**

715. At the 19th meeting, on 9 June 2011, the Council adopted draft decision 17/114 without a vote (for the text as adopted, see part one, chapter II).

**Estonia**

716. At the 19th meeting, on 9 June 2011, the Council adopted draft decision 17/115 without a vote (for the text as adopted, see part one, chapter II).

**Paraguay**

717. At the 21st meeting, on 9 June 2011, the Council adopted draft decision 17/116 without a vote (for the text as adopted, see part one, chapter II).

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

### **A. Follow-up to Human Rights Council resolutions S-9/1 and S-12/1, 13/9 and 16/20**

718. At the 25<sup>th</sup> meeting, on 14 June 2011, the High Commissioner for Human Rights introduced her report on the status of the implementation of the conclusions contained in the report of the fact-finding mission on the incident of the humanitarian flotilla (A/HRC/17/47).

### **B. General debate on agenda item 7 (and 1)**

719. At the 25<sup>th</sup> meeting, on 14 June 2011, the Council held a general debate on agenda item 7, during which the following made statements:

(a) The representatives of Israel, 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: Hungary (on behalf of the European Union), Pakistan (on behalf of the Organization of the Islamic Conference), Nigeria (on behalf of the Group of Arab States), Egypt (on behalf of the Non-Aligned Movement), Palestine (on behalf of the Group of Arab states), France, Switzerland, Poland, United States of America, China, Japan, Bahrain, Russian Federation, Malaysia, Cuba, Saudi Arabia, Qatar, Jordan, Maldives, Brazil (on behalf of the IBSA Forum), Bangladesh;

(c) Representatives of observer States: Algeria, Turkey, Indonesia, Egypt, Iran (Islamic Republic of), United Arab Emirates, Sri Lanka, Oman, Kuwait, Morocco, Venezuela (Bolivarian Republic of), Lebanon, Sudan;

(d) Observer for intergovernmental organizations: Organization of the Islamic Conference, League of Arab States;

(e) Observers for non-governmental organizations: Al-Haq Law in the Service of Man, B'nai B'rith (also on behalf of Coordinating Board of Jewish Organizations), BADIL Resource Center for Palestinian Residency and Refugee Rights, Press Emblem Campaign (PEC), United Nations Watch, Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), North-South XXI – Nord-Sud XXI, World Union for Progressive Judaism.

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

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

720. At its 23<sup>rd</sup> meeting, on 10 June 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: Hungary (on behalf of the European Union), Paraguay (on behalf of Mercosur and Colombia, Chile, Peru and Venezuela), Sweden (on behalf of Austria, Bosnia and Herzegovina, Botswana, Brazil, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Djibouti, Guatemala, India, Indonesia, Israel, Japan, Jordan, Lithuania, Former Yugoslav Republic of Macedonia, Maldives, Mauritius, Mexico, Moldova, Montenegro, Morocco, Netherlands, New Zealand, Norway, Palestine, Peru, Poland, Senegal, South Africa, Serbia, Sweden, Switzerland, Tunisia, Turkey, Ukraine, United States of America and Uruguay), United States of America, China, Russian Federation, Poland, Brazil (also on behalf of Mercosur and Algeria, Australia, Austria, Bosnia and Herzegovina, China, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, India, Indonesia, Ireland, Italy, Latvia, Luxembourg, Maldives, Netherlands, Poland, Portugal, Qatar, Serbia, Slovakia, Slovenia, Spain, Sweden, Thailand, Turkey and the United Kingdom of Great Britain and Northern Ireland);

(b) Representatives of observer States: Algeria, Iran (Islamic Republic of);

(c) Observers for non-governmental organizations: International Educational Development, Inc (also on behalf of Marangopoulos Foundation for Human Rights (MFHR) and Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP)), European Region of the International Lesbian and Gay Federation, Marangopoulos Foundation for Human Rights (also on behalf of Inter-African Committee on Traditional Practices Affecting the Health of Women and Children), World Union for Progressive Judaism, France Libertés : Fondation Danielle Mitterrand, United Nations Watch, Amnesty International, Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), Liberation, Centre for Human Rights and Peace Advocacy, Union de l'action féminine, Indian Council of South America, Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE Internationale, Agence Internationale pour le Développement.

## B. Consideration of and action on draft proposals

### National institutions for the promotion and protection of human rights

721. At the 33<sup>rd</sup> meeting, on 16 June 2011, the representative of Australia introduced draft resolution A/HRC/17/L.18, sponsored by Afghanistan, Armenia, Bolivia (Plurinational State of), Bosnia and Herzegovina, Canada, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Finland, France, Germany, Greece, Guatemala, Hungary, India, Ireland, Jordan, Latvia, Lithuania, Luxembourg, Maldives, Malta, Mexico, Netherlands, New Zealand, Nigeria (on behalf of the African Group), Norway, Palestine, Panama, Peru, Poland, Portugal, Qatar, Republic of Korea, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Timor-Leste, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of). Subsequently, Albania, Azerbaijan, Belgium, Bulgaria, Cyprus, Dominican Republic, Estonia, Georgia, Honduras, Iceland, Indonesia, Indonesia, Iraq, Israel, Japan, Lebanon, Montenegro, Republic of Moldova, Romania, Russian Federation, United States of America joined the sponsors.

722. At the same meeting, the draft resolution was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 17/9).

### Human rights, sexual orientation and gender identity

723. At the 34<sup>th</sup> meeting, on 17 June 2011, the representatives of South Africa and Brazil introduced draft resolution A/HRC/17/L.9/Rev.1, sponsored by South Africa and co-sponsored by Greece, Ireland, France, Norway, Slovenia, Sweden and Switzerland. Subsequently, Albania, Argentina, Australia, Austria, Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria, Canada, Chile, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Honduras, Iceland, Israel, Italy, Luxembourg, Montenegro, Netherlands, New Zealand, Poland, Portugal, Romania, Serbia, South Africa, Spain, Timor-Leste, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of) joined the sponsors.

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

725. At the same meeting, the representatives of Pakistan (on behalf of the Organisation of the Islamic Conference), Hungary (on behalf of the European Union), Nigeria (on behalf of the Group of Arab States), Saudi Arabia, Bahrain, Bangladesh, Qatar, Mexico and Mauritania made statements in explanation of vote before the vote.

726. Also at the same meeting, at the request of the representative of Pakistan (on behalf of the European Union), a recorded vote was taken on draft resolution A/HRC/17/L.9/Rev.1. The draft resolution was adopted by 23 votes in favour, 19 against, with 3 abstentions. The voting was as follows:

*In favour:*

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

*Against:*

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

*Abstaining:*

Burkina Faso, China, Zambia.

727. For the text as adopted, see part one, chapter I, resolution 17/19.

728. Also at the same meeting the representatives of Argentina, Jordan, Mauritania, Mauritius, Nigeria (on behalf of the Group of African States) and the United States of America made general comments and explanation of vote after the vote.

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

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

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

729. At the 25<sup>th</sup> meeting, on 14 June 2011, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai, presented his reports (A/HRC/17/40 and Add.1-2).

730. At the same meeting, the representative of Singapore made statements, as concerned country.

731. 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: Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, France, Senegal, Nigeria (on behalf of the Group of African States), Cuba, Palestine (on behalf of the Group of Arab States), Switzerland, Brazil, Pakistan, Norway;

(b) Representatives of observer States: Egypt, Austria, Bolivia (Plurinational State of), Algeria, India, Iran (Islamic Republic of), Italy, Czech Republic, Venezuela (Bolivarian Republic of), South Africa;

(c) Observers for intergovernmental organizations: European Union;

(d) Observers for non-governmental organizations: International Movement against All Forms of Discrimination and Racism (IMADR), Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP), Pax Romana (also on behalf of International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students).

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

## B. General debate on agenda item 9

733. At its 26<sup>th</sup> meeting, on 14 June 2011, and at the 29<sup>th</sup> meeting, on 15 June 2011, the Council held a general debate on agenda item 9, during which the following made statements:

(a) Representatives of States Members of the Council: Hungary (on behalf of the European Union), Pakistan (on behalf of the Organization of the Islamic Conference), Nigeria (on behalf of the Group of African States), United States of America, Spain, China, Russian Federation, Cuba, Ecuador, Qatar;

(b) Representative of the International Federation of Red Cross and Red Crescent Societies;

(c) Observers for non-governmental organizations: Fraternite Notre Dame Inc., BADIL Resource Center for Palestinian Residency and Refugee Rights, France Libertes : Foundation Danielle Mitterand, Liberation, Centre for Human Rights and Peace Advocacy, International Educational Development Inc., United Nations Watch, Comite International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC), International Islamic Federation of Student Organization, World Muslim Congress, Tchad agir pour l'environnement, Mouvement contre le racisme et pour l'amitie entre les peuples (MRAP), International Youth and Student Movement for the United Nations, Indian Council for South America (CISA), Association of world Citizens.

## X. Technical assistance and capacity-building

### A. Interactive dialogue with special procedures

#### Independent expert on the situation of human rights in Burundi (3 and 2 minutes)

734. At the 31<sup>st</sup> meeting, on 16 June 2011, the independent expert on the situation of human rights in Burundi, Fatsah Ougergouz, presented his report (A/HRC/17/50).

735. At the same meeting, the representative of Burundi made a statement, as a concerned country.

736. 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: Switzerland, Cuba, China, Nigeria (on behalf of the Group of African States), Angola, United States of America, Belgium, Norway;

(b) Representatives of observer States: Algeria, Canada, Rwanda, Uganda, Chad, Sudan, Congo, Morocco;

(c) Observer for an intergovernmental organization: European Union, Organisation Internationale de la Francophonie;

(d) Observers for non-governmental organizations: International Federation for Human Rights Leagues, World Organization against Torture (also on behalf of International Federation for Human Rights Leagues (FIDH)), Human Rights Watch, Amnesty International, Cairo Institute for Human Rights .

737. At the same meeting, the independent expert answered questions and made his concluding remarks.

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

738. At the 32<sup>nd</sup> meeting, on 16 June 2011, the independent expert on the situation of human rights in Haiti, Michel Frost, presented his report (A/HRC/17/42).

739. At the same meeting, the representative of Haiti made a statement, as a concerned country.

740. 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: United States of America, Brazil, Spain, France, Chile, Uruguay, Cuba, Norway, Ecuador;

(b) Representatives of observer States: Colombia, Honduras, Algeria, Germany, Canada, Mexico;

(c) Observer for an intergovernmental organization: European Union, Organisation Internationale de la Francophonie;

(d) Observers for non-governmental organizations: International Federation for Human Rights Leagues, American Civil Liberties Union, World Vision International.

741. At the same meeting, the independent expert answered questions and made his concluding remarks.

## **A. Follow-up to Human Rights Council resolution 14/14**

742. At the 32<sup>nd</sup> meeting, on 16 June 2011, the Deputy High Commissioner for Human Rights introduced the report of the High Commissioner for Human Rights on technical assistance and cooperation on human rights for Kyrgyzstan (A/HRC/17/41), in accordance with Council resolution S-14/14.

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

743. At its 32<sup>nd</sup> meeting, on 16 June 2011, the Council held a general debate on agenda item 10, during which the following made statements:

(a) Representatives of States Members of the Council: Hungary (on behalf of the European Union), United States of America, United Kingdom of Great Britain and Northern Ireland, China, Ecuador, Brazil (also on behalf of Colombia, Uruguay, Nicaragua, Peru, Honduras, Chile, Haiti, Argentina, Norway, Greece, Czech Republic, Mexico, Italy, Ireland, France, Guatemala, Maldives, Turkey, Bolivia, Jamaica, Hungary, Indonesia, Venezuela, Denmark, Singapore, Belgium, Ukraine, Pakistan, Portugal, United States of America, Morocco, Lithuania, Spain, Thailand, Costa Rica, Paraguay, India, Indonesia, Nigeria (on behalf of the Group of African States), Ecuador, Malaysia, Luxembourg, Bangladesh, Switzerland);

(b) Representatives of observer States: Belarus;

(c) Observers for non-governmental organizations: Human Rights Watch, United Nations Watch, Centre Independent de Recherches et d'Initiatives pour le Dialogue (CIRID).

## D. Consideration of and action on draft proposals

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

744. At the 36th meeting, on 18 June 2010, the representatives of Kyrgyzstan and the United States of America introduced draft resolution A/HRC/17/L.5, sponsored by Kyrgyzstan and the United States of America and co-sponsored by Canada, France, Norway, Portugal, Somalia, Spain, and United Kingdom of Great Britain and Northern Ireland. Subsequently, Australia, Belgium, Bulgaria, Chile, Czech Republic, Denmark, Estonia, Finland, Hungary, Iceland, Italy, Japan, Jordan, Kazakhstan, Lithuania, Maldives, Montenegro, Netherlands, Poland, Republic Dominican, Republic of Korea, Romania Switzerland, Turkey and Ukraine joined the sponsors.
745. At the same meeting, the representative of Portugal orally revised the draft resolution.
746. Also at the same meeting, the representative of Hungary (on behalf of the European Union) made general comments in relation to the draft resolution.
747. Also at the same meeting, the representative of Nigeria (on behalf of the Group of African States) made a statement in explanation of vote before the vote.
748. At the same meeting, the representative of the United States of America orally amended the draft resolution.
749. At the same meeting, the draft resolution, as orally amended, was adopted without a vote (for the text as adopted, see part one, chap. I, resolution 17/20).

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

750. At the 34th meeting, on 17 June 2011, the representative of Nigeria (on behalf of the African group) introduced draft resolution A/HRC/17/L.27, sponsored by Nigeria (on behalf of the African group). Subsequently, Australia, Austria, Azerbaijan, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania Luxembourg, Maldives, Monaco, Netherlands, Norway, Republic of Moldova, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland Thailand, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America joined the sponsors.
751. At the same meeting, the representative of Nigeria orally revised the draft resolution.
752. Also at the same meeting, the representatives of Hungary (on behalf of the European Union), France and Maldives made general comments in relation to the draft resolution.
753. At the same meeting, the representative of Côte d'Ivoire made a statement as the concerned country.
754. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex II).
755. 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 17/21).

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

756. At the 35th meeting, on 17 June 2011, the representative of Nigeria (on behalf of the Group of African States) introduced draft resolution A/HRC/17/L.14, sponsored by

Nigeria (on behalf of the Group of the African States). Subsequently, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Malta, Monaco, Netherlands, Norway, Palestine, Poland, Portugal, Romania, Serbia, Slovenia, Spain, Sweden, Thailand, Turkey, Ukraine, United States of America joined the sponsors.

757. At the same meeting, the representative of Nigeria orally revised the draft resolution.
758. At the same meeting, the representative of Somalia made a statement as concerned country.
759. In accordance with rule 153 of the rules of procedure of the General Assembly, the attention of the Council was drawn to the estimated administrative and programme budget implications of the draft resolution (see annex II).
760. 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 17/25).
761. At the same meeting, the representative of Argentina made general comments.